

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 3, 2022

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

APPROVED CLAIMS

- The Board has approved claim 580813 in the amount of \$12,230.00
- The Board has approved claims 580736 to 580766 in the amount of \$42,861.61
- The Board has approved claims 580814 to 580861 in the amount of \$338,693.75
- The Board has approved claims 580767 to 580812 in the amount of \$187,827.18

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization (BOE), met today at 8:51a.m. to consider any BOE matters that may have been presented. Present were: Commissioners Pam White, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury. No BOE items were requested for consideration. Commissioner White made a motion to close Board of Equalization do to no action needed. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization, met today at 9:51a.m. to consider any BOE matters that may have been presented. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury.

Commissioner Smith reopened Board of Equalization to do some clean up, and put on the record that St. Luke's annual report was received on December 23, 2021 and it was sent over to the Assessor's Office for review.

No other BOE items were requested for consideration. The meeting concluded at 9:52 a.m. No Board action was required or taken.

COMMUNITY INPUT MEETING

The Board met today at 9:04 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Steve Burton, Mary Kay Link, Larry Olmstead and Sr. Admin Specialist Terri Salisbury.

The following topics were discussed:

- Comprehensive plan and impact area
- Public safety
- Jail
- Impact fees
- Urban renewal
- Compensation plan/Committee
- Budget

The meeting concluded at 9:50 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:03 a.m. for a monthly meeting with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Rick Serratos with the Sign Shoppe (left at 10:28 a.m.) HR Director Kim Foster (joined at 10:26 a.m.) and Deputy Clerk Jenen Ross. Director Britton discussed the following with the Board:

- Building issues that occurred over the weekend including frozen pipes and snow and ice management.
- Lease of 525 Main St. for use by Development Services. Discussion ensued regarding the upfitting costs, options of buying vs. leasing and how it would be funded.
- Review of capital improvement projects that have been completed or are in process. A copy of the report is on file with this day's minutes.
- Review of projects being worked on with legal.
- Director Britton was invited to tomorrow's elected officials meeting for discussion regarding the DLR report.
- Discussion ensued regarding what the Board would like for signage behind the meeting room desk. Mr. Serratos was asked to do some work-ups and get them to Director Britton or Becky Kearsley who will bring them to the Board.

- Director Britton has been working with Director Foster on restructuring the Facilities department. He will email the draft version to the Board.

The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:31 a.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, HR Director Kim Foster and Deputy Clerk Jenen Ross. Director Foster reviewed the following with the Board:

- She is working to get everyone on the ICRMP portal for trainings. Links will be forwarded to the Board.
- Several public record requests have been received that they are working thru.
- She is working to collect accurate employment numbers.
- The HR team is working on strategic planning/targeted planning.
- She is working with Facilities in restructuring the department.
- Commissioner Smith said the Board needs to decide on a different evaluation process. Director Foster sent some options; she likes the idea of a self-evaluation.
- Director Foster would like to create a leadership development strategic plan with the Directors.
- Direction was provided to Director Foster to blend the existing evaluation process with the new proposal. She will come up with a draft version and email it to the Board.
- Revisions to the Salary Rate Request form are going well.
- The November turnover report is complete; as requested the December report will include turnover by Office.

The meeting concluded at 10:51 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:02 a.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith and Pam White, ADJ Davis Vander Velde, TCA Jamie Robb and Deputy Clerk Jenen Ross. The ADJ and TCA updated the Board on the following:

- Due to the COVID incident rate numbers the Supreme Court will be suspending jury trials in 10 days. Any trials currently in process will continue and others are by judge's discretion. All other court business will continue as usual.
- Two new district judges have been selected by the governor. The tentative start date is the end of the month for one and hopefully the beginning of next month for the other.
- Commissioner Smith asked the ADJ and TCA to review and offer honest opinions of the DLR plan.

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

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

The Board met today at 11:31 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, PIO Joe Decker and

Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Project management report for the past two weeks was provided to the Board. A copy is on file with this day's minutes.
- He is continuing to work with CGI on the county video; January 20th is tentative date set for CGI to conduct an interview with one or more Board member.
- Commissioner Smith is scheduled to speak with Rachel Spacek today regarding the FEMA press release.
- Kevin Miller will make time this week to interview Commissioner Van Beek.
- The PIO office has moved across the hall to the previous security office.
- Commissioner Smith asked Mr. Decker to work with Director Sinner to get notification out about parking changes around the fair building.
- Discussion ensued regarding options for the State of the County address. Potential options include and in-person address, a year-in-review on the website, quarterly updates and/or a press release.

The meeting concluded at 11:50 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:39 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Director of Development Services Steve Fultz, and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Update on office spaces/ employee locations
- Fee schedule draft update
- Economic development update
- Update on new engineering position
- Updated building report
- City of Star ordinance and originality date
- Ag feedback meeting for comprehensive plan discussion
- Working with HR to change employee status to exempt for Planner 3 position
- Update on needed staff and where HR is in the process of getting those positions ready
- Update on upcoming meeting with Congressmen Fulcher's Office
- Impact fees

The meeting concluded at 2:05 p.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 4, 2022

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

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 1/22/22

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

The Board met today at 9:14 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel,

Facilities Director Rick Britton (left at 9:27 a.m.), Outdoor Recreation Planner Juli McCoy (left at 9:20 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Canyon County Rural Landscape and Agricultural Resources Survey Phase II Consultant services agreement: Ms. Klempel said the contract has been reviewed by Mr. Wesley and believes it is in order. Ms. McCoy explained the grant funding for phase II was received last year and this will focus around the Middleton area. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Canyon County Rural Landscape and Agricultural Resources Survey Phase II Consultant services agreement (see agreement no. 22-001).

Bid award notification for Canyon County Fair Pedestrian Bridges project: Director Britton said one bid was received and was in budget. The company will build the structure and then once it's installed concrete will be poured for the walking surface. Two 12' bridges will be installed. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the bid award notification for Canyon County Fair Pedestrian Bridges project. The contract will be awarded to Bridge Brothers, Inc. and a copy of the letter is on file with this day's minutes.

Consider signing solicitation of bids for winter 2022 Polished Concrete Floors at Fair Expo Building: This project was previously put out for bid but the three bids received were vastly different. The scope of work has been re-written to include more details. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the solicitation of bids for the winter 2022 Polished Concrete Floors at the Fair Expo Building. A copy of the solicitation is on file with this day's minutes.

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

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

Commissioner White made a motion to go into Executive Session at 9:28 a.m. pursuant to Idaho Code, Section 74-206(1) (f) regarding communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:41 a.m. with no decision being called for in open session.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction, LLC, for a rezone, Case No. RZ2021-0012. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, John Cotner, an interested citizen, and Deputy Clerk Monica Reeves. The applicant did not appear for today's hearing. Elizabeth Allen gave the oral staff report. The applicant is requesting a rezone from an "A" (Agricultural) zone to an "R-1" (Single-Family) zone of Parcel R37497010, and R37497010A, B, and C totaling 5.89 acres. On August 19, 2021, the Hearing Examiner recommended approval of the request. The property is located on Lansing Lane in Middleton, approximately 2,000 feet north of Purple Sage Road. On September 30, 2021 the Board denied the request and another noticed hearing was required. The Board had the following issues with the request: there were large parcels of active farmland located to the north, south, east and west, and because the development has the potential to disrupt agricultural and rural uses outside of an area of city impact. The request is inconsistent with multiple goals and policies of the 2020 comprehensive plan. Staff is recommending denial. Following her report, Ms. Allen responded to questions of the Board. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Smith wants to change staff's FCO's is to include the average lot size of lots notified which is 18.94 acres. She wants to uphold the last decision of the Board for the primary reason that if this was a conditional rezone to rural residential, and depending on the proposal, he would have a higher likelihood of approval. Actions the applicant could take to obtain approval would be to explore the administrative land division options, and apply for a conditional rezone for rural residential with proposed conditions that would make the division and zoning more compatible with the surrounding agricultural uses, and amend the case to include a development agreement. Commissioner White said the applicant is not here to discuss the reasonings, and then she made a motion to deny Case No RZ2021-0012 for Preston Reynolds of Reynolds Brothers Construction and include the recommended changes to the FCO's as outlined by Commissioner Smith. The motion carried unanimously. The hearing concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:38 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith and Pam White, Treasurer Tracie Lloyd, Prosecutor Bryan Taylor, Assessor Brian Stender, Sheriff Kieran Donahue, Controller Zach Wagoner, Chief Deputy Steve Rhodes, PIO Joe Decker, and Deputy Clerk Monica Reeves. The following topics were discussed:

State of the County Address

Commissioner Smith wants to do a state of the county address, or an annual report to the public. Perhaps it could be a quarterly report so we don't have to compile everything on an annual basis. Commissioner White doesn't want to do a state of the county address. Sheriff Donahue noted

that the legislature didn't come through with anything outside of HB389, and IAC believes they will take a run at a local option tax statute that's modified from 2-3 years ago to have a one-cent sales tax option where half would go to property tax relief and half would go to capital projects earmarked by counties. There was discussion about the topics that could be highlighted in a paper report such as the County reopening, taking care of its employees, the FY2022 budget which included property tax relief, the addition of positions to provide more efficient services at DMV, for example. The group discussed their respective Offices' accomplishments in 2021 and goals/vision for 2022. It was suggested it might be a better idea to have a quarterly newsletter for March, June, September and December. The elected officials will compile some information and provide it to PIO Decker.

Space Planning

There was discussion regarding space planning needs for the campus. The PA's Office had previously done some work on an RFP; there are some long-term needs and really drastic short-term needs and perhaps the RFP should be for the long-term things. There are immediate space needs for the public defender department, DSD, misdemeanor probation, juvenile probation, the PA's Office, the jail, administration area, and CID where employees are in closet spaces. There was discussion about the need to establish what the ultimate needs are, how much square footage we need, and determine what we can afford. There was also discussion regarding COVID funding and revenue replacement. The County is in a very good financial position. We need to provide space today and we need to look 5-10 years down the road. Commissioner Smith will have Director Britton involved in space planning needs and talk to an architect informally about the possibility and feasibility of adding on to the administration building, and Controller Wagoner will help with funding ideas. Legal won't be asked to spend any more time on an RFP. It's possible there will be some shuffling of office space for BOCC departments to address space needs.

Jail

Commissioner Smith wants to do something with the old jail, perhaps get rid of it and doing something with the courtyard. There was discussion about reaching out to DLR to see if they will provide an updated cost analysis and possible modifications. There was also discussion regarding the funding for a jail including impact fees which won't pay for a jail, but they will pay for the future growth needs. Sheriff Donahue talked about how COVID has changed jails in terms of isolation beds, but the need for additional jail space has not gone away. He will reach out to DLR, and he noted the PA's Office will have to weigh in so we stay away from legal matters. There was discussion about using sales tax for property tax relief, which is the only way to do it feasibly for the taxpayer. The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR PLANNING AND ZONING COMMISSION

The Board met today at 2:48 p.m. for an Executive Session to interview and evaluate a candidate for the Planning and Zoning Commission. Commissioner White made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206 (1) (a) and (d) to discuss a personnel matter and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Bob Larison, (P&Z Commission candidate), and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:29 p.m. with no decision being called for in open session.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 5, 2022

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

APPROVED CLAIMS

- The Board has approved claims 580956 to 580991 in the amount of \$41,648.28
- The Board has approved claim 581041 in the amount of \$3,257.64
- The Board has approved claims 580862 to 580890 in the amount of \$17,915.24
- The Board has approved claims 580940 to 580955 in the amount of \$12,917.72
- The Board has approved claims 580924 to 580939 in the amount of \$12,563.75
- The Board has approved claims 580891 to 580923 in the amount of \$112,864.14

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Motorola Solutions in the amount of \$6,672.40 for Misdemeanor Probation

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Angela Calloran, deputy attorney; Kasey Butler Ruiz, judicial assistant; Brianne McCoy, deputy public defender II; Samuel Dickinson, deputy public defender I; John Scott Sanchez, forensic services supervisor; Trent Cluck, computer network technician; and Gustavo A. Nieves Saenz, administrative specialist

MEETING TO REVIEW AND PROVIDE DIRECTION FOR THE 2022 STATE OF THE COUNTY ADDRESS

The Board met today at 9:07 a.m. for a meeting to review and provide direction for the 2022 State of the County Address. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Board will do a quarterly report that will be posted on the County's website and through social media to highlight accomplishments in 2021 and goals for 2022. The reports will be given the end of March, June, September and December. Information will be compiled and a report will be given the end of January as a start and then the quarterly reports will follow. The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FY 2021 INDIGENT DEFENSE EXPENDITURE REPORT

The Board met today at 9:38 a.m. to consider signing the FY2021 Indigent Defense Expenditure Report. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. Chief Bazzoli said he completed the expenditure report requested by the PDC, and Controller Wagoner reviewed the budget numbers which included a breakdown for support staff, attorneys, benefits, investigators, and office expenditures, etc. The PDC requested signatures from Clerk Yamamoto and the Board of Commissioners, but the Board was only able to see the signature page so the meeting will be rescheduled to date when the report itself can be reviewed. The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 6, 2022

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:52 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2022-136, 2022-155, 2022-171, 2022-250 and 2022-156. Commissioner Van Beek made a motion to issue initial denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to issue an approval on case no. 2022-172 with a written decision to be issued within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Director Baker spoke about the following requests for subordination agreements:

Case no. 2013-1485: This is an approved case in which the applicant owns the home but is trying to refinance in order to reduce both their monthly payment and payoff timeline. This is a no cash out refinance. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the subordination request.

Case no. 2015-1386: The applicant is looking to purchase a home. When this case was originally approved there was no home to attach a lien to but upon purchase a lien will be attached to this home. Director Baker read an email from lender into the record and noted that the applicant has been making regular payments. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the subordination request.

Liens and releases of liens were presented for Board signature.

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

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-1

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2022-1. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White joined the meeting at 9:06 a.m., Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Attorney Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker and Mr. Nickels and Board discussion Commissioner Van Beek made a motion to continue the hearing to April 14, 2022. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-1037

The Board met today at 9:14 a.m. to conduct a medical indigency hearing for case no. 2021-1037. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Applicant and spouse, Interpreter Mercedes Lupercio participated via teleconference and Deputy Clerk Jenen Ross. The hospital had previously requested this hearing be continued but the applicant was unaware the date had been changed. Commissioner White made a motion to continue the hearing to February 10, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:28 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue the following cases to February 24, 2022: 2021-1044 and 2021-1047. The motion was seconded by Commissioner White and carried unanimously.

Neither the hospital nor the applicant appeared on the following cases and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials with written decisions within 30 days on the following cases: 2021-828, 2021-1055, 2021-1048, 2022-4, 2021-1040 and 2021-1002.

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

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

The Board met today at 10:01 a.m. with county attorneys for legal staff update and to consider action and agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 10:14 a.m.), Cpt. Harold Patchett (left at 10:06 a.m.), HR Director Kim Foster, Fleet Director Mark Tolman (left at 10:14 a.m.) and Deputy Clerk Jenen Ross. The action and agenda items were discussed and considered as follows:

Consider signing purchase agreement with Tek84, Inc.: This is the conclusion of the RFP process. The total cost is \$154,000 which includes the equipment and 5 years of warranty. \$170,000 was allotted in the FY2022 budget for this purchase. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the purchase agreement with Tek84, Inc. (see agreement no. 22-002).

Discussion regarding coverage related to installing police equipment in the covered cars with damage: Director Tolman is looking for advice from the Board. ICRMP seems to be okay with paying for teardown for other area agencies but since his shop does it in-house they won't pay him. Additionally, there is a question of the double deductibles; the county is being asked to pay \$3500 for the vehicle and an additional \$3500 for the equipment. Mr. Wesley suggested this would be a good conversation with Randall Spencer from ICRMP and could be part of the meeting scheduled for tomorrow at 10:00 a.m. The Board asked Director Tolman to be available around that time tomorrow.

Consider resolution appointing Harold Nevill to the Canyon County Planning and Zoning Commission: Commissioner Smith said she wasn't able to participate in Mr. Nevill's interview but is familiar with him and is supportive of the request to appoint. Commissioner Van Beek stated she believes Director Fultz is in favor of the appointment. Mr. Nevill will be filling the seat of a Commissioner who is no longer on the Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Harold Nevill to the Canyon County Planning and Zoning Commission.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:17 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White

and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 10:26 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said there needs to be further action and an additional meeting schedules for the consideration of the appeal request from Mark Stevens which has been scheduled for January 11, 2022 at 10:00 a.m.

The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS, PURSUANT TO IDAHO CODE § 74-206(1)(E)

Commissioner White made a motion to go into Executive Session at 1:32 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Jerry Miller from the Idaho Department of Commerce, Tina Wilson from the Western Alliance for Economic Development (via Webex), and Deputy Clerk Monica Reeves. Kim Rost and Cordy Rost arrived at 1:33 p.m. The Executive Session concluded at 2:43 p.m. with no decision being called for in open session.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 7, 2022

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

APPROVED CLAIMS

- The Board approved claims 580991 to 581040 in the amount of \$42,619.28

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- IAED in the amount of \$1,074.00 for the Sheriff's Office

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures.

MEETING WITH ICRMP TO PROVIDE CLAIMS REVIEW

The Board met today at 11:00 a.m. with ICRMP to review claims. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Director Kim Foster, Kelly Paananen, Chad Sarmento and Randall Spencer with ICRMP and Deputy Clerk Jenen Ross.

Ms. Paananen reviewed the risk management report which included:

- Analysis and evaluation of data
- Canyon County top by type
- Breakdown of top employment liability by department/office and graph indicating employment liability by department/office – discussion ensued regarding use of the ACE (Attorney Consultation Endorsement)
- Auto liability/property involving autos
- General liability numbers
- Underwriting history and underwriting exposure data
- Property, net contribution, deductibles and premium
- Police liability

Mr. Sarmento reviewed the law enforcement risk management program:

- Discussion ensued regarding a discount that could be realized with participation in ICRMP programs/safety trainings by the Sheriff's Office. Patrol and detention risk assessments would provide 4% discount. Commissioner Smith asked Mr. Sarmento to send an email to the Board outlining potential discounts and Ms. Paananen noted there are a variety of discounts available under each of the risk liabilities.

A copy of each of the presentation handouts are on file with this day's minutes.

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

EXECUTIVE SESSION –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) (i) communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Director Kim Foster, Kelly Paananen, Chad Sarmento and Randall Spencer with ICRMP. The Executive Session concluded at 12:37 p.m. with no decision being called for in open session.

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

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 10, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Abdiel Philpott, juvenile detention assistant supervisor; Cameron Arp, juvenile detention officer; Callie Dyer, juvenile detention officer

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:49 a.m. to consider agenda items. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, Chief Public Defender Aaron Bazzoli (left at 8:53 a.m.), Code Enforcement Supervisor Eric Arthur (arrived at 8:55 a.m.) and deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing FY 2021 Indigent Defense Expenditure Report: Mr. Bazzoli a provided an explanation of how he compiled the numbers for the report. Upon the motion of Commissioner

Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FY2021 Indigent Defense Expenditure report. A copy of the report is on file with this day's minutes.

As a ministerial item, Commissioner Van Beek provided authorization to use her signature stamp on the three (3) employee salary rate request forms for Juvenile Detention.

Consider new alcoholic beverage license for Salon Colombia Event Center LLC dba Salon Colombia Event Center: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license for Salon Colombia Event Center LLC dba Salon Colombia (see resolution no. 22-003).

Consider transfer alcoholic beverage license for Co-op 21, LLC dba Chaparral Tavern: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to transfer an alcoholic beverage license for Co-op 21, LLC dba Chaparral Tavern (see resolution no. 22-002).

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

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

The Board met today at 9:00 a.m. with Code Enforcement to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek Via teleconference, Code Enforcement Supervisor Eric Arthur, Deputy P.A. Zach Wesley (arrived at 9:10 a.m.), Weed and Gopher Superintendent AJ Mondor (arrived at 9:19 a.m.) and Deputy Clerk Jenen Ross. Mr. Arthur reviewed the following with the Board:

- Breakdown of the number of cases opened last year.
- Increase in compliance.
- Update on problem properties that were discussed in a previous meeting. Mr. Arthur suggested providing a dumpster to the Rolling Hills neighborhood to help mitigate some of the issues there. The Board asked Mr. Arthur to do some additional research.
- Mr. Arthur is working with Mr. Wesley regarding certificates of non-compliance.
- Brief discussion regarding the FEMA non-compliance issue.
- Discussion regarding firewood sales and a case that was recently reopened.
- Code Enforcement is no longer receiving any weed complaints.

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:34 a.m. for a monthly weed & gopher meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek (via phone), Director of Weed & Gopher AJ Mondor and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Weed Superintendents Annual Winter Conference this week
- Weed and Pest Safety Handbook draft provided and reviewed
- December 2021 report provided and reviewed

The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:05 a.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour and Deputy Clerk Jenen Ross. The following items were reviewed with the Board:

- Squatters notice of overstay.
- Automated gate and no parking signs added for the shops at Lake Lowell.
- Vault toilet installed at the east end RV improvement area.
- Boating safety classes.
- New life jacket loaner station added to the east end.
- Making grant application to State Parks and Recreation for a fishing dock at Celebration Park.
- Updates/revisions being made to Parks publications.
- HPC workshop will take place on February 8th.
- DSD recently visited Celebration Park.

A copy of the handout reviewed with the Board is on file with this day's minutes.

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 10:19 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 Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, Parks Director Nicki Schwend and Assistant Parks Director Laura Barbour. The Executive Session concluded at 10:39 a.m. with no decision being called for in open session. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:44 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, IT Director Greg Rast and Deputy Clerk Jenen Ross. The following items were reviewed with the Board:

- IT is working on a custom application for the Facilities department for project management, GIS mapping, incident management, MSDS sheets/safety, and reporting.
- Commissioner Smith spoke about space shortages and the possibility of an online scheduling system for conference rooms on campus.
- The CCMAD website and technology overhaul is in process.
- The Team Alert panic button has been tested with BOCC staff and was successful. Once it's ready to be fully rolled out the workorder and PO will come thru facilities.
- IT may need to write a custom application that integrates with OnBase for PO, claim, claim batch and blue sheet approval.
- A service agreement will be coming before the Board tomorrow for telephone service. Director Rast gave an overview of the improved service that is anticipated.
- An update on the ship dates for the BOCC meeting room audio/video equipment was provided. Currently ship dates are between mid-March and the end of April.
- Projects in the closing phase in the first quarter of 2022 was provided within the hand-out.
- Commissioner Smith asked about a joint calendar between the Fair and the City of Caldwell to assist in booking the facilities/grounds. Director Rast will reach out to Director Sinner.

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

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

The Board met today at 11:06 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek (via phone), Director of Development Services Steve Fultz and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Commissioners would like DSD to start looking into old rezones that were never initiated and have them put back into alignment with the comprehensive plan
- Originality date hearing date will be held before the P&Z Commissioners on 1/13/22
- Interviewing engineers for current open position and hoping to have an offer out by end of week
- New building inspector started
- P&Z interviews this week
- Meeting with HR to get additional staff positions posted
- Update on comprehensive plan meetings, workshop and hearing date timeline
- Economic development meeting
- Star Area of City Impact ordinance meeting is scheduled for 1/19/22
- Update on building department fees and planning fees
- Need to schedule meeting for appointment of new urban renewal seat
- Alternative locations for more DSD office space

The meeting concluded at 11:36 a.m. an audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 11, 2022

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

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Watson's Mystery Café to be used 1/14/22

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$1380.19 for the Information Technology Department

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Commissioner Leslie Van Beek via teleconference, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (left at 9:11 a.m.), IT Director Greg Rast (left at 9:06 a.m.), IT Project Manager Shawn Adamson (left at 9:06 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing master service agreement with BCM One, Inc. and Canyon County for voice services, installation and equipment: Director Rast gave a brief overview of this agreement during his meeting yesterday. The contract has been vetted and reviewed by legal. Director Rast said this has been budgeted for in the FY2022 budget and will replace the contract with Lumen/CenturyLink. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the master service agreement with BCM One, Inc. and Canyon County for voice services, installation and equipment (see agreement no. 22-003).

Consider signing fair carnival agreement with Paul Maurer Shows: Director Sinner said Paul Maurer Shows was new to the Fair in 2021. They have requested a 3-year agreement and then a year by year review. Last year the carnival was up 216% and Director Sinner was very happy with the service they provided. At the request of Commissioner Van Beek, Mr. Wesley provided a review of the compensation portion of the agreement. Upon the motion of Commissioner Van Beek and

second by Commissioner Smith the Board voted unanimously to sign the fair carnival agreement with Paul Maurer Shows (see agreement no. 22-004).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Smith and Deputy P.A. Zach Wesley. Commissioner Van Beek participated via teleconference. The Executive Session concluded at 9:45 a.m. with no decision being called for in open session.

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

CONSIDER FINAL PLAT FOR LAKE SHORE SUBDIVISION #3, CASE NO. SD2021-0053

The Board met today at 9:48 a.m. to consider the final plat for Lake Shore Subdivision #3, Case No. SD2021-0053. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek who participated via conference call, DSD Planning Official Dan Lister, Alec Eggurolo, and Deputy Clerk Monica Reeves. Dan Lister reported that all conditions of the preliminary plat have been met and the final plat is ready to be signed. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the final plat for Lake Shore Subdivision #3, Case No. SD2021-0053. The meeting concluded at 9:51 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 10:00 a.m. to consider the request by John Cotner for approval of a rezone and a preliminary plat for Hawk View Estates Subdivision, Case Nos. RZ2021-0034 & SD2021-0021. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via Webex, Todd Lakey, John Cotner, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner White was not present and the applicant requested a continuance to a date when all three Commissioners could be present. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to reschedule the hearing to January 19, 2022

at 9:00 a.m. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MARK STEVEN'S REQUEST FOR RECONSIDERATION, CASE NO. PI2021-0425-APL

The Board met today at 10:04 a.m. to consider Mark Stevens' request for reconsideration on Case No. PI2021-0425-APL. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek who participated via conference call, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Zach Wesley presented a letter for the Board's consideration which stated, in part, that the Board, having spent substantial time and effort on his appeal for a variance, does not believe additional clarification of its decision is necessary and affirms its November 30, 2021 denial of his appeal. Mr. Wesley said Mr. Stevens' letter is making similar arguments to what the Board heard at the underlying hearing, and the Board's written decision is responsive to the points he made in his letter and to the appeal itself. There is not a legal basis to consider at this point. Commissioner Smith agrees and said the letter Mr. Wesley prepared is adequate. Commissioner Van Beek said the Board has spent considerable time hearing Mr. Stevens' case and he had options available to him, but we are not able to find a way to move forward on appeal, and she then made a motion to deny Mark Steven's request for reconsideration, Case No. PI2021-0425-APL. The motion was seconded by Commissioner Smith and carried unanimously. A copy of the signed letter to Mr. Stevens is on file with this day's minute entry.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 12, 2022

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

MEETING WITH THE PRESIDENT OF SUNNYSLOPE WINE TRAIL TO PROVIDE AN UPDATE OF THE REGION

The Board met today at 9:05 a.m. with the president of the Sunnyslope Wine Trail to provide and update of the region. Present were: Commissioners Keri Smith and Leslie Van Beek, Craig Davis and Amy Bitner on behalf of the Sunnyslope Wine Trail and Deputy Clerk Jenen Ross.

Mr. Davis felt this meeting was necessary because over the last few months they've seen a change in the amount of growth in the area and want to express their vision and goals. He spoke about growth between 2016 and 2020 and how potential future growth will shape the county. His big concern is what Sunnyslope will look like in 5 years. The Sunnyslope area is a beautiful area and he realizes there is a lot of money coming into the state which is putting a lot of pressure to divide the area into more residential and commercial. They would really like to retain the area being a destination. Additionally, there needs to be consideration for how many acres it takes to support grape production. Currently, they are having to go out of state to support what they're doing and they'd like to minimize that and keep the money in Idaho. Their concern is that if development comes into Sunnyslope it is going to raise land prices making it impossible for them to grow their own grapes and support the industry. They've looked thru the draft comprehensive plan and overall, they really like it.

Discussion ensued regarding participation in the AVA and the non-profit 'Sunnyslope Wine Trail'. All of the wineries in that area are part of the AVA but there are three who are not currently participating in the non-profit wine trail portion, although there is a petition in place to get them to join.

Commissioner Van Beek asked Mr. Davis and Ms. Bitner to address possible solutions for maintaining and protecting the area and helping farmers that maybe don't have a generation following them. She noted that some of that ground is classified as non-viable but now the Board is hearing from grape growers that it is some of the most viable grape producing ground.

Ms. Bitner gave the backstory on her family's winery and provided statistics of the wine industry in surrounding states and that they are working to create a Sunnyslope Wine Trail AVA specifically for the area. She spoke about the importance of hillsides in the grape growing process, lack of infrastructure in the area and how they would like to maintain and grow the agri-tourism in the area. She fears development is coming in faster than they are ready to grow the agricultural portion and it will be taken over before it can be protected. She has concerns about hazards to farm workers with more traffic and speed on the roads in the area. The Board was invited to come out so that more detail and information can be provided.

Commissioner Smith suggested that as the new AVA is developed that they work with Director Fultz on creating an overlay district of the entire AVA, she feels that may be the best way to provide input as an organized slope on those developments. She also felt that with help from Tina Wilson or Moya Dolsby there could possibly be some grants available to do a land survey to identify the slopes. She said that developers do come to the Board and identify the ground as sloped and wasted but there isn't any contradictory information showing that the land is perfect for grapes. Commissioner Smith said there can be moratoriums on growth but all the background information would need to be in place before making that request to the Board. She also suggested that former Mayor Nancolas may be able to provide some helpful information on moratoriums. Commissioner Van Beek suggested they lobby to include this area as a scenic byway as one of the overlays. The Board provided additional names and resources that may be able to help with a soil study and grant writing.

The Board would like to tour the Sunnyslope Wine Trail. Commissioner Smith would like the meeting to provide additional data as a separate meeting from the tour in a more formal meeting setting.

The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 13, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Boise Appliance Refrigeration in the amount of \$3,262.18 for the Facilities Department
- Motorola Solutions in the amount of \$58,473.63 for the Fleet Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Ryan Moore, Systems Administrator I

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for John Sanchez

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:52 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-159; 2022-160; 2022-176.

Case no. 2022-252 meets the eligibility criteria for county assistance. Commissioner Van Beek made a motion to issue an initial approval with a written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner White and carried unanimously.

Liens and were presented for Board signatures.

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

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

The Board met today at 9:00 a.m. for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell (left at 9:09 a.m.), Facilities Director Rick Britton (left at 9:03 a.m.), Representative from Consurco (left at 9:03 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Open bids for solicitation of bids for the Winter 2022 Polished Concrete Floors Project at Fair Expo Building: The following bids were received by email:

The Concrete Cure
Bid amount: \$149,999.00
Received: January 12, 2022 at 11:08 a.m.

Wall 2 Wall Flooring
Bid amount: \$166,100.00
Received: January 12, 2022 at 12:43 p.m.

Consurco
Bid amount: \$140,512.14
Received: January 12, 2022 at 3:25 p.m.

Once the bids are reviewed for conformance a recommendation will be made to the Board.

Consider signing memorandum of agreement between the Idaho State Police and the Canyon County Sheriff's Office regarding the NICS Act Record Improvement Program Grant: Chief Dashiell explained that Idaho State Police has been awarded a grant to assist Idaho counties in acquiring equipment

for livescans in order to submit arrest finger and palm prints electronically to the Idaho Criminal History Repository. Canyon County is eligible for \$15,000 toward the equipment. A quote for approximately \$21,000 for the replacement of two machines was included in the FY2022 budget. Chief Dashiell addressed questions in regard to lifecycle of the equipment, database access/storage and how the program works. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the memorandum of agreement between the Idaho State Police and the Canyon County Sheriff's Office regarding the NICS Act Record Improvement Program Grant (see agreement no. 22-005).

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

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

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

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

CONSIDER SIGNING FCO'S, DEVELOPMENT AGREEMENT AND ORDINANCE FOR NORMA BATES' CONDITIONAL REZONE, CASE NO. RZ2021-0039

The Board met today at 9:47 a.m. to consider signing the findings of fact, conclusions of law, and order as well as the development agreement and ordinance associated with the request by Norma Bates for a conditional rezone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Katie Phillips, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The Board heard the request on December 15, 2021 and approved the conditional rezone subject to modifications being made to the FCO's. The applicant was not available to sign the development agreement at the underlying hearing so the approval documents were held until the signature could be obtained. In reviewing the documents today, Commissioner Smith wants to make clarifications to the FCO's in order to be clear in stating what the intent of the conditions are so she asked staff to remove reference to future development and future subdivisions and state what constitutes meeting the requirements as well as the intent of the conditions. The case planner, Dan Lister, will be out of the office for a few days so the documents will be brought back at a later date. The meeting concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY EL64, LLC., REPRESENTED BY BORTON-LAKEY LAW FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE; CASE NOS. OR2021-0028/RZ2021-0052

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by EL64, LLC, represented by Borton-Lakey Law for a comprehensive plan map amendment and rezone, Case Nos. OR2021-0028 and RZ2021-0052. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Katie Phillips, DSD Planner Elizabeth Allen, Todd Lakey, Miguel Gaddi, Sonya Roman, other interested citizens, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. EL64, LLC, is requesting a comprehensive plan map amendment to change the future land use map designation of Parcel No's R34657, R34655, R34649, R34649010, and R34648 from Agricultural to Industrial and R34649011 from Commercial to Industrial. Also requested is a rezone to change the zoning designation of Parcel No's R34657, R34655, R34649, R34649010, and R34648 from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone and R34649011 from a "C-2" (Service Commercial) to "M-1" (Light Industrial). The six parcels comprising approximately 90.92 acres are located to the northeast of the intersection of Farmway Road and Highway 20/26 in Caldwell. Ms. Allen reported on the current land use, soils and farmland information, surrounding uses, access and traffic, as well as agency comments. The property is located within the Caldwell area of city impact and the new urban renewal district. She reviewed which policies align with the goals and which do not align with the goals of the comprehensive plan. On December 2, 2021, the P&Z Commission recommended approval of both requests. Staff is recommending approval as the requests comply with the comprehensive plan and are consistent with the character of the area. Following her report, Ms. Allen responded to questions from the Board. There was discussion regarding the new urban renewal district which was just created so there is not a funding source currently. Todd Lakey said the request conforms with the zoning ordinance criteria and provides an opportunity for economic development and growth and diversity. The area is planned for light industrial growth by the County and by the City of Caldwell and an approval would result in property that is properly zoned to attract business and employers to Canyon County. The property is surrounded on three sides by commercial zoning; there is extensive industrial and commercial designations in the area and it is in close proximity to I-84 and Highway 20/26. The proposal is very compatible with the existing zoning and uses in the area. They have support from many of their neighbors who recognize this is an appropriate area for this type of development and with the new urban renewal district there will likely be more applications coming forward. The proposal conforms with Caldwell's comprehensive plan for the area and the City is requesting approval of the application. Mr. Lakey spoke about the need for industrially zoned properties. The property will be served by sewer, and there is water located to the south. The urban renewal district will focus on infrastructure and utilities providing opportunities for businesses to receive funding to help pay for sewer, water, gas, power, fiber, etc. ITD has plans for improvements in this area (intersection and widening) but timing and funding will be part of the future plans. This area has been designated as a regional freight cluster. There is an industrial park to the west, and there are light manufacturing and fabrication businesses, a trucking business, gravel operations and a feedlot in the area. The site itself is the old Harris Mink Farm and has been in the family for three generations and they moved their operations to Owyhee County a few years ago. The location has a real opportunity for business growth and development

and light industrial development that supports agriculture. Following his testimony Mr. Lakey responded to questions from the Board. Commissioner Smith said she has heard there could be plans to undue the urban renewal district. Mr. Lakey said he has never seen that happen, but he cannot say it's impossible. In response to questions from Commissioner Van Beek, Mr. Lakey spoke about the work that has been done on the site by the applicant and said they are comfortable proceeding forward with the application. Commissioner Van Beek said it sounds like a matter of demolishing buildings not cleaning up groundwater. Sonya Roman testified about the pond on the triangle-shaped piece of property adjacent to Farmway Road and she referenced the serious groundwater, surface water, and flooding issues that occur and she wants to know who will be responsible for those issues. Commissioner Smith said there is a state law that requires all drainage to be retained onsite and all development has to comply with local, state, and federal laws. There are times when things become a civil matter between property owners. Todd Lakey offered rebuttal comments and said there is a requirement to retain stormwater onsite and it's an engineering question that will be addressed as part of the development of the property, not at the rezone phase. He said the applicant has done due diligence with soils analysis and engineering and there are couple of possibilities whether it's a needed repair on irrigation facilities, or potential drainage or water transfer. Ultimately, it's an engineering question the applicant has to address as part of the actual development application that comes forward for the infrastructure and site development. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously close public testimony. Commissioner Smith said the FCO's support positive findings for approval. Commissioner Van Beek supports the application and agrees this is the right application for the right area. Commissioner White said the applicant hasn't said what's going on the property so that leaves it wide open to a decision-maker's imagination. She would like to have known what possibilities are proposed. Commissioner Smith supports the request outside of it being in the urban renewal district, and in looking solely at the land use of the area and knowing the old mink farm, she believes this will be an incredible improvement to the area and the economic viability it will bring. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the comprehensive plan map amendment and rezone and sign the FCO's, the resolution and ordinance. (Resolution No. 22-004 and Ordinance No. 22-001.) The hearing concluded at 10:55 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D)

Commissioner Van Beek made a motion to go into Executive Session at 1:32 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz and the

applicant, Miguel Villafana. The Executive Session concluded at 2:12 p.m. with no decision being called for in open session.

MEETING WITH UNIVERSITY OF IDAHO'S SOUTHERN DISTRICT DIRECTOR TO DISCUSS COUNTY EXTENSION OFFICE

The Board met today at 3:32 p.m. with the University of Idaho's Southern District Director to discuss the County Extension Office. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Patrick Momont with the University of Idaho Extension Office and Deputy Clerk Jenen Ross. Mr. Momont said there are two items to be addressed as follows:

Canyon County Extension Office leadership transfer: Mr. Momont gave a background on funding for extension offices and how they operate. The Canyon County Extension Office has five educators, with Jerry Neufeld taking on the administrative role to oversee the office 20 years ago. At that time, he was a targeted hire and has done a great job providing leadership during that time but unfortunately change happens and there is a need for a change in leadership. Mr. Momont explained the 'Unit Administration' section of the *Faculty Goals and Responsibilities* handout which outlines the responsibilities of the Extension Office Chair. Nic Usabel is about ready to graduate from Leadership Idaho and will be the new County Extension Chair; Mr. Momont provided reasons he thinks Mr. Usabel will be a good leader for the office. Commissioner Smith would like to see some kind of press-release announcing the change and thinks Mr. Decker could help draft the document.

Vacancy refills in the Canyon County Extension Office: There are currently two vacant educator positions – the health and nutrition educator and the livestock/small acreage/4-H educator positions. There are a significant number of vacancies throughout the state and in order re-hire the positions they have to be on a priority list which makes its way to the university's president for approval. He is asking for Board support to re-hire these positions. In his opinion the health and nutrition educator is the higher priority. Discussion ensued regarding the importance of each of the positions. Each Board member offered their opinions on which position is the higher priority for them and Mr. Momont expressed why he feels the health and nutrition position is the higher priority. After the discussion and consideration of each point the Board is supportive of prioritizing the re-hiring the health and nutrition educator but is also in favor of refilling the livestock/small acreage/4-H educator.

The Board also requested that someone to respond to agency notices in regard to land use development. Commissioner Smith feels it would be a good idea to get Director Sinner and Mr.

Usabel together to discuss the changes and facilitate cooperation between the two offices. The meeting concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 14, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581159 to 581199 in the amount of \$96,701.16
- The Board has approved claims 581118 to 581157 in the amount of \$58,631.49
- The Board has approved claims 581044 to 581079 in the amount of \$28,934.33
- The Board has approved claim 581043 in the amount of \$550.02
- The Board has approved claim 581158 in the amount of \$376.00
- The Board has approved claims 581318 to 581321 in the amount of \$420.00

There were no meetings held this day.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 18, 2022

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

APPROVED CLAIMS

- The Board has approved a Jury claim in the amount of \$2,604.88
- The Board has approved claims 581226 to 581239 in the amount of \$15,849.00

- The Board has approved claims 581240 to 581279 in the amount of \$62,175.78
- The Board has approved claims 581322 to 581359 in the amount of \$48,104.70

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Joanne Cardinale, part-time court support; Cindy Frazier, part-time court support; Nikki Castoe, court clerk III; Tammy Breiner, court clerk III; Chris Jones, part-time juvenile detention officer

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:55 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd (left at 8:58 a.m.), DSD Director Steve Fultz (left at 9:04 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider signing Treasurer's tax charge adjustments by PIN for November and December 2021:

Treasurer Lloyd noted the majority of the adjustments are due to the legislature removing the homeowner's exemption deadline. A report with explanation is being prepared to be sent to the taxing districts to explain the decrease in the budget mid-year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for November and December 2021.

Consider signing resolution of appointment of Steve Fultz to serve as Canyon County's representative on the Caldwell Urban Renewal Agency Board:

Mayor Wagoner called Commissioner Smith to let her know the County has an available spot on that URA Board which they are trying to fill as soon as possible. It is Commissioner Smith's recommendation to appoint Director Fultz, however, a Board member could serve. Commissioners Van Beek and White support the appointment of Director Fultz to the URA Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Steve Fultz to serve as Canyon County's representative on the Caldwell Urban Renewal Agency Board (see resolution no. 22-005). The appointment may need to be affirmed by the city council.

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

Commissioner Van Beek made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and

Leslie Van Beek. The Executive Session concluded at 10:42 a.m. At the conclusion of the executive session, Commissioner Smith said the executive session will be continued to tomorrow, January 19, 2022 at 8:30 a.m.

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

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

The Board met today at 10:46 a.m. to conduct a public hearing in the matter of a request by Russ and Vicki Elsberry for a comprehensive plan map amendment, conditional rezone and short plat for Berry Acres Subdivision, Case Nos. OR2020-0009, CR2020-0013 and SD2020-0041. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Mark Bybee, Russ Elsberry, Tonya Barber, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that the Elsberrys are friends she has known for years, but that will not impact her ability to make a fair decision. Commissioner Smith said there are some land use cases coming up where she plans to recuse herself because she has longtime friends who are involved and it's hard to be impartial due to those friendships so she will be stepping down when those cases come before the Board. Following discussion, Commissioner Van Beek recused herself and left the meeting room. Elizabeth Allen gave the oral staff report. Russ and Vicki Elsberry are requesting a comprehensive plan map amendment to change the designation of R2846602, R28466018, & R28466019 from "Agriculture" to "Residential." A conditional rezone is also requested to change the zoning of the parcels from "A" (Agricultural) to "R-R" (Rural Residential) including a development agreement to restrict the development of the site to three parcels. Also requested is a short plat for Berry Acres Subdivision, which contains three residential lots. The subject properties are located at the southeast corner of the intersection of Track Road and Stage Coach Road. The property is designated as agriculture on the future land use map. There are no residential designations within the vicinity of the site nor within one mile. The surrounding area contains agricultural and residential uses. Of the 16 parcels notified, the average lot size is 18.04 acres. The property is located within a nitrate priority area. Ms. Allen gave a review of agency comments. The P&Z Commission recommended approval of the comprehensive plan map amendment and conditional rezone on September 2, 2021. Staff has found that neither comprehensive plan map amendment request nor the conditional rezone request comply with the criteria of the County code Sections 07-06-03 or 07-06-07. The preliminary plat meets county and state requirements; however, staff is recommending denial due to the recommendation of denial for the comprehensive plan map amendment and conditional rezone applications. Ms. Allen said there is a draft development agreement which has conditions based on what the P&Z Commission was comfortable with. They limited the homesite and outbuildings within a contiguous area and no greater than 1.75 acres to retain as much as they could for agriculture. It is limited to three residential parcels. Commissioner Smith asked questions of staff regarding the case information

and staff's analysis and recommendation; she said the Board is not getting updated case map information.

Testimony in favor of the request was as follows:

Mark Bybee, who represents the Elsberry's, testified this is an "un-dense" rural residential development with an average density of 10.02 acres per parcel. The applicants purchased it from the Gunnings in 2015 understanding they had three buildable parcels and in 2019 they applied for an administrative land division to adjust the lot lines to move parcel lines, and as they went through the process they found out they were not buildable parcels. According to Mr. Bybee, Richard Gunning loved to divide land and he submitted many applications for CUP's and administrative land divisions over the years and the parcel today is what is left of the Richard Gunning land. The property has been divided a lot and there are a lot of homes built on it. The main density has developed to the south of Stage Coach Road. He spoke of the property history and reviewed maps from 2002 and 2005 which were confusing and not very detailed. He said the request should be approved because the rockiness, parcel shape, and parcel slope are not conducive to farming. The only crop the applicant has been able to continuously be able to grow is hay, which he uses to feed his cattle. The County because it had a habit of approving subdivisions and land divisions by conditional use permit and it did not result in a rezone like it should have and that's a problem the County needs to address and come to terms with the fact there is a problem with the maps and zoning designations because it's not accurate or truthful to say the subdivision that is there is anything but rural residential. The applicant's proposal is consistent with the uses and it provides a natural border that ends at the canal. Following his testimony, he responded to questions from the Board. Mr. Bybee stated they have agreed to a development agreement where only 1.75 acres will be put into a residential use and the remaining will be left in agricultural land for hobby farms. There are natural barriers to use; some rural residential properties have occurred without rezoning and the proposal will be a lower density than development that has occurred out there with very little impact to public services.

Russ Elsberry testified about the farming aspects of the property, and how he has grown various crops and raised cattle on the property. The ground is rocky. He owns 43 acres across the road from his home which he is actively farming. He does not have plans to take all the land out of agriculture; hobby farms are a hot commodity right now and people want to raise cows, chickens, and pigs. His sister-in-law has six acres with cattle, alpacas, chickens and turkeys. He will not sell everything at once, it will be over the years. The permits will grant him a 5-acre parcel, a 12-acre and a 13-acre parcels. Following his testimony, he responded to questions from the Board.

Tonya Barber lives immediately adjacent to the subject property and owns a hobby farm with cattle, alpacas, turkeys and chickens and the rest of her property is in grass hay that she raises for her animals. She welcomes three lots with three homes as opposed to a higher density.

Commissioner Smith said she is not ready to make a decision on the subdivision, it depends on what the Board does with the rezone. There are significant agricultural operations to the west of the property. From the conditions described, it is perfect grape property although we can't tell

people what to do with their property. She wishes we had a different option for developing low-density subdivisions that don't proclaim an area as rural residential. She can see the argument for the subdivision to the east, it is rural in nature, and to the few parcels bordering to the south. Because of the agricultural land it is hard to make the finding that this is better suited as rural residential. Commissioner White said through a development agreement they have agreed to three parcels, and each one is suitable for agriculture. Commissioner Smith said the Board has seen people apply for amendments to their development agreement and remove the minimum lot size restrictions and go back to the full request, and so she wants to continue the hearing and see if we can get language that states any change in density would require a new rezone application. The process for a development agreement and conditional rezone is a bit broken which lends to her wanting to protect the agricultural area. Mr. Bybee said they would agree to additional conditions to be more restrictive on what happens to the property in the future on the development agreement. Mr. Elsberry lives in the area and he doesn't want it to grow more; there is negotiation to be had there and he is disappointed staff did not negotiate more on this case. Commissioner Smith said the County is looking at protecting agricultural areas and economic growth and the value of our communities, and it's important to nail down how the character of a "quarter quarter" looks, versus what we planned for an agricultural area. Staff has heard the Board talk about protecting ag uses through ongoing disclosures, not just putting the right-to-farm statement on the plat, but coming up with a disclosure that gets conveyed to each property owner, and including an agreement that any further division requests would require a full hearing and eliminate coming back through the development agreement. Mr. Bybee said they are comfortable with the restrictions saying the parcels cannot be smaller than the 5-acre, 12-acre and 13-acre parcels. Commissioner Smith said for her it would be that any further divisions would require a new rezone hearing. She wants the applicant to work with staff on a proposed condition that states this is the maximum allowed, all further division requests or additional home sites would require a new rezone hearing for development rights. Mr. Bybee said if the parcel is already rezoned it has that designation, and so if we do another are we really considering something new at that point? Commissioner Smith agreed and said that's why she wants to deny it; it's 30 acres, 15 lots, and now she needs to evaluate it at the full density unless we are taking full density off the table without another public hearing process. Mr. Bybee is happy to have the conversation, it's just a matter of negotiating the right way to do it. He is willing to work on putting more restrictive language in there but we need to understand everything that's needed. Ms. Allen asked if that is that strong enough where in 10 years from now if there is a new Board they cannot just amend it out of the development agreement. It might be stronger if an ordinance was changed restricting the amendments of development agreements. Commissioner Smith wants to put a hold on the case and keep testimony open and allow negotiation and time for staff to answer questions with our own attorney. Russ Elsberry said he does not want more than three houses and he will work with staff to come up with language to stating that, and he will disclose that when the selling the property. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to table the hearing to February 10, 2022 at 11:00 a.m. The hearing concluded at 11:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. for a monthly meeting with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

- **Livestock exhibitor eligibility:**
 - Owyhee County Fair is denying entry to 4H/FFA members who are Canyon County residents, attend Homedale schools but do not live in the Homedale School District.
 - Director Sinner would like to amend the rule to include 4H/FFA members that are Canyon County residents (but not members of a Canyon County or Ada County 4H club or FFA chapter) and denied entry to the Owyhee County Fair – The Board is supportive of this idea.
 - Director Sinner will wait to have something in writing before anything major is done but wants to have a plan in place and hopes to provide more information at her February meeting.
- **Building rental:**
 - Fair staff were not aware the sewer project would completely close down the parking lot. An event map has been created that can be emailed to renters providing alternate parking options.
 - Director Sinner has met with Director Rast about creating a community calendar for all the buildings on the fairgrounds campus that could be used by all entities including the county, city and college.
- **Fair staff update:**
 - Event Coordinator position has been posted.
- **2022 Fair fees:**
 - Discussion regarding increased admission, wristbands and concerts based on the cost to book the artist. Director Sinner will work with Zach Wesley on moving thru the process to increase fees.
 - Other suggestions will also be taken to the Fair Board.
- **Expo Center/Events center site improvements:**
 - A contract is being worked on for the pedestrian bridges which should be to the Board soon.
 - Concrete floor polishing project will be on the Board's agenda soon.
 - Expo Center building walls should be going up soon.

The meeting concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:01 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Judge Davis Vander Velde (arrived at 2:25 p.m.) and Deputy Clerk Jenen Ross. Mr. Bazzoli updated the Board on the following:

- Review of FY2022 budget to date.
- Year-end case counts for 2019-2021.
- 2 vacant attorney positions. 1 new attorney recently started.
- Mr. Bazzoli will attend a conference next month in order to continue being death penalty certified.
- Spoke about the lack of public defenders on the Public Defense Commission; IAC has submitted proposed legislation to change the make-up of the PDC to included more Commissioners and public defenders and to change the Board from 9 members to 16 members. Mr. Bazzoli feels this will be a good change.
- Discussion ensued regarding jury trials and 'right to a speedy trial'.

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

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 19, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Intermountain Communications in the amount of \$461,400.15 for Emergency Management

MEETING TO DISCUSS THE PURCHASE OF JAIL RADIO EQUIPMENT AND CONSIDER AN ACTION ITEM

The Board met today at 8:51 a.m. to discuss the purchase of jail radio equipment. Present were: Commissioners Pam White and Leslie Van Beek, EOM Christine Wendelsdorf, Cpt. Harold Patchett, Controller Zach Wagoner and Deputy Clerk Jenen Ross. Ms. Wendelsdorf explained the radios currently being used are 1st generation but are at end-of-life and no longer supported, additionally, they are physically falling apart. The purchase of the new radios will fill the need of the jail. Ms. Wendelsdorf provided reasons she feels this purchase qualifies for the use of ARPA funds. Total purchase amount is \$461,400.15 for 140 radios. In addition to the purchase order a letter of explanation was also provided to the Board and is on file with this day's minutes. Mr. Wagoner provided budgetary information supporting the purchase of these radios and how it qualifies for the use of ARPA funds. Commissioner White made a motion to sign the purchase order for Motorola Solutions [Intermountain Communications]. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 9:04 a.m. to conduct a public hearing in the matter of a request by John Cotner for a rezone of approximately 26.85 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Also requested is approval of a preliminary plat (including irrigation and drainage) for Hawk's View Estates Subdivision. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Dan Lister, Todd Lakey, John Cotner, Lance Warnick, Sam Huff, Christy DeVinaspie, Jim Thompson, Craig Timmons, Gary Steinbach, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she used to be related, by marriage, to an audience member. Dan Lister gave the oral staff report. The subject property is located on the east side of Lansing Lane, approximately 1,384 ft. north of the intersection of Purple Sage Road and Lansing Lane. The rezone will allow a minimum lot size of two acres, and the applicant is developing 12 residential lots. The surrounding area contains residential uses but the primary use is agricultural with sporadic residential uses. The primary zoning district is agriculture. The City of Middleton is in the process of expanding their impact area to this location and they indicated they will contact the applicant about entering into a pre-annexation agreement which would include easements that will allow expansion of future utilities near the property. The Hearing Examiner recommended denial of the rezone and preliminary plat request on November 18, 2021 because he believed it was spot zoning because no boundary of the property is touching a residential zoning district. His reasoning is clear; however, staff does not agree this is spot zoning. Staff is recommending denial of the application since three criteria cannot be met. The request does not include a development agreement so there is no buffering or agricultural disclosures. The property is adjacent to a 90-acre property currently in agricultural production, however, it is going through the process to become an R-1 zone which is proposing a 53-lot

subdivision. The development will be using Hawk View Subdivision's public road access to Lansing Lane which contributes to the traffic impacts that will be generated by the two developments. Staff recommends there should be a condition that the applicant should contribute to a traffic impact study with that developer because it will create 65 lots of Lansing Lane and Purple Sage Road. Staff would be more in support if this was a conditional rezone with a development agreement. The applicant was asked to consider a development agreement but he declined that. Following his report, Mr. Lister responded to questions from the Board.

The following people offered testimony in support of the request:

Todd Lakey, who represents the applicant, testified the request conforms with the zoning ordinance criteria and is compatible with the comprehensive plan. He spoke of character and compatibility noting the residential uses and zoning in the area. There will be a minimum lot size of two acres and invested the time and money into a preliminary plat. Mr. Lakey said the Hearing Examiner incorrectly focused on adjacent zoning and whether this is spot zoning. The property is deep within the area designated as residential by the County, and the City of Middleton and the City of Star both want to be in this area and are pursuing that. He reviewed the zoning in the area and said the residential designation sets the purpose for the area. There are 23 subdivisions within one mile of the property, and 436 lots with an average lot size of 2.5 acres. Mr. Lakey said the developer has gone the extra mile to address the potential impacts:

- Hired SPF Water to do an analysis which showed there will be no significant impact on the aquifer
- NP study has been reviewed and accepted by SWDH
- Worked with the highway district on the location for the local road
- Letter of support for the ag parcel owner to the east

This is not a prime farm production parcel. Additionally, Mr. Cotner builds high quality homes. Following Mr. Lakey's testimony, he responded to questions from the Board.

Lance Warnick provided technical comments and spoke of how the request is compatible with the area. Any future development will have a road through the development like is shown on the preliminary plat, and landscaping is along the frontage. He testified about the process the health department uses when reviewing preliminary plats and how an NP study will determine the level of treatment required

John Cotner testified he has been developing in Canyon County for 20 years and has a good reputation on the projects he develops. He has done a lot of analysis on this project which fits within the residential area of the future land use map. The plat has been designed to fit with the highway district's future transportation plan for connecting roads. He spoke of his experience with building in nitrate priority areas and using extended treatment systems. He has done an NP study and said there has been a lot of engineering costs put into getting to this point. Mr. Cotner submitted his application last spring and it is a standard practice to submit a rezone and preliminary plat consecutively, and he's questioning why the County asked for a development

agreement six months into the process. He decided not to proceed with an agreement because the conditions can be included on the plat. Commissioner Smith encouraged Mr. Cotner to look into development agreements. She's heard from constituents about compliance with subdivisions and the lack of enforcement and the planning portion of it if you solely rely on the subdivision. The development agreement stays with the property and holds the developer accountable to the neighbors, furthermore, all cities require it. Mr. Cotner said he could agree if he was just seeking a rezone, but because he's submitting a preliminary plat showing what he is intending to build. Furthermore, that message should have been conveyed last April when he started the process. Dan Lister said the 90 acres adjacent to the subject property agreed to a conditional rezone with a development agreement. Staff sees a lot of developments where promises were made and then the developers later tried to make changes but they couldn't because conditions were locked down in a development agreement. A full rezone says there are conditions and staff is still recommending denial because there are conditions that should be addressed at the rezone stage, not just the platting stage. He talked about a second hearing being required if the Board approves this request because it would be a change to the Hearing Examiner's recommendation. Commissioner Smith said a second hearing is required and she asked if Mr. Cotner is willing to move forward with a change in the application that would separate the land use conditions and the preliminary plat. A development agreement would be tied to the rezone conditions.

Jim Thompson testified about the disclosures given to buyers during the closing process and how they are liable for any documents put in front of them.

There was discussion regarding proposed conditions of agriculture disclosures; working with city on the request for an easement for future expansion as they move north; and having a landscaped entryway. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said the subdivision cannot be approved today regardless of the decision so we will hold on that decision. Comments need to be related to the findings and conclusions, and deliberate on how to move forward and staff can work on modifying the findings and conclusions outside the hearing. Commissioner White said she supports the project presented today because she is familiar with the developer's integrity and the credibility of his product. Commissioner Van Beek said this represents a transition from agriculture to residential in an area that looks like it's going to go for some residential development. She would rather have this type of project than high density, cookie cutter housing. She supports Commissioner White's position to allow this to move forward. Commissioner Smith said she can support that, but it's important to note that we just denied a rezone north of the property for a straight rezone to R-1 which was not consistent with the area, and we encouraged a conditional rezone with a development agreement. On this case staff could work with the developer to ensure the preliminary plat has conditions of approval and ensuring that easements are there for the future sewer expansion. She appreciates Mr. Cotner's development style, however, there isn't anything in the ordinance that says we should show preference to a better developer or an out-of-state developer. She cautioned against making a decision based on a developer's experience; the Board should be looking at the character of the area and the ordinance standards which lends itself going back to the development agreement. Mr. Lister said if the Board approves the request the hearing will be tabled to a date uncertain so

staff can re-notice the hearing, and work with the applicant to include conditions for pressurized irrigation, addition of a landscaping plan, and address staff's concerns and come back to the hearing addressing those concerns. That does not add additional fees, but if you go through the development agreement there will be a \$385 fee and an updated application and it will be re-noticed and it will lock in the conditions to the rezone, not just the preliminary plat. Commissioner Smith reviewed the changes/updates she wants made to staff's findings. She recommended the Board move forward with re-noticing the hearing for approval and overturn the Hearing Examiner's decision for denial. Commissioner Van Beek supports the proposed action and she made a motion overturn the Hearing Examiner's decision and re-notice the hearing with a recommendation for approval of the rezone. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:47 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:46 p.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Timesheet for January 3 – 7 was provided to the Board; he was out of the office on sick time last week.
- CGI press release will be filmed tomorrow and B-roll footage will be filmed in June. They have received a good response to the sponsorship and would like to add three additional chapters which the Board is supportive of. The additional chapters will focus on education, healthcare and real estate & relocation.
- He has not received a lot of response on the newsletter. The Board asked Mr. Decker to send a follow-up email.
- Commissioner Smith said she would like to see Mr. Decker attend some trainings and asked him to explore options, possibly in digital marketing or social media. Commissioner White is supportive of Mr. Decker looking into training opportunities.
- Mr. Decker will be off next week for vacation.

The meeting concluded at 1:53 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:03 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners

Keri Smith and Pam White, DSD Director Steve Fultz, HR Generalist Jennifer Allen (left at 2:25 p.m.), Controller Zach Wagoner and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution for additional positions, title and job description changes in Development Services: Ms. Allen gave an overview of the resolution and the changes to be made within Development Services. Commissioner Smith noted she would like to increase the salary range for the Code Enforcement Supervisor since supervisory duties have been added to the job description. Controller Wagoner feels that if this change is made the similar role at the Landfill would also need to be changed. He would prefer to add the additional dollars to the supervisory role and to make changes with the new fiscal year instead of the middle of this fiscal year to keep continuity in the compensation plan. In response to a question from Commissioner Smith regarding a Project Manager position not being added to the resolution, Mr. Fultz spoke about the internal task force that was formed which should be submitting a report soon. He would like to evaluate the report before adding a Project Manager position. Controller Wagoner spoke about how the county is in a good financial position and because of that is in a good position to respond to these kinds of needs. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution for additional positions, title and job description changes in Development Services (see resolution no. 22-006).

As part of his regular meeting Director Fultz updated the Board on the following:

- There is a hearing tonight regarding the Star Impact Area ordinance.
- The 3rd ag meeting to discuss the comprehensive plan will take place Friday and the open house workshops will start in February.
- A couple of meetings have happened with the fire districts regarding code amendments that may be brought to the Board in the future.
- There will be a meeting with the highway districts tomorrow to provide them with updates on DSD.
- IT is continuing to move forward with the online application process.
- Mr. Fultz's appointment to the Urban Renewal Board will be signed and sent to Mayor Wagoner.
- Commissioner Smith asked about the hearing date for originality dates which Mr. Fultz will need to check on. It has been heard by P&Z but was denied.
- Mr. Fultz will send an updated hearing timeline spreadsheet to the Board.

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

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

This executive session was continued from January 18, 2022 to this morning at 8:30 a.m. however the Board would like Prosecutor Taylor to participate but he is not available until tomorrow. Commissioner White made a motion to continue the executive session to January 20, 2022 at 10:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 3:11 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:12 p.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross. Director Brown updated the Board on the following:

- Today they have 30 juveniles in custody and the numbers are consistently high; 2 from Gem County, 1 from Washington County and 1 from Adams County; they are currently not accepting any juveniles from the state at this time.
- They just hired last needed fulltime employee; 4 people stated several weeks ago; 3 are in training now and this last hire will complete the hiring. As of the 15th, mandatory overtime stopped and Juvenile Probation officers are no longer helping out but were greatly appreciated. Overtime is now just being used on an "as needed" basis in order to help cover when people are out for training.
- 5 people are out on FMLA or for personal issues although some will be returning soon in a limited capacity.
- Several groups are being brought back such as smoking cessation, Life's Kitchen, Advocates Against Family Violence and GED testing.
- Use of Force training will happen next month for all staff.
- POST will happen in May with about half the staff attending.
- Garden preparations will start in about a month.

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

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

The Board met today at 3:33 p.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners

Keri Smith and Pam White, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross.

Director Catalano updated the Board on the following:

- Several people have been out on FMLA recently.
- Prosecutor Taylor has set up meetings with the Caldwell and Nampa School Districts to talk about the gang problems.
- There are some personnel matters she is working with HR on.

Director Breach updated the Board on the following:

- Probation and community service graphs were reviewed with the Board.
- Discussion regarding the amount of time being spent covering courtrooms and the good experience Director Breach has had with the new judges and the Magistrate Bench.
- The door lock project is complete, cameras will be done soon and radios have been ordered.
- Quite a few people are out on FMLA.
- Commissioner Smith noted that the space issues being faced in the Juvenile Justice building are recognized and ways to remedy them are being discussed.
- Director Breach will be attending the Domestic Violence Court conference in June.
- Interstate Compact has been busy the last few weeks.

The Board would like to meet staff from both departments. The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 4:08 p.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Landfill Director David Loper. The Executive Session concluded at 5:07 p.m. with no decision being called for in open session.

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 20, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581200 to 581225 in the amount of \$21,489.36
- The Board has approved claims 581080 to 581117 in the amount of \$73,915.54

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Databank IMX in the amount of \$4,800.00 for the Information Technology Department
- Carbon Networks, LLC in the amount of \$5,705.00 for the Information Technology Department

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:54 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2022-108, 2022-168 and 2022-202 - upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Liens and releases of liens were presented for Board signatures.

The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:06 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Deputy P.A.

Alex Klempel and Deputy Clerk Jenen Ross. Neither the hospitals nor the applicants appeared for today's hearings.

Commissioner White made a motion to continue case no. 2021-891 to March 24, 2022. The motion was seconded by Commissioner Smith and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue final denials with written decisions within 30 days on case nos. 2022-64 and 2021-1058.

Commissioner White made a motion to issue final denials with written decisions within 30 days on case nos. 2021-919, 2021-1030 and 2021-1039. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:09 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 10:07 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor, Deputy P.A. Alex Klempel (left at 10:16 a.m.), Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider recommendations and signing notice of intent to all bidders for solicitation of bids for Winter 2022 Polished Concrete Floors at the Fair Expo Building: Ms. Klempel said that bids were received from all three vendors that were solicited for this project. Although it was the highest bid, Wall 2 Wall was the selected bid as it was the only one that complied with the specifications. Ms. Klempel provided a brief review of the reasons each of the other vendors were not chosen and Director Britton's concerns. Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to sign the notice of intent to all bidders for solicitation of bids for the Winter 2022 Polished Concrete Floors at the Fair Expo Building. A copy of the letter is on file with this day's minutes.

Consider signing grant application for project Celebration Boat: Mr. Wesley said this grant is thru the State Waterways Improvement Fund. It is believed Sgt. Roberts is looking to purchase a new boat to be used at Lake Lowell but would also be efficient enough to assist with search and rescue on the Snake and Boise Rivers. The grant requires a 20% match which the Sheriff intends to request in his FY2023 budget. The total grant amount is \$92,928.00 and the match amount is \$23,231.00. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the grant application for Project Celebration Boat.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 10:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor and Deputy P.A. Zach Wesley. The Executive Session concluded at 12:25 p.m. with no decision being called for in open session. And audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CREATE VIDEO FOR COUNTY SHOWCASE PROGRAM PRODUCED BY CGI

Today Commissioners Keri Smith and Pam White met at 1:00 p.m. for approximately one hour to create a video that will be used for the County video showcase that's being produced by CGI. No Board action was required or taken.

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

The Board met today at 2:05 p.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, HR Director Kim Foster and Deputy Clerk Jenen Ross. Director Foster spoke about the following:

- A sample exit interview form/letter was prepared and provided to the Board for review.
- Compensation time needs to be in writing as the employee has the option as whether to accept accrued leave vs. overtime pay.
- Discussion regarding safe harbor policy for exempt employees.
- Sample performance management documents were provided for Board review.

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner White made a motion to go into Executive Session at 2:13 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White and HR

Director Kim Foster. The Executive Session concluded at 3:15 p.m. with no decision being called for in open session.

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

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 21, 2022

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

There were no meetings held this day.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 24, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Irma Avila, juvenile detention field training officer; Troy Mikolyski, part-time mental health clinician; Luis Sanchez, juvenile detention field training officer; Douglas Ward, comm officer-call taker

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cable Wholesale in the amount of \$4,819.52 for Facilities Department
- HC Company in the amount of \$3,726.80 for Facilities Department

- LN Curtis in the amount of \$33,450.00 for Canyon County Sheriff
- First Responders in the amount of \$3,000.00 for Canyon County Sheriff
- Western States Sheriff Association in the amount of \$1,000.00 for Canyon County Sheriff

MEETING TO CONSIDER AGENDA ACTION ITEMS

The Board met today at 8:48 a.m. to consider agenda action items. Present were: Commissioners Keri Smith and Pam White, Fleet Director Mark Tolman (left at 8:49 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing title to change vehicle registration from Canyon County to the Canyon County Ambulance District: Commissioner Smith explained that Director Tolman had purchased some other vehicles at the same time as the ambulance but instead of it being processed as the Ambulance District it was processed as Canyon County. Today's action just puts it in the correct name, the vehicle was paid for by the Ambulance District. Commissioner White made a motion to authorize Mark Tolman to sign the document. The motion was seconded by Commissioner Smith and carried unanimously.

Consider signing Historic Preservation Support Award agreement with Upper Snake River Tribes Foundation: Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Historic Preservation Support Award agreement with Upper Snake River Tribes Foundation (see agreement no. 22-006).

Consider signing resolution granting a new alcoholic beverage license to Family Dollar Inc. dba Family Dollar Store #26963: Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Family Dollar Inc. dba Family Dollar Store #26963 (see resolution no. 22-007).

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

EXECUTIVE SESSION – PERSONNEL MATTER

Note for the record: As properly noticed the Board met today at 9:02 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner White made a motion to go into Executive Session at 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Clerk Chris

Yamamoto, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Assessor Brian Stender, and Sheriff Kieran Donahue. Coroner Jennifer Crawford participated via teleconference. The Executive Session concluded at 10:07 a.m. with no decision being called for in open session.

MEETING TO DISCUSS SPACE PLANNING NEEDS

The Board met today at 10:31 a.m. to discuss space planning needs. Present were: Commissioners Keri Smith and Pam White, Facilities Director Rick Britton, Clerk Chris Yamamoto, Controller Zach Wagoner, DSD Director Steve Fultz and Deputy Clerk Jenen Ross.

Clerk Yamamoto said he is not opposed the plan to the extent of what he's heard. There is nothing in it for his departments although it's not the first time they've made sacrifices to benefit the taxpayer. He explained that originally, he was interested in the location downtown but due to some logistics he is not as favorable to it. With the changes being proposed he will be losing a conference room that is used fairly often but another office can be utilized instead.

Director Britton gave an overview of the modifications he'd like to make to renovate the auditing office to accommodate indigent services in that space with their own entry.

Commissioner Smith said there are four different departments sharing the current Indigent Services space. She would like to divide up the current Development Services office to accommodate additional space for the Public Defender and relocate Human Resources and potentially the security portion of the facilities department to that space. All of Development Services would be moved to the 3rd floor where Indigent and HR currently are.

Commissioner Smith also asked Director Britton to consider the conference room spaces and a way to manage them to be better utilized by other offices/departments. Mr. Britton said an access door can be added in order to access the 3rd floor conference room from the hallway so that it can be better used. Additionally, he feels a shared conference room can be created on the 1st floor for Human Resources and the Public Defender.

Director Britton indicated now is a good time for him to start this project. He outlined the logistics of each office moving as construction is done.

Commissioner Smith would like to use as much existing material as possible. Renovations to the 3rd floor are anticipated to be minimal and Director Britton believes they can be done for approximately \$4000. There is some money within the DSD budget that can be utilized for renovations.

Clerk Yamamoto estimates all renovations won't exceed \$30,000 - \$40,000. Controller Wagoner said this project was not expressly planned for in the budget but there is cash available, however,

there may need to be a formal budget adjustment. He feels this is a sound fiscal decision by using existing space and that this is a wise use of public resources.

Commissioner Smith said that at this time the only spending authority is the money already allocated in the DSD budget for a department change. Director Britton did note there may be some overtime from his department and may exceed his 'A' budget which Controller Wagoner said could be adjusted at the end of the fiscal year. The Board, Clerk Yamamoto and Controller Wagoner all agreed overtime will be paid out vs. the use of comp. time.

Commissioner Smith would like to see resolution created resolving that overtime will be paid out to the Facilities employees during the time of Fair. Additionally, there may need to be further discussion on the use of comp. time vs. overtime pay.

Commissioner Smith said that at the last elected officials meeting there was discussion regarding the use of a parking lot for another building. Director Britton said he has had some conversations with Rick Bugatasch and rough numbers are approximately \$350 sq. ft. for a completely finished office space. Mr. Britton would like to use the parking lot at the juvenile justice building for an additional building. The first floor would be a parking garage and then 4 floors above with the top 2 floors left vacant for future growth to be built out as needed. He feels that with the way things are growing within the next 4-5 years he will need every space in the courthouse for courtrooms.

Additional conversation ensued regarding parking around the courthouse campus and the need for additional storage space.

The meeting concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:31 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister (left at 11:33 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing FCO's for Amy & Cody Lords comprehensive plan map amendment: Case no. OR2020-0012: Mr. Lister said this case came before the Board in May of 2021 for a comprehensive map amendment and rezone. The comprehensive map amendment was denied but the FCOs were never signed so that is what is before the Board today. The rezone was tabled so the applicant could work on a non-viable land division but had to wait for the ordinance to be passed. The property is now a buildable lot thru the non-viable land division and part of their application fee was recently refunded by the Board. This is the last piece to be completed in order to close out the file. Upon the motion of Commissioner White and second by Commissioner Smith the Board

voted unanimously to sign the FCO's for Amy & Cody Lords comprehensive plan map amendment, Case no. OR2020-0012.

Director Fultz updated the Board on the following:

- A draft document of an updated P&Z fee schedule was provided to the Board for review/comment; he anticipates this will be brought to the Board in the next couple weeks.
- Tracking/activity planning document was provided to the Board giving a review of cases presently outstanding. They are in the process of balancing caseloads.
- Community/Economic Development will be moving to the 3rd floor this week.
- All open positions are posted and applications have been received each position. Discussions are still happening in an effort to secure an in-house engineer.
- Commissioner Smith spoke about the FEMA issue and an email that was received over the weekend that is valuable to the process and moving forward.
- P&Z Commissioner interview is scheduled for this week; Director Fultz would like to find a time following the meeting to discuss candidates.
- There will be meeting this week with IT for the online application project.
- For the month of January, they have received 110 mechanical permits, 78 building permits and more than 30 PIs.
- Last Friday there was a meeting with an ag group regarding the comprehensive plan; they hope to have final review to the Board in May. Open houses taking place in February are at different times of the day to provide ample opportunity for comment. Revisions are continually made as comments are received.
- Hope to meet with the City of Parma regarding their comprehensive plan in the next couple of weeks.
- Director Fultz will be out the end of next week for personal time and planning a vacation for July.

The meeting concluded at 11:52 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 25, 2022

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

APPROVED CLAIMS

- The Board has approved claim for Special Jury in the amount of \$811.48
- The Board has approved claims for 581372 to 581426 in the amount of \$88,578.07
- The Board has approved claims for 591496 to 581529 in the amount of \$117,124.52
- The Board has approved claims for 581457 to 581495 in the amount of \$43,463.33
- The Board has approved claims for 581427 to 581456 in the amount of \$41,938.34
- The Board has approved claims for 581360 to 581371 in the amount of \$6,419.00
- The Board has approved claims 581280 to 581317 in the amount of \$1,595,282.88

JANUARY 25, 2022 AGENDA ITEMS WERE CANCELLED OR RESCHEDULED

The following agenda items were cancelled or rescheduled due to a lack of quorum:

- 9:00 am Legal staff update
- 10:00 am Public hearing to consider a request by Daniel Johnson with Riverwood Homes, Inc., for a plat vacation: Case no. VAC2021-0002 – **Rescheduled to January 27, 2022 at 10:30 a.m.**
- 1:30 pm Monthly meeting with Solid Waste Director
- 2:30 pm Meeting to Review Response Button Program
- 3:00 pm Executive Session – Interview P&Z Commission Candidate

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 26, 2022

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

APPROVED CLAIMS ORDER NO. 2209

- The Board of Commissioners approved payment of County claims in the amount of \$1,801,060.39 for a County payroll.

MEETING WITH THE IDAHO STATE PUBLIC DEFENSE COMMISSION FOR THE ANNUAL REVIEW

The Board met today at 9:09 a.m. with the Idaho State Public Defense Commission for the annual review. Present were: Commissioner Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli and Regional Coordinator Jennifer Roark with the PDC participated via Webex. Ms. Roark conducted an interview with Mr. Bazzoli regarding the following topics: staffing, recruitment and retention, case counts, space issues, Board involvement in hiring/termination of either conflict attorneys or institutional attorneys, case management software, client confidentiality, resource equity, case load limits, backlog of cases due to lack of jury trials, regular meeting schedule between Mr. Bazzoli and the BOCC and availability of training opportunities. A report will be compiled and forwarded to the Board for review. The Board's request of the PDC was consideration of funding for expansion due to additional staff necessary to accommodate increased workload. Mr. Bazzoli will forward the contracts for conflict counsel attorneys to Ms. Roark as requested by the end of February. The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 27, 2022

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

APPROVED CLAIMS

- The Board has approved claim 581590 in the amount of \$4,819.52

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Apex in the amount of \$8,039.47 for Facilities
- Delta Fire Systems in the amount of \$3,885.00 for Facilities

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 3/26/22; 3/19/22; 3/12/22; 2/25/22; 2/15/22; and 2/5/22

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case nos. 2022-223, 2022-242, 2022-251 and 2022-253 do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Commissioner White made a motion to issue an initial approval on case no. 2022-315. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Memorandum of Understanding for Idaho Fusion Center: Chief Dashiell said this is an update, Canyon County Sheriff's Office is one of several agencies that has partnered with Idaho State Police and Idaho Criminal Intelligence (Fusion) Center which are centers around the nation that serve as a location to warehouse information. Canyon County provides an employee once a week to assist with analytics on intel that comes thru. Monthly reports are generated to provide different kinds of intel important to law enforcement. Chief Dashiell addressed several questions posed by Commissioners Van Beek and White. Ms. Klempel reviewed some of the revisions she made in the MOU. Commissioner White made a motion to sign the memorandum of understanding for Idaho Fusion Center. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 22-007).

Consider signing Notice of Intent to Sell Surplus Property to City of Wilder Police Department: Director Tolman explained there are vehicles that have been taken offline and are ready to be sent to auction. The City of Wilder Police Department needs some vehicles and due to supply chain issues they are hard to obtain. Director Tolman suggested taking two vehicles from the auction and selling them to the City of Wilder Police Department at fair market value. The cage equipment will be sold with the vehicles as it will no longer fit into any other vehicles. Upon the motion of

Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of intent to sell surplus property to City of Wilder Police Department. The vehicles to be sold are detailed within the notice which is on file with this day's minutes.

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

MEET WITH FACILITIES DIRECTOR TO DISCUSS CHANGE ORDER FOR THE FAIR EXPO BUILDING AND CONSIDER AN ACTION ITEM

The Board met today at 10:03 a.m. with the Facilities Director to discuss a change order for the Fair Expo building and consider associated action item. Present were: Commissioners Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Deputy P.A. Zach Wesley (participated via teleconference), Fair Director Diana Sinner, Facilities Director Rick Britton, Controller Zach Wagoner, Cole Coba with Paradigm, DSD Planning Official Dan Lister and DSD Planner Cassie Lamb (arrived at 10:24 a.m.), Other members of the public (arrived at 10:25 a.m.) and Deputy Clerk Jenen Ross.

Director Britton explained that change order no. 10 will allow for ground and soil work around the expo building site as there was no provision for winter work. Currently on site it is muddy and wet and in order to start erecting the steel building there needs to be feasible access for a crane to be set up. As the ground is right now there is no way for a crane to be set up. A map was provided to the Board indicating where they would need to add 8" of pit-run which would provide a solid base for a crane.

Commissioner Van Beek had previously asked Mr. Britton to pull the materials testing and inspection report. As part of the report she referenced and spoke about the 'wet weather conditions' portion. She feels that based on the report the poor ground conditions should have been anticipated and that the burden should not fall to the county.

Mr. Coba said in his experience the soils information is more related to the structural fill under the foundation and building pad. This change order is not only to allow for the stability of the crane for safety and site conditions but also for overall access to the site to accommodate additional various construction related activities. In the map that was provided there are areas designated in green which are already stabilized and intended for heavy traffic. However, the areas designated in red have some hardscape but are unstable. In the schedule of construction those areas were not planned until late spring or early summer by HC Company. Mr. Coba is not able to speak their plan to prepare for erection of the building and anticipating soils that are unsuitable to create this condition. However, he does know of the need and how it will benefit the project to maintain the schedule. Commissioner Van Beek understands what he's saying but said late spring is still encompassed within that timeframe of November thru May. She feels that the emphasis on the geo-tech report was that the conditions on the site must be taken into consideration, it clearly identifies unstable soil and as the representative and liaison for the county Mr. Coba was hired to

mitigate and keep the change orders at a minimum. To her this looks like if falls to HC Construction [Company]. She said site access is also addressed and there are no issues identified, that's minimized in that portion of the report on page 5. She asked Mr. Coba what negotiations he has engaged in with HC [Company] to have them assume the cost.

Mr. Coba explained the approach has been to try to salvage the schedule for the project. There has been discussion regarding the timing of the request, the thought that has gone into it and the ability to reuse materials associated with this change. He said if it's the direction of the Commissioners that they go back to HC Company and work to rely on the language in the contract and the geo-tech that reference these materials they certainly will. Commissioner Van Beek said she is absolutely in favor of this; that is why we have a contract in place. She indicated there are liquidated damages that assess at \$500/day, the goal is not to hold up the contract but it doesn't sound to her like Mr. Coba has really engaged in any negotiations with them [HC Company] such as requesting invoices that total the \$31,000. Mr. Coba noted that back-up documentation was provided by the subcontractor, Timberlake Construction which show the cost. *Commissioner Van Beek later noted that she located the quote from Timberlake showing the cost.*

In response to a question from Commissioner Van Beek, Director Britton explained he has done his due diligence in obtaining the material. He contacted Rambo Sand and Gravel and the county's cost was higher than the quote provided by Timberlake Construction.

Commissioner White said she doesn't have an issue with this. She doesn't feel the project needs to be held up by these on-going discussions. Based on a question from Commissioner White, Director Britton spoke about how the material is used to create the necessary base. He also noted that at the end of the project any reclaimed material can be utilized at other county sites such as the gun range.

Mr. Coba indicated that the architect and civil engineer have reviewed the change order request and the detail HC [Company] is proposing. They have approved it in terms of meeting the conditions that need to be met for the hardscape as well as equipment operating on top of the new structural soil.

Commissioner Van Beek asked Mr. Wesley about the AIA contract, noting there should be definitive language in it. Mr. Wesley pointed to page 7 of the contract, section 8.1.1 – the language states *"winter weather conditions or protections are not included in the contract"*. Based on the proposed purchase order, he believes this is the assertion that HC Company is making. They feel these are winter weather conditions, meaning the conditions wouldn't be there in spring or summer and the material wouldn't be needed. Commissioner Van Beek asked about exhibit A within the bid set and addendums which addresses the material testing and inspection report. Mr. Wesley explained that due to the way the contract is situated the top portion of the agreement is the language that is controlling over everything else in the document if there are conflicts. He believes that HC Company handled the soil report by asking for the clause in section 8.1.1 that would require the county to pay on winter conditions and that at the time the contract was signed there wasn't a definitive schedule, there were a lot of timing issues still be resolved. Due to not

having a complete schedule in place at the time the contract was signed it's possible that the work could have been done during the summer under different scenarios. He feels that if the county doesn't proceed with the work order, under the contract a delay could be negotiated but that might also incur additional costs to the county. In response to a question from Commissioner Van Beek about a date specified to assess liquidated damages Mr. Wesley said he believes that date is based on the construction schedule but he doesn't have it readily available to reference.

Commissioner Van Beek said she would like Paradigm to go back and at least try to negotiate. She feels that based on the construction schedule it could be determined what they anticipated. She said it is still taxpayer dollars and the soil report needed to be taken into consideration. She understands time is of the essence but she would also like Mr. Coba to argue in favor of the county because that is why he is employed by the county. Mr. Coba said he would follow thru with the direction. He did point out that the way this project was contracted, in a lump sum, low bid scenario, contractors do not anticipate putting costs in their bid that are not defined or requested. In a negotiated contract approach, allowances for unsuitable soils or winter conditions could be defined and per Mr. Wesley's reference of the contract there are specifically no allowances identified, there are no winter condition dollars identified in the contract to be used for a scenario just like this. While the geo tech report does reference there might be a condition that might come up there is no means for HC Company to plan for it or to bill for it without getting a change order request for additional monies.

Commissioner Van Beek noted she was thinking of another contract when she referenced the daily cost of liquidated damages.

Commissioner Van Beek said that HC Company's built in contingency is unknown but that there is always a contingency built in. She is not sure she is in favor of the county eating all of the cost. Mr. Coba agreed there is likely a contingency within their costs but doesn't believe the contract allows for the county to force them to show true subcontract cost to determine contingency or to force them to use it for something that was unplanned or undefined.

Commissioner Van Beek's recommendation is to allow time for Mr. Coba to speak with HC Company, additional review of the document and collect the missing piece of information.

Commissioner White feels that this discussion can continue without holding up the project any longer. Contracts can be interpreted a lot of ways and she is satisfied with the way that legal interpreted this and the opinion that was provided by Mr. Wesley. She thinks this should move forward because it's a very tight schedule. The discussion can continue but she is not in favor of stopping the project.

Mr. Coba suggested that rather than execute this change order based on a lump sum a not-to-exceed number could be requested. Time and material could be tracked to better control quantities that are being placed and attempt to minimize the impact of the cost to the county. Commissioner Van Beek thinks this is better idea but she also knows that once a party pays there is little chance of recouping any cost.

At the request of Commissioner Van Beek, Mr. Coba said he can contact HC Company today. Additionally, he will get the original contract schedule and substantial completion dates.

Commissioner Van Beek suggested continuing this action to sometime tomorrow.

Director Britton said one of his big concerns is holding up the project and the county being the reason for the liquidated damages. He explained that when a geo-tech study is done it is done more for the foundation work and they go down 15'; it isn't just the top couple of feet to determine the moisture. Additionally, this study was done last spring or summer and since that time they've faced a lot of issues in receiving materials which has put the project behind schedule. He said the quicker this can move forward the better it will be for the county and the project.

Commissioner Van Beek still thinks that Mr. Coba has the best solution. To execute a change order when there is missing information, that is typically not how she moves forward.

Commissioner White noted that since she wants to move forward and Commissioner Van Beek doesn't that the Board is at an impasse. She wondered if it would be an option to get Commissioner Smith on the phone. Commissioner Van Beek said there is still missing information and that Commissioner Smith had the opportunity to attend but was unavailable. Commissioner White expressed her concerns with holding up the project any more than necessary.

Commissioner Van Beek made a motion to continue the meeting and consideration of the action item to January 28, 2022 at 9:30 a.m. The motion died for lack of a second.

The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY DANIEL JOHNSON WITH RIVERWOOD HOMES, INC.
FOR A PLAT VACATION, CASE NO. VAC2021-0002

The Board met today at 10:36 a.m. to conduct a public hearing in the matter of a request by Daniel Johnson with Riverwood Homes, Inc., for a plat vacation, Case No. VAC2021-0002. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Official Dan Lister, DSD Planner Cassie Lamb, Daniel Johnson, Rob Pratt, and Deputy Clerk Monica Reeves. Cassie Lamb gave the oral staff report. The applicant is requesting a plat vacation to remove Plat Note #13 of Summerwind at Orchard Hills Estates #1 and Plat Note #10 of Summerwind at Orchard Hills Estates #2 final plats regarding fire sprinkler requirements. The applicant's property is located at 22876 and 22225 Aura Vista Way in Caldwell, but the request affects all lots within Summerwind at Orchard Hills Estates 1 & 2 Subdivisions. The background of how those notes got onto the subdivision plats is based on the review of the decision made regarding the plat. The plat note complied with Condition #2 of Case No. CU2003-382 and Case No. CU2003-49. The decision was made by the developer at the time to satisfy the water requirements by the Wilder Rural Fire

District. The wording was changed to state there shall be fire connection with at least one well that meets fire district fire suppression standards. Nowhere in the conditional use permit did it state anything about them having to have fire suppression sprinklers. Ms. Lamb stated they have received numerous fire district permits through the building department where Wilder Fire District will not enforce fire suppression on the builders today. The P&Z Commission recommended approval on December 2, 2021. Staff is recommending approval of the request. Following her report, Ms. Lamb and Dan Lister responded to questions from the Board. There was discussion about how in 2006 and 2007 the County was favorable to include those plat notes, but now DSD is now hearing from developers who want to remove the plat notes. Commissioner Van Beek said the County has reached some agreement with the fire districts and the developers on this topic. County code does not enforce the fire code or the international fire code, so we cannot enforce it but the plat note requires us to enforce it and that's why they are recommending developers go through the process to remove them. The County does not enforce them, it's enforced by the fire district if they want to proceed with that. Daniel Johnson is a lot owner of two lots in Summerwind at Orchard Hills Phase 1 and Phase 2 and it was his understanding that up until this point the requirement on the plat notes hasn't been enforced so he's asking for it to be removed. The Wilder Fire District submitted a letter stating, in part, there are no new construction homes in the Summerwind Subdivision installing fire suppression systems and the fire district is not requiring them. They cite Idaho Code, Section 39-4116 stating that all family homes and dwellings up to two units, are exempted from the provisions of the provisions of the international fire code, the international building code, and the Idaho Residential Code that requires such dwellings to have automatic fire sprinkler systems installed. Rob Pratt testified that he is helping someone build a home in this subdivision and last fall it came up that they needed to add the fire sprinklers and so he discussed it with Commissioner Smith. He contacted the subdivision owner/developer (William Dyer) and he said he tried to get the note removed but it required buy in from 100% of all owners in the subdivision in order for it to be removed. According to Mr. Pratt, Mr. Dyer said he tried but he couldn't get all the owners to agree. Mr. Pratt said when he got the building permit he was told he didn't have to do it if the fire district didn't require it, but he was red tagged to install the sprinklers during the course of construction. Dan Lister said over the years there have been many different interpretations from 2006 to 2015, and so the building department would approve some without fire sprinklers, but later on there was an understanding to enforce the plat notes. Staff obtained legal advice which said there does not have to be 100% buy-in to do a plat vacation; they do a certified mailing to all owners within the subdivision giving them an opportunity to provide comment. Unfortunately, Summerwind Subdivision got hit hard with all the different interpretations over the years but now we have a solid interpretation that the plat vacation does not need 100% ownership buy-in to do a plat vacation and we know that anything on a plat has to be enforced by the County. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said this is very straightforward and it falls in line with decisions the Board has made, and she no problem with it. Commissioner Van Beek agrees. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Daniel Johnson with Riverwood Homes, Inc., for a plat vacation for Case No. VAC2021-0002, and to sign the FCOs and the resolution. (Resolution No. 22-008.) The hearing concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 28, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Pure Vita Co. LLC in the amount of \$85,173.92 for Emergency Management

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Yasmin Olivas Martinez, customer service specialist-records; Brett Robert Andersen, part-time deputy sheriff-courts and transports; Scott David McDonald, deputy sheriff

CONSIDER SIGNING THIRD RE-PLAT FOR MUNN RANCH SUBDIVISION

The Board met today at 9:04 a.m. to consider signing the third re-plat for Munn Ranch Subdivision. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Cassie Lamb reported that Zoroco Investments has submitted a minor re-plat for consolidating lots 7 through 9 of the Munn Ranch Subdivision. The currently have a building permit that would not meet the required County setbacks for the existing lots that are currently platted so they have submitted the minor re-plat to consolidate those lots for the future expansion of Zoroco Investments. Dan Lister explained the process; the Director of DSD has already approved the minor re-plat and it has been reviewed and approved by the County surveyor. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the final plat as presented. Commissioner Van Beek signed the re-plat. The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE JANUARY 28, 2022 AGENDA ITEMS

The Board met today at 9:10 a.m. to consider signing the January 28, 2022 agenda items. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, DSD Planning

Official Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing consultant agreement with ARH Archaeology & Architectural History – Mr. Wesley said this is a service agreement that's come through the Board in several phases through a grant application and an MOU through the State of Idaho for the funds. It's for an expansion of the archaeological district around the Celebration Park area. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the consultant agreement with ARH Archaeology & Architectural History. (Agreement No. 22-008.)

Consider signing Waterways Improvement Fund application for Lake Lowell boat storage electrical power and lights for building – Mr. Wesley said this is a second application that comes from Sgt. Roberts from the Sheriff's Office for funding to move electrical power and to install lighting at the Lake Lowell boat storage facility. It has a labor match and Facilities Director Britton has agreed to contribute approximately \$1,200 in labor towards the installation of the electrical equipment. If the application is approved by the state there will be an MOU that follows. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to accept and sign the grant application.

Commissioner Smith asked Mr. Wesley if there are bylaws for the Board of Commissioners. Mr. Wesley said he is not aware of any, but in the County ordinance there are some hearing procedures and that sort of thing but nothing he would describe as a bylaw. Commissioner Smith said IAC has said we should follow our bylaws for hearings and meeting procedures and so she would like to talk about that issue at the next legal staff update and see what the other counties do and possibly add some. Mr. Wesley will see what he can find.

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

CALDWELL, IDAHO JANUARY 31, 2022

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

APPROVED CLAIMS

- The Board has approved claim 581635 in the amount of \$58,173.92
- The Board has approved claims 581591 to 581634 in the amount of \$46,205.18

- The Board has approved claims 581530 to 581569 in the amount of \$259,110.49

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Franklin Building Supply in the amount of \$3,400.60 for District Court Trial Court Administration
- Intermountain Wood Products in the amount of \$13,366.63 for Facilities Department
- Intermountain Wood Products in the amount of \$1,800.21 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Garlene Davis, legal assistant; Eric Arthur, code enforcement supervisor; Elizabeth Allen, Planner III; Bonnie Peters, temporary customer service specialist

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Tony R. Thompson

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:45 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:56 a.m.), Facilities Director Rick Britton (left at 9:55 a.m.), Controller Zach Wagoner, Fair Director Diana Sinner participated via Webex (left at 9:56 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider approving change order for Fair Expo Building for groundwork and excavation:

Commissioner Smith provided a recap of the meeting on Thursday, January 27th regarding this change order. She noted the following from that meeting:

- Commissioner Van Beek questioned the geo-tech report for the soil conditions. Mr. Coba with Paradigm as well as Director Britton responded a couple of times that the geo-tech report is for the soil under the building, not for the surrounding area. This change would allow access to the site and crane capabilities because of late summer/early spring conditions that exist on the site.
- Timeframes were discussed. Commissioner Van Beek was concerned that there was something in the contract that encompassed November to May, that it was a relevant

point, that the geo-tech report stated that the soils were unstable. Commissioner Smith is unsure why Commissioner Van Beek was discounting the previous testimony provided, that the report was for the land under the building, not the land around the site.

- Commissioner Van Beek stated that no one engaged in any discussions on negotiating the price. Mr. Coba responded that he did, that an itemized bid was received from Timbercreek. Mr. Britton confirmed that the bid had been received and that he price-checked county prices and that Timbercreek beat it.
- Mr. Coba stated that his architects and engineers have reviewed and approved of the plan in accordance with meeting the conditions for hardscape and big equipment to operate on the site which is necessary for safety. At that point Commissioner Van Beek asked for a legal review recognizing that the contract was 100+ pages and didn't have the expertise to review it. Deputy P.A. Wesley referenced page 7, section 8.1.1 which specifically states that winter weather condition protections are not included in the contract. It is very clear that those are not included and that a change order could be taken because of that section.
- Commissioner Van Beek referenced a bid set and addendum and MSDS sheets which later were confused with another contract and at some point, the conversation changed to liquidated damages. Commissioner Smith feels that the contract very clearly states that winter conditions are not included and that the county would be liable for some changes to that section.
- Mr. Coba stated that there was some negotiating and that the county could ask for a not-to-exceed (NTE) vs. lump sum contract.
- Commissioner Van Beek went on to say that her dad was an estimator and there are always contingencies; she is not in favor of the county incurring the costs. Mr. Coba recognized there probably are contingencies in the contract but for transparency he does not believe the contract could allow the county to force them to show the sub-contract costs. Additionally, the contract would not allow them to force the county use them. The contract being referenced by Commissioner Smith is a contract that was signed by this Board stating that it's understood it does not include pre-winter conditions.

Mr. Wesley nor Mr. Britton had any additional comments in regard to the summary provided by Commissioner Smith.

Commissioner Smith asked Mr. Britton if he has any opinion on switching from a lump sum to a NTE. He feels that moving from a lump sum to calculating time and material will really only save about \$1500. Additionally, if there are any changes to time and material costs will fall back to the county where if it is just a lump sum charge it will be on HC Company. His recommendation is to stay with the lump sum. He reiterated that this material will be beneficial to more than just the crane, it will also be beneficial to other vendors and contractors. At the completion of the project any unused material will be reclaimed to be used at other county locations or for other projects.

Schedules for the project were provided to the Board and are on file with this day's minutes.

Controller Wagoner spoke about the unanticipated expense. He believes if these costs are associated to site improvement it would qualify for urban renewal funds as the county has not exceeded the amount originally allocated. His recommendation is to submit to Urban Renewal for reimbursement.

Commissioner White made a motion to sign the change order for the Fair Expo Building for groundwork and excavation. The motion was seconded by Commissioner Van Beek and carried unanimously. See agreement no. 22-009.

Consider signing a resolution making reappointments to the Historic Preservation Commission: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to reappoint Dr. Justin W. Vance to 2-year term, Nikki Gorrell to a 3-year term and Bruce Poe to a 2-year term on the Historic Preservation Commission (see resolution no. 22-010).

Consider signing a resolution making a reappointment to the Canyon County Mosquito Abatement District Board of Trustees: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to reappoint Doug Shinn to the Canyon County Mosquito Abatement District Board of Trustees with a term expiring on February 1, 2026 (see resolution no. 22-009).

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

Commissioners Smith and Van Beek attended the IAC Midwinter Legislative Conference at the Riverside Hotel in Boise which was scheduled from 11:00 a.m. to 5:00 p.m.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 1, 2022

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

APPROVED CLAIMS

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

APPROVED EMPLOYEE STATUS CHANGE FORM

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

There were no meetings held this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 2, 2022

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

APPROVED CLAIMS

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

There were no meeting held this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 3, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581787 to 581800 in the amount of \$7,011.00
- The Board has approved claims 581751 to 581786 in the amount of \$60,309.78
- The Board has approved claims 581801 to 581815 in the amount of \$8,914.00
- The Board has approved claims 581702 to 581750 in the amount of \$55,978.12

- The Board has approved claims 581838 to 581881 in the amount of \$99,277.34
- The Board has approved claims 581882 to 581918 in the amount of \$76,515.74
- The Board has approved claims 581919 to 581943 in the amount of \$51,570.56
- The Board has approved claims 581944 to 581966 in the amount of \$40,504.99
- The Board has approved claims 581816 to 581837 in the amount of \$31,429.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

There were no meeting held this day.

FEbruary 2022 TERM

CALDWELL, IDAHO FEBRUARY 4, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

FILE TREASURER'S REPORTS IN MINUTES

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

MEDICAL INDIGENCY DECISIONS

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

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

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

Liens were presented for Board signatures.

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

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

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

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

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

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

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

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

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

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

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

Following discussion with the Treasurer about possible options and Ms. Chipman explaining her situation, Commissioner Van Beek made a motion to cancel the first half taxes, totaling \$136.12, apply the overpayment of \$13.62 to the second half taxes, leaving balance of \$109.04 and

accepting \$10.00 monthly payments in good faith from the applicant until such time it can be determined she qualifies for a PTR and then consider a secondary meeting to reevaluate her case. The motion was seconded by Commissioner White and carried unanimously.

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

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

Commissioner Van Beek made a motion to go into Executive Session at 1:33 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 1:41 p.m.

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

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

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

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 7, 2022

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

MEET AS A BOARD OF EQUALIZATION

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

No BOE items were requested for consideration.

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

COMMUNITY INPUT MEETING

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

The following topics were discussed:

- Kim Deugan from Advocates Against Family Violence speaking on Sexual Violence/assault outreach program
- Safety hazard on some road ways and who is in charge of correcting them
- Star annexation
- Juvenile court system
- Status of Capital Construction fund
- AARP monies

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

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

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

- Reviewed pictures of projects in the process, including the fair expo building, courtroom remodels and morgue/coroner room remodel.
- Review and update of maintenance project list – a copy of the lists are on file with this day's minutes.
- A couple of housekeepers will be retiring in May and June so he will soon have open positions to fill.
- Facilities staff has continued working at the gun range to complete the fencing.
- He is working with the federal government to clean up trees at the lower dam as that is their land.
- Concrete polishing, AV project, pedestrian bridge project, POD 5 roof sole source procurement, Trane Chiller and warehouse project design are all being worked thru with legal.
- Discussion ensued regarding the roof at the animal shelter. It is a 20-year roof and at this point is about 25 years old. Director Britton feels it is imperative for it to be replaced within the next couple of years at the most. He has contacted a couple of contractors to get rough estimates of what it will take to get it replaced but is still waiting to hear back with those estimates. Commissioner Smith recently toured the shelter with Director Britton and noted how cool the facility really is for the animals and inefficiency of the heating. Commissioner Smith is supportive of Director Britton moving forward in collecting estimates and a possible public/private partnership but that the county has some unallocated funds that could be put toward this project as it is a county building that needs to be properly maintained. Commissioner Van Beek feels there is justification for using unspent funds from previous budgets toward this project as it something that needs to be addressed.
- Commissioner Smith asked about Christmas lights and décor. She would to get more information about possible magnetic lights for the courthouse and that perhaps a volunteer committee could be convened to bring some additional holiday spirit to the courthouse campus. She also asked Mr. Britton to find out if any of the courthouse campus is within Caldwell's local improvement district.
- Director Britton has been working with HR in restructuring his department. They are getting close to finalizing a plan that will work well for them and anticipates presenting it to the Board in the coming weeks.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Note for the record: As properly noticed the Board met today at 10:33 a.m. for a meeting with the HR Director. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 10:34 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and HR staff members. HR staff left the meeting at 10:45 a.m. The Executive Session concluded at 11:07 a.m. with no decision being called for in open session.

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

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

- In regard to the recent mediation issue everyone felt it was more just a learning curve. Judge VanderVelde asked that if there are issues related to courts that they are brought to his attention. Commissioner Smith noted it was not a Board decision but was the action of just one Commissioner. Commissioner Van Beek provided an explanation of her perspective regarding how the situation happened.
- Commissioner Smith said that a constituent attended the community meeting today and spoke very passionately about the justice system, specifically where teens are concerned. Judge VanderVelde addressed several questions from Commissioner White about the judicial system and generally about how judges and sentencing operate.
- Ms. Robb sent an email to each Board member regarding the SIM (Sequential Incept Model) mapping workshop being hosted by Judge Petty in March. The workshop will take place from approximately 9:00 to 5:00 on Monday March 14th and from 9:00 to 1:30 on Tuesday, March 15th, taking place at the Nampa Civic Center. Ms. Robb said the Board can decide amongst themselves who will attend.
- Jury trials are still suspended due to the incident rate and due to the health district operating under the crisis standards of care. All other court functions continue to operate normally.
- Ms. Robb offered to tour the Board around the newly remodeled courtrooms.

- They are looking to re-do some of the staff attorney offices to create some additional space and will be coming to the Board with a proposal in the near future.

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

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

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

- CGI is adding three chapters to the video to include education, healthcare and real estate & relocation. The Board suggested they speak with Nampa and Caldwell Association of Realtors for the real estate & relocation portion; for education Commissioner Smith suggested Matt Strong with Elevate Charter School and Commissioner Van Beek suggested that several schools need to be highlighted; and for healthcare the individual systems don't need to be named but to highlight that there are a variety of options including private, not-for-profit and low-income.
- At the direction of the Board the Extension office has contacted Mr. Decker to do a press release regarding the changeover from Jerry Neufeld to Nic Usabel. The Board would like to see it focus more on Mr. Usabel's appointment and background.
- The Board asked Mr. Decker to create a press-release announcing Kim Foster has accepted another position with a Fortune 500 company and what to expect moving forward. He was also asked to work with Facilities on a separate announcement that there are changes coming to the administration building offices.
- Commissioner Van Beek is scheduled to do the KBOI interview this Wednesday. Mr. Decker requested direction as to whether the Board would like to continue with those in light of recent events or pause for the time being. The Board agreed to pause on the interviews until there is some additional clarity on the situation.
- As requested by the Board, Mr. Decker will send the revised scripts for CGI videos.

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

MEETING TO REVIEW PANIC BUTTON PROGRAM

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

MEETING WITH COUNTY CLERK TO REVIEW PROPOSED REDISTRICTING MAPS

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

- Map #1 shows the current districts. The bottom portions show the population number and percentages with District 1 having 36%, District 2 having 31%, and District 3 having 32%.
- Map #2 gives an idea of what it would look like if we evened population out as exact as possible.

- Map #3 is the proposal they are calling Canyon County Commissioner Districts 2022. Population and percentages for District 1 is 33%; District 2 has almost 33%; and District 3 has 34%. District 3 encompasses Nampa and they don't think it will grow population-wise as much as Districts 1 and 2.

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

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 8, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Edward Platt, staff attorney

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

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

The Board met today at 9:08 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

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

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

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

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

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

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Gary Johnston for approval of the Preliminary Plat with irrigation and drainage plans for Eagle Cap Subdivision on Parcels R37463010B1, R37463010B and R37463010C. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Gary Johnston, TJ Wellard, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The development consists of 11 residential lots served by a public road. The subject property is located at 25158 and 25250 Kingsbury Road, Middleton. The average lot size is 1.05 acres, and there are no water rights associated with this property. He gave a review of agency comments. On January 6, 2022, the P&Z Commission recommended approval subject to conditions of approval. Staff is recommending approval subject to conditions of approval as well. Gary Johnston stated there are no other properties under contract, it's just what is shown on the plat. Commissioner Smith asked if he would be amenable to landscaping with a monument sign. Mr. Johnston said he is agreeable to do a landscaped entryway, but it will be dry xeriscape. TJ

Wellard supports the request and was available to answer specific questions. Jessie Christensen testified that Lots 5 and 6 will have a private driveway. He knows some fantastic landscape designer that does xeriscape and he will talk to the developer about them. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek likes the proposal with the addition of a landscaped entry with xeriscape, and she supports the application as presented. Commissioner White believes the project will fit nicely with the area. Commissioner Smith agrees. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the preliminary plat for Case No. SD2021-0033 subject to the conditions as stated on the record. The hearing concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:18 a.m. to conduct a public hearing in the matter of a request by J.A.P.S. of Idaho, LLC, for approval of a preliminary plat, irrigation, grading and drainage plan for Stadium Subdivision No. 2, Case No. SD2020-0027. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Matthew Graham, Jay Gibbons, Marilyn Gibbons, Mike Conklin, Lenny McMorris, Chaney Stotts, Quentin Osborne, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she was one of the original planners on the land use hearing from the original conditional use permit and she is very familiar with the area and some of the concerns the community had in relation to it, but that past experience is not a conflict for approving the technical merits of the subdivision plat today. Dan Lister gave the oral staff report. The property consists of approximately 221 acres and is zoned "CR-RR" (Conditional Rezone/Rural Residential). The subject property, Parcel No. R37887100, is located on the north side of Goodson Road, approximately 986 feet west of the intersection of Wagner Road and Goodson Road. It is not within an area of city impact, nor is it within a floodplain. The conditional rezone is subject to a development agreement. The original agreement was amended in 2007, and the intent of the amendment was to replace and restate the conditions that apply to the development on the subject property. The development agreement allows a maximum of 178 lots with a minimum average lot size of 1.25 acres. The subdivision proposes 136 residential lots with an average lot size of 1.45 acres. It will be developed in three phases. An 8-foot wide equestrian pathway follows along the side of nearly all the roadways within the development. Keller & Associates recommended the plat be approved and the conditions noted in their letter have been added as conditions of approval with the exception of item no. 1 which was remedied prior to this hearing. The property is not located within a nitrate priority area; a pressurized irrigation system will be provided to lots shown on the plat. The remainder of the lots do not have water rights and would have to use domestic well for irrigation. Mr. Lister reviewed the agency comments and letters of opposition from the neighbors. On January 6, 2022, the P&Z Commission recommended approval subject to conditions of approval.

Staff is recommending approval subject to conditions of approval. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

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

Matthew Graham with Horrocks Engineers testified in support of the request regarding the subdivision proposed layout with the different phasing. Access will be off Goodson Road. The developer is planning to provide an 8-foot gravel equestrian trail on the main loop that goes throughout the subdivision. There will be a total of 136 buildable lots. They have been working with agencies to ensure compliance with their standards. The plat meets the intent of the development agreement and provides a compromise to the surrounding land uses. They will work with the irrigation district who is going to tile the canal at a later time. Commissioner Smith said that worries her because studies show in tiling canals water contributes to recharge in the area. Mr. Graham said part of the canal will be rerouted and will be reviewed by the irrigation company and the Bureau of Reclamation. Commissioner Smith does not want a condition requiring the canal to be tiled. She also noted the development agreement says the equestrian trail plan is to be submitted with the master site plan.

Jay Gibbons gave testimony regarding the traffic impact study, canal issues, and the equestrian path. He said the traffic impact study indicated that Goodson Road is in compliance as far as site distances right now with the 20 mph speed limits, however, the roads were not built to standards and so the curves are sharper than they should be. The signage could be strengthened with chevrons and additional 20 mph indication of the speed limit. They are willing to work with the highway district to make corrections. The reason we cannot do it is because there is private property ownership along the curves and to acquire that would require dedication to the highway district and in some cases may require a taking or a condemning of the property to get what is needed to soften the curves. The majority of the property where the lots are located is dry

property, there are no irrigation rights. 20 lots will be affected with pressurized irrigation. They met with the irrigation company several times and they require some of the canals to be tiled or piped. Other portions of the canal that are adjacent to property are not owned by the applicants so that would require them to make a cash deposit based on the estimated value to tile those, but they wouldn't be tiled until the adjacent property was approved. Mr. Gibbons said the locations of the equestrian path are shown on the plan where there are setback easements along the main road, and it goes along all the main roads with entries in two locations on Goodson Road. It would comprise a half circle of where the path would be constructed. Monument signs will be placed on common ground at both entry points. The intent of the equestrian path is for all uses; it would be constructed with base material and road mix material on top, designed for horse use, dirt bike use, walking, etc. It will be dedicated to the public through the highway district and will be open to all people. CC&R's will indicate homeowner care/upkeep for the trail. Commissioner Smith said the plan should give the neighbors a reasonable expectation of what the plan is. Mr. Gibbons said he will supplement the package with the trail plan information. (The Board took a brief recess at 11:38 a.m., and the hearing resumed at 11:45 a.m.)

The following people testified in opposition to the request:

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

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

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

again, but specifically limit testimony to related to the path, unless there are changes submitted between now and then on the entire plan and then we'll re-notice all of it. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue this hearing allowing time for the applicant to develop a trail plan for the Board's review. The hearing concluded at 12:09 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

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

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

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

Commissioner Smith made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (f) regarding personnel matters and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor and Coroner Jennifer Crawford. Clerk Chris Yamamoto arrived at 1:43 p.m. The Executive Session concluded at 2:13 p.m. with no decision being called for in open session.

Following the executive session there was discussion regarding the following:

- Commissioner Smith expressed her appreciation of the Clerk and his departments for their willingness to help in accommodating some of the space needs. Revisions are currently being made in the Admin Building. Director Britton is working closely with a couple of contractors regarding a possible additional building. Additionally, Mr. Britton is getting quotes for the roof on the West Valley Humane Society building and a building to be used for county storage. The remodel of the Coroner's office was done a few weeks ago and her space needs are currently met. In regard to the needs for the jail, Commissioner Smith thinks there needs to be an update from DLR and then a decision on how to move forward. Prosecutor Taylor spoke about how a file room in his office will be changed over to office space as they too are running out of room.
- Commissioner Smith has been working with Nikki Zogg regarding a youth crisis center as there has been an increase in child and teen suicide and attempts. Ms. Zogg is working

closely with the state to take advantage of some of their funding sources. District III would be the first teen crisis center in the state. In addition to state funding sources Ms. Zogg is also trying to work with Ada County as they are having the same issue. Commissioner Smith suggested the possible use of county ARPA funds as there is a direct correlation to COVID. The total cost in year one is \$1.7M. Commissioner Smith and Prosecutor Taylor wondered if the opioid settlement money could possibly be used. Prosecutor Taylor would like to see a breakdown from the health district of what can/will be contributed by other entities and suggested that the state school and hospital building that is currently vacant may be a possible location. The elected officials would like Director Zogg to make a presentation.

- Clerk Yamamoto provided an update on activity during this legislative session.
- Discussion ensued regarding growth within the county, employee hiring and retention.

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

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

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

Consider a refund request by Kyle Cooper for unused fees for a conditional rezone/ordinance amendment: Director Fultz explained this is a project that staff has spent a considerable amount of time on but was withdrawn late into the process. Staff's recommendation is to deny the request for refund. This case was not heard by the Board but had been thru a P&Z hearing and multiple notifications; a record can be built to justify the \$3735 fee that was paid. Commissioner White made a motion to deny they refund request. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-013).

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

Director Fultz updated the Board on the following:

- An agreement has been reached in hiring and engineer and Ryan Morgan will start within the next couple weeks. He has worked with the county the past 5 years as part of an outside agency.

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

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

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 9, 2022

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

APPROVED CLAIMS ORDER NO. 2210

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

There were no meeting held this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 10, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:48 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Case nos. 2022-329, 2022-317, 2022-245 and 2022-333 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

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

Liens and releases of liens were presented for Board signatures.

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

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-1037

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2021-1037. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Attorney Mark Peterson for St. Luke's, Interpreter Delia Gonzalez, Applicant and spouse, Martha Rodriguez and Michelle Torres with St. Luke's and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Mr. Peterson and the applicant and spouse and Board discussion Commissioner White made a motion to continue the case to April 14, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

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

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

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

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

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

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

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

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

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Office Manager Kathy Frost and Deputy Clerk Jenen Ross. The action item was considered as follows:

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

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

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

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

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

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

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

Dan Lister gave the oral staff report. The request includes a development agreement that restricts certain uses and minimizes impacts to the surrounding agricultural areas. The 19.82-acre property is located on the corner of Van Slyke Road and Peckham Road in Wilder. The property was created through a land division in 2006. The area is predominately agriculture with some spot residential zoning. The future land use plan shows this area from the north side of Peckham Road to Simplot Blvd., as an industrial designation. This is commensurate with city of Greenleaf's future land use plan which shows this to be an industrial area from Peckham Road to Simplot Blvd., as well as Wilder, even though it's not in their impact area it shows the connectivity showing a commercial industrial use is designated in their future land use plan. There were four industrial zones approved in 2011 as a blanket rezone to M-1. Similar uses to the area is Valley Agronomics, a seed and agriculture support company across the street, as well as Anderson and Lansing Trade Group's grain facility; and Allendale Produce Company. The average lot size in the location is 34.6 acres consists of best to moderately suited soils. The area is surrounded by large farmland and there is

some sporadic placement of dwellings on lot sizes between two and five acres throughout the area. The property is located within a nitrate priority area and development on this property will have to meet SWDH requirements for that. The applicant has agreed to apply conditions to this knowing it's a transitional area moving into industrial near agriculture. There was a review of agency comments as well as letters of concerns from neighbors. On January 6, 2022, the P&Z Commission recommended approval subject to conditions of the development agreement. Also, any division of this property shall be completed through the platting process due to the concerns of neighbors and the type of development that may come in. This condition provides reassurance that there will be a public review. Staff recommends approval, similar to the recommendation of the P&Z Commission finding the conditions agreed to by the applicant are enforceable and agreeable so staff is recommending approval subject to a development agreement. Following his report, Mr. Lister responded to questions from Commissioner Van Beek regarding uses that are either allowed or conditioned to be in the M-1 zone. He also said Canyon County has an economic development team in the Development Services Department and this is the area they are looking at to bring in ag-industrial uses. It's an up and coming area.

The following people testified in favor of the request:

Tanya Robinson testified she and her husband own the nearly 20-acre parcel and are proposing a development agreement that holds the property in the highest and best use while maintaining a balance between both zoning uses. The rezone will bring orderly development that benefits the public by contributing to economic growth in Greenleaf and Wilder, as well as protect the homeowner on smaller acreage parcels with minimal conflict. The property is designated as industrial on the future land use map within the comprehensive plan and is also within the Greenleaf area of city impact. The property is 120 feet from Valley Agronomics to the south, and the railroad tracks run along the southside of Van Slyke Road along the property for 1300 feet. The parcel is .1 miles to the north from an industrial-zoned grain facility and is also positioned 1.2 miles east of Allendale Produce Wholesale. JC Watson Packing Company is located 1 mile to the west of the parcel and they too have a rail spur connecting their light industrial property to the railroad across the street. It's compatible with the surrounding land uses and arguably more compatible than the current agricultural zoning with more than nine parcels in the vicinity already zoned and functioning as light industrial, with this parcel being one of the few that has an opportunity for a rail spur largely in part to the City of Greenleaf and the City of Wilder considering this as the light industrial corridor. With emphasis on growth and development in the area and away from Highway 19 where travel is at a greater speed with very few approaches onto the highway. The property is currently in alfalfa and last year it yielded 46 ton of alfalfa. After costs to the farmer, they net \$4800 prior to accounting for the irrigation and tax bills. Mr. Lister referred to a shop for ag use, that is a trailer manufacturing facility where they've built horse trailers and enclosed trailers to the south of the subject property. There is no ag use there, it's all light industrial. Her closest neighbor to the east supports her rezone request. The property on the south has hops and she will agree to a 100-foot easement. Ms. Robinson has done a lot of research on noise and she understands the two neighbors who are in opposition moved in across from Valley Agronomics and after the light industrial zoning was in place. She empathizes with the neighbors and wants to see how we can best grow and keep our ag presence alive. She wants to

go above and beyond with a development agreement that takes everyone into consideration. In response to a question from Commissioner White, Ms. Robinson said she contacted Tina Wilson from Western Alliance for Economic Development (WAED) because she knows a lot of the processes and what is going in that area and also because she wanted to get clarification on the highway the corridor. Ms. Robinson does not have a specific plan to share; she said she can't spend the time and resources to go very far without knowing if she has the County's approval. Commissioner White asked what the applicant's preference is for the property. Ms. Robinson said her preference is it stays in the ag industry, but she can't get too deep into that unless she knows it will be approved, but the goal is to have an ag-type business. She lives three miles from the property and she wants to engage in another business. She has spent a lot of time putting the case together and she is empathetic to those who live nearby and have questions and she is doing her best to consider all of that and do the best she can with it. She intends to retain the property and own a business on the property. Additional Board questions followed for Ms. Robinson and staff regarding roads, access, noise levels, and the rail spur.

Tina Wilson, the executive director for the Western Alliance for Economic Development, testified WAED, she has been working with the Cities of Greenleaf and Wilder since 2007 and around 2010 those two cities commissioned a Peckham Highway Corridor Report and did a feasibility study and at that time it was sponsored by the two cities and the County took a look at what it would be for an industrial corridor. Five years ago, WAED worked with the Golden Gate Highway District on a grant to improve the highway corridor and they received federal grant, coupled with state and local funds, to rebuild that highway to more readily handle traffic. The federal grant was to improve the intersections, one of which is Van Slyke and Peckham, to make sure it can handle any type of freight or ag trucking traffic. The Peckham Highway from Highway 95 in Wilder to Notus Road on the east side of Greenleaf is the corridor in question and they have a grant that's rebuilding that road and the intersections in order to become a higher quality freight corridor. It was intended for this area to be industrial in supportive of our ag community. Ms. Wilson said she has not shown the property to any potential buyers. Following her testimony, Ms. Wilson responded to questions from Commissioner Van Beek regarding demands for city services.

The following people testified in opposition to the request:

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

Lee Brawley testified he lives directly to the east of the subject property and he, along with six other landowners, are opposed to the rezone request. He supports the comprehensive plan policies which relate to the protection and preservation of agriculture. Mr. Brawley is concerned about the loss of farm ground, and the unknown plans for the subject property, and the

devaluation of his property. He believes there are inaccuracies in the staff report, specifically the statement that staff finds the request is more appropriate than the current zoning designation, and that they believe it will not negatively affect the character of the area.

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

Rebuttal testimony was offered by Tanya Robinson. There is not enough acreage for a transit center or a truck terminal and she would be happy to put that in the development agreement that it's not an applied use. She asked Mr. Calverley if there were any specific uses he would like to see removed or that were of grave concern to him, and said she would be happy to work with him on that but he had no response. If there is a specific use the neighbors are concerned about she is empathetic to that. The development agreement has been carefully prepared and they are saying it will be an ag-type business promoting the growth that fits with the comprehensive plan, and the area of city impact with the City of Greenleaf. She cannot say what business is coming; there are 40 different uses, but she cannot speak to an investor because she does not have the property zoning. She has done everything the County has requested and taken to heart what previous requests have gone through in order to make it as transitional as possible and still meet everybody's goal. A 20-acre parcel is not big enough to truly farm; she contacted four farmers and no one would touch it, but a friend of a friend talked someone into farming it for a year. She believes the majority of the opposition is about the unknown and she has done as much as she can to make it known that when more information becomes available the neighbors would know about that. She has not done anything to market the property as industrial. Following her testimony, Ms. Robinson responded to questions from the Board. She bought the property as an investment for the long-term and she intended to learn a lot, but that does not mean they won't bring in an investor. They have to bring in somebody with more money to finish a development depending on what it ends up being, but the Robinsons want to have a big part in it. She does not expect to sell it to a developer for commercial properties, the intention is more of the retirement side of things. There is a natural flow to go to light industrial since it's right across the street from her property and there are nine (9) light industrial properties within 1.5 miles. There is farmland to the west, and some acreage with residences but her property is not surrounded by farmland. Ms. Robinson said some of the neighbors purchased their acreages/residences from previous owners who knew the area was light industrial. At the request of Commissioner Van Beek, the Board took a recess at 3:17 p.m., so she could review the land use matrix with staff (exclusions for the agricultural zone and the light industrial zone and see what's left). The Board went back on the record at 3:35 p.m. after Commissioner Van Beek met with Mr. Lister. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek finds both the applicant and those in opposition have made good arguments and the applicant has done a very good job trying to be considerate of what's in the area and is willing to look at additional items if they were defensive to those in the area. It's been expressed by those in attendance that the most difficult part of this are the

unknowns associated with it. The application has merit but it would be supported at a greater level if there was an understanding of what the applicant is looking at and so for the issues for services, and things that may or may not be allowed out there she would like to see this project put on the market and brought back with a plan. For instance, for the retail portion of this the exclusions are banks, hotels, motels, and restaurants, but offices and microbreweries were left in. She understands it could potentially be an ag selling point; would it fit in? She doesn't know, it would be a different use, a use that would be allowed in the M-1 zone but not allowed in the ag zone. The other selling point for the M-1 portion is the light manufacturing, assembly, testing and/or packaging, a lumberyard, manufacturing assembly, fabrication, processing, packaging, repairing or storage. Those are great selling points in the light industrial zone that would bring benefit for the applicant but we are evaluating what the impact to the surrounding area is so the concession is that she likes the applicant's presentation and partnership in working with the Western Alliance for Economic Development. Even with some of those exclusions there are still a lot of uses that could happen in the ag zone and this is one where we are just weighing out the pros and the cons. If denied it will go to a second hearing and hopefully there could be more information that would inform the Board on a transition area with ag ground. It's not that people don't have a right to develop, this is a change in land use. It was owned by an investor before this so if there was interest for light industrial in this area it seems we could get something that could be brought before the board that would help tip the scale. Commissioner White said she respects that this is an investment property, but she wants to know what use is being planned for the property because there are too many unknowns and therefore she will not be supporting the request for a conditional rezone. Commissioner Van Beek said because the Board does not know what will be going on the property it cannot mitigate for something it doesn't know exists so that is a condition that could alter the findings of facts. Regarding access to the property, she heard it goes along Van Slyke Road and she has heard Peckham Road is not improved. If there were certain businesses that were allowed to come in there would need to be a subproposal of mitigation or assistance in the roadway for that area. It's not that the proposal is a poor proposal, there are some unknowns that are not tipping the scale to allow us to say yes given the arguments that have been put on the record about what's already there and potentially changing the nature and character of the area that would make it difficult going as a transition area from large-scale ag. There is support on the M-1 that's across the street so she thinks the applicant is on the right trail, but because Ms. Robinson is a realtor she might be able to find someone to help alleviate some of those issues and mitigate some of that. Tina Wilson said there are some premises that are so off. Commissioner Van Beek said the Board has weighed the evidence that has been presented by both sides. Commissioner White made a motion to deny the request for a conditional rezone for Case No. RZ2021-0042. She said the Board let the applicant know what it wants going forward and how this could possibly be worked out. The motion was seconded by Commissioner Van Beek and carried unanimously. A second hearing will be necessary because the Board's decision is different from the P&Z Commission's recommendation. The hearing concluded at 3:49 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 11, 2022

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

APPROVED CLAIMS

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

There were no meetings held this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 14, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

APPROVED OCTOBER 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of October 2021 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved

was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

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

The Board met today at 8:48 a.m. with the County Clerk to review proposed redistricting maps and to consider a resolution approving the 2022 Canyon County Voting Precincts. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Election Supervisor Haley Hicks, Elections Specialist Brandi Long, Aidan Lorenz from the Elections Office, Deputy PA Doug Robertson, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Board reviewed three large maps the Elections Office prepared and there was discussion about how staff tried their best to follow school district boundary lines and do some clean-up and eliminate the large margin for ballot faces. They also condensed some of the precincts on the outskirts into one precinct. Due to the way the legislative district boundaries were drawn some of that was not avoidable. We went from 64 precincts to 51 precincts. The other aspect they had to look at was some locations no longer wanted to participate. They want to make sure nobody has to travel outside a 15-mile radius to their locations. Clerk Yamamoto said we currently have zero early voting locations. O'Connor Fieldhouse, which was used in the past due to COVID, is not available for the two weeks of early voting so they are trying to find other locations, hopefully one in Nampa and one in Caldwell. Clerk Yamamoto said staff has put in a lot of manhours on this project and although it's not ideal, it's better than we have had the last 10 years. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution approving the 2022 map of Canyon County Voting Precincts. (Resolution No. 22-016 contains the map showing the 2022 proposed precinct boundaries.) The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

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

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

The following topics were discussed:

- Reviewed numbers of up-to-date open case numbers – averaging 1 new open case a day
- Update of litigation cases

- Progress of moving office process - Request for a shutdown of the DSD office on Thursday and Friday for move of office: Commissioner Van Beek and Smith are both in support with request that Staff work with Joe Decker on a notice to the public
- Update on new staff/new hires
- Flood plain/FEMA update

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

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

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

The following topics were discussed:

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

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

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

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

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

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

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

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

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

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

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

The Board met today at 11:01 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of IT Greg Rast, Project Manager Shawn Adamson, Business Analyst Terrence Martinez and Deputy Clerk Jenen Ross. Director Rast reviewed the following with the Board:

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

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

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

The Board met today at 11:37 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker reviewed the following with the Board:

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

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

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

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

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

The Board met today at 1:36 p.m. for a continued public hearing in the matter of a request by Russ and Vicki Elsberry for a comprehensive plan map amendment, conditional rezone and short plat for Berry Acres Subdivision, Case Nos. OR2020-0009, CR2020-0013 and SD2020-0041. Present were: Present were: Commissioners Keri Smith, Pam White, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, Deputy PA Zach Wesley, Mark Bybee, Russ and Vicki Elsberry, David Ferdinand, and Deputy Clerk Monica Reeves. The Board heard the request on January 18, 2022 and tabled the case to allow time for the applicant to work with staff and allow negotiation of the development agreement conditions, as well as allow time for staff to answer questions with legal counsel. Elizabeth Allen summarized the staff report and since the last hearing staff has worked with the applicant and the PA's Office on the development agreement where condition #6 was added to include language that a golf course and a planned unit development are not permitted. Staff did not add language to restrict further development. Staff found the comprehensive plan map amendment and the conditional rezone requests do not comply with the criteria outlined in the County code. The preliminary plat does meet County code and Idaho Code requirements;

however, staff is recommending denial due to the recommendation of denial on the other requests. The P&Z Commission recommended approval of the requests. Commissioner Smith said the development agreement states on condition #2 that the property shall be developed into a maximum of three residential parcels. Ms. Allen said it would restrict development to the three parcels as long as they didn't modify the development agreement to remove that. Commissioner Smith said that was part of the conversation we were going to have with legal counsel. Deputy PA Zach Wesley said the local land use planning act does allow people to come back and later rezone, or modify their conditional use permit or development agreement and so we tend to shy away from making those sorts of commitments without noting in the language the process that would be required in order to make the change so we have tended to say this cannot be changed without modification of the development agreement or rezoned. Commissioner Smith said we don't want to take away the property right but they have to start again with switching it from a conditional rezone to a rezone, not just allowing them to apply for a development agreement amendment for the change. If they want additional parcels beyond the three they would have to go through the rezone process again and not use a modification. Mr. Wesley said we can have that as a statement of intent to have in the development agreement, but without changing our zoning ordinance they could still go back and modify the development agreement. Mark Bybee said he sent edits to the planner with proposed changes that accomplish exactly what we are talking about, but he never saw what changes were made to the draft the Board is reviewing today which is concerning. He provided language that gave the very restrictions the Board is asking for and now he's being told it cannot be done. A landowner can agree by development agreement to put more restrictions on the parcel than the ordinance requires so he is baffled. On Condition #2 he added the following language: These parcels cannot and shall not be further divided unless and until one or more of the following events occur: 1. The property is completely rezoned and not merely conditionally rezoned; 2. The property is annexed into a city; or 3. This development agreement is amended or terminated by subsequent agreement between the parties or by county action. Further, the developer shall not be entitled to pursue an application to amend this agreement unless a complete rezone of the parcel has already occurred, or a rezone application is submitted and granted contemporaneously with the application to amend this agreement. Commissioner Smith thinks the language sounds good. On Condition #3, despite receiving a rural residential conditional zoning designation, the parcels shall not be entitled to all uses for the rural residential zone as specified in the zoning and land use matrix, and CCZO 07-10-27. The following rural residential uses from the said matrix, though normally permitted, including those that may be permitted by conditional use permit or Director administrative action are not permitted at the parcels: A. golf course, B. planned unit developments. Condition #4 the following, though normally limited to agricultural zones as specified in the zoning and land use matrix, are permitted on these parcels in the same manner as they are permitted in an agricultural zone: A. Agriculturally related activities (permitted use); and winery, distillery, brewery (requires approval by Director administrative decision). Commissioner Smith asked if he wanted to still have some flexibility that the agricultural zone allows what the rural residential zone doesn't. Mr. Bybee said yes, since they are trying to keep this in as much agricultural production as possible and state code and other codes would not restrict this, but from what Mr. Wesley has told him it sounds like there is a Canyon County ordinance that says you cannot do that. He could see it perhaps for pulling from more dense uses like higher-density ones and saying rural residential cannot pull R-1 uses, but pulling in for the less

density uses seems like an odd restriction, although he can see how it could be abused. Mr. Bybee is asking for agriculturally-related activities and winery, distillery and brewery which requires a Director administrative decision. Commissioner Smith said we could do an ordinance amendment in general that would allow that in the R-R zone. Mr. Bybee said or there could be an ordinance amendment that says for development agreements you can make changes that pull uses from the less dense zones. Commissioner Smith agrees with Mr. Wesley that we should leave it off, but we should work on it and fix it. Commissioner White asked if he sees anything in the rest of the conditions that would not be compatible. Mr. Bybee said no, not with the conditions and edits he has proposed. The only one he is proposing to change is the County's Condition #4, no secondary dwellings are permitted. If the Board is willing to leave it as whatever code allows and not have that condition he is fine with that. Commissioner Smith asked him to email his proposed condition to staff, and said we will add the proposed language for Condition #2 which would add the additional restriction for rezoning, and the secondary residence thing is not in there. There is no golf course or PUD's. The other issue is more of a zoning ordinance amendment coming from her end. The Board should consider those two uses in rural residential and how they best fit for everyone, not just this development. Elizabeth Allen said those uses are something we can work on with the comprehensive plan update afterwards. Mr. Bybee said there are some blanks in the notes on the final plat because they were going to record easements and he didn't record them until they knew they were actually going to have something here. Commissioner Smith said we need to hold the subdivision and process the short plat at a separate hearing in order to give the applicant time to update the development agreement conditions and obtain the required signatures on the final plat. Today's decision will be on the comprehensive plan map amendment, conditional rezone, and development agreement. Mr. Bybee said a cleaner way would be say the Board is not approving the subdivision plats today. Commissioner White made a motion to approve and sign the FCO's, resolution, and ordinance for Case Nos. OR2020-0009 and CR2020-0013. The development agreement and final plat will be convened for later signature. Commissioner Smith said the FCO's that are included are for denials so she suggested an amendment to the motion to direct staff to update the FCO's and the development agreement that support an approval and incorporate the comments from today's hearing into the development agreement and obtain signatures. Commissioner White agreed, and the amended motion was seconded by Commissioner Smith and carried unanimously. The short plat hearing will be rescheduled when staff has all of the information completed for the short plat. Mr. Bybee said they will need to request another hearing to get the matter on the calendar. The hearing concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:04 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director of Development Services Steve Fultz and Sr. Administrative Specialist Terri Salisbury. The following topics were discussed:

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

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

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

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

MEETING WITH COUNTY TREASURER TO CONSIDER CASUALTY LOSS APPLICATIONS

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

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

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

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

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 15, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

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

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

Consider signing notice of intent to grant surplus property to the City of Melba Fire Department:

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

Consider signing legal notice of intent to enter into personal services contract with Agnew Beck Consulting, Inc. and consider signing independent contractor agreement – Canyon County Parks, Open Space and Pathways Plan with Agnew Beck Consulting, Inc.: Director Schwend gave an overview of what Agnew Beck will be doing and provided a handout which gives a background of the project and the scope of work. The handout is on file with this day's minutes. Director Schwend also answered several questions regarding collaboration with other open space and pathway plans such as Caldwell and Boise, budget and GIS mapping of pathways. Ms. Schwend and Ms. Barbour noted that portions of the scope of work will be completed by Parks staff so the originally quoted amount in the handout is reduced in the contract. Commissioner Van Beek made a motion to sign the legal notice of intent to enter into personal services contract with Agnew Beck Consulting, Inc. and the independent contractor agreement – Canyon County Parks, Open Space and Pathways Plan with Agnew Beck Consulting, Inc. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 22-011).

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

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

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

and Director of Misdemeanor Probation participated from 9:20 a.m. to 9:30 a.m. The Executive Session concluded at 9:54 a.m.

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

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

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

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

MEETING TO DISCUSS TRANSFER STATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MEETING WITH COUNTY TREASURER TO CONSIDER CASUALTY LOSS APPLICATION

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

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

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

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

The Board met today at 2:38 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Note for the record: As properly noticed the Board met today at 2:38 p.m. for a monthly meeting with the Public Defender. A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

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

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

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

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

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

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 3:00 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner and Facilities Director Rick Britton. Director Britton left the meeting at 3:12 p.m. The Executive Session concluded at 3:23 p.m. with no decision being called for in open session but Commissioner Smith did note that there is a personnel issue that needs further action. The Board would like to invite the County Agent and Pat Momont with the University of Idaho to a meeting to address the issues.

At the request of Commissioner Smith, Director Sinner spoke about the issues happening with the Owyhee County Fair and the 4-H kids being displaced. Owyhee County changed some eligibility for 4-H and FFA members. Some Canyon County residents that are Owyhee County 4-H or FFA members have been denied entry. In January Director Sinner proposed to amend the rule to state *'4-H and FFA members that are Canyon County residents but not members of a Canyon or Ada County 4-H Club or FFA Chapter and denied entry to the Owyhee County Fair would be allowed to exhibit at the Canyon County Fair. Proof of Canyon County residency and proof of Owyhee County Fair denial would be required'*. This was presented to the Canyon County market livestock sale committee in January and it was approved although she has not seen copies of their minutes so she's not sure it's official. There was also a change request received from Canyon County Extension that wanted to amend that rule to not include 4-H members, they are asking that Owyhee County 4-H members become members of a Canyon County club. Director Sinner said they would like to keep the rule as amended to include 4-H mainly because of the timeframe, the beef weigh-in is in

18 days and they are concerned that kids will not find a new club in the short timeframe. Additionally, after being told they can't show at their fair they don't want to ask them to join another 4-H club, the fact that they are in a 4-H club in Owyhee County is sufficient for them to show at the Canyon County Fair. The club enrollment deadline was October 1, 2021. Commissioner Smith said she is good with reaffirming, a lot of groundwork has been done by Director Sinner, there is an MOU with the University of Idaho and County Agent for 4-H that outlines the joint work between the two organizations in regard to the fair which clearly states that the fair has the final decision related to entries. The Owyhee County Fair is overseen by a Fair Board who do not answer to the Owyhee County Board of Commissioners and Commissioner Smith noted that they are allowing Melba kids (which are Canyon County residents) to stay but the other Canyon County kids were denied entry. Commissioner Van Beek expressed her support of Director Sinner moving forward and affirming the decision of the Board to meet with the University of Idaho Extension office. Discussion ensued about how the current position of the extension office is contradictory in how they are allowing Ada County kids to participate. Director Sinner said that there is currently an exception for Ada County 4-H and FFA members. State 4-H policy is that you have to be a member in the county where you exhibit. Director Sinner and Commissioner Smith feel that a Canyon County kid should take precedent over an Ada County kid. The Board is supportive of Director Sinner's plan and directed her to move forward as presented. A new Facebook page has been started for livestock exhibitors.

An increase to the gate fee has been discussed in the past and Director Sinner would like to increase each fee by \$1.00. Mr. Wesley spoke to each of the fees, most of which have remained the same for a number of years and are due for a reevaluation. There are also ticket fees for the mainstage concerts as well as other internal pricing of items provided by the county such as alcohol sales. Mr. Wesley suggested there be a yearly resolution prior to the fair once the hard costs are known. Commissioner Smith expressed her concern about the cost of beer being too low, in-turn causing an abundance of consumption by some. Director Sinner would like to see the admission fee addressed now but for concerts there are a couple of approaches – there can either be a flat fee for every seat regardless of the artist or seating can be charged based on the level of the artist. She thinks that there will be three resolutions - gate fees, internal item/alcohol sales and mainstage concerts. Discussion ensued as to whether the county sets prices on other merchandise. Director Sinner also asked if something can be done in offering promotions, Mr. Wesley thinks that is something that can be incorporated into the resolution.

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

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 16, 2022

PRESENT: Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

APPROVED EMPLOYEE STATUS CHANGE FORM

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

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

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

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 17, 2022

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

APPROVED CLAIMS

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

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

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

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

Liens and lien releases were presented for Board signatures.

Consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of indigent files and records: Director Baker explained this is a yearly resolution and the files are from 2016. Upon the motion of Commissioner Van Beek and second by

Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of Indigent files and records (see resolution no. 22-020).

The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

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

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

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

Commissioner Van Beek asked Mr. Wesley about documents that were received from ACHD relating to potential impact fees to be implemented by the county and Highway District No. 4. Mr. Wesley provided a recap of the information noting that he has spoken with Mr. Gigray about revisions to documents but that it may be several weeks before they are received back.

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

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

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

unanimously to approve the final plat for LS Ranch Subdivision. The meeting concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION - EQUALIZE 2021 MISSED AND TRANSIENT PROPERTY ROLLS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:21 p.m. to equalize the 2021 missed and transient property rolls. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Admin. Property Appraisal Supervisor Greg Himes, Senior Systems Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Assessor Stender provided a handout titled 2021 Abstract by Category – Missed Supplemental & Transient - for real property and personal property as well as exemption breakdown. There were no appeals on these rolls; this is property that either was not here on January 1st or had an exemption and lost an exemption mid-year and thus became taxable mid-year moving forward. This is final year for the transient property roll as last year's HB 389 eliminated transient roll property and right now they are reviewing what equipment is truly transient. There is also a bill in the legislature that is expanding the definition of *transient*, so his office is watching that. Primarily, the bulk of the values are going to be exempted from the roll and there is no replacement money for that so the taxes paid by the transient roll accounts will now be shifted to other property owners. It is not a large portion of Canyon County's overall assessment pool. In other counties it is a larger portion, some of the smaller counties have a large portion of transient property and that will make a bigger difference to those counties. Assessor Stender noted there were two cases before the Board of Tax appeals; one has been heard and the other was for a large facility in Nampa that came online January 1st for its first full year as taxable. A very large value was appealed but the Assessor's Office came to an agreement and adjusted the value by \$200,000 on property where the overall value was above \$200 million. Commissioner Van Beek made a motion to accept the missed supplemental and transient tax roll 2021 abstract by category for real property, and personal property, and the exemption breakdown as presented by the Assessor. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 18, 2022

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

There were no meetings held this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 22, 2022

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

APPROVED CLAIMS

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

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

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

The Board met today at 9:10 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley (arrived at 9:25 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:18 a.m.), Facilities Director Rick Britton and Deputy Clerk Jenen Ross. The action items were considered as follows:

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

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

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

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

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

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

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

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

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

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

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

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Martin Maestrejuan for a comprehensive plan map amendment, conditional rezone, and preliminary plat approval for Flying Arrow Subdivision, Case Nos. OR2021-0027, CR2021-0010 and SD2021-0049. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Katie Phillips, Martin Maestrejuan, TJ Wellard, Teo Maestrejuan, Kurt Smith, and Deputy Clerk Monica Reeves. Janice Cone and Bertha Cone were allowed to participate via conference call due to the snowy road conditions this morning. Commissioner White disclosed that Kurt Smith has done work with her husband, but she has no financial interest in this case. Commissioner Smith disclosed she knows the applicant and they had two conversations about a potential case and the process, but it was prior to him making application for this case. Katie Phillips gave the oral staff report. The subject property is designated as agricultural on the future land use map and the primary designation within the vicinity of the site is agricultural. The property is located within Homedale's area of city impact. The applicant is requesting a comprehensive plan map amendment to change the designation to residential. Two parcels to the west were conditionally rezoned to rural residential to allow the property to be divided into two residential parcels. Within one mile of the site there are seven platted subdivisions with a total of 48 lots and an average lot size of 1.09 acres. Previous versions of the preliminary plat depicted 11 lots, however, an adjustment was made to the lot with the existing home and instead of one 4-acre lot the plat now shows two 2-acre lots. Ms. Phillips provided a review of agency comments as well as letters of concerns from neighbors. The P&Z Commission recommended denial on January 6, 2022, and staff has found the request does not comply with the criteria for the comprehensive plan map amendment and conditional rezone and is recommending denial. The plat, as proposed, does comply with the Canyon County Zoning Ordinance and state law, however, the comprehensive plan map amendment and conditional rezone must be approved in order for the plat to be approved. Following her report, Ms. Phillips responded to questions from the Board.

Testimony in favor was as follows:

Kurt Smith, the project engineer, testified about the technical details of the proposal. They have worked with the City of Homedale who has requested the applicant include curb and gutter in the development and so the plat references the requirements for curb and gutters. He disagrees with staff's conclusions for denial. The requests meet the requirements for property rights policies, population goals and policies, economic policies and goals, land use policies, and residential policies. The area has been identified as a residential area and there is a demand for small

acreages of this type. They have met agency requirements, and they are seeking a waiver of streetlights. The proposed two-acre lots are compatible with the area. According to Mr. Smith, the old comprehensive plan map is outdated and the new comprehensive plan map is more consistent with the nature of the area. Commissioner Smith said the Board has not reviewed or approved the new map and so it cannot be considered. Commissioners White and Van Beek accepted Exhibit #12 (the draft map) into the record. Commissioner Smith was opposed to the acceptance of the exhibit.

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

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

Testimony in opposition was as follows:

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

Rebuttal testimony was offered by Kurt Smith. The city wanted the applicant to install curb and gutter in the development but they didn't require them to tie into their water system. The property is in the impact area and the proposed lot sizes are compatible with the area. Emergency response services are in place; there is no evidence this proposal will impact services. Mr. Smith said they did not consider tying into Homedale city services nor did Homedale request it. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the recommendation from the P&Z Commission. The City of Homedale and the Canyon County Comprehensive Plan still designate this as agricultural ground. Commissioner Smith asked if the Board wants to continue

the case until the future comprehensive plan map is adopted? She doesn't know what transitional agricultural means, and, we could also ask for specific information from the City of Homedale on the use of the city property and the connection to services and get more research on emergency services, and allow more time to see what happens in the future. Commissioner Van Beek said that's a fair request and her concern is that the applicant does not have to start over and go back through the process. Dan Lister said the only concern is the application was to be an old application under the current comprehensive plan and the Board could allow him to reapply and waive the fees. As the comprehensive plan gets adopted we also have to update the ordinance based on the new areas and there are number of new areas they are proposing so it might change the outlook a bit. It will take time to do those ordinances that would reflect those changes and how we regulate those areas so it may not be a quick turnaround for the applicant. Commissioner White asked about EMS response times. During the Board's deliberation Commissioner Smith said she is open to a continuance and hearing more about EMS and whether there is water availability to the property. Also, connection to city services is important for future growth and providing city services would be helpful. There is some limbo with the Owyhee County Fair where they have declined to allow Canyon County kids in their fair even though they go to Homedale schools. If they want growth in this area they need to be a part of providing those services. Commissioner White said this is a transitional piece and the lot sizes are compatible with the area. She is not comfortable asking the applicant to wait six months to a year to proceed with his application. Commissioner Van Beek wants to obtain additional information because there are missing pieces to the puzzle. Commissioner White is in favor of getting additional information from EMS and health and safety agencies. Commissioner Smith said she hears an option to continue the hearing for additional information on EMS and facilities that are available, and she would like additional information on the collector, and on the zoning amendment criteria G, and if those types of roads are appropriate for rural residential development in the area. She also wants to know what the City of Homedale is intending for water in the area, including connections. Commissioner Van Beek would like information on the properties that are between Ustick Road and the southern portion of the subject property. She would also like the City of Homedale to look at the subject property and provide feedback. Commissioner Smith said the applicant indicated the property is in a nitrate priority area based on the study so we need clarification on the nitrate area. She also wants to see a response from the Homedale School District regarding capacity. Commissioner Van Beek wants feedback at a greater level on the nutrient pathogen study that was performed. Commissioner Smith said a continuance will allow the applicant to provide details and give Kurt Smith more time to review the Atlas report. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to March 16, 2022 at 2:30 p.m. in order to accept information and testimony related to the items discussed today. The hearing concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 2211

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

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

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

- Construction and moving of the HR department has begun. Each of generalists are in offices but they still need to get Ms. Ahlstrom and Mr. Soto set up. Ms. Allen also noted that she would like to leave the work from home option open in case the construction noise becomes too much. Discussion ensued regarding the outside entrance that was once used by DSD and what will be done will be done with that.
- All other things are going well and the team is settling into the changes that have happened recently.
- Commissioner Smith said she spoke with Deputy P.A. Zach Wesley yesterday regarding legal guidance on a County Administrator vs. Chief Operating Officer. Once the Board has had a chance to discuss they will determine which direction to go.
- In response to a question regarding the budget, Commissioner Smith suggested Ms. Allen review the budget in PowerPlan and determine any needs for the department. The Board is supportive of this suggestion. Ms. Allen has a SHRM certification that needs to be renewed. Commissioner Smith said that is fine to pay for from the HR budget and encouraged the department to continue with any scheduled trainings already planned for in the budget. Commissioners Van Beek and White concurred with Commissioner Smith.

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

The meeting concluded at 9:14 a.m. Audio recordings are on file in the Commissioners' Office.

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

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:04 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Keri Smith and Leslie Van Beek, Director of Development Services Steve Fultz, Controller Zach Wagoner (arrived at 10:07 a.m. left at 10:38 a.m.). The Executive Session concluded at 10:38 a.m.

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

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

- Current ongoing Economic Development site visits.
- Urban Renewal follow-up. The Board would like a webpage created for the public to answer question and provide information about the new Urban Renewal area. Some of the listed information they would like on it is some statistics about public resources that get used in Urban Renewal areas, how it effects residents' taxes, and how it benefits the area even to those not living in the taxing area.
- Director Fultz is still working with Zach Wesley on the resolution the increase of fees.
- Last open house today for comprehensive plan.

- There is a legislative luncheon tomorrow that Director Fultz and staff will be attending.
- Update of open positions and pending offers and movement of positions within the department.
- The office move is going well and once all open positions are filled the office will still have room for at least one more desk. Some of the work stations are large enough that if needed they could double up.

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

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

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

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

Dan Lister gave the oral staff report. Canyon County entered into area of impact negotiations with the City of Star to establish an area of city impact (ACI) boundary which extends into Canyon County. The purpose of the amendment is to recognize recent annexations and add areas where city services have been expanded. The main purpose is to identify where future annexation into a city is anticipated. An ordinance is also requested to establish land use regulations within the impact area. In accordance with Idaho Code, Section 67-6526, a Committee of Nine was formed which contained three elected city officials, the county commissioners, and three residents of the city or county. The Committee of Nine recommended approval of the proposed impact area map and ordinance. If the city and county fails to enact ordinances provided for in the ACI plan and

ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the ACI and plan and ordinance requirements. The proposed Star ACI overlaps the City of Middleton's ACI; Middleton's eastern most impact boundary is Can-Ada Road. Idaho Code Section, Section 67-6526(c) addresses disputes between cities that have interest in overlapping areas and in this case a city makes a request to the county to resolve the dispute and within 60 days the county commissioners recommend adjustments, and the city conducts a public hearing process to consider the recommendation and if the city objects to the county's recommendation the county holds an election within the disputed area in which residents in the area are asked which area of city impact they desire. The county submits the results of the election to the city. The area being requested by the City of Star that has been negotiated is up to Kingsbury Road west of the boundary line of Can-Ada Road. Star has annexed properties into the Canyon County area. Middleton and Star have both annexed properties up to Kingsbury Road. Canyon County's Future Land Use Map designates much of the property within the area as residential. The county's future land map applies within the impact area. On January 19, 2022, the P&Z Commission recommended denial of the request. Mr. Lister reviewed the exhibits received thus far and following his report, he responded to questions from the Board. Commissioner Smith said Star had a larger impact area that they had adopted previously which the county had no knowledge of and then the city reduced its impact area.

Deputy PA Zach Wesley said the question about adequacy of the P&Z Commission denial is moot as it's just a recommendation and the Board will conduct a hearing and take additional evidence and issue a final finding and adoption of the ordinance, potentially. If there is an error it will be cured by whatever this Board does. Adoption of the county and city area of impact is a mandatory procedure under the Local Land Use Planning Act, Idaho Code, Section 67-6526. Any information you've heard about other pending litigation or comment on prior or future annexations it's important to remember that absent all of that happening, the county and city still have an obligation under the law to enter into an area of impact agreement and to have this boundary plan and requirements as part of the land use ordinance. The Committee of Nine process is not necessarily required under the law – the county and city initially have the opportunity to negotiate these plans and boundary and requirements and to institute those. Canyon County sent a demand for compliance under Idaho Code, Section 67-6526(b) and the went through the Committee of Nine proceedings and had the recommendation on the map, plan, and ordinance before the Board today. There is a procedure in place if the county or city failed to enact those recommended ordinances so if the county or the city fail to enact the Committee of Nine recommendation then either the city or the county can seek a declaratory judgment from the district court which would identify the boundary plan and ordinance requirements. With regard to the Committee of Nine decision, Commissioner Smith said two Commissioners were not in favor of the proposed boundary, but the majority of the committee supported it. She asked what if the Board wanted to adopt a different boundary. Mr. Wesley said if the City of Star was in agreement and willing to negotiate a different boundary we could do that, but if Star doesn't agree we are back to the scenario as if we said no. Commissioner Smith said if we said no and a judge finds in favor of Star, for example, it will still overlap Middleton's existing ACI and if the two cities cannot negotiate, it will go to a vote and a "No" vote just adds in an extra layer and time with a judge. Mr. Wesley said if a district court would decide the Star ACI in Canyon County, it wouldn't

have the authority to change Middleton's so we would be back to a decision by the voters and if no agreement could be made on the overlapping impact area, assuming the court creates an overlapping area. There was discussion regarding enforcement of agreements and ordinances, and the negotiation process. Commissioner Van Beek asked if we can have a negotiated discussion with a mediator to facilitate that. Mr. Wesley said yes, a negotiation between the City of Star and the City of Middleton is contemplated in Idaho Code, Section 67-6526 (c). If the Board adopts this today there is still room to negotiate, and if it's not adopted today there is still room to negotiate. Commissioner Van Beek asked why does legal precedent not anchor that agreement for the City of Middleton. Mr. Wesley said the way the legislature established for the cities to resolve this was not to give the first come first served as the solution, but to go through Idaho Code, Section 67-6526 (c) where the cities negotiate if they cannot come to agreement, and it comes to the county for a recommendation, and if the county's recommendation isn't adopted then it's a question for the voters. Commissioner Smith said Canyon County sent a letter to the City of Star asking them to stop annexing land in Middleton's ACI, and said the Board is initiating the notice for the Committee of Nine and we are requiring Star to negotiate with us, so out of respect for that process we were asking Star to come to the table. She said the state statute is not good for the constituents, the City of Star or the City of Middleton. Further discussion ensued.

Testimony in favor was as follows:

Andrea Nielsen, legal counsel for the City of Star, said it's important to follow the state law and while mediation is sometimes available to resolve disputes, it is a question of timing and perceptions of entitlements under the law. There has not been any annexation that's been challenged and found to be invalid under the law up until today with regard to any of the annexations that have taken place by the City of Star. Star has been present in Canyon County for 20 years and all of the annexations that have taken place have been by request and the upon express consent of the property owners. A number of people are contiguous to Star and have decided they want to be included in the city. Star was approached in order to participate in the Committee of Nine process because it seems it would create a better partnership for long-term comprehensive planning to have an ACI agreement between Canyon County and Star. It's not required to approve Category "A" annexations but it does benefit both the county and Star to participate in that process together rather than make parcel-by-parcel decisions when property owners come to the city and make that request. There has been a recommendation from the Committee of Nine to approve the ACI that is before the Board today, and those boundary lines were not unilaterally set by Star, it's been the product of a joint discussion and consideration of factors that are not just unilateral. There is an overlap between the City of Middleton's ACI and the City of Star, but it's her understanding that the Middleton ACI was initially approved approximately 20 years ago and at that time it was approved it would have been up to Middleton to make that commitment that this is the area "we" are committed to incorporating. Twenty years have passed and while there has been good planning on their part it has not resulted in offering city services and incorporation to the property owners within that area. It's not going to prevent any property owners within that area from incorporating into Star because an ACI is just a legislative decision between the county and the city and so the property owners that are currently within the ACI if they had not necessarily wanted to consent to being a part of Middleton – which

many have decided throughout history and they wanted to be a part of the City of Star – and if they had an opportunity to go to court they wouldn't have necessarily received due process because it's not treated under Idaho law like a zoning change. It's a comprehensive plan for the benefit of making better decisions in the long-term, but it certainly is not an entitlement such as a conditional use permit or a zoning change. It does appear from what's happened in the last 20 years that things have not developed to the aspirations of what Middleton had originally sought to incorporate and it's her understanding that at this time they still are not able to offer city services to property owners within the ACI under dispute. Star is prepared to offer those services within a very short amount of time. Star has not proposed an ACI that is too big for it's britches, so to speak. They propose an ACI that within a very reasonable amount of time, if not immediately, they are able to serve. The standards of consideration that are in the narrative and the materials presented by the staff are the trade area, the geographic factors, and the areas that can be reasonably expected to annex. At the P&Z Commission hearing it was her perspective that there was an assumption in approaching that category of analysis that cities are islands and you need to think of serving everyone's interests within only those boundaries, and while conceptually that might be an idealistic way of thinking about your city, it's not very realistic to the growth that's occurred in this area. Ms. Nielsen asked the Board to consider the trade area in conjunction also with the geographic factors part of the analysis. One of the benefits the City of Star is able to offer is the benefit of transportation in an efficient manner to both Canyon County and Ada County, and it's an asset in being able to achieve some of the comprehensive plan goals such as preservation of agriculture and addressing housing needs for the residents who live in the area. There is no way for a county, through its own zoning authority, to put a lid on growth and make it not happen – it's a question of where. Where can the county best support that density? It is certainly closer to Highway 44. Areas that can be reasonably expected to annex – consider the desire of property owners who have annexed and to not ignore that right they have but come to the table prepared to plan with Star for those annexations to take place as they are desired. Ms. Nielsen referred to her February 18, 2022 letter to the Board and responded to questions from the Board. Commissioner Van Beek said lack of fulfillment of the ACI development negates their ordinance. Ms. Nielsen said it doesn't negate their ordinance, but the purpose of having it approved in the first place was to be able to move through that process of incorporation and it has not been successful. Middleton presented a plan to Canyon County 20 years ago and they haven't been able to offer the property owners within that area the incorporation they promised. Commissioner Van Beek said residents in rural Canyon County want the Board to protect their way of life so it could be the posture is they don't want the density being proposed by either city, they want protection under Canyon County to preserve their right for rural agriculture. Ms. Nielsen said while preservation of agriculture is certainly something to consider within the comprehensive plan, the purpose of an ACI is not as a sideways way of preventing growth, it's for the purpose of incorporation into a city which is growth. Commissioner Smith said Ms. Nielsen started her testimony with the statement that you don't need an impact area to annex, that you are annexing with those who want to be annexed. Where is the planning in that? Ms. Nielsen said there is planning in that but also recognition of that property owner's rights and they have the right to make that decision regardless of what Canyon County's comprehensive plan might be because under state law they have that right and so if they come to the City of Star with a plan for what they want to do with their property and they have applied for annexation it is their protected

constitutional right to have that considered by the city. Commissioner Smith asked if it is also the farmer's right to maintain his ongoing operations, for example, a farmer that has 200+ acres might aerial spray but Star plans to annex the land and the farmer says it will impact his operations and the city says sorry this person have rights that are better than your rights, and now the farmer has to change the way he does business. Ms. Nielsen said the farmer should look at the right to farm act. He does have rights, but he does not have the right to tell the neighboring parcel that is contiguous to a city that they cannot annex. He can challenge it in court, but that is a decision that is not within the purview of the county under law. Commissioner Smith said they have a right to make application, it doesn't mean it's a mandatory approval. Commissioner Van Beek said high density impacts the way the farming community does business even with the right to farm statement on the final plat. Ms. Nielsen said density furthers the county's goal of preserving agriculture generally in other areas of Canyon County by allowing housing growth closer to areas that already have the benefit of transportation infrastructure such as Highway 44. If incorporation into cities is allowed to happen along those existing commuter routes that is going to reduce the amount of housing units that are added around Lake Lowell, for instance, where there is other agriculture that can be better preserved by allowing those housing units to go somewhere else. It is much more efficient and furthers the preservation of agriculture to have housing units closer to where existing commuter routes are as opposed to having it spread into areas, even low-density residential growth would impact those farmers.

Michael Keyes testified that the comprehensive plan map being displayed by staff today is incorrect. The map that shows Star's comprehensive plan planning map is one mile west of the requested area of impact border. Mayor Chadwick and Mayor Rule agreed they would do certain things and as a result of that Mayor Chadwick asked the city council to pull the comp planning zone map back one mile to the Kingsbury line and that was done over one year ago. What staff is showing should actually be drawn back and be completely within the boundaries of the requested area of impact. Commissioner Smith asked if Star's newest map doesn't include the area west of Kingsbury for planning purposes. Mr. Keys said that is correct, and it hasn't for about 18 months. He said the P&Z Commission injected their own anti-growth and out-of-state growth opinions in their hearing and they used those opinions, not the facts of the case, and rejected accurate evidence based on three requirements that the statute furnishes for an area of impact agreement arguing that the evidence was not up to a standard because it was not generated by an expert. However, when the P&Z Commission took evidence from people opposing the ACI they required no such standard. A lot of the evidence they did not reject was based on opinion, misinformation, or was counter to Title 67. One of the P&Z Commissioners stated he had never heard of the Local Land Use Planning Act, yet he still voted. Mr. Keyes said the county may wish to provide some further training to the P&Z Commissioners. He said this entire process was initiated by the Board and both parties made good faith efforts to follow the law. The Committee of Nine followed the process, and this ACI makes sense and should be adopted. Most of the area we're talking about is already in an ACI. The decision is about which city is best prepared to carry out the intent of the statute; it's a decision to allow landowners to decide what city they believe can carry out the directive from Idaho Code, Section 67-6502(b) to ensure adequate public facilities and services are provided to the people at reasonable costs. He said the "land grab", as some have called it, happened when this annexation ordinance was put in place with Middleton because they came

four miles across unincorporated county land up to and abutting Star city limits in an effort to keep Star from moving one inch to the west. It was unreasonable to expect that a piece of property adjacent to Star's then-existing city limits could be annexed by the City of Middleton. Following his testimony, Mr. Keyes responded to questions from the Board. Commissioner Smith asked what was Star's response when the Board asked them to hold annexations and wait for a negotiated agreement? Mr. Keyes said Star indicated that under Idaho Code, Section 67-5022 they had the right to proceed with that and would do so. Commissioner White asked what is being done to the north and south. Mr. Keyes said during the Committee of Nine meetings the original request for an ACI went south of the river all the way to Chinden Blvd., and during the course of those meetings Star agreed that for that proceeding they would withdraw that boundary back to the river and undergo a separate Committee of Nine meeting for the area south of the river in the future with Canyon County. On the Ada County side, they are already across the river and are annexed all the way to Chinden Blvd. today. There was further discussion about the proposed ACI. Star came to an agreement with the City of Eagle and had an agreement with Ada County on their southern boundary which abuts Meridian.

Testimony in opposition was as follows:

Mark Hilty, legal counsel for the City of Middleton, said the process that has occurred so far is flawed because from the beginning everybody understood that Middleton had great concerns with the ACI and its ability to plan in that area, and with the aggressive and rapid growth in the City of Star that has come across the county line under Category A annexations into an area that was Middleton's prerogative to plan for under an existing and longstanding ACI that cannot be changed without further negotiation involving the City of Middleton. Everybody understood where Middleton's position was and it was probably what prompted the county to initiate the Committee of Nine discussion with Star. Why were three seats on the committee not offered to Middleton? It was a problem that has brought us to a very difficult process where there was a missed opportunity to try to bring those with an interest to the table. The Board is being asked to create an overlapping impact area that does not currently exist and you should not do that. The processes under the statute for resolving conflicts are complicated and convoluted and they are not intended to be engaged. What is intended under the statute is the county and the cities will work together to resolve the issues so that both sides know where is the area they need to plan. The annexation under Category A of property into Middleton's impact area, which has continued, has no regard for ACI or neighboring jurisdictions or planning. This should have been stopped and all parties should have come together and tried to resolve this if possible without elections or court proceedings or even the Committee of Nine process which is to be used when the simple negotiation between the parties fails. It is not mandatory – it is voluntary. Middleton believes the Board should stop this process and create a process where both cities and the county can look at the issues and resolve them outside of a process that Middleton perceives intentionally excluded them. The driver of your decision should be how to most appropriately resolve this and that is not through the statutory processes of either election or lawsuit. It is through negotiation but that has not been given a fair shake at this point. Of the factors that have been discussed: geography, trade, and annexation, there were points made about this at the P&Z Commission hearing. The geography problem is you have a current ACI boundary for Middleton that cannot be changed

without negotiations, not just in the context of whatever Star's impact area might ultimately look like in Canyon County, but as between the county and the city. We have seen maps with proposed impact areas for the City of Middleton that have not been discussed with Middleton and he thinks those maps originated with the county. There is pending litigation on the question as to whether a Category A annexation is appropriate in somebody else's impact area and he does not think the trade factors are presented here. Mr. Hilty requested the Board either deny the request and have the parties negotiate or pause it with a requirement that the parties get together and talk about it. He wants to make sure the Board is aware of what happens if we go down the path of trying to rely on these statutory dispute resolution processes. If you approve this and there is an overlapping impact area, the cities have to negotiate and you'll be asking Middleton to come to the table where the city feels like it was excluded from the process and that's not a great posture to be in and the County wouldn't be at the meeting until there's a disagreement then it comes back to the Board and if that isn't resolved, then we have an election and then we start the process to figure out how to do ordinances. That is not provided for in the statute for that dispute resolution and if you can't agree then you start with the Committee of Nine process on the ordinances portion. If you say no, we might be done. The lawsuit that would follow is not mandatory, the declaratory judgment action is voluntary among the parties and Star has shown it does not need an impact area to work with its development community to annex wherever is contiguous. If there is litigation then the judge will decide an impact area and if that's overlapping then you start down the whole overlapping process again. These are not things you want to use to try to resolve this when we haven't even had a meaningful negotiation. Commissioner Smith spoke about the maps that were proposed during the Committee of Nine process and said she was disappointed the two cities could not agree to the ½ mile boundary map with the agreed negotiation that we would continue to look at every two years. Mr. Hilty said the proposed map that was recommended by the Committee of Nine is not acceptable to the City of Middleton at this time.

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

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

Middleton Mayor Steve Rule referenced the discussion regarding the ½ mile map and said he couldn't agree to that because we were already a ½ mile past the ½ mile proposal and now we are a full mile past that point. It's not going to work for Middleton because it wasn't realistic for planning purposes. Regarding geographic areas, he met with Mayor Chadwick and said let's use geography to dictate the boundary but Mayor Chadwick disagreed and said the Star City Council desires to go to Lansing Lane; however, the City of Middleton could not agree to that. Mayor Rule said if the Board wants the cities to negotiate he is agreeable to those discussions, but if Lansing Lane is the end lane he doesn't think the negotiation will go very well. Regarding Star's comprehensive plan, he did not indicate that it was in Middleton's best interest to go all the way to Blessinger Road, Kingsbury Road, and Lansing Lane. He is willing to try negotiating again, but he believes Star will continue to annex into Canyon County as long as anybody lets them. He was disappointed Middleton wasn't invited to the Committee of Nine process. Commissioner Smith asked if he has testimony that the proposed Star ACI is Middleton's trade area vs. Star's trade area? Mayor Rule said the City of Middleton has city water and sewer on Kingsbury Road but Star is 1 ½ miles away so how is their trade area better than Middleton's services which are right there? We should consider the taxpayers first. Commissioner Smith asked if the Board were to delay a decision and give Star and Middleton a chance to negotiate and say they have 10 days to negotiate, would Mayor Rule be at the table? Mayor Rule said he is willing to try to negotiate.

Rebuttal testimony was offered by Andrea Nielsen. She said a lot of the opposition to the impact area is coming from the residents of the Trigger Ranch Lane area, but Star removed that area from its ACI and the city's proposal would not affect those individuals. Star has been willing to negotiate and if Middleton is willing to negotiate, that could take place, however, look at the history of negotiation and what each side has been willing to be reasonable on in determining whether or not an opportunity to negotiate would result in something different because the City of Star has been willing to pull back the ACI in a way similar to the City of Middleton if they were willing to do that, for instance, pulling it back to the ½ mile mark of existing incorporation because the way it is currently, Middleton has over extended itself all the way up into Star. If Middleton is willing to pull back to where they currently are, or at a ½ mile, Star is willing to do that, but Middleton has not been willing to do that and she doesn't know if an additional 10 days would bring a different result. Ms. Nielsen said with all due respect to Chris Meyer and the excellent research that he has provided to land use practitioners, his book is not Idaho law. The statute regarding areas of city impact says that it is subject to the provisions of the annexation statute, section 50-222, which says

annexations where all landowners have consented, mixed and beyond the city area of impact. So what Star has done in response to the applications for annexations are 100%, by the plain language of the law, legal. None of those annexations have been contested and set aside and the timing of the pending litigation is curious because it was initiated after this process of the Committee of Nine was started so to the extent that it creates any question of legality of Star's annexations she'd ask the Board to consider the timing. Idaho Code, Section 67-6526 says in defining an area of city impact the following factors shall be considered one trade area. In the narrative provided by Star to support the ACI that was proposed there is quite a bit of analysis as far as the trade areas and the services that are able to be provided and resources within the businesses for the City of Star. Geographic factors: it does not say in the state code natural geographic factors and when you're being asked to consider land use issues, to ignore the incredible resource of state highways that are available and connecting to Star and that other areas of both Canyon County and Ada County that that offers potential residents to connect to as far as employment, trade areas, that is significant and it would be an error in judgment to ignore that. Regarding areas that can reasonably expect to be annexed into the city in the future, it is the property owner's decision to go to a contiguous city according to Idaho law and ask for annexation and when they do it's up to the city to make those land use and planning decisions. Star has come to Canyon County to ask for the county to be a part of that conversation. If the county does not want to be a partner it can say no, but it's not going to stop the annexations, it's just going to mean those annexations will take place parcel by parcel and it will be up to the City of Star to make those determinations and review in court if anyone challenges the annexations and the zoning assigned to those annexations. Commissioner Smith said it does not preclude growth and development in areas of any county within the state which are not within the areas of city impact provided for here within, but that says "that are not within the areas of city impact" so you are annexing in an area of impact that's not yours. Ms. Nielsen said Section 67-6526(a) says "...subject to the provisions of section 50-222." It is subject to the powers that are provided to cities, and that is consistent with the information that addresses annexations in areas of city impact within the Idaho Land Use manual that's authored by Mr. Meyer, who takes issues with the fact that at no point in Section 50-222 is there an acknowledgement into annexing into another city's ACI. Ms. Nielsen said she can explain the reasons why that reasoning is flawed but it has to do with the due process rights of the property owners who are not a part of the decision to create an ACI. When Middleton's ACI was created if a property owner did not want to be a part of Middleton they would not have had an access to due process to contest that decision. It's a legislative decision and not a quasi-judicial decision. Their first opportunity to exercise their due process rights is at the moment where they are going to the city they are contiguous to and asking to annex and at that point they absolutely have due process rights and that ends up being a quasi-judicial decision. Commissioner Smith asked why that code section takes precedence over the section she read? It's saying it includes 50-222, but it also states right after that that an area must be established before a city may annex adjacent territory. Ms. Nielsen said the 14th Amendment of the Constitution provides that all property owners are owed due process prior to any governmental entity making a decision that would restrict their property rights and so there is an entire line of decisions that has been approved and used by the Idaho Supreme Court and that applies to quasi-judicial decisions. If an area of city impact designation is not a quasi-judicial decision then they do not have the opportunity to exercise those due process rights at any other point in the process. If the Board

treats the ACI with the same weight as a zoning decision then you thereafter have taken away an individual's property right by giving too much weight to the ACI and so the only way for Idaho law to be read in a way that is not infringing upon those property owners' rights is to interpret it as the area of city impact is a legislative decision only, it does not restrict their right to come to a contiguous city under 50-222 and exercise that right to annex. Regardless of whether they are in Middleton's ACI or not, their rights don't change. ACI by Idaho courts is not treated in a way that it would restrict property rights and so the only way to interpret all of this in a way that does not infringe upon the property rights of the people who did not want to be a part of Middleton at the time the city designated their property to be within the ACI, is to allow for those people to make that decision to annex into contiguous Star. The process being given today is legal as a legislative decision but if a property owner did not want to be a part of Star's ACI, the Idaho Supreme Court has said they are not allowed due process to contest that. They are offered due process when there is a quasi-judicial decision that's going to restrict their property, but ACI's do not restrict property – quasi-judicial decisions do. Commissioner Smith had asked additional questions: If the Board votes yes today and meets those criteria for trade, geographic, and areas reasonably expected to be annexed, we then send it to the cities to negotiate and if they cannot negotiate the Board will choose for them. That would be the time where the Board could say here's the boundaries we agreed with and it doesn't matter what the Committee of Nine decided. The Board can pick a boundary after hearing from the public and says here are the two boundaries and then Middleton or Star can say they don't agree and now it goes to a vote. Ms. Nielsen said yes, it goes to a vote and there is also a provision later in the process that it can go back to a judge. Commissioner Smith said if the Board has to create the overlap and tell the cities to work together and then if they agree to a new boundary and we adopt it and each city will adopt it. If they don't agree this is what happens: One of the cities will have to come back and say they don't agree and the Board would pick a boundary so that they do not overlap. If the cities do not agree then the county would follow the procedures for a public vote.

Commissioner Van Beek asked what about the people that don't want to be in either ACI? Zach Wesley said the ACI boundary won't immediately impact anyone until someone goes for a property change, zoning change, or an annexation. If someone is in unincorporated Canyon County now we are not immediately sending them into the city. We are saying at some point there might be a decision about a city here and a boundary here and these are the rules that will apply. Commissioner Van Beek is struggling with saying the Board does not represent rural Canyon County. Commissioner Smith said the Idaho Local Land Use Planning Act said cities can establish impact areas and we are elected to enforce state law and the constitution and if the community doesn't want the cities to have impact areas and they don't want to be a part of those impact areas they would have to lobby to their senators and representatives for a change that would allow for that. Commissioner Van Beek said she is struggling with this process. Mr. Wesley said the question about whether someone wants to be in an ACI or not might be moot because most of this area has already been with the Middleton ACI for the last 20 years. Dan Lister said with the agreements we have in place with cities, the county's code is the overarching code as is our comprehensive plan. We can choose how we want to develop in Canyon County within the impact area and Middleton understands they bring it to the table and it may not go their way and we develop in their ACI with no connection. With Star it's the same thing, the only difference is when

it comes to subdivision it seems like we might be applying some of their requirements because if they are going to subdivide and there's a chance in the future to go into annexation they want some of their requirements met. They have to follow our ordinance and we can waive it if we don't agree with that ordinance. We can consider their requirements as part of the decision within that area. Commissioner Smith referenced where we follow standards, but Star has final plat signing capabilities which gives them strict authority if they don't like a subdivision proposal they can refuse to sign it and it can never get developed. Mr. Lister said unless we waive their requirements. Mr. Wesley said the city engineer would only be signing off to those standards that are applicable. If there's a waiver that provision should not have to be certified so they shouldn't be able to unilaterally withhold their permission on the plat if they disagree with a waiver.

Commissioner Van Beek made a motion to close public testimony. (There was no second to the motion.) Commissioner White said the Board sent a letter on the May 25, 2021 to Mayor Rule and Mayor Chadwick and she's not sure the Board has done everything that it wanted to see done and then she referenced the language in the letter which said the Board will expect Middleton to be engaged immediately in discussion with the committee about that recommendation. The Board has not "sat with Middleton", and she wants time to get together with Middleton at the table. Commissioner Van Beek agrees with Commissioner White's willingness to go back to the table one more time because taxpayers deserve better and we have heard a willingness from both parties to negotiate and she wants to be a part of that. The community leaders need to come together and figure out how to make this work and the citizens are part of this voice. There is a promise from the Board that we would do something and it has not been fulfilled and she cannot move forward with the processes and there is legal interpretation on both side and she tends to lean on we may have stepped in front of the process of having that negotiated discussion. Commissioner Smith said if the Board wants to delay a decision we can continue the hearing and in a good faith effort we could say we want the cities to work together, but we don't have anything to compel the Mayors and the city councils to work together unless we adopt an overlapping boundary. Commissioner White said both Mayors have said they are willing to meet. Commissioner Smith said Mayor Rule said he would be would negotiate, and a Star representative said they tried to negotiate but 10 days won't buy anything and they asked the Board to move forward with the process. The Committee of Nine requires the Board to make a decision within a certain amount of days and we are already past that number of days so if we fail to make a decision today what could Star do? Mr. Wesley said the City of Star could initiate proceedings in district court for the court to set the boundary, the plan, and regulations. Commissioner Van Beek said this is where we go back to interpretation because she read a footnote in Exhibit #15 says that the election process is the correct process between two cities in dispute. Mr. Wesley said there is no question of interpretation. Commissioner Smith said the footnote being referred to is in a handbook, it is not state law. Commissioner Van Beek said understanding that Star could choose to exercise that, the two cities have said something and they will stand behind what they said. In the absence of that there is a different process and what we bring to the table as core qualities of people. If there is a statement that they will negotiate one more time that is where she is going to land. Commissioner Smith said the Board's May 25, 2021 letter, as referenced by Commissioner White, states we will demand the use of Idaho Code, Section 67-6526(c), which says we have to create the overlapping areas and we said we were willing to do that in our letter. Going through

due process for each of our cities that are already in our county giving them fair process is what we did and so that would mean we would have to give them that process to go through. Commissioner Van Beek said she understands the point but the letter also says the county intends to honor Middleton's existing ACI and should they recommend something different where it crosses into Middleton's ACI boundary we will expect Middleton to be engaged immediately in discussion with the committee. Two Commissioners have unanswered questions: we have not engaged in a process of negotiation with the City of Middleton and the City of Star who have both said they would do that process with Canyon County. Commissioner Smith said she gets that point, but the Board's job is to follow state statute, and in our letter, we agree with the Middleton ACI, and we also said we honor state code and we are going to demand a Committee of Nine and so the sentence isn't really in line with our obligation to fulfill the duties that we agreed to of honoring state code. We can vote no, but doing nothing will open the door for Star to go straight to a judge. Commissioner Van Beek said that has not persuaded her to move past another chance at negotiation. Commissioner Smith pointed out that there was testimony today from Star's representative that they are not negotiating on their line. Commissioner Van Beek said we already know there's an impasse with the leadership right now and she's suggesting facilitative mediation to talk about this where there is ability for people that have a vested interest in this including Canyon County. Commissioner Smith said Section 67-6526 (c) gives you that opportunity, but you have to get there – IF they overlap and then when they don't agree they can get a mediator that compels them to work together. Commissioner Van Beek said the process outlined by the attorney for the City of Middleton takes a different position in how we get there logistically. Commissioner White wants to talk to the Mayors. Commissioner Van Beek asked if Commissioner White will include a stipulation that the Mayors engage the services of a qualified mediator? Commissioner White declined that stipulation. She wants the Board to talk with the two Mayors.

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

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

statute. There are some ways to approach that probably require some initial discussion. He will commit on behalf of Middleton to have that with Ms. Nielsen or her team. Maybe a report to the Board or maybe involve Deputy PA Wesley. It might be difficult for the Board to specifically formulate what this looks like based on those factors.

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

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

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 24, 2022

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

APPROVED CLAIMS

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

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

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

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

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

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

Consider signing an agreement with Bridge Brothers Inc., for Canyon County Fair Pedestrian Bridges:

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

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

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

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

- Customer Service
 - Projects for consideration
 - ARPA criteria
 - ARPA funding proposal
 - Wastewater Reuse Program
- Customer Service
 - Safe Infrastructure
 - Public Health & Safety
 - Drinking Water
 - Wastewater Treatment Plant
 - Services Needed to Operate, Failure is Not an Option
 - Infrastructure supports economic growth of a city
- Projects for consideration
 - Domestic Water - \$11,176,000 M*
 - Elevated Tank Replacement
 - Pressure Zone I Modifications
 - Zone A Water Line Replacements
 - Zone B Water Line Replacements
 - Zone C Water Line Replacements
 - Sherman Elementary Pipelines
 - Waste Water - \$29,058,000 M*
 - Wastewater Treatment Plant Replacements
 - 1st Street South/Railroad (WWTP to 16th Avenue S)
 - 2nd Street South (16th Avenue to Stoddard Branch)
 - 2nd Street South (Chicago to Kings Corner)
 - Zone A Repair Sewer Lines
 - Zone B Repair Sewer Lines
 - Zone C Repair Sewer Lines

Broadband - \$2,300,000 M

- Intelligent Transportation System Phase I
- Rates Fund Needed Maintenance
 - Without systematic pipe replacement, more frequent emergency breaks will occur and our ability to enjoy uninterrupted water will diminish
 - Emergency breaks are more expensive than planned replacement because they frequently require overtime staff hours, water line shut-offs and can result in property damage
 - 24% of Nampa's domestic pipes (549 miles) will have reached their useful life by the year 2040
- Current Infrastructure
 - The City of Nampa's goal is to replace 5 miles of domestic pipe annually
 - Current funding allows for an average of 1 mile of pipe replacement annually
 - Large rate increases are needed to meet the 5-mile goal. ARPA dollars can be used to fund line replacement thus delaying the request for rate increases.
- Nampa's Recommendation with 2022 ARPA Funds
- Elevated Water Tank Replacement - \$1.55 M
- Design 5 Mile Waterline Projects - \$1 M
- Wastewater Treatment Plant Replacements - \$2 M
- Intelligent Transportation System, Police Crime Detection - \$1.3 M
- Nampa's Recommendation with 2023 ARPA Funds
- Elevated Water Tank Replacement - \$850 K
- Wastewater Treatment Plant Replacements - \$5 M
- State of Idaho 2023 Phase 2 ARPA Funds
- Nearly \$1.8B for the State in APRA
- \$250M for Natural Resource Water Storage
 - Anderson Ranch Dam Raise
 - Mountain Home AFB Water Treatment
 - Grants from Idaho Department of Water Resources (IDWR)
- \$300M for Drinking and Wastewater Projects
 - Grants from Idaho Department of Environmental Quality (IDEQ)
 - \$1.4 Billion in requests
 - Developing selection criteria
 - No match small City, 25% match large City

- Must be constructed by 2026
- Focus on shovel ready projects
- Nampa's Plan State of Idaho 2023 Phase 2 ARPA Funds
- 2022 Legislative still in session and IDEQ and IDWR are developing criteria. These funds are not guaranteed but will be requested. The biggest challenge for local agencies is to design and construct by 2026. These Nampa projects will meet the deadlines.
 - \$ 7 M | Shovel ready water line replacements to construction (offer 30% grant match City Funds)
 - \$ 21M | Wastewater Treatment Reuse
 - \$61M of \$220M plant upgrade Reuse
 - Request 30% Grant, 30% City Matching, 40% Existing SRF loan
 - Fits both IDWR storage and IDEQ infrastructure criteria
- Wastewater Reuse Project
- By 2025, Treat 14 M gallons/day wastewater to Class A
- Change discharge from Indian Creek to Phyllis Canal in the summer
- Water consumed by Nampa irrigation pump stations within impact area
- Regional City and County Benefits
- Improved Water Quality in the Boise River Basin
- Less demand on water storage at dams = more water for others in the County
- Request County financials participation in Reuse project
- Nampa looking to obtain grants or other agencies participation in \$21M of the \$61M in reuse costs
- ARPA criteria heavily weighted for water and wastewater projects

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

MEET WITH COUNTY ASSESSOR TO DISCUSS A CONTRACT FOR SOFTWARE UPGRADE

The Board met today at 3:33 p.m. with the County Assessor to discuss a contract for a software upgrade with Manatron, Inc., ("Aumentum Technologies or "Aumentum Tech") that will help augment the public access to property information within Canyon County. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Assessor Stender said he previously received tentative approval to spend funds to upgrade the public access software which hasn't been upgraded for several years. The total annual hosting/support fee is \$35,425. In the past the County has charged users to cover the fee for the program, but Assessor Stender said we are a large County and the service should be free

to citizens. The contract has been under Legal review and there are a couple of changes that were suggested by IT Director Rast. There is language that needs to be added to the contract but Assessor Stender is asking if the Board will conditionally approve the draft he presented today, and then once the contract has been updated with information (as noted in parentheses in today's draft), the Board could sign it without him needing to have another meeting. It was noted that both the Assessor's Office and Treasurer's Office returned monies from last year's budget to the general fund. Commissioner Van Beek is in favor of signing the contract once we have a document that is reflective of the language the Assessor wants included. The action item will be approved today, but Assessor Stender will bring the contract back for signatures once its ready. Commissioner White made a motion to approve the contract to upgrade public access software with the changes as proposed. The motion was seconded by Commissioner Van Beek and carried unanimously. Once the changes are included in the contract Assessor Stender will bring the document back to the Board for signature. The meeting concluded at 3:44 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 25, 2022

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

There were no meetings scheduled this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman

Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings scheduled this day.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 1, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Mary Banford, Clerk I; Chasity Lambrecht, Clerk I (underfill II); Nicole Bevelin, Clerk II; and Madelyn Vander Veen, Planning Tech

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$1,280.00 for Information Technology Department
- Boise Appliance in the amount of \$6,540.06 for Facilities Department
- Acme Tools in the amount of \$1,334.99 for Facilities Department

APPROVED JANUARY 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of January 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.

SIGN SCHEDULES FOR MASTER AGREEMENT FOR LICENSED SOFTWARE, HARDWARE, AND SERVICES WITH MANATRON, INC.

Today the Board signed, as a ministerial matter, the schedules for master agreement for licensed software, hardware, and services with Manatron, Inc., (Aumentum Technologies). On February 24, 2022 Commissioners Leslie Van Beek and Pam White met with Assessor Stender to discuss the upgrade for public access and at the conclusion of the meeting the Board gave its approval of the agreement as described with the understand that once a final document was ready the Board would sign the document. (Agreement No. 22-017.)

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

The Board met today at 9:02 a.m. for a meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley (arrived at 9:06 a.m.), EOM Christine Wendelsdorf (left at 9:06 a.m.), Director of Juvenile Detention Sean Brown (left at 9:10 a.m.), Treasurer Tracie Lloyd (arrived at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing standby preventative maintenance agreement with Western States Power Systems:

Ms. Wendelsdorf said this agreement is for maintenance of the generators at the radio towers and that Western States has been providing the service for the past 7-8 years. This was a planned and budgeted expense that is paid from E911 funds. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the standby preventative maintenance agreement with Western States Power Systems (see agreement no. 22-015).

Consider signing staging agreement with Idaho Department of Juvenile Corrections: Director Brown said the only change to the agreement is to the daily charge which was \$191 but will be increased to \$210. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the staging agreement with Idaho Department of Juvenile Corrections (see agreement no. 22-016).

Consider new alcoholic beverage license for Las Tias LLC dba Tin Roof Tacos: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Las Tias LLC dba Tin Roof Tacos (see resolution no. 22-023)

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

EXECUTIVE SESSION – COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (i) to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:24 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.
WEEKLY MEETING WITH PUBLIC INFORMATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:04 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Project management timesheet was provided.
- Yesterday he participated in the interviews for the Maintenance Superintendent position.
- Discussion regarding access to crime data reports – Mr. Decker will check with Prosecutor Taylor to see if he has any statistics and find information to compile for Commissioner Smith.
- Community input meeting scheduled for Monday, March 7th will start being promoted today.
- There is a National PIO Association training in August that he'd like to attend but will first need to purchase the \$80 membership.
- At the request of Commissioner Van Beek, Mr. Decker will reach out to Amy Bowman at the City of Nampa regarding the annual survey they put out to the community via Survey Monkey.

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

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

The Board met today at 10:32 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- He's been working on a driver's license check program with HR and would like to invite Mr. Soto to his next meeting for a demonstration; will potentially be moving it from Fleet to HR.
- He is looking for a new tech; a recent new hire did not work out.
- The vehicle auction closes on March 3rd.
- They are working with an outside bidding agency to acquire equipment for the carwash but it still may not be complete by the end of the fiscal year due to delays and shortages in receiving components.

The meeting concluded at 10:37 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:03 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Development Services Steve Fultz, Civil Attorney Zach Wesley, Planning Official Dan Lister, Planner III Elizabeth Allen and Sr. Administrative Specialist Terri Salisbury. Mr. Wesley requested they go into executive session with the Board to discuss the date of originality ordinance.

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

Commissioner Van Beek made a motion to go into Executive Session at 11:06 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records that are exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Development Services Steve Fultz, Deputy PA Zach Wesley, Planning Official Dan Lister and Planner III Elizabeth Allen. The Executive Session concluded at 12:04 p.m. with no decision being called for in open session.

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

- Director Fultz sent an email to the Board on his draft urban renewal information and would like feedback from the Board.
- Commissioner Smith would like to know if Director Fultz is ready to move forward with the P&Z Commission candidates. Director Fultz would like to discuss the two candidates next week.

The meeting concluded at 12:07 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:34 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via conference call, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Assessor Brian Stender, Treasurer

Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, Dolores Waite, and Deputy Clerk Monica Reeves. Facilities Director Rick Britton arrived at 1:42 p.m. Topics of discussion included the following:

Miscellaneous

Clerk Yamamoto referenced the Russian invasion of Ukraine and said all Americans need to take note of what a communist dictatorship looks like and how true patriots respond to that. What the Ukrainians are doing is truly amazing and it's a great reminder of why we have the Second Amendment in the U.S.

Personnel and compensation

Commissioner Smith spoke of how there is a competitive engineering position available but DSD has not been able to get anyone to apply for it. She also talked about how we need to do something for employee retention. It's a tough market right now and she wanted to have a conversation to see where the other elected officials are at. Prosecutor Taylor said in looking at what other businesses and sectors are doing we should probably do some re-evaluation. We have the necessary funds and we wouldn't have to reopen the budget to take care of the employees. Commissioner Smith said ARPA funds allow for bonuses, per se, for people who have worked through the pandemic and she asked for thoughts on a bonus vs. pay increase. We don't know what the economy is going to bring so she has hesitancy about doing something permanent at that this point. Commissioner Van Beek supports that and said we have fund balance but if we use it for long term expenses we need a revenue source that will support those salary increases. We don't have an HR Director who would be able to evaluate salaries and what that should look like. In looking at what other counties did, Canyon County was the highest on the COLA increases of anybody she spoke to. She doesn't know that anyone in this group has the expertise to evaluate salaries at a level that a qualified risk manager and HR Director would be able to. She said there are other factors that play into retention other than just the wages.

Parking/Striping along streets surrounding the courthouse

Due to pedestrian safety concerns, Facilities Director Rick Britton has reached out to the City of Caldwell regarding his request to paint parking stalls along the streets (Albany Street down 12th Avenue and 11th Avenue) and put a 20-foot buffer from every crosswalk to help regulate where people park. He estimates we will lose 10 parking spots. There was discussion about having parking spaces in front of the administration building to better serve the elderly citizens who come to the Assessor's Office. Assessor Stender suggested the parking lot on the back side of the administration building be designated for customer parking with signs for 15-minute or 30-minute parking. Director Britton likes the idea. There was consensus that the nearby parking lot will be left for customers/citizens. Employees need to use the designated employee parking lots.

Facility growth plans and expansion

Director Britton has looked at options to accommodate the campus growth for the next 10 years and he has met with Architect Rich Bugatsch to get rough numbers and preliminary designs to explore options. On a rough scale they came up with a 137,500 square foot design that includes a parking garage and four floors. Each floor would have 27,500-28,000 square feet. The structure

would be built on the 12th Avenue and Albany Street parking lot. In order to keep the costs down he proposes using in-house staff to do the interior work. The build-out price, not including the permits, is between \$20.9M and \$24M. Design permits would add an extra \$1 million. He thinks we could save \$5M-\$6M by doing the interior work in-house. It was asked if ARPA funds could be used for the project and Clerk Yamamoto said he believes they can be used. Prosecutor Taylor said we should first figure out the funding mechanism and whether we have the funds in our budget to do this. Do we have \$30M in ARPA funds and other County revenue streams for this one-time cost? If that's the direction the Board decides to go then his office will assist with an RFP. Commissioner Smith agrees. Commissioner Van Beek asked how soon those funding sources would be available for the elected body to review? Clerk Yamamoto said the funding could happen in a hurry, but there are several hoops to jump through. The group had previously acknowledged additional space is needed so the next step will be to work with the Clerk and Controller. Clerk Yamamoto said beyond the costs he wants to look at who is being housed in the new building and determine what the specific needs are. Director Britton wants to look at getting rid of the old jail annex, recognizing we would have to find a place for laundry and arraignments. He would like the Sheriff's Office to be housed in the new building, and to move dispatch to a new call center, putting the generator in the new building, which would open space for courtrooms or IT, for example, and it gives him options to look at down the road to tearing out the old jail annex. There are a lot of power needs in the annex so there will be engineering and architectural work involved. The dispatch call center is his main concern. Commissioner Smith said it goes back to looking at our campus needs and the annex cannot stay there – empty - forever. Chief Dashiell said the dispatch center is designed to take on future growth; there are 10 stations in the center and on average they have 4 active stations. There are a lot of moving parts involved with moving a dispatch center with the backup generators and equipment, patches to the tower, etc. We don't have a standup backup center and timing could be an issue, and it could be a good time to look at updating equipment. The existing consoles are only three years old so we are not in a position to buy new ones. Commissioner Smith asked about the need for space in courtrooms and moving the Sheriff's Office out of this building and using it fully as a courthouse and then moving all administrative functions outside of this building? Director Britton said the courts have been behind on jury trials and once they fully open the courthouse will be really busy/hectic. He doesn't know if we have the space for more judges. Clerk Yamamoto said we have enough courtrooms, what we are lacking is office space for personnel. When court opens up the parking lot will be overflowing. Director Britton wants to talk about buying surrounding properties for parking lots. Commissioner Van Beek asked if he has done a cost analysis between having facilities staff do tenant improvements and having a contractor do it? Director Britton his numbers and ideas are preliminary and if the Board agrees he will meet with the Clerk and figure out the funding and then meet with the elected officials and talk about the need and determine who should be moved. Commissioner Van Beek said if that becomes a reality those costs are going to become hard costs if that move actually happens so she wants project costs, including ancillary costs, to be identified. Director Britton agreed. Chief Dashiell asked about reversing the idea and making the new building for courtrooms because we don't have as much finished space, it has open areas for seating and if you needed the space you could put it in one building rather than three buildings being used for courtrooms. Commissioner Smith said the old jail annex cannot be occupied any longer or renovated into office space, so to say it's going to stay forever seems like a bad plan and it's hard to remove that without

removing those emergency backups and that would require quite a bit if we don't move dispatch. Director Britton said it can be done, but it will take a lot of time and there are a lot of steps to go through in order to remove the jail annex. It will take 5-10 years to get everything out so it can be demolished. Clerk Yamamoto said what Director Britton has presented is the easiest, quickest and least expensive plan. Is it the best plan? Maybe not, but how can we put all those pieces together to make any sense. The demolition on the old jail annex will be something we've never seen before with the amount of concrete and steel in that facility and all the infrastructure in, under, and around it. Everything should be on the table for discussion. We should look at the preliminary concept and see what puzzle pieces fit and make the most sense. Director Britton said there are a lot of things he needs to check first such as find out what the City of Caldwell would require, and locating the main sewer line running close to the juvenile detention center. He wanted to see if the elected officials wanted to proceed and then he will work with the City of Caldwell. Commissioner Van Beek asked if he spoke to the architect about a two-floor parking garage because if we have to purchase ground you could gain potentially 100 parking spaces. Director Britton said one of our big needs is office space, and at one time the city would not let us have four or five floors. It might be cheaper to do asphalt and buy land for parking and taking away 30,000 square feet of a floor that could be used as office space, but he can look at it. Commissioner Van Beek said she wasn't suggesting to remove a floor, it was to add a floor or to go down rather than up if there is a height restriction. Commissioner Smith said the water table is really high and it will be a major hurdle. Commissioner Van Beek is supportive of working with the Assessor to look at properties around the courthouse.

Expansion of campus and closing 11th Avenue and Belmont Street

There was discussion about closing a portion of 11th Avenue to expand the courthouse campus after the planned construction for the sewer line project. The group seemed supportive of the idea. Director Britton will talk to the Caldwell traffic commission and get their feedback. Commissioner Smith said if there is consensus we could close the street and make it part of the campus to incorporate parking. Assessor Stender said he had previously asked about having angled parking in front of the administration building and was told it's not an option. Clerk Yamamoto thinks it's a good idea to close the street but acknowledged it will be difficult to do.

Continued discussion regarding personnel and compensation

Commissioner Smith asked if the elected officials want to create a working group to come up with ideas, and if so, she would volunteer to serve. Commissioner Van Beek wants someone who has expertise to be a part of that committee. Following discussion, it was determined the committee will consist of: Chief Deputy Assessor Joe Cox, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, a representative from the PA's Office, and Lead HR Generalist Jennifer Allen. In response to a suggestion by Commissioner Van Beek, the elected officials indicated they do not support having a consultant or mediator participate in the group. Clerk Yamamoto will take the lead on the working group which will meet soon. The meeting concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 2, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO in the amount of \$15,069.00 for Facilities Department
- Visual Studio Live Microsoft HQ in the amount of \$2,675.00 for Information Technology Department
- Portfolio Decision Wave INC in the amount of \$1,995.00 for Information Technology Department
- Visual Studio Live Microsoft HQ in the amount of \$2,175.00 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Hailee Moore, Juvenile Detention Assistant Supervisor; and Christina Sage Huggins, Planning Technician

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE – CHANGE IN APPLICATION

- The Board approved a change in Alcoholic Beverage License for Bon Appetit Management Co. dba McCain Pub (See resolution no. 22-024)

MEETING WITH TREASURER AND CONTROLLER TO REVIEW MONTHLY/QUARTERLY/YEARLY TREASURER'S REPORTS

The Board met today at 9:03 a.m. with the County Treasurer and Controller to review the Treasurer's monthly, quarterly, and yearly reports. Present were: Commissioners Keri Smith and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Mercado, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. In response to the Board's request to learn more about the reports, Treasurer Lloyd gave an overview of what the reports represent noting the clear distinction between responsibilities in County government and County finance. There is a collaborative effort and separation of duties between the Treasurer's Office and the Auditor's Office to ensure accountability and her report is a combination of those separation of duties. The

Auditor receipts the cash that comes in and the Treasurer accepts the cash on a daily basis ensuring all cash received by the Auditor is received in the Treasurer's Office. She reviewed the processes her office follows in preparing and verifying the reports. Commissioner Van Beek had follow-up questions about some of the funds/accounts. Controller Wagoner said County government is structured very well to safeguard public assets with separation of duties. Audit generates reports according to the financial statements showing the numbers on paper and the Treasurer compares that to actual cash in the bank to make sure the numbers balance and reconcile on a monthly basis. Commissioner Smith asked the Controller to confirm that just because we see an ending balance for the weed control fund of \$301,000 (for example) doesn't mean it is unfunded unbudgeted money. Controller Wagoner said the report has little to do with the County's budget. On December 31, 2021 we had \$230 million in the bank but most of that is not ours, it's just timing of collecting property taxes in December and those monies are disbursed to other taxing entities. The disbursements are not part of the County's budget. Treasurer Lloyd said when looking at the report generated by the Auditor it shows the beginning balance from December and what was dispersed in January and it includes all of the December tax collections. The collections are balanced each month and there are multiple reports that show what we have collected and what cancellations occurred. The Treasurer said Commissioner Van Beek had asked her how much was available to the County for urban renewal so she explained that the revenues reflect tax collections and other collections the County receives as a pass-through entity. Commissioner Van Beek said for the Caldwell East Urban Renewal (CEUR) we had a portion the City of Caldwell was holding that we were able to access and that's what is funding a portion of the infrastructure for the Fair Expo and she wanted to know if that \$2.4 million was a part of this. Controller Wagoner said it is not part of this because we remit every penny to the CEUR that was collected via tax and then the County will send a bill to urban renewal later on for the work that has been performed showing the reimbursement amount due is \$75,000 and they will cut a check for that amount. There is a full accounting trail. Commissioner Van Beek asked what the un-apportioned accounts are? Controller Wagoner said they are not part of the County's annual budget, they are custodial pass-through accounts. Commissioner Van Beek, who was referring to the October/November/December quarterly statement, asked if the \$800,000 that was collected for solid waste disposal in December is consistent every quarter? Controller Wagoner said no, that number represents actual activity, both cash in and cash out and it will change month-to-month and quarter-to-quarter. Commissioner Smith said it would be a lot easier if Commissioner Van Beek would refer to the document being discussed today. Treasurer Lloyd said was asked another question about the Star Sewer and Water which had a zero balance on the quarterly report. There were no tax collections made on behalf of that district for the prior month and that's why the beginning balance was zero. The change that occurred was property tax collections. It is a pass-through account, we collect it and distribute it. Commissioner Van Beek was curious about that one because there are going questions about serviceability for areas of impact and things like that. Commissioner Smith said we should remember the Treasurer cannot answer questions like that. Commissioner Van Beek asked PowerPlan would show what is passing in/out on debits and credits. Controller Wagoner said the Board has access to the County-specific funds so for the current expense fund, the indigent fund, justice fund. In PowerPlan you will be able to see both monies in and out for County-specific budgeted funds. Treasurer Lloyd reviewed the report which shows what we invest in, what the weighted average maturity is, and how far investments go out.

There is a slight difference between what's reported in the current report on the investments because we reflect the investment of the amount we paid for that investment, plus any accrued interest we paid at the time we purchased it whereas the report just strictly shows the par value of the investment so there is a slight discrepancy in the numbers on the Treasurer's report as opposed to what's reported in our investment portfolio. The report was given as another tool to see how we have our investments laddered out and what the projected cash flows are for the next year. We have 50% in callable bonds and 50% in noncallable bonds. The average rate of return is .86 on all of our investments on a yearly basis. On the callable bonds we don't lose any money on those investments, we get what paid for it, but they will call those and that's the risk you take when you buy those but you're usually getting a higher return than you would on a noncallable return. The bonds are based on the 10-year, 30-year Treasury. They were going up because the feds have said they will try to curb inflation so they are expecting the rates to come up. Commissioner Van Beek thanked Treasurer Lloyd for the information provided. No Board action was required or taken. The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Terry Richards and Dave and Cami Larsen for a rezone, Case No. RZ2021-0036. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Kate Dahl, Matt Wilke, Terry Richards, interested citizens, and Deputy Clerk Monica Reeves. Kate Dahl gave the oral staff report. The applicants are requesting a rezone from an "A" Agriculture zoning district to an "R-1" Single-Family residential zoning district of three parcels comprising 31.89 acres in order to develop 20 lots. The subject parcels include R37619010, R37619010A, and R37619010B and are located at 24551 Benhaven Lane and 8771 Purple Sage Road in Middleton. The current future land use map designates the area as residential. The property is located within Middleton's area of city impact and it is an area of transition and it is within a one-mile radius of the city limits of Middleton. There have been a number of rezone requests approved in the area and there are 34 subdivisions with average lot size of 1.69 acres within a one-mile radius. There are prime farmlands, if irrigated, however, the property is bisected through the middle by a drainage which has gravelly wetlands, non-prime farmlands. The buildable portion of the parcels are outside the nitrate priority area. The top part of the flag lot that connects to Purple Sage Road is within the nitrate priority area. Staff finds it does meet the comprehensive plan. Although the parcel is within an area that is very compatible with the rezone request there are number of significant access issues that have yet to be worked out. The parcel has two access points, one to the north which is a 50-foot wide parcel connecting to Purple Sage Road, a southern access that goes from a private road, Benhaven Lane through Rustin Road to Kingsbury Road. The access to the north does not meet the highway district's frontage standards nor does it meet the interval site distance requirement. With the access to the south there is only a touch between Benhaven Lane and the property so there is not a full 60-foot wide easement on either side of the property to accommodate road development.

While they consider it a private road, the highway district would like dedication of a public right-of-way and/or frontage improvements. The applicant has not proposed either an easement or a right-of-way. The P&Z Commission denied the application because they felt the access issues need to be worked out prior to approval, and they were concerned the applicant was only proposing 20 lots when the full buildout is 34 lots, and they would have preferred to see a development agreement. Following her report, Ms. Dahl responded to questions from Commissioner Smith regarding access, frontage and easement requirements noting there is no access, but referenced conditions suggested by the highway district. Ms. Dahl said the current accesses do not meet the highway district standards. Commissioner Smith asked her to follow up with the highway district to see if they would oppose the rezone if the Board does not impose its suggested conditions. Matt Wilke testified in support of the request. Mr. Richards bought the western parcel because he was attracted to the long driveway to be used as a private drive to his residence. His neighbors, the Larsens, wanted to work with him on the rezone and bring the project together. There is a conceptual plan for 18 lots and in their letter of intent they asked for an R-1 rezone before they started working on conceptual plan. They have a rough preliminary site plan with 18 lots with an approximate average lot size of 1.77 acres. Two acres of that is the flag lot portion for the driveway and it's 50-feet wide. Mr. Wilke does not understand why the P&Z Commission wanted a conditional rezone. He noted a major concern of the P&Z Commission dealt with traffic, and with two Commissioners who live in the area it was a contributing factor in their denial. He testified about the communications they have had with the highway district and said the applicants prefer to move the collector further north to maximize as much as they can for the private driveway. The highway district is not opposing the current access with the future collector being built. The existing driveway location appears to have adequate intersection site distance and may serve as a temporary private road approach to Purple Sage until such time other public road access becomes available. The applicants are going to sign a pre-annexation agreement with the City of Middleton who wants to run a 30-foot easement to the property to bring sewer and water through there, if it gets to that site. Following his testimony, Mr. Wilke responded to questions from the Board. Commissioner Smith asked if the applicant has proof that he has legal access to the property via a 60-foot frontage or 60-foot easement. Mr. Wilke said he does not. Commissioner Smith said there's an identified wetland that runs through the property and she asked staff if the federal agencies were notified of this request. Mr. Wilke said there are no plans to build over it. There was discussion regarding whether the applicant wants to request a conditional rezone with a development agreement. Commissioner Smith said the Board cannot move forward with today's hearing because there is no legal access and if the applicant wants the Board to render a decision today there would be a finding for a "No" and that would deny the application. The Board needs confirmation on whether there is a wetland and if it is, what are the requirements for development of the property. Also, a conditional rezone is the appropriate path forward. The applicant needs to work with the highway district for future planned routes and connectivity. This is the only opportunity for the Board to ensure that adequate future connections to roads are preserved and right now a straight rezone would not help the Board identify and ensure those connections are made. Mr. Wilke said the highway district is okay with the applicant temporarily using that as an access. Commissioner Smith said it's not temporary, you are going to build a full road to service the lots. The road could be modified at this point to be along the north boundary which would further enhance the development of the area. Yes, the area is slated for residential development

but you are in the middle of it and we need to make sure those connections happen on both sides and north of the property. She said Mr. Wilke should ask the Board to table this case and get solid approvals, and consider the conditional rezone with a development agreement to address any of these future things. Mr. Wilke said it will be a private road and it will not be brought to public standards until the collector comes through and they want to maintain a private driveway up to that collector. Discussion ensued regarding the future collector. Commissioner Smith said if the applicant comes back with a conditional rezone and it's approved, there will be a second hearing because the P&Z Commission recommended denial. Terry Richards testified he thought he had everything in place because the highway district said they would work with him on the road once he has a rezone. They had no problem with the temporary access. There is no water that moves through the property, and there are no wetlands on it, however, he does have stock water rights. The topography of the land doesn't allow him to have more than 18 lots. Commissioner Smith wants the issue cleared up with the required frontage or easement access requirements being met. At the next hearing Mr. Richards needs to tell the Board how he is going to pay/bond for a road he is going to abandon in the future, and then explain how the site plan matches up to a new road. Commissioner Van Beek likes the plan, but she is trying to overcome the access issues and so she suggested the applicant get some of the questions answered so he can move forward. Mr. Richards said he will abide by the conditions, but the issue is he cannot put a road in and then tear it up so that would squash the whole thing and he would have to sell the property. Commissioner Smith said he needs to go back to the planning table and phase the development and show what he is going to do so he can have a real temporary driveway and then as this comes through, Phase 2 will include this development at which time a full road will be developed. Even the frontage or easement reduction could be tied to that temporary status, you get this many lots at this level and when you have the access resolved for a full development you can complete that development. A continued hearing will give time for proposals and notification requirements to be met, and the applicant can reach out to the Army Corps of Engineers regarding the wetlands, as well as follow-up with Canyon Highway District, and then staff can update the staff report with all of those items and give a new recommendation based on information Mr. Richards will provide. The applicant will meet with Kate Dahl and talk through all the questions and come up with proposed items to include in the development agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the hearing to March 31, 2022 at 1:30 p.m. The hearing concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:30 p.m. with the County Agent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, County Agent Nic Usabel, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Mr. Usabel updated the Board on the following:

- His office has conducted interviews for the open Customer Service Rep position and hope to offer/hire soon. Once someone is hired they will be fully staffed.
- Ms. Clarich and Ms. Holmquist worked with Ada County 4-H and have received a \$750K grant for the 4-H Youth Development Program. He spoke about what they'll use the grant monies for.
- Mr. Neufeld is continuing the pesticide and seed crop programs.
- The horticulture program has 23 master gardeners enrolled and they have received \$30K to operate youth horticulture programming. Handouts were provided giving information on the current horticulture programs and junior master gardener programs. A copy of the handout is on file with this day's minutes.
- He also spoke about the U and I Together program.

Commissioner Smith asked for an update in regard to the Fair. She noted that there is a lot going on and that timing is a priority and from the Board's perspective there are some questions that still need to be answered. She said that her main concern is providing an opportunity where Owyhee County threw a curveball mid-season and the mission is to do what's best for the residents of Canyon County. At a previous meeting there was very clear direction to Director Sinner to allow Canyon County kids to participate. Commissioner Smith noted that if Canyon County 4-H is not going to be able to accept all kids and get them in within deadlines there will be a 3rd class of kids allowed to participate without being in 4-H.

In response to a question from Commissioner Smith regarding the relationship between Canyon County and Ada County, Mr. Usabel spoke about the agreement he believes has been in place is 2018 and that the kids would be considered dual enrolled. He spoke about the options for 4-H kids to participate in the Canyon County Fair. The options would be for the Owyhee County club to complete paperwork to be a charter club in Canyon County or a youth could dual enroll in a Canyon County club. Either way the appropriate paperwork would need to be completed for insurance liability and to ensure proper communication. Commissioner Smith noted that there have been comments received from parents that Canyon County clubs are full so there really wasn't an option for kids to enroll midstream. Mr. Usabel believes he outlined the options for dual enrollment in an earlier email.

Director Sinner said she believes in the initial revision to the exception it was specified that the youth would have to join a Canyon County club. She also clarified that she doesn't believe there is a written agreement with Ada County. She noted that Idaho 4-H policy is referenced several times in the email communication but she is still seeking to clarify whether the agreement between Ada County and Canyon County abides by Idaho 4-H policy. It is never referenced in the exhibitor guide that those clubs or kids had to be dual enrolled, it just says that Ada County kids can participate. Commissioner Smith feels that allowing kids in an Owyhee County club, who live in Canyon County to participate is in the same spirit as allowing Ada County kids to participate. Director Sinner confirmed that was the intent when the exception was presented; they are trying to be consistent with how this kind of situation with a neighboring county has been handled in the past. Commissioner Van Beek asked about creating a "shell" agreement with Ada County in an effort to create equity across county lines.

Commissioner Smith asked if Ms. Holmquist or Ms. Clarich had any objections during the market livestock sale committee meeting in January. Director Sinner they didn't express concern over the exception not complying with Idaho 4-H policy. The concerns expressed that night were similar to what Owyhee County is going thru. They have space concerns and accommodating the number of people that want to show there. Canyon County has the same concerns but also feels responsible to make sure that the residents of the county and the youth have a place to show. Mr. Usabel explained they aren't saying youth can't show, they just need to be registered under 4-H Youth Development for liability purposes.

Commissioner Smith spoke about the communication between the fair staff and the agent's office; she feels that there have been long delays in communication receiving information and input back from the agent's office and deadlines are rapidly approaching.

Canyon County is trying to solve a problem that was created by Owyhee County and everyone needs to make exceptions even if they are temporary.

Mr. Usabel feels that a solution has been offered in that Owyhee County clubs can either charter into Canyon County or the youth can dual enroll.

Commissioner Smith requested that for the meeting scheduled for Friday that Mr. Usabel provide the dates his team was notified, the efforts that have been taken to include Canyon County kids, the status of the invitation to welcome them and which kids are still in limbo. She would like to use Friday to problem solve and make sure there is a path forward. Additionally, she requested written documentation of how the relationship between Ada County and Canyon County is handled.

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

MEETING TO DISCUSS RUN, HIDE, FIGHT TRAINING

The Board met today at 2:09 p.m. to discuss the run, hide, fight training. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Rick Britton, Security Supervisor Les Johnson and Deputy Clerk Jenen Ross. Director Britton said he's spoken with the Sheriff's Office and they've committed to providing the training. Mr. Britton's suggestion is to start with Board employees and see how it goes, at that point it could be offered to other offices that may be interested. The training is anticipated to be approximately 2 hours and he thinks 40 employees could attend at a time. Mr. Johnson provided and reviewed a handout outlining active shooter statistics. The Board is supportive of this plan and Director Britton will start reaching out to the department heads to schedule training. A copy of the handout is on file with this day's minutes.

The meeting concluded at 2:18 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 3, 2022

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

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:54 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-371, 2022-366, 2022-386, 2022-318, 2022-319.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution designating surplus property and donating to City of Melba Fire Department: Mr. Robertson explained this was properly noticed and no public comment was received. In response to a question at the previous meeting, there is no monetary threshold that applies, just the noticing requirements. Portable computer equipment is being donated to another government entity for use in fire trucks. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution designating surplus property and donating to the City of Melba Fire Department (see resolution no. 22-025).

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

RESCHEDULE PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION
FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 10:49 a.m. to consider the request by John Cotner for approval of a rezone and a preliminary plat for Hawk View Estates Subdivision, Case Nos. RZ2021-0034 & SD2021-0021. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via Webex, Todd Lakey, John Cotner, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner White was not present and the applicant requested a continuance to a date when all three Commissioners could be present. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to reschedule the hearing to March 15, 2022 at 1:30 p.m. The meeting concluded at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 4, 2022

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

There were no meetings held this day.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 7, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582654 to 582969 in the amount of \$36,590.80

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Parma Ridge Wine & Spirits Co LLC to be used 3/12/22

FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for November 2021.

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

The Board met today at 10:16 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Rick Britton, Sr. Customer Service Specialist Becky Kearsley and Deputy Clerk Jenen Ross. Director Britton provided a review and updates on capital improvement projects for FY22; a document outlining the projects was provided to the Board and is on file with this day's minutes. Discussion ensued regarding the following projects: renovations that could potentially be done and longevity of the juvenile justice building; roof for the sprung (Pod 5) structure; Director Britton is continuing to work with Director Rast on a conference room scheduling application; Wall 2 Wall Flooring has provided an estimate of not to exceed \$15,000 for polishing and refinishing of the floor at the animal shelter which will come out of the maintenance budget line for the shelter – Commissioners Smith and Van Beek are in favor of this. A review of projects currently with legal was provided, a document outlining these projects is on file with this day's minutes.

Director Britton recently met with Brent Orton regarding the local improvement district to discuss parking and lighting around the courthouse campus. Currently there are some concerns in regard to the safety of parking and they would like to integrate some of that with the LID to add some "bump outs" similar to downtown Caldwell. In the meantime, the city will continue to work to work with the county in granting permission to create some parking stalls and some spots to help with safety. Commissioner Smith said she has also spoken with Brent Orton who indicated that although the urban renewal portion went away, there isn't any reason the county can't ask for a match especially if there is any additional county allocation that could be accessed. She would like to see the county move that direction and take advantage of the match that they can do and then ask for an urban renewal match. Commissioner Smith offered her assistance with this to Director Britton if necessary.

The juvenile detention building is in need of painting so Director Britton will put together numbers to be included in the FY23 budget.

There is a personnel issue to be addressed but Commissioner Smith would like to wait for Commissioner White to be back in the office for that discussion. Director Britton has chosen his top 2 candidates for the open positions in his department and would like to bring that information

to the Board for review. Commissioner Smith suggested this discussion could take place Thursday morning.

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

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

The Board met today at 10:48 a.m. for a meeting with HR Staff to discuss general issues set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Interim Lead HR Generalist Jennifer Allen participated via conference call.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 10:49 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek and Interim Lead HR Generalist Jennifer Allen via conference call. The Executive Session concluded at 10:53 a.m.

At the conclusion of the executive session Commissioner Smith noted that the employee discussed is a part-time employee, but he will exceed the PERSI minimum which will require a contribution to PERSI on his behalf and the county's behalf. Commissioner Smith is okay with this as his services are necessary. Commissioner Van Beek is also supportive of this decision.

Ms. Allen brought to the Board's attention that there have been some issues with recent job offers being declined due to the salary being offered. She is concerned it may be an ongoing and future problem. Ms. Allen said she did a comparison with Ada County, and it seems as though the salaries are comparable. She is concerned the county will run into more of this with the lower paid positions. The Board requested that a turnover report be provided at the monthly meetings in order to get an idea of what it looks like within each of their departments.

Commissioner Smith heard there are a couple of potential terminations and confirmed that Ms. Allen is working with the Prosecutor's Office and ICRMP on the proper notice. Ms. Allen will join by phone for Director Britton's personnel meeting on Thursday.

The meeting concluded at 11:03 a.m. An audio recording is on file in the Commissioners' Office.

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization, met today at 1:31 p.m. to consider any BOE matters that may have been presented. Present were: Commissioners Keri Smith, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury. No BOE items were requested for consideration. The meeting concluded at 1:32 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Development Services Steve Fultz, Controller Zach Wagoner (left at 1:45 p.m.) and Sr. Administrative Specialist Terri Salisbury.

Consider signing resolution to approve the salary range for 1 position in Development Services:

Director Fultz and Mr. Wagoner explained the need for the increase in the salary range and answered questions and concerns by Commissioner Van Beek and Commissioner Smith. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to approve the salary range for the engineer position in Development Services. (see resolution no. 22-026).

Consider signing resolution for Greg Payne who is requesting a refund for a withdrawn rezone application: Greg Payne has requested a refund for a withdrawn rezone application. Director Fultz stated no refund is recommend by staff due to the amount of work that was put into the case. Commissioner Smith asked if there was a breakdown of staff time. Director Fultz stated that there was but he did not have it with him. Commissioner Smith would like a breakdown of staff time before a denial of a refund is accepted, and Commissioner Van Beek agreed. No decision was made.

Consider signing resolution for John Harris who is requesting a refund for a withdrawn rezone application: John Harris has requested a refund for a withdrawn rezone application. Director Fultz stated that very little work was done past taking the application. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund in the amount of \$850.00 to John Harris for a withdrawn rezone application. (see resolution no. 22-027).

Director Fultz updated the Board on the following:

- Update on current, new and still needed staff needs.

- The issue with the site visits looks to be resolved, there has not been any P&Z Commissioner going out for site visits.

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

EXECUTIVE SESSION –PERSONNEL MATTER – EVALUATION OF P&Z COMMISSION CANDIDATES

Commissioner Van Beek made a motion to go into Executive Session at 1:59 p.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding a personnel matter – the evaluation of P&Z Commission candidates. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Development Services Steve Fultz. The Executive Session concluded at 2:02 p.m. While in open session, Commissioner Smith said there is Board approval to process the paperwork for the P&Z Commission candidate appointments.

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

- Director Fultz provided an update on economic development prospects that have come to the county, as well as areas DSD has assisted other communities with economic development issues.
- Due to a technical glitch with the recording system, the P&Z Commission hearings that were held on March 3, 2022 were not recorded. Commissioner Smith has concerns about not having a recording in the event a case is appealed to district court and transcript has to be made available.
- Update of “Project Docs” the online program where patrons can check the status of permits. Director Fultz is working with IT and should have something ready to present for the FY2023 budget.
- The office move has gone well, there are still a couple of offices that are being finished. Director Fultz would like construction finished before looking at having a store front installed for noise control in order to get a real feel of the office noise level.
- Commissioner Smith brought up the upcoming hearing for the date of originality ordinance, she stated that the hearing may need to be continued after hearing testimony so that Commissioner White can listen to the testimony and be a part of the decision.
- There will be a joint workshop with the P&Z Commission to discuss the comprehensive plan on March 9, 2022 at 5:00 p.m.
- House Bill 643, which affects cities’ ability to annex, has passed the house and is going to the Senate.

Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to continue the meeting to Wednesday, March 8, 2022 at 2:45 p.m.

The meeting concluded at 2:31 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

COMMUNITY INPUT MEETING

The Board met today at 5:30 p.m. for a community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, along with Clerk Chris Yamamoto and County PIO Joe Decker, Lewis Groberg, Dale Jansen Van Beek, Steve Burton, Thomas Mundell, Beverly Cavazos, Manuel Cavazos, Sandy Bowden, Gary Bartlow, Pat Bartlow, Alisha Rettkowski, Randy Fisk, Rick Haub, Laurie Haverfield, Carol Schroeder, ElJay Waite, Pep Waite, Jaye Johnson, Kim Yanecko, Tara Barling, David Leroy, Chris and Becky Smith, Steve White, Nick Schlader, Mark Ottens, Teri Ottens, KTVB Reporter John Mark Krum, Rachel Spacek with the Idaho Press-Tribune, interested citizens, and Deputy Clerk Monica Reeves

Commissioner Smith explained the purpose of tonight's meeting is to allow people a chance to provide input/feedback or ask questions about county government or other activities pertaining to Canyon County. Each person will be given three minutes to speak. The Board may not deliberate on any items not specifically agendaized. The Board will receive comments and provide answers when appropriate. She understands many people are here tonight because of the letter signed by eight elected officials calling for Commissioner Van Beek's resignation, as well as her rebuttal letter. All parties want more information to be released, but doing so at this time would put the County and its taxpayers at greater risk because a number of the allegations in the letter are connected to pending litigation involving the County and we need to be careful. Any extrajudicial comments, particularly in an open meeting, have the potential to increase liability. Commissioner Smith asked everyone to be respectful of each other and the allotted time. In the event yelling or intimidation tactics arise and go unchecked, she will be forced to end the meeting.

Commissioner Van Beek read a prepared statement into the record which was transcribed as follows: *"Dear Citizens, In the fall of 2017 I made a decision to turn my love for service toward helping my local community. I did not make this decision lightly. I knew it would be a journey of growth regardless of the outcome when the final vote was cast. I was in a highly contested race with 3 other candidates – a local city official, a former commissioner, and a gentleman who had two prior unsuccessful bids for the office of commissioner. During my campaign I was criticized for being a woman, I was told I should go back to the kitchen, that I would fail because I didn't understand quid pro quo and that I was too green to take office and would never be elected, and guess what, I won. And what I won was the opportunity as a citizen to make a difference in local government. I refused to be indoctrinated or intimidated by the "good ol' boys". I was told shortly after being sworn in my first term of office in 2019 that I was a threat to the status quo. I am now serving my second term and I understand that what I have threatened are the deeply imbedded, questionable practices that existed in Canyon County government long before I was elected to the office of commissioner. I am here to say that change is possible and that it starts with one person. I am here to declare that I am fulfilling my oath of office to protect my county, my state and my country from all foreign and domestic terrorists and to faithfully discharge the duties of my office*

to the best of my ability. I am under fire. As commissioner I have lobbied to have the daily agenda including items for discussion or action posted on the commissioners' website. I have lobbied to have commissioners' voting records posted on the Commissioners' website mirroring what happens at the capitol during a legislative session. I have lobbied to track attendance for elected officials including vacation time, sick leave and personal leave of absence. Citizens gainfully employed in the private sector are expected to meet those standards. I have lobbied to have salaries posted on the Canyon County website with a 5-year history showing year-over-year percent increases. I have lobbied to have detailed supporting documentation accompany all credit card charges, travel expenses and purchase orders which is consistent with Idaho Code because they are your tax dollars. I believe all expenses should be open to questions by each commissioner as well as the public. I have been heavily criticized, ostracized and met with hostility for questioning expenses such as valet parking, custom framed art work, seating upgrades on airline flights, travel budgets, contingency funds, additional pay and unbudgeted items presented for payment. It has been clearly communicated to me that once your tax dollars have been allocated to any elected official in the county, commissioners and taxpayers no longer have the right to question how some members of the electorate spend your money and to that I object. I kept the books for our small dairy operation up until about 15 years ago, we bought ourselves a business operating on single digit margins, having to account for every dollar. When out of state dairymen moved our herds to Idaho market conditions changed and we made the decision to sell our cows. We kept our land, paid our bills and went to work off the farm. That same philosophy of hard work, fiscal accountability and integrity should exist in county government and must exist for those we elect to office. I am frustrated when I question a \$30,000 construction change order and I am told that the dollar amount is insignificant. That amount for some employees and taxpayers is a year's wages. Government does not produce a profit. Hard working citizens like you produce a profit which in turn pays our salaries and provides citizens with government services. In the absence of any standard requiring an elected official to show up for work or meet any standard of production as an elected citizen from the working class I object. I understand why citizens may feel like it does not make a difference to get involved in local government, why they may feel that their vote does not matter or that making a phone call to an elected official won't make a difference. But those feelings are exactly the reason that I ran for office, I am one of you, I care what you think and I listen to my constituents. I return phone calls and answer emails sometimes after hours. If my desire to prioritize you, the citizens of this county is what my fellow elected officials have stated is "a lack of confidence in my ability to productively contribute perspective or leadership on any issue of significance" then I submit to you that they have lost the vision of good government. That they have abused their authority and that they may be the elected official who needs to resign so that Canyon County government is represented by elected officials who want to represent you, the people. I submit that it is time for a change in Canyon County government. There are eight elected officials who have alleged abusive and unfounded allegations against me. These unfounded, slanderous and offensive allegations testify to the nature and the character of its authors. These eight elected officials are attempting to circumvent the voting process and the power of the people. Having no statutory authority to call for my resignation they are asking an elected official who has consistently shown up for work, called for accountability, questioned the budget and gave and citizens and anchored the Board to step down. We have all been waiting to hear what it is that I have allegedly done and I would submit that the true basis for change still resides within the people of this county. You have

the power, at the polls to make a difference on May 17th when 5 of the eight elected officials who authored the letter will be on the ballot. I do not pretend to have done this journey perfectly but I will say that I have been in the ring fighting for what I believe you elected me to do. Theodore Roosevelt's most famous observation about political and real life is captured in the excerpt from the speech 'Citizenship in a Republic' it states "It is not the critic who counts, not the man who points out how the strongman stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood and who strives valiantly, who knows at best in the end the triumph of high achievement and who at worst if he fails at least fails while daring greatly so that his place shall never be with those cold and timid souls who neither know victory nor defeat." Together we can make a difference, together we must affect positive change in Canyon County. That is the real and only reason that I am sitting here before you tonight."

Commissioner Smith said the construction change order Commissioner Van Beek referenced was where she questioned a \$30,000 charge but our entire team - Clerk's Office, Prosecuting Attorney's Office, fair director, facilities director - was complying with a contract and the contract very clearly said that winter conditions did not exist and they sat through a meeting where they consistently kept trying to get Commissioner Van Beek to understand they were trying to comply with a contract, and they tried to get her to go to that section but she would not listen, she would not comprehend what was happening with the contract and why the request was being made. A lot of this goes back to the liability of the County regarding personnel, we have a pending lawsuit against the County for \$1M for the way Commissioner Van Beek treated an employee. There is another example where she threatened an employee and said she met with a developer who wanted that employee to be fired, but Commissioner Van Beek said she would support the employee if he would change an ordinance for her. That is illegal, that's intimidation. There are multiple stories across the County where employees are being treated unfairly, and the risk she (Commissioner Smith) is taking right now is putting the liability on the County that she is acknowledging the bad behavior. Commissioner Van Beek consistently will go back, once you tell her she treated someone poorly, and apologize, and we have a very big concern with the way she leads our employees and it's sad. There are employees who are scared to come forward. We have a huge liability with just personnel and it's uncalled for.

Clerk Yamamoto said the Prosecutor's Office has several employees working on public records requests and information is forthcoming.

Public comments were as follows:

Lewis Groberg offered comments on the importance of having continuity and success in running County government and said if it's not seamlessly run there will be problems. He asked the Board to not allow a lot of development in and around the Sunnyslope area because it takes away the heritage of the whole area and it's something that needs to be preserved. Commissioner Smith spoke about how the Board has been meeting with local mayors to discuss how to manage community growth, and she encouraged Mr. Groberg to attend the various workshops, open

houses, and public meetings regarding the comprehensive plan and County ordinances. Public hearings will follow.

Dale Jansen Van Beek said it was interesting that Commissioner Smith pointed out certain details of the alleged offenses against his wife, and he wants to hear both sides of the story. He takes the attacks very personal by the eight elected officials and said honesty and truth will come out. He said the alleged offense Commissioner Smith spoke about occurred when his wife was attending his parents' funeral and he is not sure how that could come against her. He is proud to say his wife did not buckle for eight cowards that went after her.

ElJay Waite gave his time to Pep Waite.

Pep Waite said no evidence was provided to back up the accusations by the eight elected officials when they called for Commissioner Van Beek's resignation, and from what she read from Commissioner Van Beek's response she assumed there would be a meeting, but saw nothing. She learned the next open meeting was scheduled on February 7, 2022 at 1:30 p.m. in which she attended. She did not know it was not a forum for citizens to speak. After the meeting she asked Commissioner Smith when a meeting would be held so Commissioner Van Beek could address the accusations, and Commissioner Smith said "there will be none", and Ms. Waite asked why and Commissioner Smith said they could not have a meeting because of possible litigation as well as their concern for keeping employees' names private. She then asked Commissioner Smith "Who wrote the letter?" She said Commissioner Smith told her it didn't matter, "it matters only that we all signed it." Ms. Waite asked what the elected officials meant in the letter "You have intentionally acted to purposely increase the liability exposure of other officials at taxpayers' expense as well as you have created significant financial damage to the County." Ms. Waite said Commissioner Smith's response was "Check on a million-dollar lawsuit." Ms. Waite asked what it was about and Commissioner Smith said she couldn't talk about but that Ms. Waite should do her own research. This is what Ms. Waite found: The lawsuit involved a former HR Director who claimed the County breached its "resignation, severance, and release agreement" by posting her job on the internet and other sources before the conditions of that agreement were met. The second part of the lawsuit was she claimed that two Commissioners and 10 County employees individually disparaged and denigrated her. Ms. Waite said on January 1st, 2021 there was an open meeting and in attendance were: Commissioners Smith and White, Deputy PA's Sam Laugheed, Zach Wesley, and Alex Klempel, and the audio referenced "a job description for HR Director before its posting." At that meeting Commissioner Smith stated there were some "housekeeping items" that needed to be done prior to the job being posted and at the end of the discussion Commissioner Smith stated "No other action in this, we're all good." Ms. Waite said she's read all the minutes of the meetings between July 1st and July 7th when the job was posted, there were no other meetings that discussed that job description and it was posted July 7th. Commissioner Van Beek was not at the July 1st meeting because she was attending the funeral of her mother-in-law and father-in-law, so Ms. Waite concludes 1) she was not present to vote on the posting of the job, and 2) she did not "increase the liability of exposure" or "create significant financial damage to the County." Commissioners Smith and White gave that approval. Ms. Waite asked why the three deputy prosecuting attorneys didn't know that the job description and subsequent posting would violate

the “resignation, severance, and release agreement.” It could be concluded that they were the ones who “increased the liability of financial damage to the County” and not Commissioner Van Beek. The second part of the former HR Director’s lawsuit claimed she was disparaged and denigrated by two Commissioners and 10 other County employees. Commissioner Smith was included in that lawsuit, not just Commissioner Van Beek. Why wasn’t Commissioner White included in the lawsuit? She approved the job posting and that’s a question Ms. Waite would like answered. This is her conclusion, by listening to Commissioner Van Beek’s response to the accusations, Ms. Waite believes that what they have accused her of is not the truth and is slanderous and defaming of her character. Following Ms. Waite’s comments, Commissioner Smith said we will have to ask our attorneys if her questions can be answered or included in a future meeting. She said the example Ms. Waite shared, and that Mr. Van Beek mentioned, tying the two through the funeral – is not related to pending litigation, it’s a very separate case.

Steve Burton had questions regarding the Star area of city impact request, and the public hearing on the 2004 date of originality ordinance, as well as the update of the comprehensive plan. Are the meetings this week related or are they independent of each other? Commissioner Smith said they are independent of each other. The comprehensive plan is not scheduled for a decision, but the zoning ordinance amendment is scheduled for a decision, however, it would be inappropriate to take public comment on that now. It would be more appropriate at tomorrow’s hearing. Regarding the Star impact area, the Board asked them to come back and try to negotiate. The City of Star asked for the case to be dismissed and the judge is letting the case move forward. Our state representatives just passed a bill approving annexations wherever anyone wants to annex, and we all should be calling our senators because that already passed and if we want any type of controlled growth that legislative move would hurt us, it would just be a free for all for the developers. If they are contiguous they would be able to ask for annexation into anyone’s impact area. She encouraged anyone who cares about smart growth to reach out to your senators and ask them, specifically Jim Rice, to not let that bill make it to the floor. Mr. Burton asked if the new comprehensive plan has major changes? Commissioner Smith said she has not seen the comprehensive plan yet, but she’s heard it’s undergoing a major rewrite. Mr. Burton addressed Commissioner Van Beek and spoke about a case from last year involving a rezone application for North Star Development and how the P&Z Commission recommended the case not be approved and recommended the developer go with an R-2 rating. He said Commissioner Van Beek had pulled up the records and showed that the P&Z Commission had recommended approval of the development with an R-1 rating. He said last week, as part of the Star impact area request, DSD staff presented directly opposite what the P&Z Commission had recommended. The P&Z Commission gave a unanimous negative vote on the City of Star’s request, but DSD staff recommended approval for it and he wonders if that’s what happened a year ago with the North Star Development case. Is DSD staff going contrary to what the P&Z Commission is recommending? Is this a consistent thing, do we have a problem? Commissioner Smith said they are the working arm of planning and they don’t have any decision-making authority, they make a recommendation from a planner-level experience and it doesn’t have any weight in court. It’s just a planner recommendation from that office. She is not familiar with what happened with the North Star Development but it can be confusing between those recommendations, but the P&Z Commission recommendation is something the Idaho Land Use Planning Act requires the Board

to consider. It's a guide, and there is history of planners making recommendations but those are typically are never referenced in part of the approval documents and the findings of fact and conclusions of law. The Board is required to look at the information provided and agree with the findings or change them. Mr. Burton said it seems odd and when the P&Z Commission makes a unanimous decision but gets relayed to the Board by staff as 100% opposite – something's wrong. Commissioner Smith said that is a problem if the P&Z Commission made a recommendation and staff said the recommendation was opposite of what it was. There is a difference though if staff makes a recommendation based on their findings, and a real recommendation from the P&Z Commission is another. It could be just a matter of confusing the two.

Beverly Cavaso indicated she wanted to give her time to Kim Yanecko. Commissioner Smith said there might be time at the end for that, but there might not be.

Sandy Bowden said she was yielding her time to Laurie Haverfield.

Thomas Mundell said he agrees with the points made by Steve Burton and he asked about the bill number that Commissioner Smith referenced regarding annexations. Commissioner Smith said it's HB 635.

Gary Bartlow wanted to know what a normal day looks like for a Commissioner. He asked, are they in the office at 8:00 a.m., are all three Commissioners here every day, are there outside meetings, do they answer phone calls and emails, and how late are they in the office? Commissioner Smith gave an overview of the departments the Board oversees, as well as a typical meeting schedule, and indicated she takes calls outside of the office and outside of business hours. All three Commissioners are not always here; two Commissioners constitute a quorum. Commissioners have to fulfill the duties of the job to the best of their ability. Commissioner Van Beek said because there is not clarity in the statute on attendance and so she wants voting records available on the website because it would show who was in attendance. One of things she objected to is that a Commissioner only has to sign an attendance sheet but there is nothing that binds that Commissioner to working a full day. Mr. Bartlow said he is not hinting at that, he doesn't know what a Commissioner is. Commissioner Smith said there is so much work and activity that happens outside of our offices; the BOCC is the executive of the County so we have to review contracts, sign disbursements, etc. They have staff who keep the minutes and schedule but they don't have anyone that does work for them, per se, to do research, return calls or emails. Ada County has a chief executive officer and sometimes you are able to have assistants, but the Board doesn't have that. Mr. Bartlow asked who the Board reports to. Commissioner Smith said there isn't anyone that they specifically report to except for at election time. They should be meeting the will of the constituents and that is why they have community input meetings so they can hear from citizens. Mr. Bartlow asked why the Board doesn't have subordinate staff that's allocated to planning, development and things like that. Commissioner Smith said the Board doesn't have that because it would have to fund that position, but it is something to be considered.

Alicia Rettkowski is a resident of the City of Greenleaf and is opposed to a proposal by Royal Pro-C LLC, who is proposing a subdivision, the majority of which is in the County, not Greenleaf. They

are trying to annex into Greenleaf so they can rezone from agriculture to residential, and Ms. Retkowski is requesting the Board not approve it due to concerns about infrastructure not being able to handle additional homes. Commissioner Smith said the County is only required to notify property owners within a 600-foot distance and the Board cannot deliberate on anything that has the potential to come before it ahead of time. It is important to note the County has no say about city annexations. She encouraged Ms. Retkowski to watch the land use hearings page and keep advocating with the city. She spoke about approval rates in impact areas and how she has made a pitch to scale back impact areas and how she will continue to push the idea for smarter growth where those communities can grow.

Randy Fisk bought his property in 1997 and was allowed to have one split. He wants to allow his kids to build on the property but the current zoning won't allow it. However, if he wanted to build another house he could do that, but he cannot sell to his kids which doesn't make sense. He is advocating for a change to allow splits, not just leave it at 1979. Commissioner Smith said tomorrow there is a hearing to consider an ordinance amendment that proposes that since 1979 we are on at least the 3rd generation of Canyon County residents and it might be time to update that date to allow one-time splits. What Mr. Fisk is referencing in the ordinance is specifically referencing secondary residences that are allowed in agriculture. We are advocating for the generational families to be able to stay. We know we are in a housing crisis and people need opportunities for their families to be able to stay close. This Board attended a workshop and provided support to have that date changed and it will include a transfer of development rights (TDR's) between contiguous property owners, and that will be another opportunity for people to preserve some productive farm ground and transfer it to nonproductive. There are people on both sides of the fence on approving or denying the ordinance so she encouraged him to provide comment and attend the hearing.

Manuel Cavaso and Rick Haub indicated they wanted to give his time to Kim Yanecko. Carol Schroeder indicated they wanted to give her time to Laurie Haverfield.

Kim Yanecko asked if tonight's meeting could go beyond the one-hour time limit so citizens can take their time to explain concerns and ask questions. Commissioner Smith said she has obligations tonight with her family that she cannot get out of it. Ms. Yanecko said Commissioner Smith could leave and the meeting could continue to be recorded. Commissioner Smith said it's a quorum issue. Clerk Yamamoto said a lot more information is going to come out and right now this is a one-sided affair and we can turn this into a two-sided affair where we can have facts and a good discussion so he suggested the meeting happen again. He would like for the records requests to be fulfilled and after that we "go to town with all of the issues". Ms. Yanecko asked if the County intends to hold a hearing specifically on the issues once all the information is out? Clerk Yamamoto said he wants all the facts on the table and right now they are not. He is waiting for the public record requests to be fulfilled and there needs to be some time to digest it and then we need to get back together. Right now, it's a one-sided deal and you are going to find out there are a lot more facts to be presented than what you think there is right now. Commissioner Smith said we are down to the remaining four minutes of the meeting and she reiterated that tonight's meeting will conclude at 6:30 p.m. and courthouse staff will be excused at that time. Clerk Yamamoto

asked if she would commit to another meeting and Commissioner Smith said she is committed to having another meeting and pointed out that the community input meetings are held each month.

Ms. Yanecko said people came tonight to discuss this issue and get some answers. She referenced an email from Commissioner Smith that said unless it's an agenda item the Board won't discuss it. Ms. Yanecko said she's been asking the Board to hold a hearing specifically for this issue and now Mr. Yamamoto is saying we could hold one of those where it's an agenda item so she doesn't understand why the Board couldn't have specifically created that hearing so the citizens could talk about the resignation letter. Commissioner Smith said it would have been helpful if Ms. Yanecko had let all the people know what tonight's topics of discussion included. As soon as we are able to and we reduce the risk of the liability to the taxpayers we will release more information. Ms. Yanecko questioned why a one-hour time limit was set for the meeting when other meetings/hearings have lasted longer. Commissioner Smith said this meeting was intended to provide community input. Ms. Yanecko said the Board knew the community wanted to talk about the issue and she wanted to know why Commissioner Smith won't spend an extra 15 minutes for the meeting. Clerk Yamamoto said it should be abundantly clear by now she is not going to get any answers tonight. Ms. Yanecko said she's not asking for answers, she wants to bring some public awareness to some things. There is no job description for a County Commissioner, but they are required to supervise the official conduct of all county officers, appointed boards and commissions by the county charged with assessing, collecting, safekeeping, management and disbursement of the public monies and revenues, etc. Pam White filed for bankruptcy in 2020 and wrote off \$12.5M in a personal bankruptcy and her husband in that same year wrote off \$4.5M so why is she still sitting on the Board and not resigned when she is representing the citizens, and the money that you're taking from us and she just got a 7.5% increase in salary right after COVID when people were losing their homes and livelihood. During Ms. Yanecko's time to speak, Steve White interrupted her from his spot in the audience to disagree, at which time Commissioner Smith adjourned the meeting. No Board action was required or taken. The meeting concluded at 6:29 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 8, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Symbol Arts in the amount of \$2,476.00 for Canyon County Sheriff
- Curtis Blue Line in the amount of \$13,600.20 for Canyon County Sheriff
- John E. Reed & Associates, Inc. in the amount of \$1,200.00 for Canyon County Sheriff
- Riverside Trailers in the amount of \$21,899.00 for Solid Waste Department
- Core & Main in the amount of \$31,060.00 for Solid Waste Department
- River Rock Sand & Gravel in the amount of \$12,100.00 for Solid Waste Department
- W2W Flooring in the amount of \$27,650.00 for Facilities Department
- Grainger in the amount of \$1,717.50 for Facilities Department
- Intermountain Wood Products in the amount of \$1,968.80 for Facilities Department
- Intermountain Wood Products in the amount of \$5,501.47 for Facilities Department
- D&A Door in the amount of \$3,108.00 for Facilities Department
- Team Alert in the amount of \$25,875.00 for Facilities Department
- Dell in the amount of \$1,195.03 for Information Department
- Dell in the amount of \$4,160.13 for Information Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Edge Brewing Co. Inc to be used 3/12/22

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via teleconference, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Fair Director Diana Sinner, Facilities Director Rick Britton, Cole Koba with Paradigm, Chief Deputy Sheriff Marv Dashiell (left at 9:06 a.m.), Lt. Doug Gately (left at 9:06 a.m.), Controller Zach Wagoner, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution classifying and authorizing the destruction of certain Canyon County Sheriff's Office Records: Chief Dashiell explained the records staff recently found some old microfilm from the late 90's and at this point the county doesn't have a device to even be able to view the records. The records are noted as 'arrest' and 'duplicate' records and are past the retention period for even semi-permanent records retention which is 5 years. Lt. Gately sees no reason to keep the records. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution classifying and authorizing the destruction of certain Canyon County Sheriff's Office Records (see resolution no. 22-028).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Fair Director Diana Sinner, Facilities Rick Britton, Clerk Chris Yamamoto, Controller Zach Wagoner and Cole Koba with Paradigm. Commissioner White participated via conference call. The Executive Session concluded at 9:25 a.m. with no decision being called for in open session.

Mr. Wesley said a final action item will be brought back at a later time.

The meeting concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Canyon County for the following:

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

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

ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS. CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE, APPLICABILITY AND APPLICATION REQUIREMENTS AND PROVISIONS, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES (SECTION 07-18-01), AMENDMENT TO SECTION

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

Those present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Kate Dahl, DSD Planner Elizabeth Allen, DSD Planner Jenna Petroll, TJ Wellard, Jessica Lillquist, Darin Taylor, Daniel Schuster, Alan Mills, Fred Butler, Edward Thiel, Michelle Gooding, George Crookham, Chris Hopper, Kristi Crookham, David Anderson, Jay Gibbons, Matt Wilke, John Ihli, Jim Thompson, Vince Mallard, other interested citizens, and Deputy Clerk Monica Reeves.

Kate Dahl gave the oral staff report. The Board requested staff provide an ordinance amendment changing or adding the date a parcel is considered original from September 6, 1979 to September 6, 2004. An original parcel is defined as a parcel with platted or un-platted land as it existed on September 6, 1979, the date the zoning ordinance was adopted, including any property boundary adjustment as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company, or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, state, or federal agency. Basically, it's any piece of land that was created prior to September 6, 1979 and has never been divided. The question staff asks: "Is the parcel the same shape and size as it was in 1979 as it is today?" If that can be met the parcel is eligible for an administrative land division under the code. CCZO section 07-17-03 exempts land that is divided into fewer than five parcels from the original parcel from the platting requirement. Parcels that are considered original can be divided up to four times and fall under the administrative land division process. A parcel that is going to be divided five or more times will be triggered to go through the subdivision platting requirements. This can be concurrently developing the four parcels at the same time, or sequentially over time. In the agricultural zoning district, it's by the size of parcels, the number of divisions you are allowed. For parcels that are 80 acres or less, you are allowed two parcels or two divisions. Agricultural zoning 80 acres to 119 acres is three parcels, and over 120 acres is four parcels. In all other zoning districts, you can take the maximum of four parcels so long as the original parcel is large enough to accommodate those and meet the minimum lot size of the zoning district. Ms. Dahl reviewed the process for parcel inquiries and parcel research as well as the current administration land division process.

Impacts:

Staff would expect to see a reduction in comprehensive plan map amendments and rezone requests. The administrative land division is a much easier process for the applicants, and it's shorter, faster, and cheaper than going through a rezone and platting. Staff hears from people whose kids cannot find a place to live, or their parents need a place to live, so this would allow for the expansion of housing to pick up that shortage.

On the negative impact side, although we would see a reduction in comp plan map amendments and rezones, they expect to see an increase in parcel inquiry requests. The number one concern from the farming community is an increase in farmland fragmentation as it would continue to whittle away the small pieces of farmland. It would also double the density and create serious traffic impacts making it difficult for staff and other jurisdictions to be able to plan and add to the transportation models throughout the Treasure Valley. Staff estimates there are 3,000 original parcels left in the County. Under the new 2004 date they have not discovered a simple way to search that, but they expect most of those splits have already happened so they would look to areas that have a number of splits already in place so that would be the north Middleton area, south Nampa, and some of the isolated pockets throughout the County.

This proposal does align with some of chapters of the comprehensive plan, including property rights, population, land use, community design, and agriculture. It does not align with some of the same chapters, including population, agriculture, economic development, natural resources and land use. Canyon Highway District is in opposition to the proposal citing concerns about private roads and access. A resident submitted a letter of concern regarding no oversight and planning, a secondary market for building permits, inadequate infrastructure, and lack of public notification and engagement.

The P&Z Commission held a public hearing on January 13, 2022 and recommended denial of the ordinance due to concerns about the reintroduction of conditional use permits for development in agricultural zoning, and because they felt it was inconsistent with our current comprehensive plan and should be reviewed under the new comprehensive plan when it's adopted. They were also concerned with the resulting density and felt it would create a number of negative impacts to land use.

Elizabeth Allen reviewed the draft proposed changes in the following sections:

- Definitions, Chapter 7, article 2
- Chapter 7, article 17 subdivisions
- Chapter 7 Article 18 administrative land divisions
- 07-18-01 Purpose
- 07-18-03 Applicability
- 07-18-05 Application
- 07-18-07 Administrative Division in Agricultural zones
- 07-18-09 Administrative Division of Nonviable Parcels in an Agricultural Zone
- 07-18-11 Administrative Division and Relocation of Building Permits between Contiguous Parcels in an Agricultural Zone
- 07-18-013 Administrative Land Divisions in all other Zones
- 07-18-07 Alternative Option

Following her report, Ms. Allen, Ms. Dahl, and Dan Lister responded to questions from the Board regarding language relating to: minimum lot sizes and working with other agencies; the 15-day notification requirement; generational needs is the original reason the Board supported a change

to the originality date; secondary residence requirements; traffic impacts, private road impacts; the overall benefit of keeping both ordinance dates (1979 and 2004); administrative land divisions; and judicial divisions.

Public comment in favor was offered as follows:

Matt Wilke submitted a letter of support for the ordinance.

TJ Wellard supports the intent of ordinance change but said there needs to be some general cleanup of the language. The definition of original parcel doesn't need to change other than the date and that's the intent of this change. He suggested a change be made to the term *aliquot section* because the proper term is *aliquot parts*. The subdivision definition needs cleared up; there has been talk of adopting the state's subdivision definition which allows properties to be divided for agricultural purposes to no less than five acres, but you can divide it however many times necessary depending on the need. Administrative land divisions do not turn the County into a city, and do not create traffic problems; however, the larger developments on the outskirts of town do create traffic problems. In order to keep the rural community this a better alternative than dividing up the farmland in and around cities and growing out into the County. He is not in favor of re-platting the pre-1979 subdivisions because they didn't go through the same process and typically are more rural parcels than a platted subdivision lot.

Jessica Lillquist agrees with TJ Wellard's comments. She is looking at this from a generational farming issue as her parents own a small farm and she would like the County to allow discretion for older farmers to split their land so their kids can build on the unused portions.

Darin Taylor said he agrees with the comments made by TJ Wellard as well as the points raised by the Board. There is agency input before a permit for a dwelling is granted. He would like an accommodation for boundary adjustments for land exchanges to make a waterway, or a road, or a transmission line easement. He likes the platted lots having an original parcel and go through the re-platting process. The land owners need to be accountable and work things out because we cannot assume at 40-lot subdivision will have 40 people asking for splits. Section 07-18-03 (b)(2) states the following parcels are not eligible for further division: Parcels created through the CUP. Why are we excluding those who followed the process? Rather than deny the right, we can restrict where they use the permit and we can require agency review.

Alan Mills said there are a lot of activities that don't fit with the CC&Rs that are being put on the one and two-acre parcels, such as FFA and 4-H projects being precluded in platted subdivisions. It also allows for families to locate near each other and provides opportunities for ag-related activities that are not compatible in proximity to higher density developments. One of the biggest things that would accommodate the demand for more home occupation and home business opportunities that also don't fit in those platted subdivisions. Regarding the aliquot parts description, he cautions not to eliminate the one-fourth quarter of one-fourth quarter section. You can have two 40's described by aliquot parts description side-by-side, one will be 39.95 acres and one will be 40.1 acres and now we're treating them as two different/separate parcels when

they are exactly the same. This would take away one of those. Clustering has been taken out as a means and clustering should be kept in there because if you're going to have additional splits you want them not to have to go through the entire approach process again. If you cluster them it preserves the openness of the rest of the ground. Clustering should remain as an option for that. It would take away a lot of the angst of traffic impact studies if we had universal impact fees implemented. The highway district's opposition is valid in some points but he feels it may be overstated in others. Dan Lister said the clustering of structures has been abused over the years. They can say effective farming practices, or, clustering of structures and so they don't have to talk about the effect of farming practices, they can just show they have clustered and that's good enough. If you take the word *or* away and have to prove it's more effective and clustering is part of it then there is the other half they still have to prove up which is this is an effective farming practice. If you want to keep it, you should use the word *and*, not *or*. Commissioner Smith said if an administrative land division is still allowed for platted parcels but if you started taking the available permit from a platted lot and moving it to farm ground out of it so you don't have to replat. She doesn't think that would be the intention, but that also would probably never meet the efficient farming. Mr. Lister said staff is working on a comp plan update where there will be other options such as transfer of development rights (TDR's) where we would want a conversation at that point. Commissioner Smith said that why she's trying to figure out how that would be impacted on a potential to relocate those permits. Discussion ensued. Mr. Mills said clustering is concept that has been with us for a long time and it seems to make sense that you would not fracture the land as much if you're clustering the allowed splits. The ordinance needs more work. Secondly, he has problems with the CUP language and is concerned it could overload the P&Z Commission and BOCC agenda with hearings if it can be avoided. Mr. Lister said using the 2004 date only – with the idea that the 1979 date is still around and you still have the slew of division availability – the 2004 date would be specifically to get one more from a new originality date. You can use the 2004 date if you meet these criteria. You can split your property into four parcels before platting off an original parcel. If the 2004 date is now an original parcel you get one split, but if you want the full four splits you would have to go through the CUP process at that time. It gives a person the full use of the land, the divisions under that new originality date, but with some review by public agencies and a hearing body. Commissioner Smith said that was the hang-up with the P&Z Commission and they recommended denial of the ordinance, and public comment indicates the citizens don't want it either. The proposal originally was just a one-time split, it didn't matter what size the parcel was. We would re-set the date and everyone could create two parcels. If you wanted more before you had to plat, you would go through a CUP for those two other lots. It did bring the CUP back, but it was very limited in scope of what would be allowed. Staff took the feedback and put back in what our community is used to for an original land division. Exhibit #5, page 6 brings back the language that original parcels can be split to this maximum amount. If you have less than an 80-acre parcel you get your one-time division. Any other divisions will require a rezone process whether a plat is required or not. Mr. Mills said this is an evolving issue and it's hard to get a grasp on it. He is in favor of any process that keeps the door open for being able to make an application. Commissioner Smith likes the option of no CUP. Commissioner Van Beek wants more discussion on that topic.

The Board took a brief recess at 11:57 and went back on the record at 12:00 noon.

Testimony in opposition was offered as follows:

Chris Hopper, the Assistant Engineer from Canyon Highway District, submitted a letter from the highway district which is identical to the one presented at the P&Z Commission hearing with two exceptions: This one has been signed by the boards of all four of the highway districts, and it has added a statement relating to the issuance or potential inability for the highway district to issue access permits for lots that are created without their input if they do not allow for safe access to the highway system. They are opposed to the modification of the originality date because it creates more of a bad thing. Administrative land divisions are a difficult and troublesome mechanism for development within the highway districts as they relate to their ability to manage access. In the past they had the opportunity to review the proposals for land divisions prior to those being submitted to the County and work out access related issues. Under the current system of a 15-day notification only through administrative comment they are limited in their ability to do that. It doesn't allow an opportunity to work with the applicants to come up with an alternative solution if the one that's being proposed doesn't meet their access standards or provide for safe access for one more of the proposed lots. Land divisions tend to create multiple points of access close together which is not very effective in the management of the public highway system. The current process does not allow the districts to require consolidation of the access points. New developments have the potential to create parcels that have frontage that do not have safe means of access. The Golden Gate Highway District and the Notus-Parma Highway District meet only once a month and are not able to meet the 15-day comment period if there are points of contention that staff feels needs to be addressed. Canyon Highway District approved at least 100 land divisions in the last year, and on 95% they provided a letter of acknowledgment in that 15-day comment period. Their process has been able to accommodate the 15-day timeline and there are some exceptions to that where they've had proposed divisions that do not meet proper access management requirements or other examples where we are seeing development through the land division process. They are seeing applications with 8, 10, and 12 splits at a time and that's a challenge because it's a subdivision without a plat and leads to more issues such as clustering. They don't provide for secondary access or any transportation planning in general. He spoke about preserving corridors for existing and future roadways and connectivity to other local parcels, and they fail to establish adequate property access to the purchasers or the second purchasers of these parcels. Private roads with no easement, no road users' associations, and no improvements. The County has been working to address some of those issues with the property owners who also come to the highway districts asking for help through the process. Commissioner Smith asked why their concerns be addressed at the building permit stage. Mr. Hopper said because you are creating a parcel that is eligible for a building permit and it may not have the ability to gain safe and effective access. Parcels being created without input, or in spite of opposition by the highway district may not be eligible for access permits. Commissioner Smith said she's having a hard time seeing where the system is broken. We are sending property owners to the highway district and if they don't get access we cannot issue the building permit. You've said most have access and on the rare few that don't why not say access is a concern on this property and request additional time for a decision. Mr. Hopper said they can do that but it doesn't make the process any more effective than it did when a letter of acknowledgment is required. You are requiring an applicant

to prepare a record of survey twice. Commissioner Smith said the language in the amendment states the access shall be shown. They won't be doing multiple records of survey, they will have to show that access. She said to staff: it shouldn't be provided with the application because if they provide the record of survey at the beginning they won't have those access points so that would be upon approval, but then it goes on to say a record of survey that shows access from each parcel complies with the requirements of Section 07-10-03 of this chapter and that includes all required utility easements. Mr. Lister said that is correct, it's not saying it's meeting highway district requirements for access. Commissioner Van Beek said the subdivisions created by administrative land divisions are unappealing aesthetically and if this gets reset to a date of 2004 the access for that on what are continuing to be failing and stacked roadways in Middleton, in the absence of impact fees, is problematic in nature. We should be able to create what the load is for roadways. There is a need for greater communication and engagement. Deputy PA Zach Wesley said County's ordinance in some places requires access approval from the highway district before granting a building permit and that's a requirement we placed on ourselves. Commissioner Smith said Exhibit #4, page 4, C., perhaps should state: a site plan that shows access from each parcel that complies with ours so then that site plan is submitted to the highway district, and then in section 2 for the approval procedure, some type of conditional approval that allows the County to consider those comments and then once we have negotiated the approved access, then the record of survey with metes and bounds at the end of the process. Mr. Lister said when they submit a letter of intent they would submit it with a record of survey ready to go and maybe some minor changes would happen. It used to be a 7 to 10-day process, but they amended it to a 15-day review period. They send the information and if the district wants more information DSD tells the applicant they should work with the highway district on their concerns. If we do a site plan instead of a record of survey at the start it turns a 15 to 30-day process into a 6-month process because staff looks at the site plan and gets the review, and if they say it's good to go the surveys are 3-6 months out so it would make that process longer. Commissioner Smith said that could be solved with putting in the approval procedure you have three months or six months to submit a record of survey or the application will be closed and incomplete and a new application will be required. Mr. Hopper said the County can require an access plan, it doesn't have to be a formal record of survey. Their development policy treats any subdivision of land as a subdivision. As a condition of building permit, the applicant shall dedicate right-of-way as deemed necessary by the district engineer. It's far more efficient if the district does that higher up the chain at the admin land division process than at the individual building permit process. Mr. Lister said it sounds like it would be easier to vet it during this application process and if that is a site plan with review, and then a survey afterwards staff is fine with updating that. Mr. Hopper spoke about the fee schedule the Canyon Highway District has adopted to have their fees capture a greater percentage of the time they spend working on development activities. Commissioner Smith said the Board hears from constituents that the highway district's opportunity for comment is hidden. We receive applications and the district's letters say they handle access points and roads through the subdivision process and so we get a room full of people who are passionate about access and our ordinance only requires us to ask whether they have access per 07-10-03 – do they have frontage or an easement. The County cannot do anything about the neighbors' concerns for safety and the district has opted not to notify surrounding property owners so there is a lot we can do better to help the community address concerns. All the emphasis is being placed on the individual property

owner who is taking their onetime land division and they are bearing the brunt of the services, but the bigger subdivisions are rolling through a process and the community is not getting involved. There are problems the highway district and the County need to work on together to address public safety and access points, but we need to do that versus focusing on the one piece here and have those conversations as a team. Commissioner Van Beek asked about impact fees. Mr. Hopper said the draft ordinance for adoption of impact fees and capital improvement plan was provided to staff and the County's attorney five months ago. The County attorney sent a response and the highway district has addressed his comments and hopefully it's awaiting the Board's immediate consideration. Commissioner Smith asked if it will help solve the problem if the County changes the requirement to a site plan that shows access and then time requirements, and then asking for additional time for those cases that you can't have an easy solution. Mr. Hopper said it will and he has outlined the recommendations in the letter he provided. At the very least they get the opportunity to comment before the applicants go to the expense of doing a record of survey. Edward Thiel said he supports the comments and concerns stated by Chris Hopper. They have worked through staff to figure out a way to address the needs and issues, and for the most part some of those bugs have been worked out and he is hoping to continue working on them. As far as extending the origination dates they feel it is unnecessary; the lot splits that are available once they are used up are still a vehicle for people to be able to do that and that is through the platting process and that way highway districts can address the needs they have for infrastructure, right-of-way dedication that would be impacted by the additional vehicles on the roadways. Without that ability we are putting an undue burden on the taxpayers for the districts to have to purchase right-of-way rather than the people who are benefitting from the development not being required to share in that burden as much as they should be.

Commissioner Smith noted that the County received a letter from Gooding Farms that's in the record.

George Crookham offered comments on behalf of the Coalition for Ag's Future. They are curious why this ordinance change is not being rolled into the comp plan change. Staff said there are approximately 3,000 parcels left on the administrative split – how many additional ones are there? Do we want to look under that blanket first? We heard that changing the 1979 date would be faster and easier - is that the way we want to set policy? Let's find out the answers before we make this potentially dramatic shift. The group has concerns about transferring the parcel rights. He said Alan Mills talked about his neighbor would not split and transfer. Why would you not split and transfer if you had the opportunity? There's a market value to that. The ag group agrees with Chris Hopper's concerns about increased traffic caused by residential development. The farming areas are becoming unsafe because of the residential developments. One of the group's biggest fears is the continued fragmentation and incompatibility in farm land. If it's the County's idea that five-acre parcels are functional farmland that is a misconception. Farmers don't want to touch their crops if they are under five acres. Dozens of studies across the country have shown that residential developments do not pay for themselves. Agricultural land does, for the cost of services, and the farmers actually subsidize that residential land so if we continue to transfer that farmland to residential who is going to pick up those pieces and bear that extra tax burden? Is it going to be the out-of-state, out-of-county developers and finances? He doubts it.

John Ihli said it's increasingly difficult to transport agricultural products and to do aerial applications on crops. It is becoming very difficult to farm in this county and the added splits are going to create more traffic situations that will be difficult to manage from an agricultural standpoint.

Commissioner Van Beek said today she is focused on splits for farmers to have the ability to live on the farm as they grow and have their own households. There is some farmland that's for sale and some that is being protected. She understands the margins in farms, and for those who don't want to continue farming, there would be a market connection that could potentially be made that would preserve agriculture and buy a farmer out at a market price. George Crookham said with regard to generational splits, when does it end? Are we going to do this again in 2014? Commissioner Van Beek said it ends when there is no longer a generation interested in carrying on a farming tradition. When we stop incentivizing that generation to farm because it is so difficult that the average person would not engage in that level of work, that's probably when generational farming ends. She talked about how a farmland is a person's 401k. Mr. Crookham said saying it's a farmer's 401k or retirement plan is disrespectful to the previous generations of farmers who passed on their land at farmland market value prices or passed it on to their children. Why does this generation need it for their retirement? Commissioner Van Beek said no disrespect was intended and she spoke of how her family members immigrated to the U.S. and from Holland and eventually moved to Idaho establishing their own dairy operation, and how some family members were unable to continue farming because there wasn't a succeeding generation. Commissioner Smith said it's not up to the Board to figure out a farmer's retirement plan. Dan Lister said the questions about future land uses can be addressed at the comprehensive plan workshop tomorrow night. Commissioner Smith said the intent was to stop seeing those large residential rezones. Prior to taking office she watched as the previous administration rezoned huge tracts of land to rural residential and put agricultural restrictions on the balances, which she did not agree with and so she was trying to look for a way to allow some of the generational people to stay in the community without rezoning large tracts of land and try to get their full development rights. This was meant to help protect those ag areas but still allow people to stay near family. We want a process that addresses public safety and public demand, it cannot just be about rooftops, it has to be about supporting agriculture and a variety of housing options. Mr. Crookham appreciates that but questions what the outcome will be because we don't know "what's in the box." Commissioner Smith said the main point is how do we discourage the big beast of rezones but still allow some development in the rural areas. Commissioner Van Beek said she wants some slow down; there are a lot of good things in looking at the process and engaging in further discussion with agencies.

Kristin Crookham is not in favor the date change. She's spoken with people who have seen the effects of it they provided comments to her which were summarized as follows:

- This needs to be honored as much as zoning codes; to go against this is to undermine the intent, design, and the plan that was established for the community. Doing otherwise

erases a part of our heritage and the protection that was gifted by the people that served before us. This is not just another code.

- Any rural sociologist will tell you this is splitting and is used to erode farmers, ranchers, and their families. Most rural families plan for the succession of their land diligently and carefully and this is a tradition that has lasted for centuries where the integrity of the farming operation and its contiguous lands supersedes housing. Most requests to do otherwise are disingenuous from the very fact they don't make sense to a farming operation.
- This sounds like the development interest going against the goals of the comprehensive plan. This is not surprising as we find that people support farmland in survey after survey. It's easier to manipulate procedure than to ask the community for input.
- Many times, developers ask for splits saying it's to care for an aging parent. Most people who are caring for an aging parent add on to an existing home to have them close or they build within 200 feet of their home. This makes sense and should be allowable. The integrity of the land is foremost on the minds of most people who farm for a living. The interest in splitting lots is foremost on the minds for those with developing interests.
- You can meet the need for future generations to have housing on their farms without carving up the land. I don't understand why this is treated as a new need. The efficiency of the farming or ranching operation is the key.
- We have seen this; we deed restrict it. Have you addressed this with your legal counsel or have you looked at how it ties into the comprehensive plan? These items are not separate entities. There are objectives behind both and you cannot throw them out the window, particularly, since the Idaho statute is tied to a time/date stamp as well. Those two stamps work integrally together.
- This is like taking a shotgun to an ag zone; what are you trying to achieve, what's your purpose? Define the purpose first. Development has already run away. Why would you want to throw fuel on this fire? Have you thought about the infrastructure to pay for this? This is expensive, who will pay for this?
- Elected officials forget they are in the office to protect people who are already here – farmers who are already here and are desperate to continue farming. Every house in an ag zone makes it more difficult to farm.
- It's money. It's the response to the influx of wealthy people wanting to build in our area who are responding to the ads about an idyllic life living next to farm, but that bubble bursts pretty quickly when the farm machinery starts at 5:00 a.m. Have you heard the noise when it's time to wean calves? I'm not saying we shouldn't address growth, I'm

saying there are a lot of interests out there that are willing to spend a lot of money and they have a lot of experience with the system to build in ag zones and our communities – especially our counties - are ill prepared.

- Make it easier to get to where you want development and where it makes sense for your community. Make it difficult to get to where you don't want development, where it damages the ability of our ag community to make a living, to grow our food and keep our nation safe.
- Elected officials need to look out for the farmers.

Ms. Crookham said the idea of changing the date of origination is what people feel are do-overs/re-do's and that's what people are hung up on. There are other ways to address this when families want more generations to live close by. Commissioner Smith said there have been so many comments so it's doubtful the Board will decide today. She would like to have suggestions on how we can meet some of that demand. Commissioner Van Beek asked Ms. Crookham how she would balance property rights with the comprehensive plan. Ms. Crookham said good decision-making, good infrastructure, and good institutions that support the infrastructure are key.

David Anderson is the Idaho Program Manager for American Farmland Trust (AFT), which is a national NGO that focuses on ag protection, regenerative agriculture (soil health), and succession planning. Their concern is whether the ordinance has the potential to promote further fragmentation of the agricultural economy in Canyon County. It is a very large contributor to the 20% ag GDP of the state. According to the USDA there are over 100 crops grown in Canyon County, many of which are seed crops that feed not only the U.S. but the world. Food security is national security and the challenge for the Board is to look at the ordinance and say how are we setting ourselves up for today and for future generations of the world. He's been doing entitlement for 30 years and he's seen a lot of challenges in the planning space and he gave credit to DSD staff to get feedback from the ag community and adding ag protection elements into the draft comp plan update is highly sophisticated and one of the best efforts in ag protection he has seen. One of the elements being proposed is this idea of an ag subcommittee that would have the potential to essentially develop an agricultural economic protection strategy for the County. If the comp plan update and the pro-ag elements include the committee, is this an opportunity to potentially postpone any future consideration of this ordinance until the committee is in place and has had an opportunity to establish an ag protection economic strategy for the County. Then it would be time to look at the ordinance and make sure it's in alignment with the over-arching goal of the committee and the strategy. Commissioner Smith asked if the group is doing any type of work to figure out how we can fund a conservation easement program. Mr. Anderson said yes, the purchase of agriculture conservation easements is a challenge especially with land pricing skyrocketing. Currently the NRCS ASAP ALE program is only seeing about \$3 million a year being dedicated annually, and for the last five years one farm or ranch has burned up that \$3M for the 50% match that ASAP ALE is offering for conservation easements. The next step is to get state support to help facilitate the purchase of those. The Idaho Farm Bureau Federation adopted a

policy in December to set up a committee for ag protection and that is going to be the nest for them to start talking about an Idaho pace program and finding resources. How do we spend state money without creating new government and one of the ideas they're looking at is the conservation districts which represent boots on the ground in terms of where the best soil is, where the water is coming from, and what soils to protect. We need legislative support for setting monies aside to help pay for more of those conservation easements. All of that wraps into the purchase of development rights area, and the other tools are TDR's and agricultural districts. AFT is collaborating with ag economics professors at the U of I where they are looking at Canyon County and defining agricultural economic corridors and getting to the County the tools it needs to see that and quantify that. They hope to have it to the County this summer.

Neutral comments were offered by:

Fred Butler is a third-generation farmer in Wilder and he's worked in an irrigation business for 20+ years. In a perfect world we would adopt something similar to what Oregon did 40 years ago where when you bought land you knew exactly what you could do with it. His farmland is surrounded by subdivisions and a golf course. He likes some of the ideas being proposed by the County. Mr. Butler will submit additional written comments.

Danny Schuster spoke about how he tried to help a friend through the process to develop 26 acres of nonviable ground off Lakeshore Drive and Farner Road that hasn't been used in over 80 years. They have invested nearly \$50,000 into the process and their development request was denied and it is condemning the family to a lifetime of poverty because they can't do anything with the land. It doesn't grow anything, it's alkaline, the soils are not desirable, and there are no water rights and 80 years of not being used proves it's not a good piece of ground so where do they go with it. He doesn't want to turn all farm ground into housing but there should be options for parcels like this one.

Commissioner Smith said there is much to consider so we'll likely delay and continue taking input and come up with a partial solution and then hold part of it until we do the comp plan amendment. Commissioner Van Beek said there are pockets of ground in the Lakeshore Drive area and the south Nampa area and she knows of two parcels that have been denied for water reasons and for the protection of agriculture that is still very rural. She said she's listening to both sides and Mr. Schuster is a great example of how do we make that balance.

Jim Thompson is a real estate agent who deals with a lot of farmers in Owyhee County where there are examples where the only people who can afford to buy farm ground are big corporations and it's eliminated the opportunity for generational farmers to buy more ground because they cannot afford it. He referenced a case where he tried to help a farmer sell some ground but they couldn't sell the property to a "normal person" because they wanted one building permit on the 80 acres and they couldn't get it because of the protection of agriculture. A big dairy farm corporation bought the property. We need to be careful in saying we're going to protect agriculture because we could hurt the people we are trying to protect when big corporations further push out the ag people.

Vince Mallard supports the process that allows for five-acre mini farms and he understands the importance of keeping Idaho rural. There are a lot of issues that have to be tackled, water being one of them.

Commissioner Smith wants to have Commissioner White listen to audio and continue this discussion and give staff an opportunity to evaluate the comments and propose something that finds the middle ground. In some of the information that was provided and maybe even a consideration of taking out the originality date until we have some more information, but moving forward with some things like the transfer; removing the 100% ownership; changing the process to allow the highway districts to have input with just a record of survey being included. Commissioner Van Beek asked if want staff to consider the clustering conversation where Dan Lister indicated we could eliminate the “or” and put in the “and”, and leave the clustering portion in there. Mr. Lister said we could do that and have them both be required, but one already does that, they provide a plan showing how it’s going to be the best option for that farm and clustering is typically part of that option so they would show that as part of them proving up this will be better for land by putting development over here and still being able to maintain the farm and how they are going to do that. One just does it, it doesn’t need a second. Commissioner Smith wants staff to look into the suggested changes for the subdivision ordinance too. Ms. Allen said the language is good, but some things were left out so we could strengthen the language and make it clearer. Commissioner Smith agreed and also asked staff to look into the suggestions on the subdivision proposal. Commissioner Van Beek said there was discussion from Alan Mills and TJ Wellard about certain sections that need to have the language cleared up. Commissioner Smith said personally, she wouldn’t change the definition besides the date. She asked staff to leave the definition how it was. (Strike all the staff changes – leave it exactly how it originally was – but just change the date.) But, we are not ready to change the date so we should not mess with that right now. As we move forward think about the section for applicability with the comments on CUPs and the ag-only parcels. That’s a big deal. The CUP issue really fired everyone up so we should probably move on from that. Dan Lister said one of the comments was about using the subdivisions definition in the state law versus the one we have now and that one adds allowances for five-acre lot sizes for agricultural purposes only, and our code right now says 40 acres. Staff does not recommend changing that. Per the exemption from state law it would allow someone to divide that up to eight five-acre parcels potentially without it coming through a land division or anything. They could just do it, sell it off. He understands some of that could be beneficial but most likely, with the history in Canyon County, what happens is they come back and say they cannot farm it and they want to put houses on it and it becomes more of an issue, so what we have done instead is keep the 40 acres as the exception but in the land division code if part of a land division they have a split or two on there they can create splits and the last bit that’s less than 40 acres they can call it ag only and it still meets over five acres in size so it would meet that at that point but not to create multiple five-acre ag lots. Commissioner Smith agreed and said because the difference between what you’re saying and that process, that one actually has a process, and this exception is just a blanket exception so anyone could go out and record deeds and divide the land. Mr. Lister said state law says cities and counties may adopt their own definition in lieu of this definition and we have and it meets our comprehensive plan.

Commissioner Van Beek said state statute says they can divide into five acres and she asked if we are superseding the statute and leaving it at 40? Mr. Lister said yes, we are more restrictive. Commissioner Van Beek asked if we addressed the site plan showing access and the metes and bounds whether that was to be at the beginning or the end? Commissioner Smith said she asked staff to work on that so C would change to a site plan as required, and in Section 2 they would incorporate the record of survey at that point. I don't know if it strengthens it that we add notice to the public that if the highway district requests additional time we can grant it? Staff should work with Zach Wesley to see if that's something we need to put in there or if it's implied with how it's worded. Commissioner Van Beek said there was a question about the proposed parcels that were created remaining at at least one acre. Commissioner Smith doesn't like that and said staff should look into that for suggestions that meet the minimum lot size. There has to be a way to meet that; in an ag zone you would want a one-acre minimum. The Board agreed to leave testimony open. Commissioner Smith asked staff to post an updated staff report that would include some recommended changes based on testimony today. Zach Wesley said the P&Z Commission recommended denial so the Board will have to have a second hearing. We will come back, continue and at that point deliberate and then have a second hearing. Commissioner Van Beek made a motion to continue the discussion on the chapters and articles for zoning regulations of the Canyon County Code of Ordinances to April 8, 2022 at 9:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 1:48 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:07 p.m. for a continued public hearing to review the Star Area of City Impact, case no. OR2021-0031. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of DSD Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Kate Dahl, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Attorney Mark Hilty on behalf of the City of Middleton, Attorney Andrea Nielson on behalf of the City of Star, Trace Leighton, Rosalyn Studarus, Eileen Vanderpool, Steve Burton and other interested citizens, Rachel Spacek with the Idaho Press and Deputy Clerk Jenen Ross.

Commissioner Smith explained that at the last hearing on February 23, 2022 Commissioners Van Beek and White were hopeful there could be an agreement for mediation between the two cities. Attorneys Mark Hilty and Andrea Nielson were asked for an update the situation.

Ms. Nielson said she met with Star City council and the mayor on March 1st where she reviewed the type of mediation that was discussed at the previous meeting. Star is very amenable to mediation and several different options were discussed including using Susan Buxton as a mediator. Star is willing to come to the table, to the mediation with an open mind and a willingness to come to a resolution. They would like to see the negotiation team consist of the mayor, the city attorney and possibly a planning staff member. Since the city council meeting on the 1st they've had an opportunity to review the letter that was provided by the City of Middleton on March 4th, she feels that a lot of the preconditions that were set forth as requirements for agreement prior

to mediation are really antithetical to what mediation is. The preconditions as to whether annexation should or should not take place and in what areas is at the heart of the matter of the disputes between the map. It is the City of Star's position that, while they are open to discussion, they would prefer to discuss it with the benefit of the mediator which is the purpose of why all parties agreed that mediation would be beneficial to assist in the communication. She reiterated that the Star City Mayor, attorney and a planning staff member have been designated to negotiate on behalf of the city but that if a resolution is reached it would need to be formally ratified by the city council. She doesn't see that it would be an issue as the city council is in alignment with the Mayor. Ms. Nielson also noted that she thinks it is cleaner from an open meeting law and a municipal law standpoint to have the mayor handling the negotiations.

Mr. Hilty said this issue was also discussed with the Middleton City council last week and what come from that meeting is embodied in the letter that was sent on Friday, March 4th (a copy of the letter is on file with this day's minutes). There are a couple of conditions – one being that the city councils participate in the mediation, that is important to the Middleton city council. Additionally, if there is going to be a negotiation about a line between the two cities, that line should mean something. The frustrating part for the City of Middleton is that the City of Star has annexed wherever it can find willing property owners to annex into the city with no impact area. If there is going to be discussion about establishing an impact area between the cities there should be an agreement that the line will be respected by both sides. Those are not pre-conditions that are antithetical to a successful process. It is the city councils that approve planning and annexing of property, that must approve an area of city impact. Middleton feels it's time for the city councils to sit down together in some format to see if there is a way to resolve the differences. Middleton realizes there are some issues to be worked out in regard to the open meeting law, confidentiality, and pending litigation.

Commissioner Van Beek asked why a city that is not incorporated into Canyon County is being given the right to continue to annex into Canyon County at the same level as a city that has an agreement in place. She then asked Mr. Hilty if his proposal is to have Star abide by the request that the county made last June, to not annex any additional property until a mediated agreement can be reached. Mr. Hilty indicated that the City of Middleton, as well as the county, has asked Star to no engage in the controversial category 'A' annexation while the issues are working to be resolved but they have not honored that. The letter that was sent from his office is more forward looking stating that if an impact area boundary is determined between the two cities, recognizing that Star has area within Canyon County and that Middleton has some impact area in there as well, that part of the establishment of that line would be that the two cities would agree that they shouldn't be annexing across. From Middleton's perspective, the impact area has relatively little significance if it doesn't form an area where the city has some assurance that it can plan, look at uses in the area and grow.

Commissioner Van Beek asked if there has been any consideration given to the property owners that may not want to belong to either city and remain in the county. Mr. Hilty said he has not talked to Ms. Nielson or Star about that although there were internal conversations with his client. Ms. Nielson addressed the subject of category 'A' annexations, they are not controversial, Idaho

Code has always protected a voluntary annexation differently than an involuntary annexation. To her it doesn't sound like the two parties are that far off as to what could be negotiated but it's not something that can be negotiated until the areas of city impact are known. In response to a question from Commissioner Van Beek about residents who don't want to be in either area of incorporation, Ms. Nielson said that one of the proposals made by the City of Star is that if the City of Middleton would be willing to reduce their area of city impact to a certain amount, the City of Star would be willing to mirror that same reduction in the proposed area of city impact which would provide area for anyone who does not want to be part of either city. There could a separate agreement as far as where the line is for category 'A' annexations that way it protects the private property interest of those who live in-between the two areas of city impact. It is Star's position to not enter into a mediation where they've already boxed themselves in a negotiation corner before even meeting with the mediator and had a chance to discuss what all the issues are. And if the parties can't agree on mediation the City of Star just asks that the Board provide that vote so that they can move forward with the process as outlined in Idaho Code.

Commissioner Van Beek asked Ms. Nielson if having the city council as part of the negotiations is a deal breaker. Ms. Nielson said it's not who they would have on the negotiation team and there are issues with the open meeting law; the City of Star is basically proposing a dual city council meeting. Their position is to make it as simple as possible for the mediator to address the real issues by focusing on the mayors, the city attorneys and maybe a planner in order to keep everyone focused. Ms. Nielson said that Star's city council has already provided that authorization and fully intends to support the decision that's reached and formalize the agreement by ratification afterwards.

Commissioner Van Beek asked Mr. Hilty if it is a deal breaker if the negotiations consist of just the mayor, attorney and planner. Mr. Hilty said that he had specific instruction from his city council that they want the two city councils to meet. He feels this is a better path forward to resolution because otherwise there will be a relay of information to a third party who may have questions that weren't answered or asked; he feels it would be much more efficient to have those decision makers present as the issues are resolved. He's not saying he wouldn't go back and talk with the city council but at this point it is a condition for proceeding, that Star city council participate in the negotiation. At the request of Commissioner Van Beek, Mr. Hilty addressed questions about the logistics of having two cities participate in mediation as far as noticing requirements and taking place in either an open meeting or an executive session.

Ms. Nielson said she has spoken with Star's attorney, Chris Yorgason, about having dual city councils and open meeting law issues, and it is Star's position that this is not the type of mediation that they would want to be a part of. It was discussed at the last meeting that the mayors and one commissioner would take part in the mediation which is what Star believes to be the most appropriate way to mediate this with both city's having to ratify with the city council. This way each city council would have the benefit of their own executive session at their own city council hearing. Ms. Nielson and Mr. Yorgason are unsure about how the open meeting law/executive session would affect both city councils and a mediator having a dual meeting. Ms. Nielson reiterated that the city of Star is comfortable with the mayors and the commissioners participating

in mediation. She feels this is a very reasonable proposition for mediation and if Middleton is not willing to agree to have mediation that was discussed last time, then Star would rather have the vote and proceed with legal remedies.

Commissioner Smith asked if mediation could move forward with the attorneys, the mayors and a planner. Mr. Hilty said that he does not have the authority to agree to that based on the instruction he's received from his client. In response to Commissioner Smith's question about rendering a decision, Mr. Hilty thinks that the Board could instruct him to go back and talk with the city council about the mediation format that Star would like, instruct Ms. Nielson to go back and talk to the City of Star about the format that Middleton would like or decide today that the city councils can't come together on a negotiation and proceed with a decision. Ms. Nielson added that if it were to happen where the commissioners created the overlap, there is a period of time already built in the statute for the cities to separately negotiate, that could also be done thru a mediator and Star is happy to do that after the vote and the overlap of area of city impact. However, unless the overlap is created there is no opportunity for that to occur within the statute. Mediation could take place but it would be a mediation that would be based on each party coming to the table without preconditions because there are no preconditions in LUPA 67-6526, it's just a negotiation. In regard to condition no. 2, Ms. Nielson said she doesn't want to overstate Star's position, it's not that they are amenable to that as a precondition prior to mediation it's that they are amenable to discussing that within the context of mediation which is one of the purposes of mediation.

As a point of clarification, Commissioner Smith said that because the deadline has now passed Star has the right to seek judicial review because the Committee of 9 made a recommendation, they adopted it but the county did not. Commissioner Smith feels that the City of Star already has the option to seek judicial review. In response to comment from Commissioner Van Beek, Ms. Nielson clarified they are seeking a vote from the Board of County Commissioners on the proposed area of city impact, that way they have the benefit of a decision to bring to a judicial review. Commissioner Smith noted that if the vote is 'yes' and in agreement with the Committee of 9 that will essentially move it onto Middleton and Star anyway. It has overlapping boundaries so at that point either city could request a judicial review if they can't come to an agreement. Mr. Wesley said they could first request a recommendation from the county commissioners, if the cities don't adopt that recommendation then there is a procedure for the citizens/voters within that overlap to decide which area of impact they want to belong in. Commissioner Smith further clarified, stating that if the Board says 'yes' then one of the cities comes back to the Board stating they can't agree on the overlap then they can ask the Board to create a line at that point. If there is still an impasse it would then go to the voters.

Commissioner Van Beek is at the point she would ask the attorneys to go back to their clients to see if there is a way to come together before it goes to the judicial. In her opinion it eliminates a third option. Commissioner Smith pointed out that is also a failure to act. Commissioner Van Beek understands but she doesn't hear an unwillingness on the part of either attorney to go back. Ms. Nielson said that if Middleton would like to go back and discuss further, that is certainly their position, but Star will have no other executive session discussion on this matter. With that

information, Commissioner Van Beek asked if Mr. Hilty would be willing to go back and have further discussion with his client. Mr. Hilty said that if that is the direction of the Board he will go back and have that discussion but he is not hopeful of the outcome. The other option would be for the Board to decide today, based on Star not being willing to revisit their position.

Commissioner Smith asked both Mr. Hilty and Ms. Nielson if either of them will be okay with overlapping boundaries. Mr. Hilty said that Middleton will say they do not agree with overlapping boundaries. Mr. Hilty also clarified that if the Board creates an overlapping boundary then the cities are required to negotiate, if that is unsuccessful then they can seek a recommendation from the Board, if that recommendation is not acceptable to one of the cities then there is a vote of the individuals that would be living in the overlapping area.

In response to a question from Commissioner Van Beek, Mr. Wesley said that the overlapping area doesn't have a judicial component, it's the creation of the initial area of impact that has the judicial component. Ms. Nielson said the City of Star would have standing to contest, thru judicial review, the decision which is already past due. Mr. Hilty said his understanding is that if the Board votes 'no' on the Committee of 9 recommendation it could be headed for declaratory judgement action (judicial review), if the Board votes 'yes' to create the overlapping impact area then the process moves towards a vote.

After discussion regarding the possibility of continuing this meeting to a time when the full Board would be present and each attorney has had a chance to speak with their respective city councils, Commissioner Smith said she would like to give this 24-hours so that the Board can fully consider the ramifications of failing to make a decision and what it would mean to agree with the Committee of 9 decision. Commissioner Van Beek made a motion to continue this hearing to March 10, 2022 at 11:00 a.m. The motion was seconded by Commissioner Smith with discussion noting that the intent is to render a decision and fully understand the ramifications of not rendering a decision and understanding the benefits, whether the Board agrees with the boundary of the Committee of 9 or not, the benefits of being able to move forward and let the process happen. The motion carried unanimously. The meeting concluded at 3:52 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 9, 2022

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

APPROVED CLAIMS ORDER NO. 2212

- The Board of Commissioners approved payment of County claims in the amount of \$1,904,630.20 for a County payroll

APPROVED CLAIMS

- The Board has approved claims 582617 to 582653 in the amount of \$34,036.14
- The Board has approved claims 582753 to 582754 in the amount of \$1,432.25
- The Board has approved claims 582480 to 582507 in the amount of \$13,369.87

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Danielle Scarlett, Deputy Attorney Criminal

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Lowes in the amount of \$3,133.20 for Facilities Department
-

APPROVED COMMUTER VEHICLE AUTHORIZATION FORMS

- The Board approved commuter vehicle authorization forms for Katy Clark and Sydney Davis

RESCHEDULE PUBLIC HEARING FOR SIERRA VISTA PROPERTIES, INC., FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT FOR MINT FARM ESTATES SUBDIVISION, CASE NOS. RZ2021-0046 AND SD2021-0038

Due to a lack of quorum the public hearing for Sierra Vista Properties, Inc., which scheduled for this morning at 9:00 a.m., was rescheduled to March 30, 2022 at 9:30 a.m.

CONSIDER SIGNING RESOLUTION APPOINTING MEMBERS TO THE CANYON COUNTY PLANNING AND ZONING COMMISSION

The Board met today at 4:01 p.m. to consider signing a resolution appointing members to the Canyon County Planning and Zoning Commission. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith said both of these appointments would be for a full term – Robert Larison will serve from March 9, 2022 to March 9, 2026 and Miguel Villafana to serve from March 9, 2022 to March 9, 2026. Both of these people

were interviewed by the Board and Development Services staff. These are the recommendations from DSD and Commissioner Smith said she supports and highly recommends both of these individuals. Commissioner Van Beek stated for the record that she is unsure if she sat on both interviews but she is supportive of Commissioner Smith's comments that they have been vetted by DSD staff and made a motion to sign the resolution appointing Robert Larison (see resolution no. 22-030) and Miguel Villafana (see resolution no. 22-029) to the Canyon County Planning and Zoning Commission. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 4:01 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 5:04 p.m. for a joint workshop with the P&Z Commissioners and DSD staff to discuss the 2030 Comprehensive Plan Update. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Staff members: Dan Lister, Kate Dahl, Elizabeth Allen, Katie Phillips, Jenna Petroll; P&Z Commissioners Ron Amarel, Harold Nevill, Robert Sturgill, Patrick Williamson, Robert Larison, Miguel Villafana, and Bryan Sheets; Alan Mills, Darin Taylor, John Cotner, David Ferdinand, Matt Wilke, Parks Director Nicki Schwend and Juli McCoy; and interested citizens and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report which included the following highlights:

Background

Canyon County first adopted the plan in 1975. In 2005, the Plan was repealed and the 2010 Plan was adopted. The current 2020 Plan was adopted in 2011 at a time when the County was not experiencing the amount of growth and resource pressures. The Plan needs to be updated to reflect current conditions, address new and emerging issues, and better guide future rural county land use.

Public Outreach

Preparation of the new Plan began in the Fall of 2019 with the formation of 7 working groups that were generally representative of the various areas of the County. Public engagement events were held to introduce and publicize the Plan update and to receive public input on the Plan. Surveys were created in 2020 and remained open for two months.

Organization of the Plan

Major Policy Themes and Key Comprehensive Plan Policies

The Plan goals and policies were created to support the community desires and provide direction for the future. The following is a listing of key planning issues and the specific goals and policies to address the problems:

Chapter 1 - Property Rights

Chapter 2 - Population

Chapter 3 - Economic Development

Chapter 4 – Land Use and Community Design

- New land-use designations were created, including agriculture transition, agriculture estates, general agriculture, intensive agriculture overlay, agri-tourism overlay, parks and recreation, conservation and public/open space, and wildland-urban interface. With the importance of protecting farmland and the desire to allow agriculturally zoned parcels less than 40 acres, staff created the following:
 - Agriculture Transition District
 - Rural Agriculture District
 - Commercial Agriculture District (A-20)
 - Commercial Agriculture District (A-40)
 - Intensive Agriculture Overlay Designation

Chapter 5 – Natural Resources and Hazardous Areas

Chapter 6 – Public Services, Facilities, Utilities and Schools

Chapter 7 – Transportation

Chapter 8 – Recreation

Chapter 9 – Special Areas and Sites

Chapter 10 – Housing

Chapter 11 – Agriculture

Chapter 12 – Airport Facilities and National Interest Electric Transmission Corridors

Next Steps

- Additional workshop
- Address any changes needed
- Adopt the Plan
- Create ordinance and code updates to implement the Plan
- Conduct annual updates

Director Fultz had hoped to have the Plan adopted by May of 2022, but with adding another workshop and two public hearings it could be August or September. Following Ms. Allen's presentation, the Board and P&Z Commissioners had questions of/comments for Director Fultz and staff as follows:

- There was surprise at the lack of response about the comp plan despite the mass-notification that went to the public about the open houses and workshops.
- Lack of residential zoning around the immediate vicinity of some cities.

- Impact areas, specifically the City of Greenleaf's area, were created to protect agriculture and not to allow development. Why include all of Greenleaf's impact area with the 2-5-acre planning?
- Caldwell and Nampa have spent a lot of money running services north of Lake Lowell and there is a lot of farm ground in that area. Should that be a transitional area?
- The Snake River Scenic Canyon Byway should be noted and included in Agri-Tourism. The byway extends for 57 miles from Walter's Ferry into Nyssa, entirely along the southwest corner, and there's another northern extension that goes to Payette which connects to the other byways that are in the Treasure Valley. In 2008 the BOCC adopted a resolution to recognize and promote the byway. It is time to include it in the comprehensive plan. There were ideas that super side trips would come of that and go into the smaller communities to provide commerce and tourism opportunities as well.
- It is important to protect the Map Rock Road area.
- Does staff consider a unit a residence or a building permit?
- Secondary residences and financing issue (relation to date of originality ordinance)
- Development has an impact on schools. The public and school districts should pressure the legislature to help alleviate some of that.
- In the agriculture area a gravel pit is an allowed use, but in those sensitive areas has there been any thought given to eliminating that on an overlay, like a scenic byway? Gravel extraction for farm owners versus the historic component. It could be addressed through overlays.
- Opportunity zones (Deals with capital gains; it's a federal program for investment.)
- New working groups will be formed: Agriculture Commission, and a Smart Growth Commission, as well as other committees and task forces for TDRs (transfer of development rights) and ordinances. Committees will be formed with the intent of going through a formal appointment resolution by the Board of Commissioners. There will be a mix of representation from the development sector (building contractors, real estate, and local developers) and people from agriculture as well as representatives from fire, highway, and school districts, for example.
- Cumulative impacts of development.
- There should be a legend for the maps.
- There are areas of the County that have no fire coverage and it was asked if fire districts could be encouraged to cover those non-covered areas.
- Lot size designations - With the removal of the R-2 half-acre density what will the minimum lot size be?
- Will there be education and transportation working groups?
- Staff has done an excellent job with the draft document. The document should be easily understood so people understand what the County is trying to achieve.

- There are a lot of complaints about nitrate priority and water availability and it's difficult to get the Idaho Department of Water Resources to respond quickly. The County has updated its map to show IDWR's new nitrate priority boundaries.
- There has been a great deal more communication occurring between the communities and the planners and the decision-makers than there has been in the past, which is a good thing because it shows we are moving in the right direction.

Commissioner Smith asked if the group would like time to digest the information and come back for another session. Commissioner Amarel said a lot of things have to be completed; for instance, when we start affecting the ag land, we also have to think about the transfer of development rights. He doesn't know if that's the right thing to do, but it has to be looked into. Commissioner Sturgill has a lot of notes and comments and doesn't think an hour and a half workshop will be adequate to work through the chapters. We should have a process where they provide written comments and let staff sort and categorize it and turn the workshop into a summary of what was received. He said the P&Z Commission has appropriately resisted putting their inputs in because they were collecting public input, but we are at the phase where we should consolidate and digest it and let staff sort through those inputs. Commissioner Smith agreed and said staff will have to evaluate the comments – just like they evaluated the public comment - and not just make all the changes that were requested. When the comprehensive plan is in front of us and if something wasn't included that's when they can lobby for it. The BOCC and the P&Z Commission will send changes, staff will evaluate them and then we'll have another workshop and get the ball rolling. Rather than looking at the entire document, Commissioner Van Beek likes the idea of breaking it into smaller pieces that are more digestible. Perhaps we could take three chapters at a time and have a targeted focus and incorporate comments and have discussion. Dan Lister suggested staff review the comments from tonight's session which can be addressed at the next workshop and from there, if they identify certain sections that really need to be honed in on then we could have a workshop just on the ones that seem to have questions. Commissioner Smith agreed. The group will provide comments on the entire document to DSD staff by March 28, 2022. Staff will compile the information and then the group will have another workshop in April. Director Fultz encouraged citizens to submit comments as well. The meeting concluded at 6:25 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 10, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582698 to 582714 in the amount of \$7,936.50
- The Board has approved claims 582544 to 582575 in the amount of \$72,381.72
- The Board has approved claim 582697 in the amount of \$3,941.34
- The Board has approved claims 582715 to 582752 in the amount of \$65,465.52
- The Board has approved claims 582441 to 582479 in the amount of \$170,547.19
- The Board has approved claims 582509 to 582543 in the amount of \$68,485.43
- The Board has approved claims 582576 to 582616 in the amount of \$108,911.27

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Shilo Automatic Sprinklers in the amount of \$1,645.00 for Facilities Department
- W2W Flooring in the amount of \$14,920.14 for Facilities Department
- Bridge Brothers in the amount of \$42,345.60 for Facilities Department
- L&W Supply in the amount of \$5,716.62 for Facilities Department
- Interstate Electric in the amount of \$1,540.59 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Chimene Eisfelder, Deputy Sheriff Inmate Control; and Brian Richard, Deputy Sheriff Inmate Control

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

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

Case nos. 2022-330 and 2022-365 do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days.

Commissioner Van Beek made a motion to issue an initial approval on case no. 2022-426 with a written decision in 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Releases of liens were presented for Board signatures.

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

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-128

The Board met today at 8:59 a.m. to conduct a medical indigency hearing for case no. 2022-128. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Relative of the applicant, Timothy Ryan for St. Alphonsus via teleconference and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Mr. Ryan and the applicant's relative and Board questions and discussion, Commissioner Van Beek made a motion to continue the case to May 26, 2022. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:17 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared for the case nos. 2022-136, 2022-96 and 2022-82. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue denials with written decisions within 30 days.

Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to continue case no. 2022-159 to April 28, 2022.

Director Baker spoke about case no. 2007-522 which was previously approved. The applicants began making payments but filed a Chapter 7 bankruptcy on July 13, 2009 and the county received the notice of discharge on October 23, 2009. The spouse of applicant (the applicant is deceased) is requesting a subordination agreement in order to refinance their home. As part of the refinance the applicant is looking to get cash back in the amount of approximately \$1900. In addition, several creditors will be paid as part of the refinance for a total of \$10,753. To date the outstanding balance on the account in indigent services is \$58,236.53, the total loan amount is \$202,000 and the assessed value of the home is \$241,000. Director Baker said there has not been a payment to the county since 2009 due to being unable to seek payment directly from the applicant because of the bankruptcy filing so she is unsure if there is anything that could be directly asked from the applicant in this situation. Commissioners Van Beek and Smith are both in favor of granting the subordination request. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the subordination request as presented.

The meeting concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Facilities Director Rick Britton (left at 10:12 a.m.), IT Director Greg Rast (left at 10:12 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing invitation for bids and legal notice inviting bids for Canyon County Fair Expo Building audio/visual equipment and installation: Ms. Klempel said all relevant directors have reviewed and accepted the IFB, she also noted one change that was made in the blueprint drawing. Discussion ensued regarding the infrastructure in place for future build-out. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign both the invitation for bids and legal notice inviting bids for Canyon County Fair Expo Building audio/visual equipment and installation.

Commissioner Smith noted that the legal staff update will be continued to sometime between 10:30 a.m. and 11:00 a.m. today.

At 10:49 a.m. the Board went back on the record for the continued legal staff update. A request to go into executive session was made as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 10:50 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 11:02 a.m. with no decision being called for in open session.

An audio recording of the open portions of the meeting are on file in the Commissioners' Office.

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

The Board met today at 11:06 a.m. to conduct a continuation of the public hearing to review the Star Area of City Impact, Case No. OR2021-0031. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, Andrea Nielsen,

Attorney for the City of Star, Mark Hilty, Attorney for the City of Middleton, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Steve Burton, Trace Leighton, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith said today's hearing was continued from March 8, 2022 where the Board took testimony and continued the hearing in order to gather consensus on mediation from Middleton and Star. On March 8th the Board found there wasn't an exact agreement for mediation and Star asked the Board to continue with a decision. The Board still had questions and had hoped Commissioner White was going to participate in today's hearing, however, she was unable to do so. The Board had asked staff for a flowchart of the decision-making process so it's clearly outlined on what a "yes", or "no", or a lack of action would mean. Commissioner Smith asked if there has been any change from the Star or Middleton on the mediation agreement in the last 24 to 48 hours. Mark Hilty said the City of Middleton does not have any updates for the Board. Andrea Nielsen said the City of Star has the same position.

Deputy PA Zach Wesley said there were two documents prepared at the Board's request that go over the procedure as to what we have done to get to this point and also addresses all of the potential scenarios coming out of this hearing. (Both documents are on file with this day's minute entry.) The first document goes through the Committee of Nine proceedings and the steps we have complied with. We are now at the phase where the city has enacted the ordinance and we have had the hearings and have now scheduled the ordinance and the boundary and the rules for the County's consideration of the adoption of the Committee of Nine's recommendation. The flowchart that was prepared shows that if the county or the city fails to adopt there is a process for a declaratory judgement that would mean the district court would be able to, at its discretion, identify an area of city impact boundary, plan, or ordinance if the city or the county fail to adopt the Committee of Nine's recommendation. The flowchart separates those two questions: the first part addresses what happens if the county fails to adopt the committee's recommendation, whole or in part, and addresses what happens if an overlap area with another city area of impact is adopted either by negotiation, committee of nine recommendation adoption, or through a district court decision that creates an overlap. Part 1: the cities negotiate, and if they can negotiate and adjust their own boundaries then those would be what are in place. If they fail it comes to the Board of Commissioners to make a recommendation. The cities then are either required to adopt that recommendation or it would trigger a process where the voters in that overlap area would get to decide which area of impact they reside in as a whole.

Commissioner Smith said she was asked if we can adopt a different map, for instance, if the Board wanted to move a line that did not coincide with the Committee of Nine. Do we need to either adopt or not adopt the committee's recommendation? Mr. Wesley said if we did not adopt the committee's recommendation the City of Star could go back to the city council and adopt it so they are equal, or they could go to district court and have the court decide where the boundary lays. Commissioner Van Beek said a map was provided pursuant to what happened at our last hearing on the City of Middleton Future Land Use Map and she thought it was relevant. Mr. Wesley said Middleton's area of impact boundary goes from I-84 up and across Purple Sage Road to Can-Ada Road and then along the southern edge along the river, except for one area where it goes across the river. There was testimony from citizens that indicated they didn't want to reside

in either city area of impact and a majority of those people who testified are already within the Middleton impact area. If we go through this process and we go to an election, the question is which area of impact they reside in, not no area of impact. Commissioner Van Beek said in 2017 people were contacting her with questions about how a nonincorporated city can come into the county. Mr. Wesley said Star is an incorporated city and under Idaho law cities are not bound by county boundaries. They can go into counties; political jurisdictions do not control the city's growth. Commissioner Van Beek said it would have been the local leadership at the city level that would have made the determination at that time either to agree to allow those annexations or partnerships to happen. Mr. Wesley said the public record of the annexations shows a lot of instances where city and county officials were engaged in the annexation process or Star's planning process, and that means commenting on or being in favor of Star annexation areas, and the Star future land use map. There are many instances over that long history of annexation where Canyon County and city officials were involved in the process through comment. Commissioner Van Beek said the process is not clear and so the Board, the legal staff, and planning officials are now at a level where there is greater understanding of land use planning. It's a mess and she doesn't mind helping comb through it but the situation is this existed and people may have decided not to pick up and sort through those details before coming to this series of hearings. As a certified facilitative mediator, she believes in giving one more opportunity to allow those cities to come together and provide additional information that helps inform the Board on a competent process. The flowchart is exceptionally helpful and the additional map on the Middleton area of impact is helpful and the continued presence of people coming up shows good government.

Dan Lister said DSD utilizes agreements and maps for appropriate planning efforts and they have to put into context one thing – this area has been in Middleton's impact area since 2001 so our code says this is an area foreseeable to be annexed in the future. We have an agreement with the City of Middleton saying the county's rules apply in that location and the city has an opportunity to comment when we make changes within the area of city impact. We can listen to the comments but we don't have to go with those comments, and the same goes for the City of Star. They have an agreement that has been modified through discussions and we are at a point where the county's comprehensive plan supersedes Star's. They have a few ordinances they want to apply and most of them deal with subdivisions, but the county's ordinance allows us to waive those so we still have ultimate control within those locations. The cities can comment and we acknowledge them and see if we want to apply any of those as conditions or deny it, but ultimately our code is in place in that location. Mr. Lister's concern is if this is not approved today and it goes to a judicial review and if the agreement changes we might not have "the teeth" we have currently in our agreement.

Commissioner Smith said she's concerned with that as well. She is ready to issue a decision and she thinks it's in the best interest of the community that wants some resolution. There is a lot that still has to happen and we can continue on a path moving forward. Commissioner Van Beek agrees and believes the best path forward ultimately if there cannot be agreement or if the recommendation by the Board is not accepted by either city, that it will go to the people and they will decide. She prefers that method over a judicial declaratory judgment. Those agreements we have in place would be null and void and so the planning component we've done for this, in a

declaratory judgment would eliminate any level of control from the Board and they could adopt whatever they wanted.

Mr. Wesley said his interpretation is it would be at the discretion of the district court to set the boundary if the city or county do not adopt it. They wouldn't be bound by the Committee of Nine recommendation. Both the city and the county would be free to make their argument and the court would be within its discretion to choose one of those sides or make up its own.

The Board accepted the colored map of the Middleton area of impact boundary that's titled "City of Middleton Future Land Use Map" as Exhibit #20, and it accepted the flowcharts Mr. Wesley reference as Exhibits #21 and #22. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony.

The Board's deliberation on the Committee of Nine Boundary Map was as follows:

Commissioner Smith said during the Committee of Nine process she and Commissioner Van Beek were the dissenting votes to that boundary map, and she still does not agree with the map; however, the Committee of Nine did approve the map and to keep moving forward she supports moving the map to the next phase. Commissioner Van Beek agrees. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the voted unanimously to establish the City of Star Area of City Impact Boundary Map, which was adopted through a democratic voting process by the Committee of Nine.

The Board's deliberation on the City of Star Area of City Impact Ordinance as follows:

Commissioner Smith said the Committee of Nine reviewed the ordinance and for the reasons Dan Lister put on the record she recommends adoption of the city impact ordinance. Commissioner Van Beek said the first proposal from the City of Star had their ordinance taking precedence over the county's ordinance. There was negotiation and discussion to retain the integrity of the county's position on that so our ordinances are still in first place. Commissioner Smith said there are some Star ordinances that apply that can be waived by the Board, and originally their comprehensive plan was supposed to apply but our comprehensive plan, per the ordinance, applies. Commissioner Van Beek made a motion to adopt the City of Star Area of City Impact Ordinance. The motion was seconded by Commissioner Smith and carried unanimously.

Staff will update the approval documents and present them to the Board at a later date. The hearing concluded at 11:28 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 11, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Misty A. Huffstutler, Legal Assistant I; and Greg Swanson, Criminal Deputy III

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Worked Remotely**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Attended Sequential Intercept Mapping workshop**
 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings scheduled this day.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 15, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582853 to 582893 in the amount of \$82,255.64
- The Board has approved claims 582823 to 582852 in the amount of \$29,521.35
- The Board has approved claims 582617 to 582653 in the amount of \$34,036.14
- The Board has approved claims 582344 to 582390 in the amount of \$80,198.11
- The Board has approved claims 582755 to 582793 in the amount of \$170,295.38
- The Board has approved claims 582794 to 582820 in the amount of \$18,531.18
- The Board has approved claim 582821 in the amount of \$42,345.60
- The Board has approved claim 582822 in the amount of \$179.75
- The Board has approved Elections claims in the amount of \$15,749.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$10,191.20 for Facilities Department
- Grainger in the amount of \$3,407.18 for Facilities Department
- A-Gem Supply in the amount of \$7,781.00 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Gisela Moreno Garibay, Senior Customer Service Representative

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for La Michoacana Mexican Restaurant AKA LA Michoacana on 3/19/22

FILE TREASURER'S REPORT IN MINUTES

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

CONSIDER SIGNING RESOLUTION DECLARING CERTAIN PROPERTY AS ODD-LOT PROPERTY AND AUTHORIZING THE SALE THEREOF, AND LEGAL NOTICE DECLARING CERTAIN PROPERTY AS ODD-LOT AND INTENT TO SALE

The Board met today at 1:33 p.m. to consider a resolution declaring certain property as odd-lot property and authorizing the sale thereof, and to sign a legal notice declaring certain property as odd-lot and intent to sale. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Doug Robertson, Treasurer Tracie Lloyd, Admin. Property Appraisal Supervisor Greg Himes, DSD Planning Official Dan Lister, Lance Warnick, and Deputy Clerk Monica Reeves. Deputy PA Robertson said the property has existed as a driveway since the 1950's and the

homeowner is attempting to sell and found out he doesn't own a tiny piece of property that serves the driveway to his property. The Treasurer has requested the Board declare it as an odd-lot property which means it doesn't serve any purpose to anyone other than adjacent property owners and it's not for the public benefit for the County to hold on to it. The way this process typically works is that the County would declare it as an odd-lot piece and then we will approach the adjacent property owners and ask if they want to purchase it, but in this case, we already have the purchaser who has approached us asking to buy it so we are not going to approach the other adjacent property owners because it would be unjust to sell it to anybody else. The statute requires the County have an appraisal done and the Assessor's Office has done an appraisal but there is a slight distinction in the language used in the statute which talks about a certified appraiser, which the Assessor's Office is not. If we went to an outside party we would probably only get \$2,500 which is half the value of the property and it didn't seem appropriate or just to do that. Mr. Robertson doesn't believe it will provide any liability to the County to use the Assessor's value to sell at market value to the property owner. The Board reviewed the resolution and had questions pertaining to the adjacent parcels and whether it would be possible to do a property boundary adjustment or a conveyance to make it all one parcel. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution declaring certain property as odd-lot property and authorizing the sale thereof, with an additional statement describing the lot that it would be serving. (Resolution No. 22-031.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the notice of sale of the odd-lot property. During discussion Commissioner Smith asked if the property owner made a specific offer? Treasurer Lloyd said an offer was not made. She calculated the taxes at \$4,119.73 through March 1st, however, the property had not been offered at a tax sale so that's why we are using the odd-lot statute and using market value. It is generating more money and the property owner will provide a check for certified funds for that amount. Lance Warnick, who was present for a land use hearing scheduled for 1:30 p.m., wanted to make a comment on the implication of dividing the parcels. Per state law when a parcel is adjusted they are obligated to hire a professional land surveyor to file a new record of survey and so there would be an additional economic impact, as opposed to keeping it as two parcels. Treasurer Lloyd said if it's contiguous they ask the Assessor to combine it under one parcel. It may be in their deed as two parcels, but it can be combined under one parcel. The meeting concluded at 1:47 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 1:49 p.m. to conduct a public hearing in the matter of a request by John Cotner for a rezone of approximately 26.85 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Also requested is approval of a preliminary plat (including irrigation and drainage) for Hawk's View Estates Subdivision, Case Nos. RZ2021-0034 & SD2021-0021. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Dan Lister, Todd Lakey, John Cotner, Lance Warnick, and Deputy Clerk Monica Reeves. On January 19, 2022 the Board held a public hearing on this request and approved the rezone and preliminary plat.

Because the decision was a material change to the Hearing Examiner's recommendation a second hearing was required.

Dan Lister gave the oral staff report. The Board had directed staff to re-notice the hearing to consider approval of the zoning map amendment as well as the preliminary plat, and had also requested the plat include a landscaped entry with a monument sign, and to discuss a utility easement that would allow Middleton's city services to extend to this area in the future. Upon discussion with the City of Middleton an easement that traverses Kemp Road would be required and the easement size would be the width of the right-of-way for adequate sewer and water line separation. The Board also requested an ag disclosure be included as part of the conditions and that pressurized irrigation be provided to all lots. The items have been added as conditions to findings of fact, conclusions of law and order (FCO's). Both the P&Z Commission and staff have recommended denial of this application. The Board directed staff to review it as an approval and so the FCO's demonstrate how each finding can be made. There is not a new staff report. Commissioner Smith said within one mile of the site there are 23 platted subdivisions with an average lot size of 2.52 acres. The rural residential zone is commensurate with the average platted lot size.

Todd Lakey spoke about compatibility and the character of the area. The applicant could have come forward with a conditional R-1 rezone with a concept plan, but he requested an R-R rezone with a preliminary plat with lower density. The area is designated for residential development and there are residential land uses and zoning in area. The Hearing Examiner incorrectly described this a spot zoning but the applicant has demonstrated how this is not spot. The property is near the area of impact of Middleton, but not within it, but the County is planning this area for residential growth and development. There are 23 platted subdivisions within one mile with 436 lots. According to Mr. Lakey, the applicant has gone the extra mile to address potential impacts having a water engineering firm conduct a groundwater study which determined there would be no significant impact on the aquifer. There is a strong stable aquifer in the area. An NP study has been reviewed and accepted by Southwest District Health. They have worked with the highway district in the alignment for the road, and there is a letter of support from the landowner of the 90-acre agricultural parcel to the east stating the development will not negatively impact their property. The application complies with the comprehensive plan goals and policies and it meets the criteria of the zoning ordinance. There are surrounding agricultural uses in the overall area, but this property is in an area that is designated for residential development. Mr. Cotner is a high-quality builder that will set an enduring standard for the area.

Lance Warnick, the project engineer, offered testimony on the technical components of the preliminary plat. The City of Middleton is not requiring an easement of the public-right-of-way; they will use the proposed public road to put in sewer and water in the future. Pressurized irrigation will be supplied to all lots.

John Cotner responded to a question from Commissioner Van Beek who asked if he knows whether American Homes for Rent is purchasing land in the area. Mr. Cotner said he has not heard anything about it.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the rezone request for Case No. RZ2021-0034, including the FCO's, and the subdivision for Case No. SD2021-0021. The hearing concluded at 2:13 p.m. Just as the hearing ended, it was brought to the Board's attention that an exhibit needed to be included into the record. At 2:28 p.m., the Board went back on the record and Commissioner Smith said the exhibit is based on the testimony from Lance Warnick regarding the City of Middleton's confirmation that future sewer and water lines can be installed in the street right-of-way versus an easement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen the public record to accept the email from Lance Warnick dated February 24, 2022 into the record. (Exhibit #32.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said based on testimony, Condition No. 4 needs to be reworded. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen public testimony to get clarification on the sewer expansion. Lance Warnick said by definition a legal right-of-way gives a public entity, like a city or a utility company, the ability to install lines that benefit the public. The email communication with the City of Middleton talks about what they need to have as a corridor to provide sewer and water to and through the property, and it identifies that the proposed right-of-way would provide sufficient width for that. They do not need to have an additional easement located outside the public right-of-way. The road is planned. Kemp Road will use 24 or 26-wide pavement with barrow ditches on each side and they anticipate when the city gets there with services it could be installed outside the pavement corridor. A concern the city engineer had is making sure the pressure irrigation is located far enough away to maintain a 10-foot separation. According to Mr. Warnick, the pressurized irrigation will not be located within that 10-foot segment and that alleviated the engineer's concern. Commissioner Smith recommends the removal of Condition No. 4 based on testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to remove Condition No. 4 regarding the utility easement to eliminate the confusion as per the testimony by Lance Warnick. The motion was seconded by Commissioner White and carried unanimously. The Board signed the FCO's and the ordinance as presented by staff. (Ordinance No. 22-004.) The hearing concluded at 2:36 p.m. An audio recording is on file in the Commissioners' Office.

CANVASS MARCH 8, 2022 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the March 8, 2022 Consolidated Election. The official documents were presented by Elections staff and were signed in the Elections Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 3:34 p.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider adopting City of Star area of city impact ordinance and establishing City of Star area of city impact boundary map: Mr. Wesley explained this adopts the Star area of impact boundary and rules and regulations in the ordinance format. The only changes to this version from the prior draft is that originally there was a place listing the date of Star's adopted ordinance but that has been removed. Mr. Lister spoke with the City of Star and learned that they have not formally adopted the ordinance yet; it has been thru their city council and been approved but it has not formally been adopted. Commissioner Smith feels that this is misleading because both communities failed to adopt the ordinance. Star's city attorney has indicated that formal adoption of the ordinance is on their calendar and likely to be taken up in April. Mr. Wesley said that one option for moving forward today would be to hold the summary publication, which can be held for 30 days before the ordinance would be invalid. This would allow time for Star to satisfactorily show that they have adopted the ordinance. Mr. Wesley further reviewed the impacts this could have to the City of Middleton and the steps each city could take moving forward. At this point, Commissioner Smith doesn't want to sign these documents as she feels that the Board was misled by the City of Star. Mr. Wesley said that both the city and the county had 30 days to adopt the recommendations of the committee but there is no time limit to request judicial review. After further discussion, Commissioner Smith reconsidered her position and would like the documents to be signed in order to give Middleton the opportunity to ask for a review by the Board for overlapping areas. Mr. Wesley's recommendation is to sign the ordinance but hold the summary until formal direction is given to staff to publish; the ordinance is not officially enacted until it's published in the Idaho Press-Tribune. Commissioner Smith requested Mr. Wesley draft a letter to the City of Star and Mayor Chadwick outlining what has happened up to this point resulting in delay of publication and the ordinance being fully enacted. If there is no adoption within 30-days the ordinance becomes null and void. Commissioner Van Beek made a motion to sign ordinance no. 22-003 which amends chapter 9, areas of city impact, adopting a City of Star area of impact and providing an effective date as presented by legal staff with the attached map. The motion was seconded by Commissioner White. Commissioner Van Beek amended her motion to recognize that the ordinance summary will be held until Star adopts the ordinance. Commissioner White seconded the amended motion which carried unanimously.

The meeting concluded at 3:52 p.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 4:01 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive

Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton (left at 4:23 p.m.) and Interim Lead HR Generalist Jennifer Allen. The Executive Session concluded at 4:23 p.m. General direction was given to Director Britton for the evaluation of candidates. No further action is necessary by the Board. Director Britton will work with Human Resources to process the formal hiring decisions.

The Board when back into executive session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 4:24 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Interim Lead HR Generalist Jennifer Allen. The Executive Session concluded at 4:42 p.m. with no decision being called for in open session.

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

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 16, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Richard Cabana, Deputy Judicial Marshal; Michael Bruce Mauldin, and Deputy Judicial Marshal; Delbert Charles Lamb, Deputy Judicial Marshal

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

The Board met today at 1:35 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair

Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner discussed the following with the Board:

- Expo center/event center site improvements
 - Getting bids for AV
 - Schedule is moving quickly but it has changed the county self-performed work schedule
- 2022 Fair
 - Follow-up on fees; resolution proposal has been sent to Zach Wesley
 - Proposing that every livestock exhibitor receive 2 admission bracelets which makes for an easier process for fair staff, the Board is supportive of this idea; Director Sinner said the process will be evaluated at the conclusion of Fair.
 - Close to finalizing entertainment
 - Evaluating applications for vendors and preparing agreements
 - Livestock weigh-in update
- Fair staff travel and training
 - Director Sinner will be attending the IAFE Management conference in April
 - Samantha Ball will be attending ShoWorks training in April

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 1:43 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Fair Director Diana Sinner. The Executive Session concluded at 2:09 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said she would reach out to Pat Momont with the University of Idaho regarding personnel issues between the two organizations. The meeting concluded at 2:10 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MARTIN MAESTREJUAN FOR A COMPREHENSIVE PLAN MAP AMENDMENT, CONDITIONAL REZONE, DEVELOPMENT AGREEMENT AND

PRELIMINARY PLAT FOR FLYING ARROW LANDING SUBDIVISION, CASE NOS. OR2021-0027, CR2021-0010 and SD2021-0049

The Board met today at 2:33 p.m. for a public hearing to consider a request by Martin Maestrejuan for a comprehensive plan map amendment, conditional rezone, development agreement and preliminary plat for Flying Arrow Landing subdivision, case nos. OR2021-0027, CR2021-0010 and SD2021-0049. Commissioner Smith explained this is a continued hearing from February 22nd where the Board elected to obtain additional information regarding the Homedale impact area, city services, EMS, water availability, capacity for Homedale School District, collector identification on the functional transportation map, the nitrate priority area and to understand at a greater level the nutrient pathogen study that was provided by Atlas.

Katie Phillips spoke about the nitrate priority area, SWDH and DEQ had updated their maps and DSD did not have that information so Mr. Maestrejuan had to complete the nitrate priority study. Based on the map, a portion of the development lies within that area. The City of Homedale provided comment about service availability to the location, there could be a connection provided that improvements are installed to city standards. In regard to the parcels to the south, those parcels were created thru administrative land divisions. The fire district and emergency response time indicated that the fire district response is anywhere from about 3-9 minutes and the sheriff's call for service to the Batt Corner area is approximately 30 minutes dependent upon the type of call and the call volume. The highway district provided comment regarding the difference between the major and minor collectors, indicating that a traffic impact study was not warranted, they don't believe the development will adversely impact Batt Corner and Boehner Rd. Homedale School District provided comment stating that without demographics of potential families going in, it is unknown what the impact would be though potential future costs would include an additional bus route, bus and driver. Additional information was provided by the applicant and are noted as exhibits 19, 20 and 21.

Martin Maestrejuan gave testimony in favor of his application. He addressed a comment made by Commissioner Smith at the last hearing that she had driven Batt Corner Rd. and witnessed many pieces of farm ground on that road, he doesn't disagree. Batt Corner Rd. is an 8.5-mile road that stretches from Hwy 95 north to the outskirts of Parma. His proposed subdivision is in the first mile from Hwy 95 heading north. He took 6 street view photos of the surrounding area and what the place looked like. Exhibit 22 was referenced which indicates 4 of the 7 lots south of his property fall into the rural residential tax code. With that being said, everything from Hwy 95 driving north to his property there is no leapfrogging of residential properties, everything is connected. Reference was made to a letter written by a Canyon County resident who would potentially like to build in the area. Mr. Maestrejuan stated that just because there is a lot of development going on in the valley he doesn't think everyone needs to be steered to houses within city limits, he thinks there should be options for people who want to live a rural lifestyle. In speaking with the Homedale School District, they told him they may have capacity depending on the grades and how many kids are in the subdivision. There is a bus route that heads south on Batt Corner Rd. and stops at the property south of him.

Commissioner Smith asked about the city's response regarding water connection. Mr. Maestrejuan referenced another exhibit from the Idaho Department of Water Resources which noted that the proposal of 11 well permits is not outside of the law if they choose to do that. However, if they hook up to city water there would have to be a fire hydrant at the very end of the water line which would be better for the fire department and he's not opposed to doing that. Discussion ensued regarding the cost of drilling wells vs. piping in for city services, currently it is less expensive to drill a well. Commissioner Smith asked about well and fire suppression systems in each of the homes. Mr. Maestrejuan said that Wilder Fire Department only requires that fire suppression be installed in homes over 3500 sq. ft. In response to a question from Commissioner White regarding suppression pressure, Mr. Maestrejuan said that is something he would have to discuss with their engineer and there would have to be a water model run with the city. Mr. Maestrejuan addressed a question from Commissioner Van Beek about water rights on the property saying that the property comes with 22.17-acre feet of water which will need to be directed back towards each lot. Each property would get a part of those water rights that are on the farm and IDWR encourages flood irrigation in an effort to replenish the aquifer. Additionally, the City of Homedale only has 3 services on the Canyon County side of the river, 2 churches and 1 business, the rest is all on the other side of the river within their city limits. Currently, they have 970 services on their well. With Mr. Maestrejuan's property being on the Canyon County side it is encouraged for people to have their own wells because they don't want to use city water to water yards. Each property would have to apply for their own permit to drill a well. Commissioner Van Beek asked about the photos showing the condition of the road which doesn't look to be well maintained. Mr. Maestrejuan said he doesn't know what Golden Gate Highway District's plan is for road repairs. He said the comment from their engineer is that there would be no adverse effects as far as the number of lots. Commissioner Van Beek said that transportation infrastructure is a condition of finding that they look at and evaluate. Mr. Maestrejuan said that he is trying to get this to final plat as soon as possible and addressed Commissioner Van Beek's comment regarding the desirability, space, community and the entrance for the subdivision, specifically the esthetics of the entry. He said they are going to make it look nice; it is curb and gutter as per the City of Homedale requirements but at this point street lighting will be deferred. Commissioner Smith told Mr. Maestrejuan that the Board has been requiring subdivisions to show a landscaped entry plan which includes a monument sign at the entry as she believes it helps with value in the area. Mr. Maestrejuan said he is not opposed to landscaping esthetics. In response to a question from Commissioner Smith about the use of a private road vs. public road for the entry, Mr. Maestrejuan said that he feels that it wasn't necessary for it to be a public entrance, it's designated more for the residents of the neighborhood. Commissioner Smith asked about exhibit 10C, which is a letter from the Mervyns' regarding necessary repairs needed on their sprinkler lines so that their irrigation is restored and working. Mr. Maestrejuan explained that Mr. Mervyns moved to the property in 1998 and all of the infrastructure had already been put in. The property was leased and farmed by McIntyre Farms for many years who installed their own infrastructure. They used wheel lines and the risers that were already on Mr. Mervyns property because it was all one farm at one time. Mr. Maestrejuan said that the pressurized irrigation will probably be abandoned once the subdivision is approved. Per Mr. Maestrejuan, Mr. Mervyns has his own water which is gravity fed to his property. Commissioner Smith noted that Mr. Mervyns has stated that is not true. Mr. Mervyns letter states that *there is one irrigation head gate in the front yard of his house with one*

line that continues along Boehner Rd. The second line, the back portion of the property, was severed and capped by Mr. Maestrejuan when he installed his pivot and sprinklers without permission or any prior discussion. Mr. Mervyns letter continues, stating that Mr. Maestrejuan's head gate and pump which run underground thru the edge of his property is the only irrigation to his farm ground at this time. Their second line needs to be repaired and risers replaced so that that irrigation is restored. Mr. Maestrejuan said he is happy to help Mr. Mervyns with his new infrastructure to be installed but that he has no pump system. Discussion ensued, referencing the maps, about where the property lines are located and the portion of Mr. Mervyns field that is watered by Mr. Maestrejuan's sprinklers. Mr. Maestrejuan doesn't feel like it is the responsibility of the subdivision to pay for Mr. Mervyns water or farm operation. The property was split in 1993 and per TJ Wellard with Skinner Land Survey the water rights and easements for that property were already established on record of survey. Mr. Maestrejuan reiterated that he would be happy to help Mr. Mervyns with labor to install a water line but he doesn't feel it's his responsibility to pay for materials or the permitting. At the request of Commissioner Van Beek, Mr. Maestrejuan pointed out his property in relation to Mr. Mervyns property along with the pump station on Boehner Rd. and the gravity fed water line on the maps. According to Mr. Maestrejuan, Mr. Mervyns was there the day he installed more risers along the fence line.

Commissioner Van Beek asked about the area south of this property on the eastern boarder as far as the building being subdivisions or just property owners who've built homes. Mr. Lister said that those lots were created thru the processes allowed in the ag zone at the time so they are either original lots or they are land divisions approved in the ag zone per the code. The City of Homedale shows the area closer to Boehner Rd. and Batt Corner Rd. as agricultural, as it moves further south it changes to their residential designation. The City of Homedale has a council meeting once a month and Mr. Maestrejuan has asked to speak at the meeting that will be held tonight. His understanding is that this is not a requirement for the city, it is more of a request. The city is more focused on their city limits on the other side of the river. They pump water from the Canyon County side of the river because of water quality.

Commissioner Van Beek asked Mr. Maestrejuan about his rebuttal to the standards the Board is asked to meet.

- *Is the requested type of growth generally in conformance with the comprehensive plan?* Mr. Maestrejuan said that as far as he knows the city of area impact line is not going to change on paper with the City of Homedale. It didn't in the last comprehensive plan when it was adopted in 2011 he doesn't think it will change on the new one. He doesn't know if his property is going to be in transition. The request of the city council is for Mr. Maestrejuan to show them that they may be interested in tying into the city water and believes the city is leaving that decision to the Board.
- *On the proposed conditional rezone, is it compatible with the surrounding land uses?* Commissioner Van Beek explained that Mr. Maestrejuan would have to make an argument for a subdivision being located in ag ground being more compatible than the ag designation as it is. Mr. Maestrejuan said that the residential boundary for the City of Homedale is at Ustick Road and if you drive the first mile from Hwy 95 north there is no leap-frogging as

far as having roofs. He does not believe he is changing the outlook of the area. He does sit next to agricultural land but he is inside the line drawn on paper.

- *Impact for essential public services.* Commissioner Van Beek said there is documentation from Golden Gate Highway District that says they don't need a traffic impact study and don't anticipate a significant load on the roadway, the school district didn't really have a definitive answer, response times were received from the fire and ambulance districts and the fire suppression issue has been addressed.

Mr. Mastrejuan said he doesn't feel that the area is unsafe to the general public as it is. The Canyon County Sheriff's Office has a very large area they are covering. This is a chance to condense the amount of people that can come to the area, he does not want to try to put 24 homes on the property, he wants to keep it a low density. He thinks that as things change in the next 10 years development is inevitable.

Kurt Smith provided testimony in favor of the application stating that the 4 lots directly below the subject property are taxed as rural residential. As stated, there are residential lots all the way down to Hwy 95, the other 3 lots are taxed as improvements for residential. As far as the NP study, they now have official approval from the DEQ. In regard to the septic system they have been approved without any pre-treatment in the system because of the aquifer that is below the property. The water quality is good, generally in an area like this all of the well logs will be similar to Mr. Maestrejuan's as far as depth and flow rate. In regard to water rights, his understanding from the state is that there are no ground water rights. The only ground water rights are for Mr. Maestrejuan's house in which he has the right to water up to ½ an acre and water stock 14,000 gallons daily. He indicated that they do not have anything to do with the state of repair for the roadway, it is the responsibility of the highway district to fix it. Commissioner Smith questioned this statement because it's serving the level of service at the existing level, but with adding to the level of service she asked if he feels that is still a fair statement. Mr. Smith feels it is still a fair statement because they will collect the fees for the additional people to which Commissioner Smith pointed out there is evidence that property tax fees do not come close to being able to cover the level of service and with agencies only being able to increase their budget by 3%. Mr. Smith said they would have no issues in proving a landscape plan for the entrance and are fine with that being a condition of approval. Commissioner Smith clarified that the Idaho Land Use Planning Act doesn't have anything to do with the tax code system, they don't correlate. Mr. Smith said that in his review of the new comprehensive plan, this property is in an ag transition area. Mr. Lister explained that one of the directions they were asked to look at during a recent workshop was pulling back some of the ag transition if it doesn't match the area of city impact.

In response to a question from Commissioner Smith, Mr. Lister provided a brief overview of the conditions of approval that have been prepared. Mr. Smith said they do not have any issues with any of the conditions. Commissioner Smith said that part of why she proposes conditional rezones to people is because that is the tool to propose conditions to mitigate any concerns.

Kyle Beaver provided testimony in opposition stating that they farm directly to the east of the proposed plan and his biggest concern is being able to continue farming the ground. In the last year he's had his pivot sprinkler hit the road a few times and has had law enforcement called on him 5 times for it. There is another subdivision in the area, Noah's Landing, and the adjacent farmer to that property who ran 10 head of cattle is now in litigation with residents of that subdivision for the cattle being too loud at night. He and his wife are asking for this to be denied, simply for the fact of being able to farm in the area. He also has concerns about ground water and the possibility of wells going dry. In response to a question from Commissioner Van Beek regarding farm wells in the area, Mr. Beaver pointed out the well he is aware of on the zoning map. Commissioner White requested further clarification as to how the proposed 12 homes would stop his farming operation. Mr. Beaver clarified that his biggest concern is having law enforcement called on him because the new residents don't understand how farming operations work such as spraying chemicals on his fields or working thru the night to bale alfalfa hay. Commissioner White believes that anyone moving to the area is going to know that this is rural and noted the 'right to farm statement'. Mr. beaver reiterated that he had law enforcement called on him 5 times last summer.

Commissioner Van Beek asked about any designated setbacks. Mr. Lister explained they would have to meet the zoning requirements for the setbacks but there are no agricultural buffers being presented. Discussion ensued regarding possible setback options.

Janice Cone testified that one of her biggest concerns is with wells in the area. Her parents bought the property in 1978 and sometime before 1993 had to drill the well deeper. The parcel to the west of her parent's property has had his well go dry twice this winter. Additionally, she has concerns about irrigation water runoff due to the property being on a slope. She indicated that when law enforcement is called it takes a fair amount of time to make their way out. She spoke about teenagers in the area with their loud trucks and reckless behavior.

Sarah Beaver offered testimony in opposition stating that she feels like they are continuing to get encroached upon by urban people wanting to live in the country but maintain their urban ways. She also has concerns about the root lateral underneath Mr. Maestresjuan's property that they also have and have been told by the irrigation district that they are not allowed to build any structures or roads over. If they touch it or cut it they have to replace the entire thing. According to Ms. Beaver, per Wilder Irrigation District rules, if irrigation is cut it has to be replaced, there has to be an opportunity for irrigation. Wilder Irrigation made it very clear to them when they installed their pivot line that if they cut any irrigation line that provided water to a neighbor it had to be replaced. She also spoke about the struggles of farming and how it is not always easy but not necessarily a reason to subdivide property and encourage more development.

Mr. Maestresjuan provided rebuttal testimony stating that he has proposed CC&Rs that do protect the 'right to farm statement' for his neighbors and the surrounding areas that he would like to incorporate as conditions. Everyone in the subdivision will have a right to farm statement and the disclosure to know that neighboring farms shall not be encroached upon. He feels that people who choose to live in the proposed subdivision will also be choosing to live with the neighbors and the

surrounding area. He is also implementing weed control which will be part of the HOA. In regard to the root lateral, he has easement agreements in place at the Bureau of Reclamation and Wilder Irrigation. Neither of those agencies have any opposition to what he's doing nor do they have any opposition to a waterline from the City of Homedale. Mr. Maestrejuan addressed the issue of water from pivot sprinklers hitting the roadway stating that he has also received phone calls but has never been visited by law enforcement; he explained that there are ways to adjust them to minimize water hitting the roadway.

In response to a question from Commissioner White about his plans for the property, Mr. Maestrejuan said he would like to get the property to final plat as soon as possible but he will not be the builder of individual homes nor the general contractor for each lot.

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

Late exhibits 22 and 23 were entered into the record.

Commissioner Van Beek said that her position in equity and fairness is always to try to base decisions on the same criteria and take that information into consideration. In staff's evaluation of this project and the original staff report provided on February 22nd, she doesn't know how to make findings that overcome what staff has already put into place including conformance with the comprehensive plan, the surrounding land use, compatibility, the extensive discussion with farmers and lobbying for individual property rights, the preliminary plat seems to fall short of some of the requirements that the Board has been laying out for other developers. She spoke about her concerns about the economic climate in the state of Idaho and subpar development. She feels part of the due diligence of the Commissioners is to look at the future of development in the county. At this point, this does not pass muster for her to approve. She doesn't have enough information to overcome the staff report and the findings by planning and zoning.

Discussion ensued regarding possibly continuing in order to see if there is additional information that comes from the City of Homedale city council tonight.

Mr. Lister reviewed the decisions that are before the Board today including a comprehensive plan amendment, a conditional rezone and preliminary plat. Staff is recommending denial of all three so if this were to be approved today it would need to be re-noticed.

Commissioner Van Beek expressed her concerns about potential code enforcement issues as well as potential access issues in regard to the private road if this were to divide further in the future.

In regard to Mr. Beaver's comments, Commissioner White said she wasn't sure how this development would affect his farming operation. Commissioner Smith explained that the quality of life of an area has to be considered. In reference to Ms. Cone's statements about teenagers causing trouble, Commissioner Smith said kids are going to move from one area to another and they're going to play but she does have concerns about adding to the trouble. She also spoke about some of the issues that can arise when residential and agricultural are adjacent such as

spraying, driving on canal roads, cattle getting loose, dogs on the run, animals defecating in seed crops, aerial spraying possibilities that get stopped, the potential issues are endless. However, there is a good history of farming next to rural residential properties that can happen as well. Commissioner Smith said there is a transition, the lots that were developed north of Ustick that are being referenced as compatible to the surrounding area were all created by administrative land division so those were not put into place to change a character of the area, they were put in place to allow families to expand and exert property rights.

Mr. Lister said that Noah's Landing touches a rural residential zone and the reason that was acceptable by the Board at that time was because it's below Ustick where future residential is designated, secondly it's touching a residential zone that's been there since the 1980's. Existing subdivisions south of Batt Corner Rd. are from 1960 and 1977, at that time the rural residential zone was a one-acre lot size. As time has gone on rural residential has changed to a two acre minimum lot size which protects the existing area but also helps maintain the rural character as it moves out. When you look at the future land use map for Homedale they purposely show that as agriculture because they've created their own buffer around their city of impact to continue having an ag buffer between their growth and what is happening east and north of this property. This property is still in an impact area but it's an impact area where even Homedale is showing protection of ag. Mr. Lister spoke about the subdivisions to the north, one of which agreed to maintain 15 acres in agriculture land for one additional building permit and the other, they asked for two additional building permits but committed to keeping 20 acres in ag land. Those subdivisions have an ag preservation component which will be kept in perpetuity until it is rezoned or the development agreement is amended. In response to a question from Commissioner Van Beek, Mr. Lister confirmed this property is inside the City of Homedale's impact area, Boehner Rd. is the line.

Commissioner White spoke about how she doesn't feel that she can approve something that takes away someone's livelihood and ability to survive in reference to the loss of Mr. Mervyns access to irrigation water.

Commissioner Van Beek said she cannot make a decision unless she changes the findings and she doesn't have information to change the findings. There are things that the applicant can do to provide assurances to this Board such as gathering additional information and providing a site plan that shows an entrance monument. She explained that Canyon County's comprehensive plan is in transition and no one is quite sure where that is going to land. Commissioner Van Beek made a motion to deny this application in case nos. OR2021-0027, CR2021-0010 and SD2021-0049 stating some of the reasons are related to the quality, the ability to service that was brought out in testimony, the additional cost load in what she believes is good faith and with every intent but there are people that roll significant cash that cannot cash flow those. She can't make a finding that she doesn't have.

Commissioner White spoke about how this property is right on the border and if Homedale were to bring it in to the city limits it could become higher density residential. Commissioner Smith

spoke about how the average lot size in this area is 16 acres and how the comprehensive plan and the City of Homedale have this area designated as agricultural.

Mr. Lister said they are working on updating the comprehensive plan and as stated by the applicant this area was recently shown as an ag transition area, however, they are also working to come up with different lot sizes so this may be an area that changes to 5-acre lots. There are a lot of opportunities coming that would provide more buffers and different types of ag uses within an ag zone. Those are opportunities that could occur after the comprehensive plan is updated. Mr. Lister suggested considering the comprehensive plan amendment first to see if that can pass or not. Then consider the conditional rezone separately as it can go forward without the comprehensive plan amendment as long as it's conditioned to meet the findings. He explained that the comprehensive plan is more about determining if there is enough there to show a growth that has been envisioned as part of the comprehensive plan; staff can't find that. One option may be to take it piece by piece and make a decision on the comprehensive plan amendment and then move forward to the conditional rezone. The hearing could be continued in order to give the applicant more time to provide better conditions.

Commissioner Smith said she has a hard time even looking at how you can do a conditional rezone approval without being consistent with the comprehensive plan. She thinks that this application may just be too soon; it is an agricultural area on every map. The only thing that it has going for it is that it's in the impact area.

Commissioner White said the timing is bad indicating the area isn't ready for this and seconded Commissioner Van Beek's motion for denial. A vote was taken on the motion with the Board voting unanimously to deny the application in case nos. OR2021-0027, CR2021-0010 and SD2021-0049.

The hearing concluded at 4:26 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 17, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Brenda Stone, Interpretive Specialist; and Kelsey Rush, Deputy Sheriff – Patrol

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:49 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director Indigent Services Yvonne Baker, Chief Deputy Treasurer Jennifer Mercado and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Matters related to medical indigency:

Case nos. 2022-338, 2022-383, 2022-384 and 2022-328 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decision in 30 days on the cases as read into the record.

Commissioner White made a motion to continue the following cases from April 14, 2022 to April 28, 2022: 2022-1, 2022-242, 2022-251, 2021-1037, 2022-81 and 2021-957. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

Consider signing Treasurer's tax charge adjustments by PIN for February 2022:

Ms. Mercado addressed Commissioner Van Beek's question about an adjustment for the City of Caldwell regarding an exemption change. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for February 2022.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson (left at 9:23 a.m.), Deputy P.A. Zach Wesley (left at 9:23 a.m.), Cpt. Harold Patchett (left at 9:04 a.m.), Solid Waste Director David Loper (left at 9:22 a.m.), Facilities Director Rick Britton (left at 9:04 a.m.), DSD Director Steve Fultz (joined 9:10 a.m. and left at 9:24 a.m.), Code Enforcement Supervisor Eric Arthur (joined at 9:12 a.m. and left at 9:16 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing declaration and notice of sole source procurement for Pod 5 roof replacement: Mr. Robertson explained the Pod 5 of the jail needs a new roof. There is only one company that can do that while the facility is occupied but they don't have a public works license in Idaho. Director

Britton has worked with a local company with a public works license who has agreed to subcontract with the company so the work can be done. Mr. Robertson does see any issues with the sole source but wanted to make sure notice is provided so the public has opportunity to make comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the declaration and notice of sole source procurement for Pod 5 roof replacement. *After the motion it was noted that the notice identifies the Pod 5 facility as the Dale Haile jail which it is not so that will be corrected prior to it being published.*

Consider signing resolution waiving certain Landfill fees for Canyon County residents for one day only on Saturday, April 23, 2022: This is the annual resolution to waive fees at the landfill for one day for Canyon County residents. Director Loper gave a brief review of what/how much can be brought in from one household. Commissioner Smith suggested this may be a good opportunity to offer residents with current code violations a chance for clean-up at no cost. After discussion between the Board, legal staff, Director Loper and Mr. Arthur it was decided that a secondary resolution will be prepared for this situation and those residents will have to show a copy of the letter allowing them unlimited dumping for just the one day. Commissioner Van Beek made a motion to sign the resolution waiving certain Landfill fees for Canyon County residents for one day only on Saturday, April 23, 2022. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 22-032).

Consider signing FY2022 Pickles Butte Sanitary Landfill dust control system project solicitation of bids: Director Loper explained this is to continue moving forward with the project to obtain water rights for the Stuart well to be used as part of the dust control system. Access to this water will allow for 3-5 loads of water per day. Commissioner Van Beek made a motion to sign the FY2022 Pickles Butte Sanitary Landfill dust control system project solicitation of bids. The motion was seconded by Commissioner White and carried unanimously.

Consider signing resolutions for Greg Payne who is requesting a refund for a withdrawn rezone application: Director Fultz explained that this property is in close proximity to Middleton and they have elected to withdraw their application. A breakdown of staff time was provided and a refund of \$535 is being recommended. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Greg Payne for a withdrawn rezone application (see resolution no. 22-033).

Consider new alcoholic beverage license for Summit Auctions LLC dba Summit Auctions: Commissioner Van Beek made a motion to sign the new alcoholic beverage license for Summit Auctions LLC dba Summit Auctions. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 22-034).

The meeting concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH EIDE BAILLY TO REVIEW FY2021 AUDIT REPORT

The Board met today at 10:02 a.m. with Eide Bailly to review the FY2021 audit report. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Accountant Shawna Larson, Jodi Dougherty, Kayley Holt and Kasey Edwards with Eide Bailly and Deputy Clerk Jenen Ross.

Controller Wagoner spoke about the importance of Annual Comprehensive Financial Report prepared by Ms. Larson.

Ms. Dougherty provided the following information:

Independent Auditor's Report – in their opinion the financial statements contained in the ACFR present fairly the financial position of Canyon County as of September 30, 2021. Other matters include the *Required Supplementary Information*, this is something that is required to be include but it is not something Eide Bailly gives an opinion on. *Other Information* is also included but they do not give an opinion at that level, however, they do give an opinion in relation to the financial statements so it is also subject to their audit procedures and part of what they review. The audit was conducted in accordance with Government Auditing Standards which requires them to look at controls as it relates to financial reporting so as they are conducting their audit and deciding which audit procedures to perform, they are also looking at the controls related to those as well.

Some of the documents included with their letter are:

- Management's discussion and analysis – Eide Bailly reviews this document but does not give an opinion. This document is prepared by the Auditor's office and provides a high-level overview of what happened at the county over the last year.
- Financial statements – these are government-wide financial statements so these are not how the county budgets and operates on a daily basis. This is taking the county and saying "if you were a business, this is what your financial statements would look like". The net position shows all the assets and liabilities of the county both long-term and short-term. The year ended with nearly \$116M in net position which is equity, but almost \$55M is tied up in capital assets.
- Basic financial statements – this is how the county operates all year long. It is the balance sheets that shows the assets, the general fund and the major special revenue funds as of September 30, 2021 and the fund balances of each of those funds as of September 30, 2021. The general fund ended the fiscal year with \$24.5M in unassigned fund balance. That is the fund balance (as of September 30, 2021) that is available for budgeting and running the county general expenditures for the next fiscal year.

Ms. Dougherty and Controller Wagoner addressed questions from Board clarifying the fund balance and restricted funds. In response to a question from Commissioner Smith, Controller Wagoner said fund could be moved to assigned but specifically relating to the fair expo building project they chose to leave it in unassigned but certain amounts of fund balance could be allocated or assigned for certain projects. Commissioner Van Beek feels that would allow the tracking of expenditures, especially where there are change orders and cost overruns, she would be in favor

of that as she feels it would provide a better picture of where that project is at. Controller Wagoner clarified that expenditures for the fair building are thoroughly tracked and properly recorded in the county fair fund. He would make the argument that assigning fund balance can be less transparent; if you're going to assign fund balance there needs to be a very specific assignment for it. Unassigned mean it's available, it's in the county's bank, it is available for use to the best interest of the public.

In response to questions and comments from Commissioner Van Beek, discussion ensued regarding special revenue funds and how they operate.

- Fund level income statement – shows the revenue and expenditures for the general fund, the three (3) major special revenue funds and all the other special funds. This will show the change in fund balance. Controller Wagoner spoke about how when the 2021 budget was developed it was done very conservatively and as the year went on expenditures did not materialize as anticipated. He feels that the \$11.4M in the *excess of revenues over* is indicative of very strong financial management because money in the general fund can be used for a wide range of purposes. In his opinion, not every county dollar is equal.
- Solid Waste fund – ended the year with \$11.5M in unrestricted net position which mean that the Solid Waste department is covering its own costs.
- Footnotes are the same as last year, no new ones have been added.

Review of other documents:

- Page 117 – letter related to government auditing standards. No deficiencies or non-compliance were found related to internal controls. This is not Eide Bailly providing an opinion on the effectiveness of the internal controls, just that they did not note anything while they were conducting their audit. If an opinion on the effectiveness of the internal control is sought, that would be a separate engagement. In response to a question from Commissioner Van Beek, Controller Wagoner said he cannot recall the last time there was a formal engagement for an audit of the internal controls.
- Page 119 – report on compliance for the major federal program. They look at controls as it relates to compliance and look at compliance with the programs that were selected for testing. If they had any findings related to internal control over compliance or any compliance findings those would be listed in this letter. The did not have any findings.
- Page 121 – review of all the federal programs for fiscal year 2021. The big new one is the Coronavirus relief funds which were received from the passthrough from the State of Idaho. There were no findings.

Commissioner Van Beek asked for clarification on the difference between a taxing district and an entity that levies property tax for a fund. Controller Wagoner explained that a taxing district is an entity that has the authority to levy property tax, such as Canyon County or the City of Caldwell, and allocated among various funds.

As of September 30, 2021, the unassigned fund balance represents 85% of the general fund's total annual expenditures. Ms. Dougherty noted this is a healthy fund balance. Controller Wagoner explained that fund balance is financial freedom. Two years in a row there has been no new construction taken or 3% allowable increase or any foregone increases. Commissioner Smith asked when these things should be taken in order to start saving for a jail since a bond won't pass. Clerk Yamamoto said that right now homeowners are paying the bulk of the property taxes and wondered how much more they should be saddled with. He asked how much do you want to take to put in a bank account, it's such a minimal amount that could be put aside when compared to the price of a jail. He would rather leave that money out in the community than put it in a bank account to just sit. While Commissioner Smith said she agrees, she is concerned that not enough is being done. Commissioner White said there is tremendous equity in the jail property so there are some good decisions that have been made there. Commissioner Van Beek said that if you took the new construction portion and tied it to the old levy rate it would tax the people that are coming in, not the existing property owners if she understands it correctly. Additionally, in regard to the jail, the county is not saving for the total cost of the jail, it's saving for the debt service portion that would be dedicated to building that facility.

Ms. Dougherty said there will be a letter from Eide Bailly to the Board of Commissioners to communicate what happened throughout the audit and anything they'd like to point out.

The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

The Board met today at 11:11 a.m. for an executive session pursuant to Idaho code, section 74-206(1)(e) to consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations.

Commissioner Van Beek made a motion to go into Executive Session at 11:12 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DSD Director Steve Fultz, Planner III Kate Dahl, Economic Development Specialist Tammie Halcomb and Representatives with Project 600. The Executive Session concluded at 11:31 a.m.

At the conclusion of the discussion with Project 600 Chief Deputy Assessor Joe Cox requested additional time in executive session to discuss another matter related to matters of trade or commerce. Commissioner Van Beek made a second motion to enter into executive session at

11:34 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DSD Director Steve Fultz. The executive session concluded at 11:45 a.m. with no decision being called for in open session.

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

The Board met today at 1:33 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Code Enforcement Supervisor Eric Arthur and Sr. Administrative Specialist Terri Salisbury.

Supervisor Eric Arthur updated the Board on the following:

- Mr. Arthur reviewed the current case load with year to date numbers and comparisons to last year's numbers. A current list of flood plain violations was also reviewed.
- Mr. Arthur is working with Rick Fisher in regards to CAPS which will allow staff to generate a blank notice of violation while in the field to be posted. This will cut down on the number of site trips for staff.
- Staff can now look up VIN number in the field to verify owner of the vehicle. If the vehicle is abandoned or stolen they can let the property owner know so they can call and have Sheriff's Office tag and remove vehicles.
- Mr. Arthur has starting working with law enforcement on cases that they are both getting calls on. Their goal is to review one case per month.
- Update was provided on prior properties that the Board presented to Mr. Arthur in December and January. Properties located at Greenhurst, Upper Pleasant, and 2nd Ave.
- Group home in Kuna that has several active neighbors that are upset that the group home is allowed to be there. It has been explained that the home is allowed to be there and they are in compliance.
- There may be a need for funding for an abatement, the property owner has been given until tomorrow.
- 1 written complaint received for weeds today that will be sent on to Director of Weed & Gopher AJ Mondor.

The meeting concluded at 2:03 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 2:03 p.m. for a monthly meeting with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director of Weed & Gopher AJ Mondor and Sr. Administrative Specialist Terri Salisbury.

Director Mondor updated the Board on the following:

- Director Mondor reviewed the current case load totals and projects for February 2022.
- Director Mondor gave 2 presentations to Idaho Water Users Associations and Caldwell Farm Bureau Group.
- Reviewed owl box program and the information that is provided to the public about the owls and boxes.
- An update of an employee's status and promotion that will be requested.
- Idaho Association of Weed Control Superintendents has a weed executive board meeting in Salmon, Idaho. Director Mondor has been asked to be the representative for Region 4. Commissioners Van Beek and Smith are both in favor.
- Reviewed contract for mowing for abatement issues.
- There is a current work load of 85 pending orders for spraying.
- Reviewed how the release of liability works for some jobs that may go wrong.

The meeting concluded at 2:16 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 18, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Rebecca Ramsey, Weed & Gopher Control Technician; Jeff Foreman, Maintenance Supervisor; Guy Bollinger, Maintenance Specialist; and Carl Dille, Maintenance Superintendent

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO in the amount of \$8,900.00 for Facilities Department
- Sherwin Williams in the amount of \$4,832.00 for Facilities Department

There were no meetings held this day.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **OUT (worked remotely in the afternoon)**
 Commissioner Leslie Van Beek, Vice Chairman - **OUT**
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

MARCH 21, 2022 AGENDA ITEMS WERE CANCELLED OR RESCHEDULED

The following agenda items were cancelled or rescheduled due to a lack of quorum:

- 11:00 am Bi-weekly meeting with HR Staff to discuss general issues, set policy and give direction - ***Rescheduled to 3.22.22 at 2:30 p.m.***
- 11:30 am Weekly meeting with Public Information Officer to discuss general issues, set policy and give direction
- 1:30 pm Weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 22, 2022

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

APPROVED CLAIMS ORDER NO. 2213

- The Board of Commissioners approved payment of County claims in the amount of \$1,807,709.45 for a County payroll

MARCH 22, 2022 AGENDA ITEMS WERE CANCELLED OR RESCHEDULED

The following agenda items were cancelled or rescheduled due to a lack of quorum:

- 1:30 pm Monthly meeting with Public Defender to discuss general issues, set policy and give direction
- 2:00 Pm Monthly meeting with the County Agent to discuss general issues, set policy and give direction
- 2:30 pm Bi-Weekly meeting with the HR Staff to discuss general issues, set policy and give direction

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 23, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- City of Caldwell in the amount of \$1,569.00 for Facilities Department
- Franz Witte in the amount of \$45,869.02 for Facilities Department
- Atlas in the amount of \$3,320.00 for Facilities Department
- Architectural Glass & Glazing in the amount of \$4,416.00 for Development Services
- Elevate Technology in the amount of \$1,560.00 for Information Technology
- Right! Systems Inc. in the amount of \$2,000.00 for Information Technology
- Right! Systems Inc. in the amount of \$2,645.74 for Information Technology

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Cale Jacobus Welling, Deputy Sheriff – Inmate Control; and Charles Bryce Chaloupsky, Deputy Sheriff – Inmate Control

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC dba Raising Our Bar to be used 4/2/22; 4/9/22; 4/10/22; 4/15/22; 4/22/22; 4/23/22; and 4/28/22; and Moad LLC dba O'Michael's Pub & Grill to be used 4/29/22; and 4/30/22

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 24, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Brenda Sanchez, Sr. Administrative Specialist – Community Service; and Syndi Whitmire, Auditing Specialist

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hess Construction in the amount of \$8,849.00 for Facilities Department
- Amazon and or Best Buy (*whichever is least expensive*) in the amount of \$6,436.91 (+tax) for Prosecuting Attorney's Office
- Uniforms 2 Gear in the amount of \$4,717.44 for Prosecuting Attorney's Office
- Amazon and or Best Buy (*whichever is cheapest*) in the amount of \$7,822.14 for Prosecuting Attorney's Office

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioner Pam White, Commissioner Keri Smith via teleconference, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case nos. 2022-364, 2022-385 and 2022-471 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to issue initial denials.

Neither the hospital nor the applicant appeared for case no. 2022-168 and upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to issue a final denial.

Commissioner White made a motion to continue case no. 2022-176 to May 26, 2022. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith made a motion to issue a final denial on case no. 2021-891. The motion was seconded by Commissioner White and carried unanimously.

Liens were presented for Board signatures.

Director Baker spoke about a subordination agreement for case no. 2007-522. This subordination was previously approved by the Board but since that time the loan amount has changed from \$202,000 to \$230,000 and the underwriter is requesting a new subordination agreement. Ms. Baker noted that the county does not have much standing in this matter as the applicant filed for Chapter 7 bankruptcy therefore the county is not permitted to contact them for payment. Commissioner White made a motion recognizing the increased amount. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 25, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583050 to 583074 in the amount of \$25,218.91
- The Board has approved claims 583139 to 583156 in the amount of \$14,340.00
- The Board has approved claims 583117 to 583138 in the amount of \$36,159.12
- The Board has approved claims 583075 to 583116 in the amount of \$43,287.36
- The Board has approved claims 582932 to 582971 in the amount of \$35,046.25
- The Board has approved claims 583008 to 583049 in the amount of \$53,848.02
- The Board has approved claims 582894 to 582931 in the amount of \$72,109.55
- The Board has approved claims 582972 in the amount of \$289.25
- The Board has approved claim 1247044.61 in the amount of \$1,247,044.61
- The Board has approved claims 582973 to 583007 in amount of \$95,001.45
- The Board has approved claims 583196 to 583231 in the amount of \$78,715.49
- The Board has approved claims 583157 to 583195 in the amount of \$42,493.88

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pipeco in the amount of \$33,354.58 for Facilities Department
- BOE in the amount of \$7,693.00 for Information Technology
- JAMF in the amount of \$7,560.00 for Information Technology

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 28, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583319 in the amount of \$30,000.00
- The Board has approved claims 583269 to 583294 in the amount of \$13,558.77
- The Board has approved claims 583295 to 583318 in the amount of \$487,638.75
- The Board has approved claims 583234 in the amount of \$294.50
- The Board has approved claims 583233 in the amount of \$1,569.00

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Pig in the amount of \$4,344.00 for Solid Waste Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Valerie Cruz, Court Clerk I; Julieann Holm, Court Clerk I; and Hannah Heaton, Juvenile Probation Officer

CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR DARICE FEIGEL DBA THE UNDISCOVERED BARREL

The Board met today at 8:57 a.m. to consider a new alcoholic beverage license for Darice Feigel dba The Undiscovered Barrel. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ Davis Vander Velde, TCA Jamie Robb, CCSO Financial Manager David Ivers and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to approve the new alcoholic beverage license for Darice Feigel DBA The Undiscovered Barrel. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 22-035). The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

DISCUSSION REGARDING THE FY2022 COMPENSATION PLAN

The Board met today at 9:01 a.m. for a discussion regarding the FY2022 compensation plan. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, HR Generalist Demi Etheridge (left at 9:38 a.m.), ADJ Davis Vander Velde, TCA Jamie Robb, CCSO Financial Manager David Ivers and Deputy Clerk Jenen Ross.

Commissioner Smith explained there was a request from the Prosecutor's Office regarding some compensation changes, most of which have been handled as ministerial matters. This particular request fell outside the compensation plan but the Board does have the authority to make changes to the plan for market adjustments. Options that could be considered are to approve the request through a change to the compensation plan, deviate from the compensation plan or deny the request.

Prosecutor Taylor explained that the legal market is very difficult right now and it is hard to find employees. All entities are vying for the same candidate pool and the current compensation plan was designed when there was a larger pool of employees. Over the past 3 months they've received one application for an open attorney position and there have been no outside applications received for the open civil attorney position. The changes or deviations from the compensation plan at this point is to identify the attorneys that are at the 5-year mark, to retain the employees that the county has invested time and resources into. Recently there was a list of attorneys provided to the Board requesting market adjustments, since that time two people on that list have

resigned. Both have accepted positions at the Attorney General's office for increased pay. Additionally, more value is placed on in-house employees because they already know the system and bring more value than hiring from outside. Mr. Taylor said his understanding of the compensation plan is that individuals that made it to the seven (7) year mark would be eligible for band advancement in compensation. That is the basis of their request, they are trying to keep the employees they have because they are unable to fill vacant positions, especially attorney positions.

Commissioner Smith said that Commissioner Van Beek had done a comparison with Ada County and asked Prosecutor Taylor to address that. He said that the pay bands are one aspect but what they've tried to do is look at the specific individual employees. For example, the two individuals leaving his office are leaving for more money, less responsibility and the promise of a 10% wage increase within a month.

Mr. Laugheed spoke more about the pay bands stating that Canyon County's are based on years of service, it is unknown what Ada County's are based on. When looking at the top end of Ada County's bands compared to the actual salaries, they show that the maximum for an Attorney V to make is \$139,000 but they actually have an Attorney V making \$169,000 and is not a Chief Deputy, they also have an Attorney IV that should top out at \$126,000 but is actually making \$146,000 and is also not a Chief Deputy. Mr. Laugheed feels the more important thing to look at would be the Bar passage rates and then the actual salaries and what is actually happening. Mr. Laugheed gave additional examples of Ada County attorneys noting their Bar passage date and current salary. When evaluating the requests submitted by the Prosecutor's Office for employees with 14-20 years of experience, the amount being requested is in-line with salaries paid at Ada County in terms of years of Bar experience.

In response to Commissioner Smith's question asking if the Prosecutor's Office has a recommendation, Mr. Taylor said his preference is to modify the entire compensation plan. He said in speaking with Controller Wagoner, he feels that it's appropriate that if the compensation plan is modified for the Prosecutor's Office it should also be modified for the Public Defender's department. He is not asking for preferential treatment but he would like to stop losing employees or he may need to start cutting some services. Prosecutor Taylor said that he is currently down 12 positions, 6 of those positions are attorney positions. His office is not only competing with higher wages but also the opportunity to work from home 4-5 days a week, lower caseloads and lower work amounts.

In response to a comment from Clerk Yamamoto, Mr. Laugheed said the bands between Ada and Canyon counties are different and spoke about the comparable salaries, specifically in regard to attorneys on the lower end of the scale. In Ada County, it appears all their attorneys licensed after 2016 are making in the mid \$70,000 and the Canyon County is asking for Attorney I's licensed in 2016/2017 to be moved to \$83,000. Mr. Taylor said there are attorneys working in the Attorney General's office with just a couple years of experience making \$90,000, which is what they are competing with.

Commissioner Smith asked if pay could be based on caseload, when there are times that the demand is really high, attorneys could be given some kind of incentive for caseload that they wouldn't be able to get somewhere else. Prosecutor Taylor feels that would be a modification to how the bands are structured, which would be a modification to the compensation plan. He isn't sure how Ada County justifies their bands, but for example, if he has an attorney that has 3 years of experience and had a need in felony court allowing them to move up in bands due to the caseload they are handling that would allow him more flexibility vs. just the years of experience.

Commissioner Van Beek said she has spoken with Ada County Prosecutor Bennetts who has indicated that they do something similar with the Public Defender's department in terms of caseloads which she has requested but not received. The Public Defense Commission requires equity; however, it is not required by Prosecutors. Prosecutor Taylor agrees and thinks Canyon County has done a great job. He doesn't know that Ada County is as equitable as Canyon County has been in regard to the Public Defenders department which is why he thinks they work so well together. He knows Mr. Bazzoli has the same struggle; everyone is fighting for the same applicant pool of attorneys. HR Generalist Demi Etheridge agrees with what is being said today, there have been very few applicants for open attorney positions. Ms. Etheridge provided a brief review of her understanding of Ada County's pay structure for attorneys noting that they recently added a level causing a change in paygrades. Prosecutor Taylor said he recently spoke with Prosecutor Bennetts who indicated they were able to make adjustments to attorneys' mid-year although he doesn't know the justification or rationale.

Mr. Laugheed addressed an earlier question from Commissioner Smith regarding other ways to calculate and fairly compensate besides the years of experience such as caseload and merit; the Prosecutor's Office has developed a merit system they have tried to use. Mr. Laugheed indicated there are a lot of ways to develop a compensation plan, years of experience is kind of the lowest common denominator that came about due to failures in past compensation plans to get agreement between elected officials and others. He said the first time the county tried to do an RFP for an outside independent expert consultant there were a number of people who submitted, including the Hays Group out of San Francisco. The county chose to use a solo practitioner out of Utah, which saved a great deal of money but created a great deal of problems. He thinks it might be time to bring in the outside expert independent group again. Although, he is confident the numbers would be outside of what the tax base could support he thinks having those numbers to start a discussion about what the tax base can support would be appropriate at this time.

Commissioner Van Beek spoke about the COLA provided to Canyon County employees and how some of them exceed the recommended 7.5% and with the request from Prosecutor Taylor some are approaching 30%. Commissioner Smith clarified that some of the increases that exceeded the 7.5% were due to step increases, they were not erroneous. Commissioner Van Beek said that in resolution 21-186 signed by the Board in September there were a number of factors the Board identified in recruiting and retaining employees so while she hears Mr. Laugheed's comment that there is some repetition in defining compensation she does think they are equally weighted. Additionally, she spoke about her frustration with some elected officials' unwillingness to work with the previous HR Director in her efforts to evaluate the compensation plan. Commissioner Van

Beek referenced statute 31-816 noting that it falls to the Board not to make arbitrary or punitive decisions but decisions that reflect the best interests of taxpayer and equity across every Office and department in the county. Commissioner Smith explained that is what today's meeting is for; that the resolution clearly states that the Board is able to make marketplace adjustments. She feels that the Prosecutor has done a good job of providing as much information as possible regarding what the market is doing right now. Commissioner Smith referenced an email from Public Defender Bazzoli stating that they are interviewing a candidate that has not even passed the Bar exam yet just because the candidate pool is so small. When you have a market like this, the pay may need to increase. Prosecutor Taylor said that the vast majority of attorneys in the valley live in Ada County which means he has to recruit to make it competitive for people to pay the higher-than-normal gas prices.

Controller Wagoner said it is always the goal to operate within the approved budget. This year there have been several changes to compensation and personnel and the county has been able to respond to a need. This is an urgent need for a constitutional officer and the Prosecuting Attorney is willing to forgo two (2) budgeted/approved positions at an annual cost of \$190,000 in order to retain current employees. This will result in a net savings to taxpayers of approximately \$100,000.

Commissioner White feels Canyon County has to figure out what works for Canyon County's tax base; she worries about always using Ada County as the comparison. Canyon County needs to be an employer of choice and find a way to retain and train employees.

Clerk Yamamoto said Canyon County has traditionally been behind the curve in regard to compensation and specifically in the law enforcement area Canyon County has often been the training ground. The 7.5% increase this fiscal year was significant but it really didn't catch up wages. He spoke about some of the departments within his organization where he is short-staffed, and his concern is that it is causing employee burnout. He feels the problem with compensation is county-wide. There needs to be an evaluation of what the competition is for the county, but the real question is whether the county is retaining people and hiring people – he feels the county is neither hiring nor retaining people.

In regard to a question from Commissioner White, Clerk Yamamoto said it's not that Canyon County can't keep up with Ada County, it's that it won't. He recognizes that Canyon County is a very conservative county and doesn't necessarily have the same resources as Ada County. He recognized that he has been part of the issue over the years as he wants to keep expenses low but there are some mandated services that are getting harder to provide due to a lack of employees and increasing population. He spoke about the passports/recording department within his organization stating that although they've been able to add a couple employees they are still behind just due to the volume of work that is coming in.

In response to questions from Commissioner Van Beek, Controller Wagoner explained that in the Juvenile Detention Department there were four (4) additional detention officers added that were not included in the original adopted budget. Commissioner Smith said that was her recollection too, that new positions were added but the compensation plan nor salaries were changed for

those officers. Commissioner Van Beek asked if there are new proposed sources of revenue for the proposed increase. Commissioner Smith said there is no proposed increase, Prosecutor Taylor made it clear that he is willing to lose a couple of positions to compensate for the increases. Commissioner Van Beek understands that but is concerned that in a future budget year those positions would be requested again causing an increase to the budget. Commissioner Smith said that would then be the time to evaluate what those requests are. At this point, there is no increase and Controller Wagoner pointed out there is a proposed decrease. Commissioner Van Beek said when talking about the ability to fund these positions, it's property tax revenue that is being discussed and that balance is really critical in asking the taxpayer what they can afford. She thinks the Board deserves the chance to look and talk more with ICRMP about their risk management tool. There are some inherent issues that need worked out on the human resource side.

Commissioner Smith asked Mr. Wagoner what his recommendation would be in regard to either making the individual adjustments as recommended with provided substantiation for the resolution showing the market adjustments or to make an across-the-board adjustment to the compensation plan but asked if it's known what that would look like. Mr. Wagoner said he's thought a lot about compensation. The county is in the business of providing services and he appreciates Prosecutor Taylor bringing this forward; this is a county-wide issue. Salaries and benefits are 70% of the county budget and it is imperative that the county retain and hire qualified capable people. What is currently being done is not working and wonders why the county would continue doing the same thing. He thinks this is a creative solution to an urgent issue. There is an immediate, substantial need that has been presented today. Additionally, there is a big need in terms of compensation, he thinks there needs to be conversations and possibly do something before the start of FY2023. The financial resources are available, and he would like a serious evaluation of compensation county-wide, as a whole, to determine what can be done to retain and hire qualified capable personnel. Mr. Laugheed said that in their role as counsel to the Board and the county, he thinks that doing substantiation on a case-by-case basis is a really slippery slope. He thinks that if it happens in this case it would have to be under the condition that it's changing elsewhere too. His Office specifically needs the employee status change forms signed but there needs to an overhaul of the program. Commissioner Smith agrees with Mr. Laugheed but noted that everyone got mad at her when she said a few months ago that the compensation plan wasn't working but did acknowledge that it needs to be fixed.

Commissioner White spoke about how these are unusual times but that the county is going to have to "bite the bullet", to her it's very important to retain employees because training new employees is very expensive.

Clerk Yamamoto said that the compensation plan works in that it provides an equitable situation between departments and offices. He thinks perhaps the compensation is not proper given the current environment and given the 5-year bump is probably not equitable given what's being seen with other entities. Clerk Yamamoto said the compensation plan needs to be retained, it's just a matter of what that compensation is going to be dollar-wise and does the 5-year bump need to be changed?

Commissioner Van Beek spoke about how people are frustrated by this plan because they are unable to understand it and how she tried to hold some kind of training. She said there can't be a plan that doesn't have a rubric and that there has been some difficulty in hiring someone who is respected by all Offices and departments to provide expertise and feedback on what a rubric for a compensation plan would look like. She hears Commissioner White talk about Canyon County not being Ada County but it's also not its own county. In the interest of transparency, Commissioner Van Beek would also like to see the county move toward having employee salaries submitted and posted to the Transparent Idaho website. Due to a lack of information and transparency it's difficult for her to approve something and say Canyon County is going to be a standalone because she doesn't feel that's fair to the taxpayers. She reiterated that the county needs somebody who is a qualified professional in risk management, human resources and salaries and for her that piece is currently missing.

In regard to the request being made today specifically for attorneys, Mr. Wagoner said the majority of the financial impact would be to move the progression for band 2 from 7 years to 5 years but the \$83,000 salary would remain the same. The dollar amount associated with band 2 does not increase, someone would just get there a little quicker. Mr. Laugheed said they were under the impression that the 7, 14, 21 years could be modified to reward people who've stayed vs. hiring from the outside. Commissioner Smith confirmed with Prosecutor Taylor that they are not asking for an increase to the compensation plan – they don't want to change any of the min, mid or max levels – they are just looking to change the time it takes for an attorney to change bands.

In consideration of changing the timeframes on the pay bands, discussion ensued regarding what equity would look like if a 5-year attorney is being paid the same as a 7-year attorney. Mr. Taylor and Mr. Laugheed feel that is where merit evaluations would come into play. Mr. Taylor said that the attorney names that have been provided to the Board for requested increases have all undergone an internal review process. There are others that could qualify but have not yet met the same metrics. The names provided have gone above and beyond in their respective bands and the responsibilities that they're carrying is far more than envisioned for that level of attorney.

Mr. Laugheed feels that basing salary on years of experience is a good place to start but, in his office, and probably other places it can lead to inequality when you have people with less experience handling the same caseload as others with more experience making so much less. He said there is a place for those that meet the minimum standard and each year they make a little bit more based on the step program but what they want are employees who meet the minimum and exceed it. Having a rubric that accounts that in a way that also ensures for equal protection is tough but that is what should be aspired to.

Controller Wagoner feels that Board approval of the blue sheets suffices as authorization but Commissioner Smith asked if another resolution should be created identifying the market adjustments for those specific employees. Mr. Laugheed felt that approved blue sheets would suffice but is not opposed to additional documentation. He also recognized that while this works for the immediate issue it doesn't address other attorneys, DMV employees, court clerks, among

others. Clerk Yamamoto agreed the Prosecutor's request can be done quickly but addressing the rest of the county will take longer. Commissioner Smith requested a resolution be prepared providing the reasons for deviation from the compensation plan, additionally, it holds a high standard for anyone else requesting a deviation. A resolution will be brought back to the Board on Wednesday, March 30th at 1:30 p.m. for consideration. Prosecutor Taylor said it would be prudent for the Board to set a meeting with the other elected officials to discuss the bigger picture and Mr. Laugheed recommend the Board consider putting funds toward an outside agency to conduct an evaluation of employees' salaries.

The meeting concluded at 10:05 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:36 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Leslie Van Beek (left at 2:13 p.m.), Keri Smith (arrived at 1:38 p.m.), Director of Development Services Steve Fultz, Planner Jennifer Almada (left at 1:45 p.m.), Planner Katie Phillips (left at 1:45 p.m.) and Sr. Administrative Specialist Terri Salisbury.

The following items were considered:

Consider signing FCO's for Martin Maestrejuan/Flying Arrow Landing Subdivision, Case Nos. OR2021-0027, CR2021-0010, and SD2021-0049: The Board heard the case on March 16, 2022 and denied the request by Martin Maestrejuan for a comprehensive plan map amendment, conditional rezone, development agreement and preliminary plat for Flying Arrow Landing subdivision. Today the Board reviewed the actions noted in the FCO's which stated what the applicant could take to receive approval. Commissioner White made a motion to sign the FCO's as presented.

Consider signing approval documents regarding Russ and Vicki Elsberry's request for a comprehensive plan map amendment and conditional rezone, Case Nos. OR2020-0009 and CR2020-0013: Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the approval documents regarding Russ and Vicki Elsberry's, request for Case Nos. OR2020-0009 and CR2020-0013. Commissioner Van Beek abstained as she was not a part of the hearing. (Resolution No. 22-036, Ordinance No. 22-006 and Agreement No. 22-018.)

Director Fultz updated the Board on the following:

- Director Fultz is getting close to hiring an engineer-in-training, who is getting close to completing his PE license (4-year engineering degree)
- An offer was made and an acceptance was received for a Planner 2 position

- Director Fultz will attend an urban renewal board meeting this afternoon at 4:00 p.m.
- Two tax exempt applications will be coming to the Board for consideration
- DSD is working with IT on the digital building mechanical review that will be going live this Wednesday. Later this week there will be a demonstration on the digital plan review submittal- "Project Docs"
- Update provided on positions that still need filled within the DSD
- Staff will meet with the Mayor of the City of Parma to finalize amendments to the MOU
- Worked with Clerk Yamamoto in reviewing of Rite Aid building for potential space needs
- Office Manager interviews will occur this week
- Discussion re: HB575, which only applies to county courthouses or jails
- Hired 2 new planning techs
- Update on last few items on the FEMA list
- The Commissioners would like Director Fultz to attend the meeting next week with the Mayors to review the need for safety impact fees, and growth and property tax impact fees. There was also discussion about having a consultant assist with impact fees
- Commissioner Smith is meeting with the Sunny Slope group who is still trying to work on their development plans. The Snake River Building Contractors Association has invited her to a breakfast meeting to answer questions about the comprehensive plan. The comprehensive plan review was supposed to be completed by the end of today. The next workshop is planned for April 28, 2022 but the Board would like additional time to complete its review.

The meeting concluded at 2:16 p.m. an audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:33 p.m. with the Director of Fleet Mark Tolman to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Director of Fleet Mark Tolman, and Sr. Administrative Specialist Terri Salisbury. Director Tolman updated the Board on the following:

- Interviewing for a tech position
- Update on car wash project
- Would like to review the mileage rate, may need an increase due to the increase in the cost of fuel.

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

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

The Board met today at 3:09 p.m. with Public Information Officer Joe Decker to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Public Information Officer Joe Decker, and Sr. Administrative Specialist Terri Salisbury. Mr. Decker gave a report on the following:

- Weekly timesheet of projects
- Advertise for next week's community input meeting.
- The Board will sign the *Start by Believing Day* Proclamation for April 6th
- Mr. Decker provided an explanation for the "25 Year Lookback" project
- Super Hero Walk will be held on April 9th followed by an Easter egg hunt

The Board would like Mr. Decker to attend the meeting next week with the Mayors to review the need for safety impact fees, growth and property tax impact fees. The meeting concluded at 3:13 p.m. an audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 29, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Martha Williams, Customer Service Specialist (Pre-Trial); and Michelle Lynette Pratt, Cust. Serv. Spec. Records

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via teleconference, Deputy P.A. Zach Wesley (left at 9:32 a.m.), Deputy P.A. Alex Klempel, Fair Director Diana Sinner (left at 9:32 a.m.), Facilities Director Rick Britton (left at 9:32 a.m.), Weed and Pest Superintendent AJ Mondor (left at 9:09 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing ordinance amending ordinance no. 18-016 amending chapter 2, article 1, section 9 civil enforcement procedure of Canyon County Code of Ordinances; and severability clauses; and effective dates: Ms. Klempel said there are limited changes and that this is a result of Board direction to amend the ordinance in order for the Weed and Pest department to take over code enforcement for weed issues and abatement. Ms. Klempel provided a review of the minor changes that were made which were mainly related to naming the Weed and Pest department as part of code enforcement for this specific issue. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the ordinance amending ordinance no. 18-016 amending chapter 2, article 1, section 9 civil enforcement procedure of Canyon County Code of Ordinances; and severability clauses; and effective dates (see ordinance no. 22-005).

Consider signing summary of ordinance no. 22-005 amending ordinance no. 18-016 chapter 2, article 1, section 9 civil enforcement procedure, of Canyon County Code of Ordinances: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the summary of ordinance no. 22-005 amending ordinance no. 18-016 chapter 2, article 1, section 9 civil enforcement procedure, of Canyon County Code of Ordinances.

Consider signing amendment no. 2 to Canyon County agreement with Cole Architects agreement no. 19-127: Mr. Wesley said this amendment addresses administrative matters including changing the substantial completion date to November 18, 2022, updates the Facilities Director name from former Director Navarro to new Director Britton and adds Cole Koba with Paradigm as an addition contact. In the proposal that was received from Cole Architects there was an \$8800 request of payment for services performed prior to the construction phase, primarily these services were done during the bidding phase of the project and done outside the initial agreement. Mr. Wesley said this portion has been worded to state this payment is for all claims from all phases prior to, and for all work done known or unknown, prior to the construction phase. He feels this should resolve any billing disputes prior to the construction phase. Several changes were made to paragraph 4 which addresses the construction phase. Mr. Wesley provided a review of those changes which include the substantial completion date, additional services that can be billed under the construction phase and extends the follow-up period to 51 months. Further discussion ensued regarding possible duplication of services for construction oversight between Cole Architects and Paradigm. Although the language in the contracts is similar the functions may be different. Commissioner Van Beek thinks there needs to be an answer to the question before this addendum is signed and cannot approve an additional cost to this project when she feels those services are already being paid for. The Board agreed there needs to be a secondary meeting to address and review the Paradigm contract but that is not the contract being considered today. Commissioner White made a motion to sign amendment no. 2 to Canyon County agreement with

Cole Architects agreement no. 19-127. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. See agreement no. 22-019. It was decided that Director Britton and Sinner will attend the legal staff update Thursday to discuss the Paradigm contract.

Consider signing resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile case files/records: Ms. Klempel explained this is a standard destruction resolution and addressed the criteria used in determining records to be destroyed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile case files/records (see resolution no. 22-037).

Consider signing resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain criminal case files/records: Ms. Klempel explained the criteria used in determining records for destruction. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain criminal case files/records (see resolution no. 22-038).

The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today 1:32 p.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 1:34 p.m.), Planning Official Dan Lister (left at 1:34 p.m.), Planner Jennifer Almeida, Jeff Hess for Brittania Heights Subdivision, DSD Director Steve Fultz (arrived at 1:45 p.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public hearing to consider a request by Ryan & Tanya Robinson for a conditional rezone: Case no. RZ2021-0042: The applicant has requested this hearing be tabled to a later date. Commissioner Van Beek made a motion to continue the hearing to April 14, 2022 at 1:30 p.m. The motion was seconded by Commissioner White and carried unanimously.

Consider signing a final plat for Brittania Heights Subdivision No. 7, case no. SD2021-0020: Ms. Almeida gave staff report stating that this subdivision is zoned R-1, single family residential. Phase 7 has 11 lots, 1 road lot, waste water facility, water supplied by the City of Nampa and pressurized irrigation. All conditions of the preliminary plat approval have been satisfied either with this phase or previous phases and are noted in the conditions of approval section of the final plat summary. Keller and Associates did review the plat package and construction drawings and recommend

approval of both. The final plat is in compliance with Canyon County code and staff is recommending the Board sign the final plat mylar.

Mr. Hess addressed Commissioner Smith's question about pressurized irrigation, noting that there is pressurized irrigation throughout the whole system. He feels there are still many people that don't understand water rights and how water in systems like this works. There are times that if too many homeowners try to water at one time the system will lose pressure. There are sufficient water rights for the whole system although a rotation may need to be implemented. He also addressed question regarding the sanitary restrictions stating that they will be getting a letter from DEQ lifting all the sanitary restrictions.

Director Fultz addressed Commissioner Van Beek's concern about water delivery and addressing issues surrounding water delivery and management. Commissioner Smith said that from what she heard Nampa/Meridian Irrigation District confirmed the water right, they have delivery and built to standards and Keller and Associates agrees with it. How the development manages the delivery of the water has never been in the Board's purview, it's generally managed within the CC&R's.

Commissioner Van Beek asked if this is an aquifer drawdown or a head gate issue. Mr. Hess spoke about how the system in place is large enough to handle the amount of water allotted to this subdivision. Each lot is allowed a pro-rata share and if one or two neighbors are taking more than their share it will in-turn drop the water level in the weir causing the pump to shut off and then there isn't any water for anyone. Mr. Hess explained that in the design criteria for the builders, they can design an irrigation system that has no more than 15 gallons a minute draw on any one zone. Typically, an acre lot will probably have 6-10 zones and each zone can only draw down 15 gallons a minute. He has tried to explain to some of the neighbors, that if need be they will have to move to a split schedule. He doesn't think the Board would want to get into the minutiae of managing every zone for every home, that is why you have a pressurized system that has a capacity that will deliver the amount of water right available. That is what Keller looks at, to evaluate if they system can deliver the available water, after the fact is really management by the HOA. In response to comments from Commissioner Van Beek, Mr. Hess explained they can only deliver the amount of water right that comes onto the land. They are delivering through a system, all of the water right that is available to them from the head gate. When the homeowners demand more than can be delivered that is not a failure of the system, that is someone taking more than their share.

In response to a question from Commissioner White, Mr. Hess spoke about the reviews and approvals provided by the City of Nampa in regard to water requirements.

Mr. Hess spoke about how they have a waste water treatment system that provides treated water that can be used on the common area. This is part of the sustainable system they've tried to put in place.

In response to a question from Commissioner Smith, Mr. Hess said that all the subdivision improvements, including streets, curbs, streetlights, roadways, sewer, water, pressurized irrigation, electric and phones have been completed. There are no sidewalk improvements

although they do have a walkway that is striped as permitted by city waiver. Ms. Almeida said that in 2016 the Board approved the waivers on the preliminary plat which is noted on the signature page of exhibit A.

As a side note, Commissioner Smith would like clarification with Keller and Associates that the county does not want a standard/template letter; a letter specific to each case would be preferred.

Commissioner Van Beek made a motion to sign the final plat for Brittania Heights Subdivision No. 7, case no. SD2021-0020. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 2:13 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner Van Beek made a motion to go into Executive Session at 3:36 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Economic Development Specialist Tammie Halcomb, Chief Deputy Assessor Joe Cox, Assessor Brian Stender and Representatives from Project FAMCO. The Executive Session concluded at 3:53 p.m. with no decision being called for in open session.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 30, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583320 to 583359 in the amount of \$36,437.89

- The Board has approved claims 583235 to 583268 in the amount of \$40,746.17

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Western States in the amount of \$36,547.57 for Solid Waste Department
- Right! Systems Inc. in the amount of \$30,568.80 for Information Department
- Dell in the amount of \$1,247.50 for Information Department
- Sunshine Window Cleaning in the amount of \$3,245.00 for Facilities Department
- Global Industrial in the amount of \$4,408.89 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Doug Robertson, Criminal Chief Deputy; Enrique Gutierrez, Criminal Deputy II; Janice Beller, Criminal Deputy II; Ellie Somoza, Criminal Deputy IV; Bryan Knox, Criminal Deputy IV; Andrew Haws, Criminal Deputy II; and Zach Wesley, Criminal Deputy IV

MONTHLY MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:05 a.m. with the Solid Waste Director to discuss general issues, set policy, give direction and to consider and action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Solid Waste David Loper, Controller Zach Wagoner (left at 9:10 a.m.), Deputy P.A. Doug Robertson (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution authorizing an increase in the Solid Waste Department's petty cash account: Director Loper said both scale houses are being used Monday thru Saturday at this point with the volume of the traffic they are seeing. Previously the upper scale house was used mostly for account customers but it is now being used to help with the volume. The request is to increase the petty cash from \$1500 to \$2000 in order to complete transactions and keep traffic moving. Controller Wagoner is supportive of this change noting that cash handling practices are in place and the Landfill is audited by Eide Bailly each year. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing an increase in the Solid Waste Department's petty cash account (see resolution no. 22-039).

The following updates were provided to the Board:

- Waste amounts were up 15.83% for February.

- A letter from DEQ regarding the landfill expansion project was recently emailed to the Board which is all part of the process.
- Director Loper would like to move forward with the beautification project in order to enhance the esthetics of the entryway and provide better ingress for big trucks at the landfill. He feels the most efficient way to work thru this project is with the help of an architect which is a cost of approximately \$8000. The Board is supportive of a proposal/contract being prepared and presented for consideration. Director Loper also noted that the entry signage will most likely be a quarry rock and landscaping, not any kind of digital or electronic sign as he doesn't feel that's necessary.
- The bidders conference for the Stuart well water right/dust control project is tomorrow but so far, he's only received one call regarding the project.
- Director Loper anticipates requesting a loader and excavator in the FY23 budget. The buy-back option will need to be exercised for the current loader. Caterpillar has indicated that they are about 8-months out if a build slot is secured today. The purchase will be made as a sole source under the government contract and the Board is supportive of moving forward to get the process started.
- A SWAC committee and bylaws are being worked on.
- Director Loper will be meeting next week with DEQ regarding the landfill gas design. The goal is to have the system designed to last 10-15 years and he hopes to have the actual design process completed this fiscal year.

The meeting concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:37 a.m. for a public hearing to consider a request by Sierra Vista Properties, Inc. for a conditional rezone with development agreement and preliminary plat, case nos. RZ2021-0046 & SD2021-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Planner Katie Phillips, Darin Taylor, John Cotner, Keith Boaham, Derriett Kerner, Ammon Andelin, Jill Jenkins, Allen Colson and Deputy Clerk Jenen Ross. Katie Phillips gave the staff report stating that the request is for a conditional rezone with a development agreement and preliminary plat for Mint Farms Estates Subdivision. The future land use designation for the subject property is residential. The property is located just outside of Middleton's area of city impact, the boundary ends at Purple Sage Rd. The subject property is zoned 'A' agriculture and the applicant is proposing to conditionally rezone it to R1, single family residential with a minimum average lot size of one acre. To the north of the site is agricultural zoning and uses. To the south is agricultural zoning, residential use which was a conditionally residentially rezoned property in 2008 within the area of city impact that has not yet been developed and is currently being farmed. To the east is agricultural zoning, residential uses and Kingsbury Meadow Subdivision platted in 2008. To the

west is recently approved RR zoning as of March 2022, agricultural zoning and uses, sporadic residential and 4-acres of rural residential zoned property at the NE corner of Lansing and Purple Sage Rd. Within one mile of the site there are 25 platted subdivisions for a total of 465 lots and a 2.43-acre average lot size. The property contains primarily moderately suited soil types as shown on exhibit 9i with some areas of least suited soil in the areas of the property that contain greater slope. The site contains prime farmland soil if irrigated and farmland of statewide importance if irrigated as shown on exhibit 9j. The areas of slope contain non-prime farmland soils. The preliminary plat consists of 53 residential lots that range in size from 1-acre to 2.35-acres, for a net average of 1.44-acres. Pressurized irrigation is proposed as well as individual septic systems and wells. Access will serve as internal public roads. Public comment was received from Cecile McMonigle, exhibit 11a, who is opposed to the rezone and plat due to the compatibility with the agricultural area, concerns in regard to traffic and how it impacts existing farming in the area. Agency response was received from Keller and Associates who have reviewed the plat submittal package for conformance with Canyon County code and recommended approved. Canyon Highway District supplied comment in exhibit 10a, several items were noted that will need to be corrected on the preliminary plat. In exhibit 10d, Canyon Highway District responded to an inquiry by staff in regards to a traffic impact study in which the district noted that they have received the TIS but no approval of the study has been issued yet. COMPASS supplied comment in exhibit 10b, they noted that the proposed development exceeds the growth forecasted in the area, the location of the site is predominantly agriculture and nearby services such as schools, parks and grocery stores can only be accessed by vehicle. The Idaho Department of Environmental Quality provided comment in exhibit 10c in regard to air quality, waste water, recycled water, drinking water, surface water, solid waste, hazardous waste and groundwater contamination. The Canyon County hearing examiner recommended denial of the conditional rezone, development agreement and preliminary plat request on January 20, 2022 as shown in exhibit 12c. Staff has found that the request does not comply with the criteria for a conditional rezone, the preliminary plat complies with the Canyon County zoning ordinance and Idaho State statute, however without the approval of the conditional rezone the plat cannot be approved. Staff is recommending denial of the request and has outlined proposed findings of facts, conclusions of law and order for the Board's consideration found in exhibits 1 and 2 of the staff report. Late exhibits 10e from the Canyon County Highway District, 11b from Darin Taylor, 12d well information provided by Mr. Taylor, 12e crash data provided by Mr. Taylor were received. Canyon County zoning ordinance 07-06-07 provides for conditional rezone criteria in which the proposal is required to meet.

Commissioner Smith noted that in exhibit 9e there are currently 25 subdivisions with an average lot size in the area of 2.43 and there are two subdivisions in platting with average lot sizes of 1.27 and even within the area it's a 6.28 median which includes some big farm ground. She asked if that was considered in any of the analysis. Ms. Phillips was unsure of the answer, letting the Board know she would have to defer to the planner on this case, Jennifer Almeida.

As a point of clarification, discussion ensued regarding the City of Star's impact area borders. The northern border is Edna Ln. and the western boundary is Kingsbury. This development would be approximately ½ mile from the Star impact area.

Darin Taylor offered testimony in favor application. He spoke about the traffic impact study in exhibit 6, the executive summary shows that there are no required improvements beyond the prior improvements that are already planned by the highway district and ITD. In regard to the development exceeding the estimated growth as designated by COMPASS, Mr. Taylor has participated in those meetings and he feels it's a constrained guess. From Boise out, they've planned a certain number for growth, they determine a number and then divide it up by zones. His guess is that the number has been exceed in all areas as the growth rate has been very high. In referencing his letter of intent dated March 7th, exhibit 11b, a review was given as follows –

- Keller and Associates found that the plat conforms to the county requirements.
- Area of city impact – according to the county's comprehensive plan high density development should go in areas of city impact, this is not high density so it should not go in the area of city impact.
- Future land use map – shows that the entire area surrounding the subject property was adopted in 2011 as part of the comprehensive plan showing as residential.
- Exhibit 9d shows the residential subdivisions that have been approved within the area.
- Exhibit 9e, right now there are two subdivisions in platting within the vicinity, making 27 platted subdivisions, 1194.94 acres within one mile of the subject property. The acreage number is important because COMPASS says this area is still predominately agricultural but if you compare the acreage for ag to the acreage for rural residential the acreage for ag is less.
- Exhibit 9l – Oakley Estates Subdivision, which had the preliminary plat approved in 2020, is not noted on the lot classification map.
- Exhibit 9c – zoning classification map, there are several different types of residential zoning that have been used over the years, it is not just one type of zoning classification that has been used.
- Exhibit 9k – approved subdivisions in the vicinity, the county has been approving rural residential subdivisions in the is area at an increasing rate in recent years because the demand has been there.
- Exhibit 9g – the subject property is not in a nitrate priority area.
- FEMA map – this area is not in a flood zone or at any flood risk.
- Subject property is not in a wildland urban interface, so not at risk for fire.
- No airports are near the subject property.
- Exhibit 9h – no dairies, feedlots or gravel pits within a mile.
- The nearest dairy is 3 miles west of the subject property and the nearest feedlot is about 4 miles west and 2.5 miles south of the subject property.
- The county's comprehensive plan future land use map shows this area a residential.
- The county's functional classification map 2035 shows Purple Sage as a minor arterial, although the highway district views it as a major arterial.
- Exhibit 9b – small vicinity map, the predominant use in the vicinity and in the area of the subject property is residential.

- The highway district's transportation plan map for this site and area, an updated letter from the highway district was submitted, the highway district has reviewed the plat and they have a couple more minor changes.
- Exhibit 12d which is a summary of the well log information. For 30 years wells have been producing between 30 and 125 gallons per minute in the area. There are 24 wells noted in the exhibit, all of which surround the subject property. There are no areas showing trends of low water flow.

In response to a question from Commissioner Van Beek, Mr. Taylor said he is representing a developer to whom the farm ground has been sold. Commissioner Smith spoke about the aerial photo that shows a large swath of land that is agricultural. Some of these areas were identified as residential because of the lack of water, but this one does have water and has historically been farmed.

Ammon Andelin provided testimony in favor of the application. He addressed questions in relation to the farm ground stating that his father purchased the land several years ago from a farmer who was retiring. He feels they have done their best to be diligent in their planning of the development including making contact with all appropriate parties and working with the landowners directly to the west and east of the property to coordinate stub roads for consistency with the fire and highway district standards.

Derritt Kerner with Rock Solid Civil spoke about working with Mr. Andelin in planning the subdivision. In the discussions with Mr. Andelin they decided on a mix of one and two acre lots; the larger lots are around perimeter and the smaller ones are inside. They feel there is a need for these size lots in the valley, not just the county. The idea was for the larger lots to work as a kind of buffer for the smaller lots as cities continue to expand outward. In looking at planning maps from the highway district, they have this area planned out as far as stubs and dictated where the entrance off Purple Sage would need to go. The clients were modest and wanted to do what made sense. His feeling is that if you waited much longer to do this project the area could become part of a city impact area and be much higher density. In response to a comment from Commissioner Smith, Mr. Kerner said that all the existing irrigation ditches/laterals will be piped and approved. They are working with the neighbors to make sure they get the water that they need. They will be working with the irrigation company to make necessary upgrades in regard to boxes and pipes.

Jill Jenkins offered testimony in opposition. She spoke about how her property doesn't have surface rights. She feels high density development needs to be on a municipal water system and expressed her concerns about available water in the area. She dislikes the lack of greenspace planned for the development and said that if 5-10 acre lots were being planned she wouldn't have the same concerns.

Allen Colson provided testimony in opposition stating that he doesn't feel this development brings anything positive to the community. He has concerns about increased traffic and that people moving to the area don't understand the rural lifestyle. He spoke about nearly being hit just trying

to turn into his driveway while pulling a horse trailer and that multiple times vehicles have disregarded the stopped school but with its lights flashing. He feels that ag land should be supported and maintained. This is prime agricultural land and it has always been farmed for the 20 years that he's lived there. He also has concerns about resources such as the schools, EMS, and the care and upkeep of the roadways.

Commissioner Smith noted that the maps don't reflect changes that are happening in the area and that the Board needs more information. She is concerned that what the Board is looking at and possibly what P&Z referenced don't reflect changes that have happened recently.

Mr. Taylor offered rebuttal testimony addressing the sale and purchase of the property, return on investment and road requirements from the highway district which are numerous. He believes the county has rezoned farmland to residential in this vicinity, this is not the first application requesting a different land use from farmland. In regard to irrigation, they've spoken extensively with the Bureau of Reclamation and Black Canyon Irrigation District, waterways are fragmenting farmland and the irrigation district wants a lot of improvements to this property. The applicants have spoken with the city and are open to an annexation agreement, however, have always contemplated this being a rural residential subdivision, not in a city and connected to municipal services. In regard to Mr. Colson's concerns about the school bus, this subdivision will offer a school bus stop on his side of the road as the bus will be able to travel and loop thru the neighborhood. He addressed Ms. Jenkins concern about the aquifer recharge noting that there are return flows coming to it thus the high gallons per minute discharge on the well permits. In regard to concerns about open areas Mr. Taylor explained it's internal, not on the main road. He imagines there is currently no place in the area for the people to walk and thinks they will take advantage of walking the subdivision roads instead of on Purple Sage.

Commissioner Smith thinks that an RR zone is more appropriate to consider. She suggested increasing the size of the outer lots and having smaller lots on the inside that are under 2 acres because the average size would still be met. She feels this is truly an agricultural area but recognizes it's transitioning to rural, she personally feels that an RR zone is more appropriate for the Board to consider. Mr. Taylor thinks the zoning designation is less important than having lots that make sense, that people will maintain, help meet the demand for housing and that will help with more affordable housing. Commissioner Smith said she still stands with RR and would be open to continuing the hearing if necessary. Mr. Taylor said the zoning designation doesn't make any difference to them. He is more concerned about what it would mean for the development agreement or changes to the preliminary plat because those have been worked thru. Commissioner Smith thinks it would make changes to the preliminary plat because the average minimum lot size would have to be met and there would need to be amendments to be more compatible with the area for a rural subdivision. Commissioner Smith read in to the record the definitions of an RR zone and an R-1 zone as follows, the purpose of the rural residential (RR) zone is to encourage and guide growth where a rural lifestyle may be determined to be suitable. The purpose of the R-1 zone is to promote and enhance predominantly single-family living areas at a low-density standard.

The Board took a brief break from 11:10 a.m. to 11:22 a.m.

After the break, Mr. Taylor said that the existing proposed preliminary plat has 20 parcels at 2+ acres, 20 at 1 acre and 13 between 1 and 2 acres. He referenced exhibit 12b which shows dotted black lines of this property and project and represent the associated Canyon County Highway District standards manual. He would like to have this hearing continued so that they can bring back a revised preliminary plat showing larger lot sizes in anticipation of an amended request that they would file for a conditional RR zoning instead of R1 zoning. With the larger acreages, they would lose several lots to do that. They would like to increase lot sizes to target approximately 1.75 acres, if the Board is wanting them to hit that 2-acre minimum average that is a significant loss of potential revenue without any adjustment to costs. They would like to do some additional research in what the changes would mean for them.

Commissioner Smith suggested the best process in moving forward would be to ask for the case to be put on hold. Assuming the choice is to move forward with a conditional rezone for RR, the Board would look to follow the variance procedures outlined in Article 8 which allows the Director of Development Services to grant a variance of minimum lot size up to 33%. The applicant would need to apply for a variance for the internal lots and be able to adequately describe why they qualify for the variance. The neighbors would be notified and could provide comment on the variance. Once the variance is established and there is a new proposal and updated plat, staff will update the case maps for the Board so that they have correct information. At that time, she thinks they could come forward with the proposal.

Discussion ensued between Commissioner Smith and Mr. Taylor regarding this path to move forward. Commissioner Smith said it is really the only way forward, the average min lot size will still have to meet 2 acres so in order to vary from that the variance process would have to be followed. The suggested 1.75 acre lots would fall within the 33% allowed variance that the Director can approve. Notification will need to go out to neighbors within 300' with a 15-day comment period.

Commissioner Van Beek concurred that she doesn't think the Board is ready to make a decision. She knows this is a transition area and appreciates the applicant's willingness to go back and take into consideration what has been discussed today.

Commissioner White also said she is fine with taking the time that is needed to figure this out for the property owner and their rights.

Discussion ensued regarding a pre-annexation agreement with the City of Middleton and how this area is rural although transitioning, that it is essentially a buffer zone.

This hearing will be continued to May 25th at 1:30 but Commissioner Smith stated she wants staff to review and update the case map so it's very current, leave the case on the land use hearings page so that the neighbors can see it and for the property to be posted but it is not necessary to post in the newspaper again. The continued hearing date will either be a status report because

the variance was denied or it will be a continued hearing based on the applicants request for amended zoning and density with a minimum 2-acre average lot size with no variance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the hearing to May 25, 2022 at 1:30 p.m.

The hearing concluded at 11:47 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 1:36 p.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd (left at 2:06 p.m.), Prosecutor Bryan Taylor, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Doug Robertson (left at 2:06 p.m.), Judge Davis Vander Velde, HR Generalist Demi Etheridge, TCA Jamie Robb (left at 1:44 p.m.), Deputy TCA Benita Miller (left at 1:44 p.m.), Alan Mills (left at 2:06 p.m.), Facilities Director Rick Britton (arrived at 1:41 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Public hearing to consider offer to purchase County property located at O Pond Lane: Commissioner Smith said that recently an email was received making an offer for the property. Treasurer Lloyd explained that this piece of property was taken in 1942 for property taxes in 1938 and it has been in the county's name since that time. It was offered for sale in 2015 for approximately \$70,000 but it did not sell. There was later an offer for \$10,000 but it was declined. The current offer on the property is \$5000. Treasurer Lloyd asked DSD to do some quick research regarding possible building permits and the zoning of the property which was emailed to the Board earlier today. Additionally, DSD provided a floodplain map which shows a portion of the property in the floodplain.

Mr. Robertson said that from a legal perspective, because the property has been offered for public auction the Board is now legally able to accept an offer. Other options the Board could consider would be to reject the offer and/or put it back up for public auction.

An assessment was done on the property in 2015 and at that time it was assessed at \$100,000. The only access to the property is thru surrounding properties; there is no public access and Treasurer Lloyd is not aware of any easements granted to this parcel. There is only a portion of the property that lies within the floodplain but it is a buildable parcel.

Commissioner Smith stated there is an administrative land division available so there could be two building sites and feels it is a lot more valuable than \$5000. She thinks there could be a reappraisal and a person could file for quiet title to potentially gain access.

Alan Mills said that without access he doesn't see any value. He feels there must be a reason it's remained with the county and not previously purchased. Mr. Mills represents the landowner

whose property surrounds this parcel. Commissioner Smith feels the value to the landowner represented by Mr. Mills is that since he owns the land to the south, this property has 2 building permits available, two lots could be sold or the building permit could be transferred. Mr. Mills argued that if there is no access, what are the lots worth? Mr. Mills said if there is a counteroffer, he's willing to pass along the information but it seems to him that the only person that this land really holds any value for is his buyer. He doesn't know what the buyer plans to do with the property as all the land next to him is zoned industrial so he thinks it's unlikely they'd want to build two homes there. Commissioner Smith said the building permits could be transferred to the buyer's property to the south, but Mr. Mills noted that is all industrial property too.

Treasure Lloyd said there is approximately 3.5 acres in ag and 2.25 acres that are considered light industrial; total acreage of the property is 5.84 acres. Commissioner Van Beek wondered, if the property is as valuable as Commissioner Smith feels it is then why hasn't anyone else capitalized on purchasing it. Commissioner Smith doesn't know that any past commissioner would have had the expertise to know the guidelines for an administrative land division and that it is the Board's job to maximize the most benefit to the taxpayer.

Discussion ensued regarding available building permits on the parcel that could be transferred, available access and the value of ground sold in the area.

Treasurer Lloyd provided some additional background information on the property stating that it has always been marked as 'county gravel pit', in 1985 there was an easement granted to Idaho Concrete. In 2015 when Idaho Concrete was done with the property it was decided by the Board at that time to put it up for sale. Commissioner White wondered if perhaps there was a reclamation plan in place after the concrete company vacated which may have been prohibitive. Mr. Mills believes that the Department of Lands probably would have required a reclamation plan.

Commissioners Smith and Van Beek had a discussion regarding the potential value of the property. Commissioner Smith feels there is value if someone is willing to put in the effort there are ways to get access to the property, there are reasons why it sat on the books and there are reasons people wouldn't have a thorough understanding of the availability of building permits there. She feels there should be an opportunity provided to the other adjoining land owners to purchase the land. Commissioner Van Beek feels that the land is only as valuable as someone is willing to pay for it. There have been 50 years for people to do their due diligence to gain access and that the surrounding landowners had the opportunity to purchase when it was put up for auction.

Mr. Mills thinks there needs to be some additional research done to determine the real value of the property and have the opportunity to look at other potential possibilities. Commissioner White agrees there needs to be some additional research done.

Additionally, Mr. Mills said in the original offer (which is now expired) the buyer would pay for the survey contingent upon the offer acceptance.

Commissioner White made a motion to reject the offer for purchase of county property located at O Pond Lane, parcel no. 34980. The motion was seconded by Commissioner Van Beek and carried unanimously.

Consider resolution authorizing specific deviations from FY22 Compensation Plan (Prosecuting Attorney's Office): Prosecutor Taylor said the resolution captures what has been discussed via email and at the meeting on April 28th. Mr. Laugheed stated that with the record that has been made the Clerk and Controller are aware that two (2) positions will be unfunded in the Prosecutor's budget which will actually result in savings to the 'A' budget. Commissioner Van Beek referenced the Transparent Idaho website and noted there are former Canyon County Prosecuting Attorneys that have accepted a lower salary with another governmental agency. Commissioner Smith said that while she appreciates Commissioner Van Beek's recognition of these differences, she feels that P.A. Taylor did a fantastic job at the last meeting describing differences noting that the caseload is significantly lower and those attorneys were voluntarily choosing to take a lighter workload. Mr. Taylor also said there are a lot of work from home options which his office cannot afford due to court requirements. Commissioner Smith asked what impact the last 'where-as' statement makes regarding other people's ability to make requested changes to the compensation plan. Mr. Laugheed said he doesn't think that statement changes the ability of any elected official or department administrator or other relevant supervisory authority in the county to request market adjustments. He thinks the purpose of that statement is to acknowledge that there were likely other arguments in favor of market adjustments throughout the county. The concern is singling one-offs will lead to a series of one-off requests so acknowledging that there could be the potential for one-offs. Additionally, Mr. Laugheed noted that the Controller, Clerk and other elected officials have said that the compensation plan needs to be reviewed and revised, he feels that is the purpose of the statement. This should not be, in the opinion of the Clerk, Controller and PA, the last that is heard about the compensation plan in FY22. In response to a question from Commissioner Smith, Mr. Laugheed thinks that the revisions made by the Board to the resolution make it clear that market adjustment would be contemplated, additionally, 31-1606 allows for market adjustments throughout the year with a resolution.

Judge Vander Velde spoke about how the courts have employees they think are probably underpaid. They take no position with the request being made today, he has no doubt about the need that is being asserted by the Prosecutor's Office. Their concern going forward is that if there is a review of the compensation plan that he and the TCA's office will be involved in the process.

In response to a question from Commissioner Van Beek, Mr. Taylor said that an exit interview was done for the one employee that has left and the other has not yet left. Mr. Taylor further explained that exit interviews are standard practice in his office and that they are voluntary. At the request of Clerk Yamamoto, Prosecutor Taylor conveyed to the Board what was expressed during recent exit interviews.

Commissioner White made a motion to sign the resolution authorizing specific deviations from FY22 Compensation Plan (Prosecuting Attorney's Office) (see resolution no. 22-040). The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with

Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote.

A request to go into executive session was as follows:

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

Commissioner White made a motion to go into Executive Session at 2:24 p.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, P.A. Bryan Taylor, Chief Deputy P.A. Sam Laugheed and Facilities Director Rick Britton. The Executive Session concluded at 2:53 p.m. with no decision being called for in open session.

The meeting concluded at 2:53 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS THE 2021 RATIO STUDY

The Board met today at 2:53 p.m. to discuss the 2021 ratio study. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Admin. Property Appraisal Supervisor Greg Himes and Deputy Clerk Jenen Ross.

Assessor Stender explained that every year the State Tax Commission runs a ratio study on the assessment level, which is a statistical analysis on the values the Assessor's Office has sent out to constituents valuing their properties. There are five categories that are evaluated - manufactured homes, residential - improved, residential – vacant land, commercial – improved and commercial – vacant land. This year they did not come thru the study with a satisfactory score. Assessor Stender explained that the study takes the current year's values and looks back to determine if values were high enough. Currently, Canyon County is at 87%, the ultimate goal is to be at 100% but between 90%-110% is satisfactory. Mr. Himes explained that in order to get into compliance values will have to be increased 38-45% on the residential side. The Assessor's Office was aware they were falling out of compliance but due to the rapidly changing market they were not able to keep up. This year, 40 of the 44 Idaho counties are out of compliance. Assessor Stender said that the legislature hasn't made any increases to the homeowner's exemption but with the 8% cap on increasing budgets there will be some shifting in the assessment pool of who is going carry a larger burden; commercial and industrial properties are anticipated to increase. Commissioner Smith noted that levy rates can still come down but that it needs to be an effort by not only the county but cities and schools too. She suggested the Assessor's Office could make a presentation similar to today to the cities otherwise the levy rates may not decrease. Commissioner Smith would also

like to make sure the public is informed that all taxing entities have a responsibility and that just because taxes increase doesn't mean they will lose their home. Mr. Cox said that Mr. Himes has a plan in place to get the county back into compliance but in the short-term it's going to be a bit painful. The Assessor's Office wanted to make the Board was aware that the State Tax Commission will be sending a letter stating that they are out of compliance and that there are steps to get back into compliance.

A brief discussion ensued regarding mileage reimbursement and the use and/or purchase of fleet vehicles. Additionally, in response to a question from Commissioner White, Assessor Stender said that the vehicle registration portion of the DMV does not have to be housed with the driver's license portion of the DMV.

The meeting concluded at 3:13 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:31 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli, Controller Zach Wagoner (arrived at 3:34 p.m.) and Deputy Clerk Jenen Ross.

Mr. Bazzoli provided the Board with a breakdown of HB781 which is one of the bills regarding public defense that the governor is considering. Mr. Bazzoli said that his understanding is that both bills being considered essentially do the same thing which is to transition to a fully state funded public defense system by 2025. Both bills create a window of opportunity to determine the new model in which the State of Idaho is able to fulfill its constitutional obligation to provide adequate indigent defense, however, neither bill accounts for any of the institutional offices, office space, IT support, HR support, PERSI or health insurance. There are three main options being considered – a state funded system but with county employees, a separate Board (similar to an ambulance or health district), or a statewide system with one public defender supervising the entire state and reporting to a state board system or state administrative agency with satellite offices in different counties. Currently they are looking at how all the other western states are operating and how the different models' function. Mr. Bazzoli said most of his counterparts are in favor of county-based system but they still need to figure out how that would look. He is also trying to get on the committee that is evaluating the options if the bills pass and a statewide system is created.

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

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SBI Contracting Inc. in the amount of \$39,875.00 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Elizabeth Tellez, Juvenile Detention Field Training Officer; Ruth Everhart, Juvenile Detention Field Training Officer; Mary Gomez, Assistant Director of Misdemeanor Probation; Jessica Tim, Cust. Serv. Spec. Booking; Aidan Lorenz, Elections Specialist; Adelia Martinez, Records/Passport Specialist; Matt Alarcon, Civil Area Supervisor; Marah Meyer, Clerk IV-Civil Lead

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:56 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-473 and 2022-373.

Case no. 2022-474 meets the eligibility criteria for county assistance. Commissioner Van Beek made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner White and carried unanimously.

Liens and lien releases were presented for Board signatures.

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

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Lt. Harold Patchett (left at 9:17 a.m.), Fair Director Diana Sinner, Facilities Director Rick Britton, Director of Juvenile Probation Elda Catalano (left at 9:03 a.m.), Assessor Brian Stender (left at 9:16 a.m.), Chief Deputy Assessor Joe Cox (left at 9:16 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 9:16 a.m.) and Deputy Clerk Jenen Ross.

Consider signing MOU with United Way of Treasure Valley Inc. for Truancy Prevention Kicking-Off School 2022 Community Event: Director Catalano explained they in the planning process for this year's event. Donation support checks have already been received and they would like to work with United Way as the fiscal agent again this year. Mr. Wesley said this format has been used for several years; the United Way is a non-profit and can provide opportunities for tax deduction whereas the county cannot. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the MOU with the United Way of Treasure Valley Inc. for Truancy Prevention Kicking-Off School 2022 Community Event (see agreement no. 22-020).

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

EXECUTIVE SESSION – COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (i) to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy Treasurer Jennifer Mercado. The Executive Session concluded at 9:14 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action items were considered:

Consider Nampa Fire Protection District's claim for corrective action on two tax parcels: Mr. Robertson said they are requesting the second half of their taxes be waived based on statutory code that governmental agencies are exempt from property taxes. Commissioner Van Beek made a motion to waive the second half of the tax liability for the Nampa Fire Protection District. The motion was seconded by Commissioner White and carried unanimously. Copies of the actions taken by the Board are on file with this day's minutes.

Meeting to take comment regarding sole source procurement for the Pod 5 roof at the Canyon County Jail: No members of the public were present for today's meeting and no comments were received so the project will continue moving forward.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:19 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. Directors Sinner and Britton participated from 9:19 a.m. to 9:53 a.m. Director Fultz participated from 9:53 a.m. to 10:02 a.m. The Executive Session concluded at 10:02 a.m. with no decision being called for in open session.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY IDAHO DEVELOPMENT, LLC, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, AS WELL AS A PRELIMINARY PLAT FOR BURRIS RANCH ESTATES SUBDIVISION, CASE NOS. OR2021-0014, RZ2021-0029 & SD2021-0017

The Board met today at 10:07 a.m. to conduct a public hearing in the matter of a request by T-O Engineers, representing Idaho Development, LLC, for a comprehensive plan map amendment (OR2021-0014) to change the designation of parcel no. R38127 from Residential and Commercial to Residential. Also requested is a conditional rezone with a development agreement (RZ2021-0029) of approximately 31.11 acres from "R-R" (Rural-Residential) and "C-1" (Neighborhood Commercial) to "R-1" (Residential). Also requested is approval of a preliminary plat (SD2021-0017) for Burris Ranch Estates Subdivision which proposes 30 lots consisting of 27 buildable lots and 3 common lots with an average parcel size of 0.86 acres to be served by individual well and septic. The property is located on the southeast corner of Old Highway 30 and Purple Sage Road. Present were: Commissioners Keri Smith and Pam White, DSD Planner Elizabeth Allen, Colin Ronhaar, Robert Hunt, John Carpenter, interested citizens, and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report which covered the staff analysis. The property is currently zoned rural residential and neighborhood commercial. The zoning to the south, west, and east is R-1, R-R, and Agricultural. The property to the north is zoned R-R and Agricultural. The surrounding uses include the Purple Sage Golf Course, several subdivisions, and farmland. The property is located within Middleton's Area of Impact. The site is located within a nitrate priority area and within one mile is a well that sampled at 10 to 49.8 milligrams per liter and according to a letter from the health district the agency found that the proposed subdivision will likely not significantly impact ground water. The groundwater quality downgrade of the subdivision and they approved the nitrate priority study with conditions. Ms. Allen reviewed the agency comments. Keller and Associates has reviewed the plat and confirmed it complies with the County Code and it has

recommended conditions of approval. Citizens provided letters regarding traffic concerns. On February 3, 2022, the P&Z Commission recommended approval of the request. Staff is recommending approval of the requests with recommended conditions. Following her report, Ms. Allen responded to questions from the Board.

Colin Ronhaar, an engineer with T-O Engineers, testified in favor of the request. Burris Ranches is 31 acres with 27 buildable lots. The entire parcel is rural residential but on the far east side there are a few feet that overlap onto the existing property and there is a slight sliver that is commercial and that's why they have to do a rezone. The comprehensive plan shows commercial on the subject property and that's why they are doing a comprehensive plan amendment and are proposing the entire site as residential rather than have commercial on their site. They do not desire to have commercial zoning and are planning for residential. The surrounding areas are R-1 so they are requesting R-1. There is property to the north that is zoned agriculture. The request complements the area nicely and meets the intent of the comprehensive plan. The intent of the landscaping is to complement and match the area around it. Commissioner Smith asked if the applicant will agree to a condition to the development agreement for landscaping requirements and the entryway. Mr. Ronhaar said yes, the intent is to complement and match the area surrounding it. The highway district allows for no curb, gutter, and sidewalk, but they will need to apply for a variance to not do curb, gutter, sidewalk, and streetlights. Commissioner Smith said the Board will have to hold the preliminary plat if it doesn't include that and will talk about the appropriateness at that time. The typical right-to-farm language is proposed, however, with the proximity to the dairy the Board has been asking for stronger language from the developer that puts the homeowners on notice that they cannot complain about odor, flies, etc., since they have chosen to live in the country. Mr. Ronhaar said they will agree to a condition in the development agreement that provides notice to the homeowners. The original plan had shown septic drain fields behind that easement, but Black Canyon Irrigation District doesn't want any pipes crossing the easement so they have been moved to the front and there won't be obstructions the district doesn't allow. There will be an emergency gravel access that will be an easement on a lot. There were additional questions from the Board regarding access, right-of-way dedication, and a pathway for connectivity.

Robert Hunt offered testimony in opposition to the request noting the following concerns: traffic is a serious impact; there have been seven wrecks in the area and four rollovers into his subdivision. Ingress and egress need to be addressed immediately and the roads need to be widened. An oversight committee should be established to address the concerns of development within the community so that developers are given clear concise instructions on how they must address the impacts of their developments such as including sidewalks, curbs, and gutters. Commissioner Smith said the applicant has worked with Canyon Highway District who has said the right-of-way dedication will help them with the cost of improvements to the roads. She agrees that the cumulative effect is significant, but there are not any codes in place that protect any of us besides the normal collecting of property tax and making the required improvements. She suggested Mr. Hunt stay on top of ITD and Canyon Highway District and advocate for policy change. Today's hearing is based on the Idaho Land Use Planning Act and there isn't anything in it references an oversight committee.

Mr. Ronhaar offered rebuttal testimony. He agrees that traffic is bad and said they are doing what they can to adhere the requirements of Canyon Highway District, which is a dedication of right-of-way. They have provided the cross-section on the preliminary plat with no curb, gutter, and sidewalk.

Commissioner White agrees with the issues raised by Robert Hunt. She does not like waivers, she prefers a deferral. Elizabeth Allen said curb and gutter are not required within the area of city impact as part of the agreement with the City of Middleton. Commissioner Smith said if the City of Middleton doesn't require them and our ordinance doesn't require them, the application could be changed to be specific on what improvements they are doing and we could allow testimony on those. Mr. Ronhaar said the applicant does state their intention and the cross section shown on the site plan shows no curb, gutter, or sidewalk. Commissioner Smith said she wants to approve the rezone and comprehensive plan map change and ask for comment on the improvements and continue the preliminary plat for a final decision so we can have clarification and work on conditions of approval. Commissioner White wants the pedestrian safety issues addressed. There was discussion regarding having a connection, pathway, or crosswalk from Purple Sage to the golf course. Commissioner Smith said there is enough danger on Purple Sage Road and Old Highway 30, and understanding the connection to Purple Sage to the golf course is very important in how to move people safely. She asked the developer to visit with the golf course and the highway district about a crossing on Purple Sage Road, and reach out to Tyler Hess, the developer of Purple Sage Estates, and see if there is an agreement where an improvement can be made in collaboration for the two to have a joint agreement for crossing.

John Carpenter suggested the Board extend the hearing by one week to allow them time to talk with the highway district. He also asked if there are questions with the waiver issue. Commissioner Smith said the Board can consider improvements, and it was assumed through testimony they were going to have an option to do that so if the developer doesn't want subdivision improvements we should have that discussion. Mr. Carpenter said of all the subdivisions south of Purple Sage Road there isn't one sidewalk and they have not proposed sidewalks, curbs or gutters for this project. He said the highway district is not going to come to this location to maintain curb and gutter because they don't have the equipment on any other project in the area. The letter from the highway is very specific in terms of what they are asking for and curb and gutter is not part of that. Mr. Carpenter apologized if something was missed on the checklist, they just didn't see it as a waiver request because nobody's asking for it. He has no problem deferring the case for a week so they can talk with Mr. Hess and the highway district.

Commissioner Smith would like the development agreement conditions to be updated in line with the testimony given today and she suggested Mr. Carpenter provide his recommended conditions to staff. He will provide the proposed landscaping and pathway and said perhaps they could have wider asphalt and striping that would be maintained for a pathway, but he has to check with the highway district to see if they are okay with that. Commissioner Smith said it would improve safety if there was a path on Purple Sage Road that connected to the crosswalk and so Mr. Carpenter should ask the City of Caldwell if they would be willing to do a path along Purple Sage Road and El

Paso Road north to the elementary school. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing April 13, 2022 at 10:30 a.m., for testimony related to improvements which would include the pathways and the crosswalks, as well as the conditions of approval in the development agreement. The hearing concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY TERRY RICHARDS AND DAVE AND CAMI LARSEN FOR A REZONE FROM AGRICULTURAL TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2021-0036

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Terry Richards and Dave and Cami Larsen for a rezone from an "A" Agriculture zoning district to an "R-1" single-family residential zoning district on 31.89 acres, Case No. RZ2021-0036. The subject parcels include R37619010, R37619010A, and R37619010B, and are located at 24551 Benhaven Lane and 8771 Purple Sage. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Kate Dahl, Matt Wilke, April Wilke, Terry Richards, Dave Larsen, and Deputy Clerk Monica Reeves. Today's hearing was tabled from March 2, 2022 in order to address transportation and access issues.

Kate Dahl gave the oral staff report. The request is for a R-1 zoning on 31.89 acres for a 17-lot subdivision off Purple Sage Road. The property has two access points: one is a private road access to Purple Sage to the north and there is also a secondary access through Benhaven Lane to Rustin Road to the south. One of the key concerns at the previous hearing was the timing of the collector road. The highway district has a neighborhood transportation plan and wanted the applicant to abandon the other access once those collector roads were built. The collector roads are shown in the plan but are not shown in any funding plan so the timing of those is based on when properties are developed and once they are built by the developer that's when the highway district wants the applicant to take access off of those. In the meantime, even though the north access does not meet the site distance required by the highway district, they are fine with permitting it now until the collectors are developed. The applicants have legal access and can use the access point to the north. The road is 50 feet wide which the ordinance allows with a frontage reduction which the applicant has applied for. Because they would have to abandon the access once the collectors are built, the applicant has proposed a phasing plan. In phase one they kept it to 9 lots plus the existing house which keeps them under the threshold for having to pave. That part of the subdivision will be built first and they could meet the private road standards. Phase 2 has two lots that will take access from Benhaven Lane and there wouldn't need to be any additional road improvements on that lane. Phase 3 would be built-out once either the collectors are developed, or, if is too far off the applicants would be required to pave the rest of the access to the north to meet the road standards. They have submitted an application for a conditional rezone as well as the fee for the frontage requirement, and it appears they meet all the items that were a concern at the last hearing. The next step is for staff to re-notice the application for a conditional rezone hearing with a new staff report and development agreement. Following her report, Ms. Dahl responded to questions from the Board. Commissioner Smith was pleased to hear there was a reduction to 50 feet so there would be legal access. Also, the phasing plan is a good approach to allow Canyon

Highway District time to do their plans and meet the intentions in the application for the conditional rezone. Ms. Dahl was asked to confirm if there is an easement that crosses the property.

Testimony in favor of the request was as follows:

Matt Wilke said the project has a 1.87-acre average lot size based on 17 lots. Dave Larsen's home is on the lot in the SE corner; the corner has a 30-foot easement and with the administrative split that was done in 2010 they have legal access for the secondary lot. Benhaven Lane has its own driveway access and it runs parallel to the driveway to the home to the south. Mr. Wilke spoke about the significant growth that's occurred in the City of Middleton and how applications such as this one are protecting the area from higher density growth. He said Mr. Richards wanted this property because of the long private tree-lined driveway and he has beautiful plans for the development. The highway district's future transportation plan shows a collector road going across the flag lot for this project, and he hopes they adjust it north to give Mr. Richards and Mr. Larsen a longer driveway. According to Mr. Wilke, the highway district said they are not opposing the development and the existing driveway location appears to have adequate intersection site distance and may serve as a temporary private road approach to Purple Sage until public road access becomes available. They will phase the development until the collector comes through but they want to retain the option to pave it if the collector doesn't come through for 10 years. They have an agreement with the City of Middleton to sign a pre-annexation agreement. The city wants to maintain an easement for the water and sewer to run through the property so they can loop through if needed. There will be 14 acres of surface water for a pressurized irrigation system for the development and it will be sourced out of that pond. There is a test well 2 ½ miles to the northwest that was drilled in 1969 and it has been measured 2,561 times between 1969 and 2019. In the beginning it measured 52 feet and in 2008 it was 56 feet to the static water level. In 2018/2019 it was 56 feet to static water level, and in 2021 it was still showing 56 feet. With regard to the wetland, they hired a water engineer and have reached out to the Army Corps of Engineers and hope to have a response soon. They are using the pond for storage capacity for the irrigation use. Commissioner Smith said her point at the last hearing was that R-R (rural residential) is more appropriate in this area than R-1 zoning. There needs to be a development agreement to put the phasing in place for access. The applicants have applied for the frontage reduction and she thinks they also need to do a variance to accommodate the 1.87-acre lot size. Commissioner Van Beek spoke about how this is becoming an area of infill because of the number of people selling their property. Commissioner Smith said Willowbrook Development has a conditional rezone of 1,500 acres that's currently being held for annexation into Star for R-1 zoning. She prefers a conditional rezone for this application, and she wants the applicants to demonstrate there is clear access from Benhaven Lane.

Terry Richards wants to be clear on what needs to be addressed at the next hearing so that more concerns are not raised. He said there is not a wetland on the property, it's just a hole. As far as access, he will give up his driveway as soon as the collector comes in and he will provide photos showing how he has cleaned the property. He will agree to have a landscaped entryway to the property, but he does not want to have sidewalks. Mr. Richards said he intends to put in an asphalt

road before phase 3 comes in. Any development on phase 3 will trigger a paving of the internal road.

Commissioner Smith asked Ms. Dahl to obtain confirmation on the private road requirements. Commissioner Van Beek does not want to require the applicants to put in an asphalt road. She said the Board could say it's not going to require improvements understanding there is infrastructure coming given the amount of development that's occurring in the area. Commissioner Smith said by the next hearing we need a clear understanding that the ordinance allows what we are talking about, and the development agreement needs to reference the deferral and bonding. Mr. Richards said he will argue the bond because lots 10-15 cannot be sold or built upon until it is paved. Commissioner Smith said that needs to be outlined in the conditions of approval in the development agreement and the applicant needs to work with staff to be within the confines of the ordinance and have it lined out at the next hearing.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. The applicant's presentation, including the updated site plan which includes the request to modify the application for a conditional rezone and development agreement, was admitted into the record. Commissioner Smith said the request is consistent with the comprehensive plan and the conditional rezone to R-1 is more appropriate than the current zoning district and would allow for growth that would enhance Canyon County's livability. The zoning is compatible with surrounding land uses and the FCO's should be updated to include the conditional rezone noting that it's more of a blend between the rural residential and R-1 zoning to the west. Staff should update the average lot size for the proposed conditional rezone and add language about the wetland being associated with irrigation drainage. Once they have the report from the Army Corps of Engineers, staff can update the findings on whether a wetland exists on the property. As far as legal access to the property, a reduction is still needed so we'll have to have a decision from the DSD Director before the next hearing. Staff was directed to update the FCO's with current information from Canyon Highway District. The applicants need to work with Kate Dahl to incorporate into the development agreement anything that was a sales pitch that will be included to help fit the character of the area. Based on forgoing, Commissioner Smith recommends changing the P&Z Commission's recommendation and allowing the applicant to move forward with an approval for a conditional rezone to R-1 with a development agreement. Commissioner Van Beek made a motion to instruct staff to make the changes to sections B, C, D, E, F, and G, of the FCO's and for the applicant to work with Ms. Dahl to include language regarding the character of the area and move this project forward. The motion was seconded by Commissioner Smith and carried unanimously. The case will be noticed as a new hearing. The hearing concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION ON CLAIM BATCH APPROVAL AND PURCHASE ORDERS IN ONBASE

The Board met today at 2:37 p.m. with the Director of Information Technology to discuss general issues, set policy and give direction on the claim batch approval and purchase orders in OnBase.

Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, IT Director Greg Rast, Project Manager Shawn Adamson, Program Analyst Ryan Cronrath, Development Manager Rick Fisher and Deputy Clerk Jenen Ross.

Director Rast provided documents and gave an overview of the current financial workflow process and the proposed financial workflow process. For the proposed financial workflow process, they are proposing a web application as OnBase does not allow for electronic signatures. A handout was given to the Board illustrating what the dashboard of the new application would look like and the workflow for purchase orders, claims and employee status change forms. Phase I of this process could take approximately a year to get fully functional. OnBase will not go away it will still remain as the storage application and there will be programming that ties the electronic solution back to OnBase. Controller Wagoner said that Financial Edge is the system that actually processes the checks and spoke about how their process in auditing works. At the time a claim makes it to the Board it has not yet been submitted to Financial Edge where a summary report could be generated from. Commissioner Smith feels that with the small amount of information she is requesting that perhaps each claim could just be entered into a spreadsheet as they come in. Controller Wagoner explained that multiplied by the amount of claims they received it would be a tremendous amount of work to enter each one into a spreadsheet. Commissioner Smith agreed there are a tremendous number of claims but feels that for transparently purposes a summary would be beneficial. Controller Wagoner explained that in the two weeks between check runs they are constantly receiving claims and invoices which they put into batches. Their goal has been to get the information to the Board as quickly as possible. Once they receive the claims they do a quick review then scan it into OnBase to be sent to the Board; at that point there hasn't been any data entry into Financial Edge. Commissioner Smith said she would rather have claims for less time but organized and with a summary. The Board wondered if there could be some amount of responsibility put back on the departments and Offices submitting the claims; perhaps they could be responsible for creating the spreadsheet noting the claims being submitted. Commissioner Van Beek would like to see a more standardized process for submitting claims across all county departments and Offices. Controller Wagoner explained they do have a standardized process and take the responsibly of making sure they are paying legitimate bills very seriously. Controller Wagoner said he is all for efficiently but is also for accuracy and safeguarding the public's money. He realizes this is a very labor-intensive process but they are getting the information with detail to the Board as quickly as they can, he wants to make sure that the Board has sufficient time to review the documentation and detail. Commissioner Van Beek wondered if the process could be modified so that offices and departments would have certain dates they had to turn in claims in order for them to be grouped together. Controller Wagoner explained that to a certain extent that is what is already being done, there are cutoff dates already in place. Commissioner Smith said that if it's important to the Board an administrative position would have to be created to input the data into a spreadsheet to create a summary but she feels like that is a waste of money when there must be another solution. Commissioner White provided an explanation of how she works thru claims and doesn't need the process to change. In response to a question from Commissioner Smith, Controller Wagoner said that each batch is comprised of the random order that claims are received in; they are processing claims as they are received. At the request of Commissioner Smith, Mr. Wagoner said it may be possible to send the summary sheet, after the PDF batches are sent,

once the data has been entered in Financial Edge. Commissioner White suggested that limiting the batches may be a better way to go so that they are not as overwhelmingly large.

In response to a question from Commissioner Smith, Controller Wagoner said that his office will continue to use the paper process with an actual physical review of invoices and claim forms in order to ensure that invoices and charges are legitimate. Commissioner Smith still feels that it allows more time for a thorough review when actual paper is not having to be handled. Controller Wagoner clarified that he is supportive of digital purchase orders, of changing the purchase order process. To him the purchase order process is separate from the claim process. The purchase order is when a department or office wants to purchase a capital asset over \$1000, that needs to be approved by the Board. He is supportive of automating that process and making that process more electronic.

Discussion ensued in an effort to clarify the difference between the purchase order process, claim submittal by Offices and departments and batch claim approval by the Board.

Director Rast would like to have some direction from the Board in regard to a standardized purchase order process. He spoke about the digital process he is already using in his department and how well it has worked for him.

Commissioner Van Beek would like more information because there seems to be a lack of clarity on several parts. She doesn't think there is a reasonable argument that can be made against automation given the current culture in finding employees. She feels that standardization is critical because her understanding is that not all offices and departments are processing things in the same way.

Director Rast said that there are a couple programs within the county that he is very cautious about giving accesses to, Financial Edge is one of them as he doesn't want to interfere with any of the check and balance practices within the auditing department. Director Rast thinks perhaps this needs to be a discussion amongst the EO to determine processes.

Commissioner Smith's request is still to have a summary sheet. Controller Wagoner said they will do a trial run to see what the timing looks like and what kind of reports can be generated.

Commissioner Smith indicated that it sounds like everyone is on board to move forward with digitization of the purchase order workflow. However, there needs to be more information on what the transfer from the purchase order to the claim process looks like. Employees status change forms are okay in digital format.

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

APRIL 2022 TERM
CALDWELL, IDAHO APRIL 1, 2022

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

FILE TREASURER'S REPORT IN MINUTES

The Board filed the Treasurer's monthly report for February 2022.

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures.

APRIL 2022 TERM
CALDWELL, IDAHO APRIL 4, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Juli McCoy, Planner II

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Stor Mor Sheds in the amount of \$3,920.00 for Parks Department
- Interstate Electric Supply in the amount of \$1,627.67 for Parks Department
- Miwall Corporation in the amount of \$1,280.00 for Canyon County Sheriff
- Data Works Plus in the amount of \$24,200.00 for Canyon County Sheriff
- Alexander Clark Printing in the amount of \$2,224.14 for Canyon County Sheriff

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization, met today at 8:59 a.m. to consider any BOE matters that may have been presented. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury. No other BOE items were requested for consideration. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Pep Waite, ElJay Waite, Laurie Haverfield, Larry Olmsted, Sandy Bowden, Steve Burton, Kim Yanecko, Kim Deugan, Beverly Emmert, and Sr. Admin Specialist Terri Salisbury. Commissioner Smith read comments that were emailed to the Board from the following citizens:

Colleen Lawrence has a concern about the train horn that sounds at midnight as trains cross Midland Blvd., and she wants to know if sound walls can be installed for the residences that back up to Midland. She also has concerns about the high-density being planned on Midland, north of Cherry Lane. The Board will send an email to Ms. Lawrence with information on which agencies have jurisdiction over those issues. Duane Tamura would like information on the mosquito abatement policy. The Board will include this topic at the next community input meeting. Commissioner Van Beek said there was also an email from Kim Calderon asking about the process on agendizing items for community meetings. Commissioner Smith explained the internal process where there is communication amongst the Board and if two Commissioners agree then an item can be placed on the agenda. Commissioner Van Beek said there was Board agreement at the last community input meeting where Clerk Yamamoto asked for items to be brought for discussion (*in response to citizens who have concerns about the elected officials' letter calling for Commissioner Van Beek's resignation*). Commissioner Smith said the Clerk stated there would be a fair chance to have that conversation and she agreed there would be a time and a place, but she did not say she agreed that the community input meeting was the time and place for that specifically. She said responses to public records requests are still going out, but there are personnel concerns and sensitive issues that are not going to be discussed on the open record due to liability concerns. She doesn't know whether there is consensus to bring forth any additional information at this time. Commissioner Van Beek said citizens have the right to provide statements for the record in the time they are allotted to speak.

The following citizens offered comments:

Kim Deugan said April is a busy month for the Advocates Against Family Violence as it is child abuse prevention month and sexual assault prevention month. She gave an update on the number of children who come to the shelter as well as the programs that are offered. In the coming days they will have pinwheel plantings at Caldwell City Hall, the Caldwell Police Department, and the AAFV campus to bring awareness to the issues as well as the services offered.

Pep Waite had questions regarding employee salary increases, the funding formula, and whether regular performance reviews and exit interviews are conducted. She reported that Ada County has two HR Directors and one or two compensation analysts who determine salaries, and they have a citizens committee that doesn't include any of the elected officials. According to Ms. Waite, they decided to give a 2% COLA and up to 2% for performance, and when they give raises they have 10 counties they compare themselves to. Commissioner Smith said the County gave a 7% increase and funded the compensation plan for step increases based on where they met in the compensation plan. Some saw a 7% increase and some had double-digit increases. At an elected officials' meeting there was general discussion regarding the formation of a review committee, but nothing has been set up yet. The Prosecutor's Office recommended the County hire an outside company that has the expertise that can be evaluated by a committee. Ms. Waite said the Prosecutor's Office did not want to do that because it would cost the citizens money. Commissioner Smith said there is no status of that committee, but we are working on it internally for a process. Performance reviews are completed every year. The Board made that requirement mandatory for its departments and the directors completed a performance review on every employee before pay increases happened at the fiscal year start. Exit interviews are also required and are conducted by the HR Department. The Board does not control what the other elected officials do for performance reviews or exit interviews. Commissioner Van Beek said Canyon County took the highest COLA adjustment in the state and also granted a step increase that was added to the 7.5% increase. An HR department or department director should conduct exit interviews to keep that from being impugned and keep it confidential so accurate feedback can be given. She feels a fair process would be to have outside people evaluate salary increases. She also said Canyon County has some issues that need to be resolved.

ElJay Waite referenced this year's tentative operating budget and spoke about items he believes are difficult for the public to understand. Page 8 talks about the compensation for the County and it gives a list from 2017-2021 of what the raises were. There was a 2.1% average raise for \$933,630, and on the next page it talks about a \$5 million investment in current personnel and positions and he thinks that investment means salary increases and added positions. Page 11 talks about the American Rescue Plan ACT (ARPA) and a budget of \$6 million. That number didn't exist before and he knows there are specific uses that could be part of that to help the County grow and so perhaps some of that money could be used to help increase efficiencies or employee satisfaction. Page 14 references the expenditures in the ARPA budget that were in the previous year's budget that are now being shown as paid out of this fund, but he doesn't think it's clear. Commissioner Smith clarified a couple of points raised by Mr. Waite: Page 8 shows a 2% change and that was for the pay increase for FY2021, and for FY2022 it was the 7% increase plus step. She said the Clerk/Auditor is responsible for preparing the budget and it would be nice to have the opportunity to work with them on it. She looks forward to Mr. Waite's comments and suggestions.

so that the Board might have the opportunity to discuss it with them. Commissioner Van Beek said she's presented the Clerk and Controller with Ada County's adopted budget that shows budget to actuals and it's very easy to understand and she would like something similar for Canyon County. Mr. Waite said he will do a more extensive review of the budget. Commissioner Smith said with regard to the page that references the ARPA funds, the Board adopted that based on the Clerk's recommendation to use revenue replacement funds that are allowed by ARPA and we did a calculation on what our lost revenue was from COVID and that amount came to \$41 million, and she referenced the items that were allocated for the use of those funds.

Laurie Haverfield asked who was tasked with searching through emails to find the evidence of the accusations the elected officials included in their letter to Commissioner Van Beek? Commissioner Smith said the process starts with the Public Information Officer, and then it gets routed to the IT Department who pulls the emails, and then they go through the clerks. Ms. Haverfield asked if the letter is a private letter since it was not on County letterhead. Commissioner Smith said the letter was signed by the elected officials. Ms. Haverfield wants to know who authored the letter calling for the resignation? Commissioner Smith said there were executive sessions where the elected officials met, and there were various meetings where personnel issues or other imminently likely litigation issues could be discussed. She said Commissioner Van Beek could have come to the meeting. Commissioner Van Beek said she does not remember receiving an invitation to an executive session to discuss those items. She was presented with the letter during an Idaho Association of Counties conference and said she was threatened that if she did not comply with the terms of the letter it would go public. She has retained an attorney and has provided a response to the letter. Commissioner Smith said Commissioner Van Beek is invited to every elected officials' meeting and every legal staff update that is available, and she was not in attendance at one of the meetings where the letter was discussed. Commissioner Van Beek said there were email communications between the elected officials that did not include her.

Larry Olmsted had questions about employee performance evaluations and said he will request copies of those results so he can see what percentage of employees surpassed expectations, met expectations, or were below expectations. What progress are we making on impact fees? What is the status of the capital construction fund? How many dollars in the last 12 years have been earmarked for jail construction? Commissioner Van Beek said the Board oversees 15 different departments and the directors have not had a performance evaluation from the Board since 2018 and that's something she wants to see completed because it's the only way to measure performance. Commissioner White said she contacted Anne Wescott with Galena Consulting and is waiting for a return call so the Board can schedule a meeting to discuss where we're at with impact fees. Regarding the capital construction fund, she made a proposal and it went to capital equipment needs; she said the money that was used for the new election equipment needs to be replenished to the capital fund. We need a capital fund that is specific to capital investments. Commissioner Van Beek said she's met with ElJay Waite, Clerk Yamamoto and Controller Wagoner on establishing permanent revenue sourcing that includes percentages of property tax, non-property tax, and retiring incentives. We need to look to the future and not just drawdown or take a lump sum from fund balance and perhaps we need to find/hire someone to assist with revenue sourcing. Mr. Olmsted hopes the money the County won't be spending on indigency

matters could go into the capital construction fund. Commissioner Smith said the Board has been hosting meetings with local mayors and impact fees cannot just be something the County residents pay, it has to be something the cities contribute to as well. That issue will be discussed at this week's Mayor's meeting. She said money has not been set aside for the jail; she's hoping a capital construction fund will be included in the FY2023 budget.

Sandy Bowden asked the following questions: What is the cost of the mid-year raise and how will it be funded? Do Commissioners believe that wage increases are the only way to retain employees? What can officials from all jurisdictions do to eliminate the inter-governmental wage war? Commissioners Smith and Van Beek said they do not believe wage increases are the only way to retain employees. Commissioner Van Beek believes it's a conflict of interest to have the highest paid people in the County providing legal counsel and also asking for those kinds of wages. Commissioner Smith said there were mid-year raises, but they were requesting a variance to allow an attorney a step into the level in the compensation plan. It was an early increase but it did not impact the budget. The PA gave up two funded fulltime attorney positions that had not been filled and his return of those two employees, which will not be in the FY2023 budget, will not be going back to the PA's Office. Commissioner Van Beek said there was an analysis done and wages for many Canyon County positions now exceed Ada County wages and the PA makes approximately \$20,000 more than the attorney general. There needs to be an outside entity analyzing the wages. Commissioner White said the wage wars are going on with everybody right now. Canyon County is a training ground and Nampa is in a position to offer more money for similar law enforcement services.

Steve Burton asked for a status update on the Star Impact Area process. Commissioner Smith said the County signed the ordinance, and the Mayors of Star and Middleton have an opportunity to negotiate the overlapping areas. The City of Star has a public hearing scheduled for April 19, 2022.

Kim Yanecko said the Commissioners agreed to hold a meeting on the resignation letter and she would like the meeting held in May before the election so that citizens have time to review the responses to the public records requests, and she would like the meeting to be scheduled for longer than one hour. She asked if the Board agenda'd the discussion regarding the resignation letter so that Commissioner Van Beek knew to attend the meeting? Ms. Yanecko asked Commissioner White about her previous residence history and whether she lived in California. She also had questions about the building official's actions pertaining to building permit 2021-0870 and other issues within the building department. Regarding the question about a meeting, Commissioner Smith said the Board did not vote to have a meeting. Commissioner Van Beek wanted one and Clerk Yamamoto, although he is not a Board member, said there would be one, and Commissioner Smith said there are community input meetings that occur every month and she supports those meetings continuing. Regarding the question about whether there was an agenda'd meeting where the elected officials were going to speak about Commissioner Van Beek, Commissioner Smith said the Board does not agenda'd someone's name out of respect for the liability it could cause. Ms. Yanecko asked additional questions about why Commissioner Van Beek is not entitled to the information. Commissioner Van Beek said she was not able to find any agenda'd executive sessions with the elected body during December or January, and so if those

existed they existed outside of an agenda meeting. Commissioner Smith said there were legally agenda meetings. Executive sessions are held to maintain attorney-client privilege in those meetings and to protect Canyon County from liability. She said if Ms. Yanecko feels the Board violated the law she can file a complaint with the attorney general. Regarding Ms. Yanecko's question about the building permit, Commissioner Smith said she will look into that issue.

The meeting concluded at 10:04 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:06 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Assistant Director of IT Eric Jensen, Director of DSD Steve Fultz (arrived at 10:19 a.m.), Interim Lead HR Generalist Jennifer Allen (arrived at 10:29 a.m.) and Deputy Clerk Jenen Ross.

Topics of discussion included the following:

- Animal shelter technology, flooring and roof; discussion ensued regarding the county's responsibility in funding the technology portion, suggested the animal shelter include it in their budget request.
- Review of Building Maintenance projects which include 2nd floor courtrooms, admin building space, fair expo building (gant chart provided to the Board), gun range fencing, park clean up and pruning of trees.
- Discussion regarding manning the gun range and charging a fee. Facilities is out there every week trying to clean up anything left behind.
- Review of projects in legal which include fair expo concrete polishing, fair expo AV project, fair expo pedestrian bridge project, Pod 5 roof replacement (sole source), Trane chiller replacement at JDC rooftop (sole source), warehouse project design working on special use permit with the city of Caldwell.
- Currently the department is down one full-time employee and working hard not to burn-out employees.
- On May 12th at 9:00 a.m. there will be a Zoom meeting with the City of Caldwell regarding the new office building.

The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:38 a.m. for a bi-weekly meeting with HR staff to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Lead HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution to change the title and salary of one position in the HR department: Cindy Lorta will transition to Ellen Cahalen's job in being the generalist for the Sheriff's office; CCSO is aware of the change and are okay with it. There will be a change to the PCN and salary. At the request of Commissioner Van Beek, Ms. Allen spoke of the difference between the specialist and generalist positions and about the work Ms. Lorta has been doing. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to change the title and salary of one position in the HR department (see resolution no. 22-041).

Consider signing a resolution to change the job description of one position in the Development Services Department: For the past several months DSD has tried to find an engineer without much success. They've had one person apply but he does not yet have his PE, however, he has worked for the City of Caldwell as an intern. Director Fultz would like to hire this person on a conditional basis, providing they complete their degree within a specified timeframe. The Board would like to move forward with an associate type position and then can move into an engineer position with a resolution created for the associate position. There is no Board action today.

Ms. Allen would like to implement exit interviews for voluntary terminations. A draft version of an exit interview was provided to the Board for review. The Board would like to see exit interviews done for all county employees in all Offices. Commissioner Smith recommended Ms. Allen work with the Board and staff to draft a letter detailing the expectation. The Board would also like to see employee status change forms be process for employees put on either paid or unpaid administrative leave.

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

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner White made a motion to go into Executive Session at 10:56 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen and DSD Director Steve Fultz. The Executive Session concluded at 11:14 a.m. with no decision being called for in open session. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:15 a.m. with the Administrative district Judge and TCA to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ Davis Vander Velde, Deputy Trial Court Administrator Benita Miller and Deputy Clerk Jenen Ross. The following topics were discussed:

- Courts are back in full operation; Zoom is still used based on judge preference.
- Facemask signs should have been removed last week.
- A new Family Court Services Manager was hired and will start April 25th; An Eviction Court Coordinator will start mid-May. Stats for the eviction court can be provided to the Board at a future meeting.
- Commissioner Van Beek would like to see the ADJ invited to the elected officials meeting. The Board feels it's appropriate to invite the ADJ and the TCA would attend on behalf of the ADJ if he is unavailable.
- In response to a question from Commissioner Smith, Ms. Miller said she would be willing to work with HR on exit interviews.

The meeting concluded at 11:25 a.m. an audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:30 a.m. for a weekly meeting with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following topics were discussed:

- Commissioner Smith asked Mr. Decker to prepare responses to issues brought forth from the community input meeting.
- Employee exit interview form will be required county-wide and the Board has asked Ms. Allen to work with Mr. Decker to get an email out to DAs and EOs.
- Discussion regarding fees for public records requests; and how fees are determined between the media vs. general citizen requests. Additionally, Commissioner Smith recommended a page be created to explain executive sessions.
- Start by Believing proclamation will be signed Wednesday morning and the superhero walk is this weekend.
- Commissioner Smith asked about the quarterly newsletter, she thinks it's important but doesn't know the other EOs have bought in. The BOCC will prepare information and if the other EOs want to participate they can.

The meeting concluded at 11:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER FINAL PLAT FOR STEADY ACRES SUBDIVISION, CASE NO. SD2021-0048

The Board met today at 1:33 p.m. to consider the final plat for Steady Acres Subdivision, Case No. SD2021-0048. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Steve Fultz, Jay Walker, and Deputy Clerk Monica Reeves. The Board cannot sign the final plat today as it needs to be signed by the County Treasurer. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the meeting to April 7, 2022 at 9:00 a.m. The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A REPLAT FOR PHEASANT LANDING SUBDIVISION 1&2, CASE NO. SD2022-001

The Board met today at 1:35 p.m. to consider signing a replat for Pheasant Landing Subdivision 1 & 2, Case No. SD2022-001. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner I Cassie Lamb, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Cassie Lamb presented the revised amended subdivision plat for Lot 1 of Block 3 and Lot 4 of Block 1 both in the Pheasant Landing Subdivision 1 and 2. There was an irrigation easement that was platted in the incorrect location so this plat represents getting that removed from the lot. It also gives a flag lot that is behind the Vance property; there is a 20-foot section of a canal easement that will remain in place and is being gifted to the neighboring property. This is a Director's administrative division and staff is requesting the Board's signature on the final plat. Commissioner Van Beek made a motion to sign the replat for Pheasant Landing Subdivision No. 1 & 2 given the information from the planner regarding the irrigation easement. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith signed the plat. The meeting concluded at 1:38 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CALDWELL RURAL FIRE PROTECTION DISTRICT TO RECEIVE GENERAL INFORMATION AND WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:02 p.m. with Caldwell Rural Fire Protection District to receive general information and weekly meeting with the director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Mark Wendelsdorf with Caldwell Rural Fire Protection District (left at 2:27 p.m.), Chief Deputy Assessor Joe Cox (arrived at 2:26 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the Board would like to understand what has changed, what is to be expected and what Mr. Wendelsdorf's new role is. Mr. Wendelsdorf explained that nothing has changed; the Rural Fire District has always contracted with the City of Caldwell for all of its fire protections, building inspections, working with planning and zoning at both the city and the

county. The rural fire district not only covers the unincorporated portions of the city but also the cities of Greenleaf, Notus and everything south of the Middleton River in Middleton City and the fire commissioners are concerned with the amount of growth that is coming. Mr. Wendelsdorf is more of a planner, although his title is District Manager, he tries to help plan for the future and provided the commissioners with what kind of impact the growth will have on the fire department and ability to provide fire service. In response to a question from Commissioner Smith, Mr. Wendelsdorf said he would appreciate receiving notice of land use hearings coming before Canyon County; Commissioner Smith indicated that he could be added to the notification list.

Mr. Wendelsdorf answered several other questions posed by the Board about his position and responsibilities.

Director Fultz continued with his meeting updating the Board on the following:

- There is a 602NN meeting this Wednesday.
- Elizabeth Allen has put together a public involvement summary, starting in 2019 when the new comprehensive plan was started.
- Several DSD staff will meet with the City of Parma planning and zoning commission tonight to discuss the contract for comprehensive plan work.
- Carol Mitchell with the City of Caldwell is planning to attend the next mayor's meeting with the Board.
- Dan Lister and Elizabeth Allen each have 5 cases before P&Z this week; ideally, Director Fultz would like to reduce Mr. Lister's caseload with several new planners getting up to speed.
- Jennifer Allen is working on the job description for the associate engineer position.
- Mark Ottens has retired; interviews are being conducted this week to fill that position.
- Activity summary – 2021 vs. 2022: valuations are up about 42%, building inspections are up 14%, gross for March was \$444,583, total net was \$396,149.61.
- Mr. Lister estimates cases are taking 5-7 months to make it thru the system and spoke about ways they are trying to be more efficient.
- Director Fultz spoke in general about some of the issues that were discussed in executive session earlier today.

The meeting concluded at 2:43 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS CHIEF OPERATING OFFICER POSITION

The Board met today at 3:00 p.m. to discuss the Chief Operating Officer position and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd (left at 4:01 p.m.), PIO Joe Decker, Chief Deputy Sheriff Marv Dashiell, Chief Deputy Assessor Joe Cox, Lead HR Generalist Jennifer Allen, COO Steve Rutherford with Ada County via Webex (left at 3:41 p.m.), Deputy Clerk Jenen Ross.

Commissioner Smith explained the Board is not trying to relinquish control; it oversees 15 departments and it's been hard for DAs and other EOs to get work accomplished without the public meeting setting. She asked Mr. Rutherford to give an overview of his position and interactions. Mr. Rutherford explained that his role is to work internally. He assists the department administrators, meets with them on a regular basis and is involved in more of the big initiatives vs. the day to day business where it involves the Board. Additionally, since he has started in this position he has worked to create a better working relationship between all the department administrators. He is not a decision maker but he does assist in collecting information to be presented to the Board for their decision.

In response to questions and comments from the Board, Mr. Rutherford spoke about the team building he does, relationships that have been created between the department administrators, working as the liaison between the DAs, Board and other departments/elected officials, assistance with Board initiatives, follow-up on Board direction to DAs, and other various tasks and roles he supports.

Commissioner Smith spoke about the difficulties that have been encountered in filling and keeping someone in the HR Director position. She said the Clerk has been informally managing Board employees and that the Board needs someone who can be a liaison between Department administrator and the Board. She explained that with the constraints of open meeting laws it makes it difficult for the Board to manage so many departments which has caused issues with the management of some of those employees. She feels like this is a good solution; this person would be able to help with research, manage departments as well as help recruit and hire an HR Director. She said there is money in the budget that could be allocated to this position.

Commissioner Van Beek is not in favor of another EO managing Directors under the Board so there is support for having a position under the Board to work as a liaison. She likes the idea of having help with project management and thinks this is a great way to bring unity to the department heads. She is not in favor of opening the budget but there are resources available.

Commissioner White doesn't feel it's the right time or that this is the solution. She is not in favor of it and is concerned that it would be growing government. She feels it gives away a lot of the Board responsibility and doesn't think the position is necessary. She does think the compensation plan needs to be evaluated and updated.

Commissioner Smith responded to Commissioner White noting that the other elected officials have indicated it's hard to work with the Board on the compensation plan because of public meeting law requirements and because of that the Board typically gets left out. She feels it would be beneficial to have one person who works directly beneath the Board to provide feedback, participate on the compensation and impact fee committees and be involved in other issues that affect the community. She doesn't feel like the position would be growing government but a way to work more efficiently. No Board authority is being given away, the position wouldn't be a decision-making position, they would simply provide information to the Board.

Discussion ensued regarding how this change would affect the budget, necessity of a resolution to make a budget adjustment, the still existing need for an HR Director and how the salary range for the position was determined.

Commissioner Smith asked Controller Wagoner for an analysis of the impact to the budget based on the min, mid, max pay range and how that will impact the budget for the remainder of fiscal year and, percentage-wise, where the HR budget is at. She said that going forward there will be both an HR Director and COO position.

The Board would like additional time to review the job description and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the meeting to April 8, 2022 at 9:00 a.m.

The meeting concluded at 4:17 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 5, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Justin Hambley, Deputy Sheriff-Inmate Control; Allen Hamilton William, Customer Service Specialist-Booking; Joshua Hunsucker, Deputy Sheriff-Inmate Control

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- T.O. Engineers in the amount of \$18,000.00 for Facilities Department

APPROVED NOVEMBER 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of November 2021 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also

approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:17 a.m.), Sgt. Jason Roberts (left at 9:17 a.m.) and Deputy Clerk Jenen Ross.

Discussion regarding surplus dive equipment: Chief Dashiell explained Sgt. Roberts has been going thru inventory to determine equipment that is still useful and necessary. There are about 20 items that are old and really no longer safe for anyone to be using. They checked with dive shops in the area regarding the value of the equipment – one shop offered \$100 cash, one shop offered \$300 store credit and one shop offered an open dive certification which is valued at approximately \$1800. Chief Dashiell explained that the county has conducted dives in recovery efforts and it would be beneficial for Sgt. Roberts to be open dive certified, possibly giving the opportunity to team up with other area agencies. There is some question as to whether the value of the items is based on individual items or by the lot; as individual items there is nothing that comes close to the \$250 value (which would require an auction), but as a lot the value would be close to \$250. Mr. Wesley feels that these items could be valued individually as they were all purchased separately and worked independently of each other. Chief Dashiell said he will work with the Prosecutor's Office to get a resolution prepared to trade the equipment.

Discussion ensued regarding an email that was received yesterday regarding National Boating Safety Week and requesting that the Board sign a proclamation declaring May 21-27 National Boating Safety Week. Commissioners White and Van Beek are in favor of this and Mr. Wesley will work to get a proclamation prepared.

Consider signing a Resolution Waiving Certain Landfill Fees for Public Nuisance Properties on Saturday, April 23, 2022: The waiving of fees for nuisance properties was previously discussed on March 17, 2022. A letter will be provided to residents with code enforcement issues allowing them to exceed the amount normally accepted on that specific day. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution waiving certain landfill fees for public nuisance properties on Saturday, April 23, 2022 (see resolution no. 22-042).

The meeting concluded at 9:19 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY WAYNE LIPPERT, REPRESENTED BY WINDERMERE REAL ESTATE, FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, CASE NO. RZ2021-0049

The Board met today at 10:22 a.m. to conduct a public hearing in the matter of a request by Wayne Lippert, represented by Windermere Real Estate, for a conditional rezone of Parcel R37431010 from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Wayne Lippert, Darin Kindrick, Andrew Wachter, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The request includes a development agreement limiting future development to no more than two parcels. The property consists of 20 acres and is located at 9626 Gilbert Road, Middleton. Three land use cases have been approved since 2017, and the property immediately to the west has an active case for a conditional rezone to rural residential which is going before the P&Z Commission on May 5, 2022. The farmland report identified the property as nonprime farmland with soil types at 100%. Due to location of the site and the residential uses in the area, development of the site is not expected to fragment farmland and based on the soil capability and viability of the site, development of the site will not consume viable farmland. A nitrate priority area is located to the southwest approximately ½ mile from the site. Access to the future property will be provided onto Breezy Lane. The highway district recommends a dedication of 20 feet of public-right-of-way along the eastern boundary of the property for future improvements, and an updated road users' maintenance agreement (RUMA) for the Breezy Lane access point. The existing home takes access from the existing driveway. The highway district recommends a 20-foot dedication of public-right-of-way along the southern boundary of the property for future improvements. Roadway improvements shall be required at time of the preliminary plat. Conditions of approval address the requirements of the highway district to ensure appropriate access and dedication of right-of-way are provided. The applicant is proposing private domestic well and septic. A conditional rezone to rural residential is consistent with the future land use map, and the project aligns with several policies and goals in the comprehensive plan. There are some goals of the comprehensive plan that the request does not align with. Staff has identified the request is consistent with the comprehensive plan and compatible with the existing character of the area. No public comments were received. The City of Nampa responded with no comments, and the Canyon Highway District provided comments regarding out parcels, existing access, future access, transportation impacts, administrative land divisions, and section line setbacks. Staff has proposed conditions of approval and recommends the Board approve the request subject to the development agreement. Commissioner Smith asked if they can do the two splits administratively and not require platting there isn't any reason to put that condition of approval in the development agreement.

The following people testified in support of the request:

Darin Kindrick said the Lipperts contacted him about doing a 5-acre split so they could sell off some land and build a home. They were told by a previous planner they needed to go through a small subdivision process so they have been going through that process but they have no desire to develop any further than the one parcel. They want five acres at the top of the hill to afford them

some privacy and give them financial backing. They would like some leniency on the condition pertaining to Gilbert Road since it's not associated with the split to the north, it's associated with a development to the west where six homes are planned. Mr. Kindrick said the Lipperts are concerned with the financial implications of developing that road. Commissioner Smith said the highway district provided a local area map and identified three parcels with the rezone applications, and she asked if the condition is for the Lipperts to develop Breezy Lane. Ms. Allen said Breezy Lane is a public road that's privately maintained so they need to update the RUMA. The properties on the east have a dedicated right-of-way but the highway district wants the dedication on the west side as well to improve that road. Commissioner Smith had questions regarding Condition 2C which states the developer shall be responsible for the cost of developing the road in accordance with Canyon Highway District requirements including, if applicable to the construction of the road as proposed, the removal and relocation of fences currently in the right of way, power poles, and culverts as may be required. A dedication of 20 feet of right-of-way shall be required on Breezy Lane and Gilbert Road in accordance with Canyon Highway District requirements. Ms. Allen said the property to the west of the parcel is landlocked and the owners are seeking a conditional rezone in May, 2022 and the highway district is determining if they are going to take access from the west on Eric Lane or from Gilbert Road. Otherwise their other option is to take access going up Breezy Lane and cutting over the west and then down. Commissioner Smith said the Lipperts should not be required to build the roads especially where they are agreeing to only two houses. The highway district is implying full development of a rural residential zone, but the application is for a conditional rezone that is limited to two lots. The district needs to update their letter based on two lots, not at full development. Commissioner Van Beek agrees. Mr. Kindrick said the piece that was landlocked was once together with the piece to the west so that seller sold it as a landlocked piece knowing you cannot get to it and now the Lipperts are being asked to pay for the road to it. There was discussion regarding the landlocked portion and the proposed conditions of approval. Commissioner Smith said the right-of-way to the north needs to happen, but she doesn't know about the right of way to the east and if it's a planned road that was part of the access management plans. She doesn't want to force a roadway there unless the district shows that is part of their plan. Commissioner Van Beek agrees and said the applicant should not have to pay for all of the improvement. Commissioner Smith wants to confirm the original parcel, and she said the highway district needs to provide an applicable letter and what the requirements are. The Board does not want to force the applicant to give right-of-way to a property owner. Further discussion ensued about access, existing roadways, and pending land use applications.

Wayne Lippert said some neighbors told him they have been in contact with the highway district who said they would leave it up to the neighbors to figure out where they wanted the road. The neighbors asked him if he would allow them to do an easement on the lower portion and Mr. Lipper said he would consider it. Breezy lane runs alongside the property and his property line is in the middle of Breezy Lane so he's already given them that much road to build the road. They couldn't distinguish who owns the road, but it was noted the Clark family originally sold the property. Following his testimony, Mr. Lippert responded to questions from the Board regarding access.

Commissioner Smith said the subject parcel has access and frontage, but what we don't know is what improvements the highway district is going to require for one parcel. The landlocked parcel does not belong in today's discussion. They should meet the minimum road requirements of the zoning ordinance. If they have to plat it, they would plat the road lot which the highway district is going to require dedication along Breezy Lane. Mr. Lippert said he is willing to do that dedication along Breezy Lane. Commissioner Smith asked Ms. Allen for her recommendation on whether to ask for an updated agency response before making a decision, or just allow it to meet minimum standards and move forward. Ms. Allen believes the highway district was looking at the future development of the site and the landlocked portion as well as the rezone to the north. Commissioner Smith wants to move forward and remove that condition. We should not have a condition to require platting. She wants the condition reworded to state: The subject property shall be developed (*remove the word platted*) in compliance with Chapter 7, Article 17 of the Canyon County Subdivision Ordinance. Condition No. 2A is important. Future subdivision development shall be in substantial compliance with the conceptual site plan herein attached as Exhibit "C". Subject to the following restrictions: The development shall not exceed two lots and each lot shall contain no less than 5.01 acres. This sentence could be deleted: ~~Development of more than two lots shall require a development agreement modification~~ because they have to rezone it because there are no standards for approval in a development agreement modification. The existing public road that is privately maintained, Breezy Lane, shall meet the minimum requirements of our road section. The applicant shall construct future private driveways to meet Canyon County Code of Standards: private road and driveways, and record a road users' maintenance agreement at the time of building permit submittal. Commissioner Van Beek said there should be clarification on the road named Veral Road, which is also known as Veral Lane on the original plat because it's not referenced outside of the Board's discussion. Commissioner Smith asked Mr. Lippert if he understands he will have to work with his neighbors on a new road users' maintenance agreement, and Mr. Lippert said he does understand that although he is not sure exactly what it would be. Commissioner Smith said he will have to go to the six home owners who use the road and negotiate the maintenance of that road and what the split share of costs would be before he can get a building permit. Mr. Lippert agreed to do that. Commissioner Smith said if they further divide it there should be a separate condition that states development of more than two lots would require application for a straight rezone of the property. Mr. Lippert said he only wants one house up there and he only wants to sell one five-acre piece. He does not want additional homes. Commissioner Smith recommended changes to the conditions of approval as follows:

Condition No. 2, changes shall be developed in compliance with Article 17.

Condition No. 2A

- i. Remove the development agreement modification
- ii. Include also known as Veral Lane on the original plat (we need the name of the plat)
- iii. The language stays the same

Condition No. 2B is an ordinance condition so 2B can be deleted.

Condition No. 2C, regarding dedication, will be deleted as an extra condition from the Board forcing the applicant to do it is applicable.

Condition No. 4 shall state development of more than two lots will require a new rezone application and approval from Canyon County. Mr. Lippert said if he does sell the property he will have an attorney prepare paperwork stating it cannot be done any other way.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the request by Wayne Lippert for a conditional rezone with a development agreement, Case No. RZ2021-0049, and to approve the changes to the conditions of approval as discussed. The motion was seconded by Commissioner White and carried unanimously. Staff will make changes to the development agreement, which will need to be signed by the applicant, and then all documents will be brought back to the Board for consideration. The hearing concluded at 11:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:33 p.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Assessor Joe Cox, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Review public comment, if any, regarding sale of odd-lot property 2419 Lincoln Street, Caldwell, Idaho: No comments were received and no one appeared to offer comment.

Consider signing Quitclaim Deed to Doug Davidson for odd-lot property 2419 Lincoln Street, Caldwell, Idaho: An offer was considered and accepted at the last hearing for \$5800 which Mr. Davidson has presented a certified check for. A quitclaim deed has been prepared for Board signature. Upon the motion of Commissioner Van Beek and second by Commissioner White the board voted unanimously to sign the quitclaim deed to Doug Davidson for odd-lot property 2419 Lincoln Street, Caldwell (see recorded documents 2022-018377 and 2022-018816).

The meeting concluded at 2:36 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 3:00 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Coroner Jennifer Crawford, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, Judge Davis Vander Velde, Facilities Director Rick Britton (left at 3:40 p.m.), PIO Joe Decker, Chief Deputy Assessor Joe Cox and Deputy Clerk Jenen Ross.

The following topics were discussed:

- Safety in relation to street parking, signage for the administration building public parking, possibly blocking off 11th Street between Albany and Belmont for additional angled parking.
- A roundtable discussion with the City of Caldwell regarding a new county office building will take place on May 12th to determine requirements; approximate cost at this time for a 4 story, 140,000 square foot building is \$24M; there would be parking below the structure; the first two floors would be constructed by the contractor and the top two would be completed by the facilities staff as needed.
- Potential rental of the old Rite Aid building for elections use and to accommodate other space needs; it is currently under a retail use permit but Director Britton has asked what would need to be done to transfer it to a Class B permit; Jerome Mapp with the City of Caldwell would like to set up a roundtable discussion on April 14th to discuss further – Director Fultz and Clerk Yamamoto will participate in that discussion.
- County owned buildings that are not occupied by county offices or departments and the need for additional space throughout the county.
- Lots around the animal shelter and the possibility of building at that location.
- The Board will be hosting a Mayors’ meeting on Thursday to discuss growth; the other elected officials are invited to attend.
- Sheriff Donahue spoke about the meeting he and the Chief had last week to discuss their loss of manpower and lack of applications. Most critical positions are ad-tech, communications center and jail staff. He spoke about the need to increase salaries in order to keep and attract employees. Clerk spoke to how well Canyon County is taking care of the taxpayers by not taking any new construction, foregone or 3% and the Sheriff said there are mandated services that must be funded. Commissioner Van Beek expressed her concern in making sure there sustainable funding.
- Clerk Yamamoto spoke about the exorbitant amount of public record’s requests that have been received recently and possible solutions to addressing them.

The meeting concluded at 4:24 p.m. An audio recording is on file in the Commissioners’ Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 6, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583390 to 583424 in the amount of \$62,905.71

APPROVED CLAIMS ORDER NO. 2214

- The Board of Commissioners approved payment of County claims in the amount of \$1,893,781.13 for a County payroll

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Total Scale Service in the amount of \$15,311.61 for Solid Waste Department
- Hyatt Regency Bellevue in the amount of \$1,175.00 for Information Technology Department
- Dell in the amount of \$1,125.20 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Cindy Lorta, HR Generalist; and Jennifer Almeida, DSD Office Manager

CONSIDER SIGNING PROCLAMATION FOR START BY BELIEVING DAY

The Board met today at 10:02 a.m. to consider signing a proclamation for Start by Believing Day. Present were: Commissioners Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker explained that the county has taken part in Start by Believing day for the past several years. This is a nationwide campaign to change how communities respond to victims and alleged perpetrators of crimes. Today is national Start by Believing Day and a Superhero walk will take place on Saturday. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Start by Believing Day proclamation.

Additionally, an email was received today from Advocates Against Family Violence regarding Denim Day on April 27th. The Board would like Mr. Decker to put out a notification to all county employees encouraging everyone to participate.

The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner White made a motion to go into Executive Session at 10:33 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Steve Fultz, Economic Development Specialist Tammie Halcomb, Chief Deputy Assessor Joe Cox and Representatives for Project Three participated in-person and via Webex. The Executive Session concluded at 11:14 a.m.

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

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Eagle Land Surveying representing Dan Callahan for a comprehensive plan map amendment and a rezone with a development agreement, Case Nos. OR2021-0020 & RZ2021-0043. Present were: Commissioners Keri Smith, Pam White Leslie Van Beek, DSD Planner Elizabeth Allen, Robin Callahan, Dan Callahan, Scott Brock, Larry Haviland, Robert Tunison, Anne Wagner, Emery Meeks, Dustin Schiffler, Tyson Meeks, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 2:45 p.m. Elizabeth Allen gave the oral staff report. Eagle Land Surveying representing the property owner, Dan Callahan, is requesting a comprehensive plan map amendment to change the future land use designation of parcel No. R37410 from Agriculture to Residential. Also requested is a rezone of 39.98-acres from the current zoning designation of "A" (Agricultural) to an "R-R" (Rural-Residential) zone with a development agreement restricting future development of the site to four 10-acre parcels. The subject property is located on the northwest corner of Galloway Road in Middleton. The subject property is an original lot and has been farmed by the property owner and leaser. Within one mile of the site there are seven sporadic residential zoning designations with an average minimum lot size of 43.45 acres. Active farmland and agricultural zones are located in all directions surrounding the site, as well as homesites. Within one mile of the site there have been four land use cases approved since 2017: one case was a conditional rezone to rural residential that restricted development to one homesite; another case was a conditional rezone to rural residential that restricted the development to two 6-acre lots; and another case was a rezone to rural residential. The project site and surrounding area are primarily active farmland and development of the site could potentially fragment viable farmland. Two dairies are located within two miles of the site and one site is situated within three miles of the site. A feedlot is situated over two miles from the site. The site is located within a nitrate priority area and a majority of the sampled wells contain a nitrate level of .005 to 49.80 milligrams per liter of nitrates. Individual wells and septic systems are proposed when the site develops. Ms. Allen

reviewed the agency comments. Staff found the requested comprehensive plan map amendment is inconsistent with the 2020 comprehensive plan. The proposed residential designation is not compatible with designations to the north and west. Extending residential designation to this property introduces a designation that is not compatible with the area's character nor is it consistent with the vision. For the straight rezone to rural residential, staff found it is not compatible with the character of the area. After the P&Z Commission hearing the applicants met with staff to discuss adding a development agreement to make it a conditional rezone and if that moves forward it would require a second hearing with the Board. The items addressed include an acre and a half homesite footprint limited to one of the four corners of each 10-acre parcel. Landscaping can be placed within the homesite footprint and trees can be located around each parcel so long as they do not impede the visibility of drivers. Fencing will be option, pressurized irrigation and irrigation management plan are proposed; road and access will meet County and highway district standards. Staff found the proposed conditional rezone and development agreement, based on the letter of intent, would be more compatible than a straight rezone. The building footprint size will allow the remaining property to be utilized as some form of agriculture and create a buffer between the homes and the other adjacent ag operations. Letters of opposition were received citing concerns about the loss of farmland and impacts farming operation, rural character, water quality, fragmentation of remaining farmland, impacts to infrastructure and services, and objections to the process for the development agreement and that it should go back to the P&Z Commission. On February 3, 2022, the P&Z Commission recommended denial of the requests. At the time of denial, the applicant had not agreed to a development agreement. Alternative options for the applicant: since it's considered an original parcel it could be eligible for one land division and they could build a primary residence and a secondary residence on both parcels. Staff had recommended to the property owner at the time of submittal to explore a development agreement, but they did not add that until after the P&Z Commission hearing. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in support of the request:

Robin Callahan testified she lives two miles from the site and her family currently farms the subject property which has been in their family since 1977. They have three surviving children and their intent for the conditional rezone is to provide the opportunity for their children to live close to each other and have more land. The Callahans hope to live on the property as well. They have proposed a development agreement and initially they were concerned with what that would entail and the requirements that might be asked of them but as they met with staff they came up with a proposal that made sense for the community. By minimizing it to four 10-acre developments it would be more viable and help address the concerns about additional traffic, high-density, and the loss of farm ground. The property was heavily leveled in the 1980's and for many years they struggled with having it be a viable piece to raise crops. The pivot has helped, but they do struggle with irrigating the corners. They've tried to keep it as farm ground because it's been in the family for many years and they wanted to keep it and eventually make it productive. They have struggled with the development that's occurred in the area; they used to farm ground on Emmett Road and Purple Sage Road and they just turned it back to the landlord this year because it's difficult to move farm equipment. There is residential on the south and east side and if they are granted their

four 10-acre lots it could act as buffer to help continue to keep it as farm ground and yet allow people to farm all around it. A survey was completed and the total acreage of the property is 40.01 acres. They will take the pivot out once they have a plan to develop it and they will use wheel lines or other irrigation, but they will have pressurized irrigation to each of the four parcels with homesites located in any of the corners so they are not as restricted in where they choose to place their home. Following her testimony, Ms. Callahan responded to questions from the Board regarding the location of the pivot and proposed homesites.

Scott Brock testified he has a real estate license although there is no licensing, compensation, or developer involved with this project. Mr. Brock said the Callahans are not looking to harm their fellow farmers, they simply want to allow their children to live on the property. Mike Wagner, the farmer across the street, has no opposition to the request. According to Mr. Brock the City of Middleton has a “gobble” mentality and he was asked by the Mayor of Middleton to help square things away and ease up the appetite for density. The property directly to the south is owned by someone who’s going to put water and sewer there because it will fall into Middleton’s new comprehensive plan. Following his testimony, Mr. Brock responded to questions from the Board.

Neutral testimony was offered as follows:

Larry Haviland testified he spoke with Mr. Callahan and was pleased to hear they are proposing four lots with a 10-acre minimum, although he would like them to restrict the property so it cannot be further split. He referenced the Willowbrook Development north of Star and asked if the Commissioners are communicating with Ada County to restrict it because the development will severely impact the surrounding area. He wants the County and the cities to charge developers impact fees.

Testimony in opposition was as follows:

Robert Tunison, the attorney representing the trust of Anne Wagner, said there has not been transparency on this case and he is concerned today’s hearing was not properly noticed for a conditional rezone. The straight rezone and comprehensive plan map amendment should be denied. He believes people would be more open to the idea if there are restrictions to the development such as whether it’s for the Callahan children. They applicants have not shown how the property will be irrigated in the future or where the homesites will be located. They need to show engineered drawings of where everything will be and how it will work out in the end. Mr. Tunison said a conditional rezone should not be discussed today, it should be noticed properly for a future hearing. In response to question from Commissioner White about the development agreement and its conditions, Mr. Tunison said he doesn’t believe his client would agree to any form of approval today. The hearing was not noticed as a conditional rezone and there is confusion on multiple parties on whether it’s a conditional rezone or a straight rezone and there has not been an adequate process to discuss it. More developed plans should be submitted so that parties can weigh in on those plans regarding what exactly will go in.

Commissioner Van Beek had questions of staff regarding the applicant's intent. Elizabeth Allen said staff added conditions in the findings for a conditional rezone, but there is not an official draft of a development agreement in the packet. She does not agree with the County attorney's recommendation to go to a second BOCC hearing; she believes it should go back to the P&Z Commission for a transparent process. Staff moved the case forward based on the advice of legal counsel. Commissioner Smith said this is a unique case where the application changed between the P&Z Commission and the Board. The Board has made recommendations for development agreements on other cases and those hearings get tabled and re-noticed with a final decision at the second hearing. The P&Z Commission did not have an opportunity to review a conditional rezone so it would be nice to hear from the Commission; however, the flip side is state statute is clear in that if the Board makes a substantial change a second hearing is mandated.

Mr. Tunison said under Idaho Code it is not required to have P&Z Commission review applications first; it can go straight to a board; however, Canyon County has decided to use a P&Z Commission and therefore it should go back to the P&Z Commission because Canyon County Code contemplates this process, and the process has not been adequately followed and transparent. Commissioner White has no problem with re-noticing the hearing for a conditional rezone and development agreement. Commissioner Smith read from County code and state statute regarding noticing requirements. She understands the point of sending it back for a recommendation and she said the Board has the power to do that if it wants to, but she doesn't think a judge would throw it out per state statute. Deputy PA Zach Wesley arrived at 2:45 p.m. at which time Commissioner Smith wanted to go into Executive Session regarding Mr. Tunison's concern about the legality of the hearing. The session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 2:47 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:00 p.m. with no decision being called for in open session.

Deputy PA Wesley said the Board asked him to address the noticing issue regarding today's hearing. Initially the application for the P&Z Commission included a request for comprehensive plan map amendment and a rezone of approx. 40 acres from an agricultural to a rural residential. The P&Z Commission recommended denial and the applicant altered their proposal to include a conditional rezone with a development agreement in an attempt to persuade the Board to adopt the proposal. The notice went out with the original application language and that remains the

main thrust of the application, however, they are now offering to limit their rural residential use with a development agreement in order to persuade the Board to adopt their proposal. We can deal with this in several ways: prior Boards have had a preference to allow applicants to make changes during a hearing to their proposal and have engaged in a dialogue/negotiation about what the terms of a conditional rezone would be because those changes in adopting that would be materially different from what was proposed to the P&Z Commission and a second hearing would be held with additional notice with the more specific terms of approval and then a second hearing could be held so that there could be another opportunity for people to address those specific conditions, or development agreement, or whatever changes were made. Another option is to have the applicant present their new proposal to the P&Z Commission, which is an option the Board has used less frequently because it has opted to forego the extra procedure if it agrees with the proposal. There is one other potential option that if the P&Z Commission heard it they would have the chance to make a recommendation on the new proposal and it would come back to the Board for the same hearing procedure with re-noticing of the new application terms and if the Board agreed, it would be one hearing and if it disagreed with the P&Z Commission they would end up with two hearings. Either procedure would satisfy the notice procedures in the Local Land Use Planning Act and he will leave it to the Board's discretion on whether it wants to consider the application today as a plea or a request from the property owner to persuade it to grant the rezone. Or, as a new application in which case it would go back through the P&Z Commission. Commissioner White wants it to be noticed properly; it does not need to go back to P&Z. Commissioner Smith said the Board is acknowledging that that were issues and that there is a discrepancy in the legal description, however, the ordinance does allow that each person who showed up today received adequate notice. The correct noticing would proceed with the second hearing as allowed by Idaho statute, or, we have the latitude to agree to a hearing or to remand it back for a recommendation if that is important for the Board to hear that the P&Z Commission would still recommend denial on a conditional rezone with conditions and if that's the case and we would want to know the recommendation on this proposed case. Commissioner Smith is interested in what the P&Z Commission would say, however, if we were going to do that we should have a policy that requires everyone to do that. Moving forward, if there is any change to the application, then the case would go back to the P&Z Commission, but right now we have been functioning and doing a good job with second hearings and testimony is often introduced that changes and application and so she is comfortable moving forward with a second hearing by the Board. Commissioner Van Beek said there is merit to the argument Mr. Tunison has made. There is an acknowledgement of an error and a remedy for that that we are using as precedent. We have not remanded it back to P&Z for the reasons we have articulated already even though she agrees that due process appears impugned on that, she wants to move forward to hear what the argument is. If we approve this there will be a second hearing and it's possible the conditions could persuade Ms. Wagner to create that transitional area that protects some of that. It's complicated because there was an error. Commissioner Smith said the safest route is to go back to the P&Z Commission. The other option is to continue today's hearing and if we decide to move forward with conditions it will be sent back for a second hearing. Commissioner White said we are going to re-notice this properly so we hear the new request accurately. There was further discussion on process. Commissioner Van Beek said there is merit on both sides, and if we're just going to function on process than there is an argument that's been made and it's no one's fault,

it's just an error and she wants to get to a point to find an area of common agreement and if that is not going to allowed then she supports stopping the testimony. Commissioner Smith said the Board will start over with a legally noticed document for a conditional rezone and a development agreement and noticing the change from the P&Z Commission's decision. The site will have to be posted as well. Staff will find the soonest date possible and re-notice the hearing. The hearing concluded at 3:20 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 7, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583641 to 583678 in the amount of \$89,321.77
- The Board has approved claims 583594 to 583640 in the amount of \$56,100.24
- The Board has approved claims 583563 to 583593 in the amount of \$34,938.34
- The Board has approved claims 583679 to 583683 in the amount of \$7,266.18
- The Board has approved claims 583455 to 583474 in the amount of \$20,166.00
- The Board has approved claims 583425 to 583454 in the amount of \$30,198.07

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Amazon in the amount of \$2,429.10 for the Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Dawn Moore, Legal Assistant IV; and Veronica Garcia, Legal Assistant III

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Katie Phillips

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bob's Trolley House II LLC dba Bob's Trolley House II (Resolution no. 22-044)
- The Board approved an Alcoholic Beverage License renewal for Sushi LW LLC dba Sushi Sushi and Idaho Golf Partners, Inc dba Timberstone Golf Course (Resolution no. 22-043)

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:59 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue an initial denial with written decision within 30 days on the following case: 2022-387

Case no. 2022-476 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Smith and carried unanimously.

Liens and lien releases were presented for Board signatures. The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE FINAL PLAT FOR STEADY ACRES SUBDIVISION, CASE NO. SD2021-0048

The Board met today at 9:08 a.m. to consider the final plat for Steady Acres Subdivision, Case No. SD2021-0048. Present were: Commissioners Keri Smith, Pam White, Planner Jennifer Almeida, Jay Walkler, the applicant's representative, and Sr. Admin Specialist Terri Salisbury. Ms. Almeida stated that all conditions and the necessary signature have been obtained on the final plat. Mr. Walker responded to questions from the Board. Following comments/questions from the Board, Commissioner White made a motion to sign the final plat for Steady Acres Subdivision, Case No. SD2021-0048, the motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 9:12 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 9:14 a.m. for a meeting with County Attorney's for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek (arrived at 9:43 a.m.), Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:30 a.m.), Director of Facilities Rick Britton (left at 9:25 a.m.) and Sr. Admin Specialist Terri Salisbury. The action items were considered as follows:

Action Item: Consider signing Services Agreement with Crime Stoppers of Southwest Idaho: Chief Dashiell gave an overview of the Crime Stoppers program, which provides crime-solving assistance to law enforcement agencies. The cost to the County for this service is \$5,700. Deputy P.A. Wesley will bring back an amended agreement to reflect the correct the effective date of September 30, 2023, not 2022. Upon the motion of Commissioner White and second by Commissioner Smith, the Board voted unanimously to approve the amended contract with the updated date. (No. 22-021.)

Action Item: Consider signing Amendment No. 2 to Canyon County's Agreement with Cole Architects Agreement No. 19-127: Deputy P.A. Wesley presented the agreement and reviewed the changes. The idea of the amendment is that the County has agreed to a fixed price to extend the work on the construction period because of existing delays, and in the main body of the agreement there are a number of additional services that are not included in the main contract price so when the amendment was drafted they included those items. If there are additional services that are a result of our failure to meet a contractual requirement then we would be responsible for additional services payments. Following comments/questions from the Board, Commissioner White made a motion to sign Cole Architects Agreement No. 19-127, the motion was seconded by Commissioner Smith and carried unanimously. Commissioner Smith wanted it to be clear that they cannot just bill the County without talking to us; there is agreement on ownership of whose responsibility it was. (No. 22-019a.)

Action Item: Consider signing Addendum No. 1 for Canyon County Fair Expo Building Audio/Visual Equipment and Installation IFB: Deputy P.A. Wesley presented the addendum and reviewed the process. The addendum clarifies that there were no written questions to respond to, and it adds a scoring sheet. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign Addendum No. 1 for the Canyon County Fair Expo Building Audio/Visual Equipment and Installation IFB.

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

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

Commissioner White made a motion to go into Executive Session at 9:35 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), and (f) regarding personnel matters, records that are exempt from public disclosure, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A

roll call vote was taken on the motion with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek (who arrived at 9:43 a.m.) and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:55 a.m. with no decisions being called for in open session.

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

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

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by J.A.P.S. of Idaho, LLC, for approval of a preliminary plat, irrigation, grading, drainage plan and trail plan for Stadium Subdivision No. 2, Case No. SD2020-0027. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Matthew Graham, Jay Gibbons, Michael Conklin, Jake Conklin, Amy Woodruff, and Deputy Clerk Monica Reeves. This case was initially heard by the Board on February 8, 2022 and staff was directed to re-notice the hearing so the applicant could develop a trail master plan as required by the development agreement.

Dan Lister gave the oral staff report. The applicant provided a trail plan which included the location, design, access, signage, and maintenance plan which appears to meet the intent of the development agreement conditions. Staff has provided updated FCO's which included two additional conditions based off the deliberation at the underlying hearing regarding a landscape entry to the subdivision with a monument sign, and requiring the applicant to adhere to the trail plan, access, allowable use, signage, and maintenance shall be included in the CC&R's.

Testimony in support was offered as follows:

Matthew Graham, project engineer, said the trail plan complies with the development agreement. Walking, biking, horseback riding are acceptable uses, but motorized vehicles such as cars, trucks, scooters, and motorized bikes are not allowed. The trail will be maintained by the HOA. They plan to have signage at the front that says what the acceptable and non-acceptable uses are and they could add verbiage about where the trail starts and stops. Commissioner Smith would like them to add verbiage about discouraging use of Goodson Road. The Board wants the condition reworded to state that fire sprinklers may (not shall) be enforced through the CC&R's.

Todd Lakey said they are in compliance with the requirements for approval of the preliminary plat and they have presented the trail plan as requested.

Jay Gibbons said he tried to talk the highway district into allowing them to locate the trail adjacent to the pavement edge of the road, but they chose not to allow that because they wanted a separation between the road and the trails.

Amy Woodruff offered neutral testimony. She purchased the 20 acres south of the project a few years ago and she is not thrilled about having 131 new neighbors and wells. She doesn't like that the trail is located in the right-of-way and fronts other people's properties, and she would prefer it go around the exterior boundary of the property that's safer and functional. She wants to know how it will be used and evolve over time. Commissioner Smith thinks the trail will be used but she acknowledges people will go where they want.

Todd Lakey offered rebuttal comments. The trail has been part of the discussion since 2006 and there are some pros and cons either way and if it's located along the back it will be across private property and there be fences to deal with. We have the development agreement and condition no. 3A that states the owner shall install running and riding trails and pathways throughout the development that are open and accessible to the public along at least one side of the public streets that run through the project. It talks about the trail width, material to be used, and the trail plan was to be submitted but it has to conform with the development agreement which says the trail is in front along at least one side of the road. To change it would be contrary to the terms of the agreement. Mr. Lakey said they will put in signage to help people understand this is a public trail and discourage the use of Goodson Road.

Commissioner Smith requested changes to the conditions of approval that says fire sprinklers may be required instead of shall be required; and signage should say the path does not intend for passage along Goodson Road and is discouraged. Commissioner Van Beek supports the changes. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the request by J.A.P.S. of Idaho, LLC, for approval of a preliminary plat, irrigation, grading, drainage and trail plan for Stadium Subdivision No. 2, Case No. SD2020-0027 with the changes to the conditions of approval as outlined by Chairman Smith. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

MEET WITH LOCAL MAYORS TO DISCUSS COUNTY GROWTH

The Board met today at 1:36 p.m. with local mayors to discuss county growth. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, Star Mayor Trevor Chadwick, Caldwell Mayor Jarom Wagoner, Caldwell Finance Director Carol Mitchell, Nampa Mayor Debbie Kling, Greenleaf Mayor Brad Holton, Paul Fitzer, Attorney for City of Greenleaf, Clerk Chris Yamamoto, and Deputy Clerk Monica Reeves. Newly elected Caldwell Mayor Jarom Wagoner was welcomed, and then there was a roundtable discussion on the need for a new jail, safety impact fees, and growth/property tax impact fees as follows:

When asked if the County should run another bond or wait for local option sales tax, Mayor Chadwick and Mayor Wagoner said the better option would be to run the bond due to the long wait time for local option sales tax.

Commissioner Smith asked what impact fees the cities have in place. Mayor Wagoner said the City of Caldwell has impact fees for police, fire, parks & recreation and next year they will have impact fees for traffic. They are taking steps now to appoint new members to the impact fee committee.

Mayor Chadwick said the City of Star has impact fees for fire, parks & recreation, the Ada County Highway District impact fee, and they are getting ready to impact fees for police. Star is in the process of updating impact fees for Ada County who is in the process of getting it done for the Coroner's Office and the Sheriff's Office. He is on board with Canyon County implementing impact fees because we have to find ways to fund these things without passing it on to the current taxpayer. With that said, it doesn't hurt to run a bond again because you could adjust the bond to pay it back with some of the impact fees. Star is doing another dive into their comprehensive plan to reduce densities throughout out area because it's a problem. Mayor Chadwick estimates Star's percentage of growth over the last five years has been 20%. With the passage of HB389 and how it will prevent cities from funding police, Mayor Chadwick said he met with the building contractors' association and told them they need to figure out how to fund police in the future otherwise they have to stop because HB389 prevents the city from being able to fund it correctly. They are working through options to see what's going to work for a funding formula that would sunset in a certain period of time as the property tax portion catches up to pay for it. They are doing a proportionate share with the developments to fund the widening of unfunded portions of the state highways that go through Star. They look outside the box and find ways to buildout the infrastructure without putting burden on the current taxpayer who's already there.

Commissioner Van Beek supports collecting impact fees for the Coroner, Parks, Sheriff and transportation.

Mayor Kling said the City of Nampa has impact fees for parks, fire, and police, and on Monday they approved an increase to their impact fees, but they removed the streets portion and will hold another public hearing on that portion. In 2018 the decision was that direct frontage improvements were to be covered by impact fees, but they found the fees will not cover the cost of frontage improvements, it only covers intersection improvements. The greatest complaint is around transportation and street congestion but because they are so far behind on transportation funding, which is a state issue, it make it really difficult. You have to accumulate impact fees over a period of time and if the economy were to slow the fees would also slow, so for a jail, to only fund growth from today that is the difficulty. The County may need to consider a bond election because the impact fees are so far out. Mayor Kling asked if the cities be paying County impact fees on top of impact fees. Commissioner Smith said we would each need to have an MOU where you would collect impact fees and disperse them back to the County for the amount that was for the jail. We don't want city residents to pay for the actual officers or vehicles, it would be for the infrastructure for the jail. Mayor Kling said the County has to fund a study to know where you're

at, and it would be helpful to have a consultant do the research on what other cities are doing, what are the costs, how do you allocate it, etc. The capital improvement plan is a key piece of the impact study, but somebody needs to run the numbers to know how many years it's going to take to have enough money to even touch a jail.

Mayor Chadwick asked if the County can run a bond and pay it back with impact fees to reduce the cost of the current taxpayers. Commissioner Van Beek said the impact fees were never intended to make the annual payment on the lease, it's just a piece of the revenue source.

Chief Marv Dashiell reported on bed space numbers and needs, current population levels, and staffing levels at the jail as well as pretrial release and alternative sentencing programs. He spoke about the scale of the mental health problem and how we need programs that can get people the help they need at the right time. All law enforcement agencies in the area are having staffing issues and how the candidate pool has been reduced.

Mayor Chadwick said we need to do a big push on updating the impact fee statute to allow for an impact fee to be utilized for a period of time to help pay for staff for police and fire.

Commissioner Smith spoke about the critical need for a teen crisis center. We can get the funding for the start-up costs, which is a couple million dollars, but we cannot find a location for the center. Mayor Kling agreed that we need help for teens too, and we need a long-term solution for behavioral health issues where a lot of issues stem from drugs. It's not just a jail issue, it's a judicial issue and we can't fix it all. Commissioner Smith said the jail is significant and is the greatest service the County provides to the cities and we have to come up with a solution together and if we're all saying this is how we need to fund it and this is the plan moving forward she feels like that is the path forward even if it will cost the taxpayer more we need buy-in from each city.

Mayor Kling said there is buy-in two different ways: We all agree a jail is needed. The cost of that jail and what it consists of was the problem last time. There has to be an upfront collaborative discussion and a willingness to listen regarding what the jail needs to be and we need to get the concerned citizens onboard because they are a tremendous asset because of the thoroughness in which they look at things, and we have to be open to answering those hard questions. Commissioner Smith agrees. Mayor Chadwick said the County will have support from the City of Star. He asked about the possibility of adding a mental health unit to the process. Chief Dashiell said there wasn't anything specific on a mental unit other than including programming space we don't currently have. He believes the jail plans need to be refreshed with new numbers, growth estimates, etc. Mayor Kling asked if there could funding from a different source to cover the behavioral health side. What about having the current jail serve as a women's facility and building a jail for the men so we are utilizing the existing facility without having to build as large a facility. Commissioner Van Beek said the existing jail is poor, we have to think about those who are housed in there and the mental health of the people who have to work in those conditions.

There was discussion about the significant construction costs that will be involved, as well as the long-term costs of manning two facilities. Commissioner Smith asked about the possibility of

moving juvenile detention to the current jail, and converting part of the facility for use as a teen crisis center? Chief Dashiell said it's not a terrible idea, it just hasn't been discussed.

There was discussion about why the jail bond failed in the past and what we need to work on:

- Need more than one funding source
- Dedicate a long-term funding source that will include some property tax and non-property tax sources
- The need for a structured and tight budget
- Have impact fees offset the growth portion
- The need for data analysis

Some say the County should have a savings concept to pay for the jail. Clerk Yamamoto said he's not a fan of a savings account because when he's asked concerned citizens how much they want to raise taxes to put dollars aside they oppose the raising of taxes and propose cutting expenses instead and when asked what services they want to cut that's where the conversation breaks down. Commissioner Van Beek talked about how the capital improvements project fund should remain intact and not be exercised. Clerk Yamamoto said it comes down to how much you want to tax property owners.

Commissioner Smith asked if there is any way to combine funds and build a County mental health facility using opioid dollars.

Mayor Chadwick said he used to work for a commercial estimator who used to build jails. Is there a way to squeeze the jail down and build it with future expansion plans or add-alternates to make it more feasible for people to see. We have a 500-bed facility now and we were asking for a 1,000-bed facility, but we're not using the 500 beds we currently have which makes it a hard sell. Chief Dashiell talked about the phasing and operation plan for the new jail. There was discussion regarding the housing of state inmates, which has been an issue for many counties in the state. Commissioner Smith said she attended a meeting where Governor Little said they are working on a plan to build a new state prison.

The Mayors group will be allowed to tour the jail in a couple of weeks. Joe Decker was asked to send the jail plans to the group.

Carol Mitchell asked if this is an additional fee or an increase on top of the fees the city is collecting for parks & recreation, police, fire and streets, or is it just on to the police side? Commissioner Smith said would be a new impact fee for the jail, we don't want double dipping. We would have to do MOU's with everybody and have all those things figured out collaboratively. Mayor Chadwick said it has to be used within 8 ½ years. Commissioner Smith said it's worth looking into to see if we build the space for that 8 years can it go back to pay down those years of expenses because we pre-built it. It's worth asking to adjust it with the legislature and utilize it for personnel on a separate aspect.

Commissioner Smith asked when impact fees are too much and Mayor Chadwick said that would be when home prices drop down to \$200,000. Right now, we need to help fund growth. Mayor Kling said it goes to regionalism and if one community gets too high and one is too low then you're going to drive growth that direction so it has to be a collective decision on what we are doing regarding growth.

There was discussion about how the HR managers at the cities and County need to talk with each other about law enforcement wages.

Mayor Chadwick asked if there is an updated projected cost for the facility? He estimates the costs will increase by 40% from the 2017 estimate. Commissioner Smith said Sheriff Donahue was going to contact DLR and ask for an updated cost, but if that hasn't been done the Board will reach out so we can have an updated idea. We also need to establish what the baseline is. Another question is whether the new temporary spaces could be included in the needs assessment? Mayor Chadwick asked if there have been enough bond failures to force the action of a judicial review? Commissioner Smith and Chief Dashiell spoke about how the judiciary has not wanted to do that. The goal is to get the jail issue re-started with a team.

Commissioner Smith would like to use part of the landfill enterprise funds to help pay for the jail, but we cannot use those funds without major legislative change. Mayor Kling asked if there could be a vote on reallocating a certain amount of dollars?

Mayor Holton said there is a quality of life issue and we don't know yet what this growth is doing to us other than one clear thing is the people who lived here five years ago can no longer choose to sell their house and buy a new house so what does that do culturally to us, other than completely change who we are, what our priorities are, and what our quality of life is and that creates a slippery slope if not thought through about not having mental holds and a place to interrupt that person who's in crisis. If all we have is small over-crowded jail they're just going to be educated on how to become a criminal. We have to get the message to the people that it's a building, a jail, but we have to sell the package as more holistic than just 1,100 beds. That mentality has to change. Carol Mitchell said it's a problem every county is facing and she asked about the possibility of lobbying the legislature to allocate some of the liquor apportionment for funding assistance. Mayor Kling said that's not a bad idea; however, it's challenges when the cities lose revenue streams, and last year they lost \$1 million due to HB389 revenue reductions and if we keep losing revenue and go into a major recession we'll have to lay off employees.

Commissioner Smith said she would like to see a vape tax.

The group will meet again on May 3, 2022 from 12:15 p.m. to 1:30 p.m., and personal invitations will be sent to make sure all Mayors attend the meeting. For the next meeting the group hopes to have an idea from DLR on what the cost will be to update the jail plan. Commissioner Smith said we need to find out where we're at and then we can start talking about a committee and make sure we get the right people on the initial committee. She wants to visit with Attorney General Lawrence Wasden about the potential of using the opioid settlement funds along with a

way to tie in a behavioral health component. Commissioner White will contact Attorney General Wasden. Another topic for the next meeting will be water issues, potential drought conditions. The meeting concluded at 3:21 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 8, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583515 to 583562 in the amount of \$165,576.83
- The Board has approved claims 583475 in the amount of \$7,683.27
- The Board has approved claims 583476 to 583514 in the amount of \$210,628.13

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Idaho Electric Signs in the amount of \$19,248.00 for Facilities Department
- Curtis Blue Line in the amount of \$2,154.20 for Canyon County Sheriff

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Scott Michael Hitt, P/T Deputy Sheriff-Courts & Transports; Dustan Gentry, Deputy Sheriff-Inmate Control; Scott Hillman, Building Inspector; Ryan Magee, Shop Tech; and Thomas McGarry, Computer Network Technician

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Shewil LLC dba Slicks Bar to be used 4/30/22

APPROVED DECEMBER 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of December 2021 were read and approved and found to be a proper record of the proceedings of the Board of 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.

GO ON THE RECORD AND CONTINUE PUBLIC HEARING – CANYON COUNTY'S REQUEST FOR ORDINANCE AMENDMENT – 2004 DATE OF ORIGINALITY ORDINANCE, CASE NO. OR2021-0029

The Board met today at 9:05 a.m. to go on the record to continue the public hearing that was scheduled for Case No. OR2021-0029: An Ordinance amending Chapter 7, Articles 2, 17, and 18, Zoning Regulations, of the Canyon County Code of Ordinances; and severability clauses; and effective dates to include provisions for the land division of parcels created prior to September 6, 2004 and other amendments regarding the division of property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing to May 3, 2022 at 10:00 a.m. The proceeding concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF MEETING TO DISCUSS CHIEF OPERATING OFFICER POSITION

The Board met today at 9:07 a.m. for a continuation of a meeting to discuss the Chief Operating Officer (COO) position. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, HR Lead Generalist Jennifer Allen, PIO Joe Decker, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. Today's meeting was continued from April 4, 2022 where the Board wanted further review of the job description as well as additional information from the Controller. There was discussion regarding funding for the COO position and the HR Director (HRD) position; staffing changes that have occurred in the HR Department as well as the need for an HRD; and personnel issues the Board is having in managing its employees and how a COO would help with that. Commissioner White is not supportive of the COO position. Commissioner Van Beek does not want to open the budget to fund the COO position. She supports the idea that it's a necessary and needed position but we also have a need to have an HRD that is respected will get the buy-in and interaction from all elected officials. Timing is critical and we need to have the HRD position staged in a way that we have training for staff and leadership in the department. We have the allocated funds for the HRD already in the HR budget, but that has been depleted somewhat due to a salary increase to one position and other movement within the department. Commissioner Smith said there have been issues with Board-management of employees and now we have a memo and a very clear path that we are not individually to give direction to department heads because it hinders work and they are not able to get the help and oversight that's needed. We are mid-year in a precarious position where are employees need help. Commissioner Van Beek said that's not a unique issue to this year; the directors have not

had performance evaluations for four years and the Board needs to come together and figure out how to manage them. She believes it's premature to post the HRD position at this time because the Board needs to work out some of the issues so the position can succeed. Commissioner White recognizes there are some issues to be worked out, but said we need an HRD in place. Commissioner Smith said there is not consensus to move forward with COO today. She is supportive of hiring an HRD; the position is funded and she wants to post the job. She asked for suggestions of who should serve on the review committee. Commissioner Van Beek said someone suggested to her that the HR Generalists and the Board should be the ones to participate on the committee. Commissioner Smith said the last committee included the Board, an HR Generalist, the Sheriff, the Clerk, and a Deputy PA during the review/interview process. If we are going to post the job we need to have it identified so we can post it for two weeks and then have the 6 committee members identified. Commissioner Van Beek said we have to work out some of the dynamics before the job is posted in fairness to the applicants. Commissioner White said there has to be representation from the largest elected offices since they have the majority of employees. She would also like the Treasurer or Coroner to participate on the committee. Commissioner Van Beek asked where the funding will come from for the unbudgeted position? Controller Wagoner said it would likely come from increased sales tax revenues, which are up 15%. Commissioner Smith said there is not a consensus to move forward with the COO position at this time. She asked Jennifer Allen to get the job description ready for the HRD and visit with some of the people suggested today by Commissioner White. Commissioner Smith does not want the committee to include more than six people, and said it should be clear that although the Board is asking for help in the process, it will be the Board's decision on hiring. The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR MARCH 2022

The Board met today at 10:01 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for March 2022. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Treasurer Tracie Lloyd, and Deputy Clerk Monica Reeves. Treasurer Lloyd reviewed the adjustments and noted the Assessor's Office discovered a duplicate homeowner exemption which will be put back on the tax roll in the amount of \$9,809.20. The other adjustments are self-explanatory as listed on the report. The total amount put back on the tax rolls is \$6,798.40. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for March 2022. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION TO CHANGE THE JOB DESCRIPTION OF ONE POSITION IN THE DEVELOPMENT SERVICES DEPARTMENT

The Board met today at 10:03 a.m. to consider signing a resolution to change the job description for the engineer position in the Development Services Department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, and Deputy Clerk Monica

Reeves. Director Fultz has worked with the Controller and HR on the change and he has had further discussions with the City of Caldwell through a mentoring opportunity with the Public Works Director and the City Engineer who have agreed to continue that mentoring process as the employee moves forward to get his license. Commissioner Van Beek said the allocated budget for engineering services for FY2022 was \$70,000 and the minimum starting wage for the engineer position is \$92,000 and \$22,000 will be covered by increased fees for services. Director Fultz said he has working on a resolution for fee increases. The position will eventually take the place of Keller & Associates engineering services, although there will be some times when DSD has to utilize their services because the person does not yet have his P.E. although he anticipates taking the test within the next two months with certification to follow. He hopes the person is able to start the first part of May. Commissioner Smith said this is an already-existing position with an already-approved job description and job range; the purpose of today's meeting is to change the job description which would allow the availability to test within six months and receive the certificate within one year. The beginning wage would be \$82,500 until he passes the test. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the change to the job description for the engineer position in the Development Services Department. (Resolution No. 22-045.) The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 11, 2022

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Silvia K Lane dba The Vault 21 Club; Asia Market Inc dba Asian Grocery; Pantera Market LLC dba Pantera Market; and Little Saigon Vietnamese Restaurant LLC dba Little Saigon Vietnamese Restaurant (Resolution no. 22-046)

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

The Board met today at 9:16 a.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Code Enforcement Officer Eric Arthur and Sr. Administrative Specialist Terri Salisbury. The following topics were discussed:

- Mr. Arthur reviewed the current case load with year-to-date numbers and comparisons to last year's numbers.
- There are currently 3 code enforcement officers; they have split the County into 3 areas and given each officer an area to cover.
- There was a review of specific code enforcement cases. A request was made to go into Executive Session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:25 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records that are exempt from public disclosure and to communicate regarding pending/imminently likely claims. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Sr. Admin Specialist Terri Salisbury with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek, and Code Enforcement Officer Eric Arthur. The Executive Session concluded at 9:49 a.m. with no decision being called for in open session.

Commissioner Smith said the Board received updates on various cases and if additional action is necessary the Board is supportive of assisting staff through the staff. Officer Arthur said they sent out letters on 86 cases. The Board is hoping there will be success at the free day at the landfill.

The meeting concluded at 9:51 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 9:52 a.m. for a monthly weed & gopher meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Weed & Gopher AJ Mondor, Lead Weed Applicator Cory Flatt and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- There was a review of the current caseload totals and projects for March 2022.
- Director Mondor attended the Idaho Association of Weed Control Superintendents meeting in Salmon, Idaho and provided an update of the meeting.
- Request to put Cory Flatt through the Leadership Agricultural Program. (Request granted)
- 2 employees are currently at UTV training provided by Idaho Parks and Rec.

- The department currently has 90 work orders.
- Director Mondor answered questions about gopher trapping program.

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

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

The Board met today at 10:03 a.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend, Visitor Services Specialist Dylan Starry and Deputy Clerk Jenen Ross. The following were discussed with the Board:

- Update on staffing.
- Discussion regarding revising the Interpretive Specialist job description.
- There is a septic issue at Lake Lowell but they are having a hard time getting a septic company out there. Director Schwend is working with SWDH and is concerned they may require a new drain field which was not budgeted for. In the meantime, porta-potties may need to be used.
- There really hasn't been any interest from contractors regarding the mezzanine at Celebration Park museum due to small size of the project and distance to the park. If this project doesn't move forward the budgeted funds may need to be used towards the drain field at Lake Lowell which Commissioner Van Beek expressed her support of. This is not a project the Facilities department can do.
- A meeting will be held in May to discuss the Parks Master Plan.
- Martin Landing is now open with a camp host on site.
- Director Schwend will be scheduling a meeting with the Board to discuss the gun range and what to do with the advisory board.
- A review was done of Director Schwend's April update which included the following: drone footage of Celebration Park indicating use on a Saturday in February. At the suggestion of Commissioner Smith, Director Schwend will look into ped counters; review of upcoming Historic Preservation Commission dates; updating field trip workbooks and graphics; Archaeology month events are happening May 7th, 8th and 21st; Desert Studies Institute will happen in June; ADA RV site renovations are complete at Celebration Park East End camping area; first aid/CPR training was provided to Celebration Park staff; updated signage was done at Lake Lowell; docks at Lake Lowell have been put in and the lake will open on April 15th; there has been increased vandalism at Lake Lowell and Celebration

Park; an article was done by PLOS One regarding aging of the petroglyphs featured at Celebration Park.

The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:34 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of IT Greg Rast, Assistant Director of IT Eric Jensen, Business Manager Caiti Pendell, Project Manager Shawn Adamson and Deputy Clerk Jenen Ross.

Director Rast explained that a custom application is being written to provide a portal for public meeting spaces to be reserved. The first spaces to be available will be the admin building public meeting room and the HR and IT training rooms.

A review was done of project closures which included the following:

- Coroner Case Management System
- Homeowners Exemption
- Asset Management
- Internet of Things (IoT) and Switch Refresh
- Fair Website 2021 Refresh
- Jury Wheel 2021
- Third District Court Website
- OnBase Foundation Upgrade
- BPMS Conversion
- Voter Look-up Rewrite
- Online Training Website for the Sheriff's Office

Director Rast updated the Board that in regard to staffing he only has one vacancy. In regard to the IT needs at the previous Rite Aid building, Director Rast said there is no way to get elections moved into that building by May and have them up and running. His department would need to allocate time and resources into their schedule to get it done and estimate it would take approximately 4 months. He thought that perhaps the location could still be used as a polling location.

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

CONSIDER SIGNING DETENTION CENTER POD 5 ROOF REPLACEMENT AGREEMENT

The Board met today at 11:03 a.m. to consider signing the detention center pod 5 roof replacement agreement. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy P.A. Doug Robertson, Facilities Director Rick Britton and Deputy Clerk Jenen Ross.

Mr. Robertson explained Hedrick Construction will be the general contractor for this project and Signature Structures will be the subcontractor under Hedrick. Signature Structures is the only company that can replace the roof without having to displace inmates, however, they do not have a public works license in the state of Idaho. There has been one change in that the timeframe to start the project has changed from 90 days to 180 days. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the detention center pod 5 roof replacement agreement (see agreement 22-023).

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

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

The Board met today at 11:33 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following topics were discussed:

- Review of project management timesheet.
- Mr. Decker will reach out to Director Sinner about updating the Fair event calendar on the website.
- Mr. Decker has heard there is going to be a fair amount of interest in the public 'logic and accuracy test' during the evening of April 25th so he will plan to stay that evening.
- An updated video press release has been received from CGI which could be posted on the website noting that more videos will be coming soon.
- There are some graphs hung in the Admin building which Mr. Decker will confirm are on the website.
- At the request of the Board, Mr. Decker will follow-up with Clerk and Ms. Hicks in Elections regarding terms of elected officials being posted on the website. The Board is good with just the Canyon County elected official terms being posted but in a previous meeting the other elected officials wanted the term of every elected official in Canyon County posted. Commissioner Van Beek thought perhaps it could be done in a staged approach as it is a large undertaking.

The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner Van Beek made a motion to go into Executive Session at 1:37 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, Economic Development Specialist Tammie Halcomb, Planner Kate Dahl, Assessor Brian Stender, Steve Jenkins with the City of Caldwell, Chief Deputy Assessor Joe Cox and Representatives from Project Imagine. The Executive Session concluded at 2:37 p.m. with no decision being called for in open session.

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

The Board met today at 2:39 p.m. with the director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The following topics were discussed:

- The person taking the engineering position will start on April 28th and a scope of work is being created.
- An offer has been made for an Assistant Plans Examiner who will start next Monday.
- Juli McCoy will start Monday as a Planner.
- Jenn Almeida will be moving to the Office Manager position and they will start advertising for the open Planner III position.
- Currently they are running 2 P&Z hearings each month as well as the hearing examiner; currently the hearing examiner hears cases on Thursday but due to his caseload they are proposing to move those to Wednesday so they don't overlap with P&Z. 8-12 cases are being heard each month between P&Z and the hearing examiner. They are still backlogged but working to keep people informed as much as possible.
- A draft copy of the comprehensive plan outreach report will be provided by Elizabeth Allen.
- There is a URA meeting tonight that Director Fultz will attend.
- A new inspector will start on Monday.
- There have been some issues brought to Director Fultz's attention regarding customer service so they may be putting together a customer service training.
- The BOCC has not yet provided comments on the comprehensive plan and Commissioner Smith would like to delay the workshop a couple of weeks.

- At the direction of Commissioner Smith, Director Fultz will look into membership at SRBC and noted the BVEP will now always reside in the DSD budget. Additionally, Director Fultz has attended several of the recent WAED meetings. Discussion ensued regarding assisting the smaller communities with economic development.

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

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 12, 2022

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

APPROVED CLAIMS

- The Board has approved claim 583685 in the amount of \$100.00
- The Board has approved claims 583686 to 583689 in the amount of \$983.00

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Devin Krasowski, Associate Engineer; Debbie Cabodi, Assistant Plans Examiner; Trent Cluck, Systems Administrator I; Robert Fuller, Computer Network Technician; Linda Vanacore, Fair Events Coordinator; and Marcus Gomez, Imaging Specialist

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Director of Juvenile Probation Elda Catalano (left at 9:06 a.m.), Facilities Director Rick Britton (left at 9:06 a.m.), IT Director Greg Rast (left at 9:06 a.m.), Elections Supervisor Haley Hicks (left at 9:15 a.m.), Elections Specialist Brandi Long (left at 9:15 a.m.), Elections Specialist Aidan Lorenz (left at 9:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Open bids for Canyon County Fair Expo Building audio/visual equipment and installation IFB: Only one bid was received for this project. A bid from Neurilink was received April 12, 2022 at 8:00 a.m. The bid will be reviewed and a recommendation will be made to the Board on April 21, 2022. A copy of the bid is on file with this day's minutes.

Consider signing Canyon County agreement with DocuSign for Juvenile Probation: This is an agreement that started last year and it is working out well. This year's contract will be about \$2500 less than last year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County agreement with DocuSign for Juvenile Probation (see agreement no. 22-024).

Consider signing resolution designating polling locations for May 17, 2022 Election: Ms. Hicks explained that some locations are still listed as 'TBD' but if there is no answer today they will have to move forward without those locations. Discussion ensued regarding early voting and potential locations. Ms. Hicks will look into the possibility of using the Nampa and Caldwell senior centers and spoke about the struggle in meeting ADA requirements in some locations. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating polling locations for the May 17, 2022 election (see resolution no. 22-047).

Consider adopting the City of Star Area of City Impact Ordinance Summary: Commissioner Smith explained this application has been approved but this is the last piece that authorizes action by the Board to put notice in the newspaper and provides for the effective date of the ordinance. Ms. Klempel said that it is her understanding that upon approval by the Board today the publishing date will be delayed one week in order to ensure that the City of Star passes their ordinance at their April 19th meeting. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously adopt the City of Star Area of City Impact Ordinance summary. A copy of the summary is on file with this day's minutes.

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

PUBLIC HEARING – REQUEST BY MICHAEL LIST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE FROM A “C-2” (SERVICE COMMERCIAL ZONE) TO AN “R-R” (RURAL RESIDENTIAL) ZONE, CASE NOS. OR2021-0025 AND RZ2021-0050

The Board met today at 10:02 a.m. to conduct a public hearing to consider the request by Michael List for a comprehensive plan map amendment and rezone from a “C-2” (Service Commercial) Zone to an “R-R” (Rural Residential) Zone, Case Nos. OR2021-0025 and RZ2021-0050. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Michael List, Stephen List, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcel is 5.2 acres and is adjacent to 17317 Batt Corner Road and the request is for one house to be placed on the property. It's an original parcel that was owned by the Idaho Department of

Fish and Game in the 1970's and was purchased by a different owner. To the north is a platted subdivision and one of the owners in that subdivision used it as their backyard. There are a number of platted subdivisions around this area and there are some commercial uses toward Highway 95. There are some agricultural uses and older homes in the areas as well. The zoning is predominately agricultural, but along Highway 95 as it goes toward Homedale there is a designation for commercial and industrial uses. The parcel is located outside of a nitrate priority area and it's 1200 feet northeast from Homedale's Municipal Airport and should meet the land compatibility requirements. The use is low density and plans show the proposed dwelling is over 1500 feet from the roadway and in line with other residential uses along the river. The property is within a floodplain, there is an "A" zone along the river and a floodplain development permit and standards must be met if the building is going to be within that location. According to the applicant's construction plans it looks like the house will be outside of the "A" zone. Staff does not find the request will impact the commercial uses in the area, and finds it's in general consistency with the comprehensive plan. Mr. Lister reviewed agency comments. At the P&Z hearing the applicant provided a brochure of the request depicting what it would like. On March 3, 2022 the P&Z Commission recommended approval of both requests, and staff recommends approval as well. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith does not agree with the state flood plain coordinator's analysis; this exceeds what the minimum standards are for a single-lot development outside of the floodplain.

The following people testified in support of the request:

Michael List testified he purchased the site for his retirement property. It's a unique parcel with a lot of potential and he plans to build a house outside the highwater mark and floodplain. The area is not developed for a dock or beach area although the neighbor to the north does have a dock. The waterway that comes around was developed by Fish and Game and the water district so they could put fish into the river.

Stephen List testified that because of the flume and easements across the land, there isn't much that can be done with one-third of the property so it doesn't make a lot of sense for it to be a commercial property.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said the requested rezone is more appropriate than the commercial zoning and she is supportive of it. Commissioners White and Van Beek support the request as well. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the comprehensive plan map amendment and rezone as presented for Case Nos. OR2021-0025 and RZ2021-0050. (Resolution No. 22-048 and Ordinance No. 22-007.) The hearing concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$15,873.40 for Canyon County Sheriff
- Scott Hedrick Construction, Inc in the amount of \$78,404.92 for Facilities Department

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 5/1/22; 5/7/22; 5/14/22; 5/15/22; 5/16/22; 5/21/22; 5/27/22; and 5/29/22

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Idaho Bowling Corporation Inc dba Nampa Bowl; Craft Lounge LLC dba Craft Lounge; and Grey Stone Corp dba V-Cut Lounge (Resolution no. 22-051)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Linda S Barr dba Pete's Tavern; George Fletcher Inc dba Melba Valley Market; Montucky Brewing LLC dba White Dog Brewing Co.; Golden Palace Inc dba Golden Palace; Raising Our Bar LLC dba Raising Our Bar; JCTSAI LLC dba Tsai's Kitchen; Pilot Travel Centers LLC dba Pilot Travel Center #638; THD LLC dba Mongolian Fire Grill; Inter Mountain Management LLC dba Fairfield Inn & Suites (Resolution no. 22-052)

MEDICAL INDIGENCY DECISIONS

The Board met today at 9:03 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury. The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by

Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-406; 2022-408; 2022-493; 2022-414; 2022-393; 2022-482; 2022-468; 2022-381; and 2022-484. Director Baker reviewed two assignments from the catastrophic fund. With the indigent program ending the only two things remaining are indigent burials because they fall under Chapter 34; it was Chapter 35 that was repealed except for the reimbursements so they will continue to accept and collect the payments and then the proportionate share that goes to the catastrophic fund will eventually be sent to the State of Idaho general fund. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING – PRELIMINARY PLAT FOR LANSING LAND SUBDIVISION: CASE NO. SD2021-0046

The Board met today at 9:07 a.m. to go on the record to reschedule the public hearing in the matter of a request by April Bibbins for approval of a preliminary plat for Lansing Lane Subdivision, Case No. SD2021-0046. Present were: Commissioners Keri Smith, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury. There was a request to table the case to May 19, 2022. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to May 19, 2022 at 1:30 p.m. The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION GRANTING REFUND TO BLACKSTONE HOMES FOR IMPROPERLY COLLECTED IMPACT FEE

The Board met today at 10:19 a.m. to consider signing a resolution granting a refund to Blackstone Homes for an improperly collected impact fee. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Steve Fultz and Deputy Clerk Jenen Ross. Director Fultz explained that a residential building permit was applied for but the commercial rate for impact fees was inadvertently charged. Staff is recommending a refund of \$1186.00. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Blackstone Homes for an improperly collected impact fee (see resolution no. 22-049).

Discussion ensued regarding the administration of impact fees for Canyon Highway District. Commissioner Smith asked Director Fultz to find out if the highway district has an open meeting planned to discuss this and suggested that they could attend.

The meeting concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING TO CONSIDER A REQUEST BY IDAHO DEVELOPMENT, LLC, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE WITH

DEVELOPMENT AGREEMENT, AS WELL AS A PRELIMINARY PLAT FOR BURRIS RANCH ESTATES SUBDIVISION, CASE NOS. OR2021-0014, RZ2021-0029 & SD2021-0017

The Board met today at 10:32 a.m. to conduct a public hearing in the matter of a request by T-O Engineers representing Idaho Development, LLC, who is requesting a comprehensive plan map amendment (OR2021-0014) to change the designation of parcel no. R38127 from Residential and Commercial to Residential. Also requested is a conditional rezone with a development agreement (RZ2021-0029) of approximately 31.11 acres from "R-R" (Rural-Residential) and "C-1" (Neighborhood Commercial) to "R-1" (Residential). Also requested is approval of a preliminary plat (SD2021-0017) for Burris Ranch Estates Subdivision which proposes 30 lots consisting of 27 buildable lots and 3 common lots with an average parcel size of 0.96 acres to be served by individual well and septic. The property is located on the southeast corner of Old Highway 30 and Purple Sage Road. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, John Carpenter, Alec Eggurolo, Robert Hunt, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from March 31, 2022 where there was discussion about having a connection, pathway, or crosswalk from Purple Sage to the golf course. Commissioner Van Beek was not here for the previous hearing, but she has an interest in the conditions for the preliminary plat. She has taken into consideration Robert Hunt's testimony concerning transportation and his desire to see the Board implement something to mitigate for the traffic concerns. She disclosed a conversation she had with Canyon Highway District regarding impact fees.

Elizabeth Allen gave the oral staff report. Based on the discussion at the previous hearing, staff has provided revised conditional rezone FCO's along with a development agreement. She reviewed the conditions that were added: all pathways located within the site shall be maintained by the HOA; the right to farm shall be disclosed to all future parcel owners; landscaping will be provided per the landscape plan (exhibit E); a pathway or walkway will be provided as shown in the landscape plan; pathways in the highway district's rights-of-way are subject to approval of Canyon Highway District and the developer shall not be held to the condition in the event the highway district does not allow it. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in favor of the request:

John Carpenter, the project engineer, testified that in most country subdivisions with one-acre lots there are no pathways and the projects to the east and south do not have them. If the Board wants a pathway and the highway district says it cannot be in their right-of-way they will have to have a detached pathway to be maintained by the HOA. It's not normal and there is a cost and if it gets pushed out of the right-of-way it will be a burden to the future homeowners, but the developer is willing to do it if the Board deems it necessary. He spoke to Canyon Highway District about getting across Purple Sage Road, there's not a natural crossing location, that's something the district will take up. The developer will pay for the cost to stripe the crosswalk. Mr. Carpenter believes the location for a future crosswalk is in the adjacent subdivision because that intersection lines up with the golf course entry. The highway district does not want pathways in the right-of-

way, it needs to be on private property and that means two property owners to the east would have to agree to that. As far as the drain fields and wells, everything west of the pipeline is yards with no utility so in the event the highway district needs more right-of-way in the future there won't be any drain fields or wells there. The developers understand impact fees from the highway district are coming and they are anticipating those fees and if they get approval they will do design for construction drawings and by the time they break ground they will be beyond six months. Commissioner Smith said the County pushed it back to the highway districts to collect their own fees and is waiting for a response from them. Commissioner Van Beek had questions regarding the process for easements and rights-of-ways. Commissioner Smith had follow-up questions regarding the one-acre lot size, pathways, and safe roadways.

The following people testified in opposition to the request:

Robert Hunt testified in opposition citing concerns regarding the need for impact fees, traffic safety, road improvements, and subdivision improvements such as walkways, curbs and gutters. The taxpayers should not have to pay for improvements or impacts associated with this development. Commissioner Smith said impact fees have not yet been approved but they are ready to be adopted sooner rather than later. The highway district went through a process and then it came to the Board for approval and we are in negotiations for the highway district to collect their own fees; it is not in the County's benefit to collect someone else's impact fees. That is the last piece of negotiation and then we will enter an agreement with the HD. Mr. Hunt said there should be an oversight committee so that developers have clear concise engineering that they have to abide by and the community around it can grow with it. Commissioner Smith encouraged Mr. Hunt to push the highway district to do that because it's their statutory responsibility to do that.

John Carpenter offered rebuttal testimony and said the emergency access will be a gravel roadway per the fire district requirements. He reviewed the plans for the landscaped areas and said the pathway will be paved. The developer is not opposed to putting in a crosswalk. Commissioner Smith said impact fees cannot fix what's already broken, we can only look forward from today and what is the need for future growth and it makes improvements from. She suggested Mr. Carpenter should put pressure on the highway district about it not being a safe intersection and they are responsible to make improvements to it.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. The Board's deliberation was as follows: Commissioner Smith wants to talk about the pathway along the public streets on the interior of the subdivision and how she doesn't think it's necessary. Commissioner Van Beek agreed and said she does not see it as a necessary component, but she wants to pick up Mr. Hunt's suggestion that there should be a paved access for EMS vehicles. Could there be a stipulation that money be set aside to help with the cost share on the improvements to the roadway given traffic conditions along Purple Sage Road? Commissioner Van Beek made a motion to reopen testimony to ask John Carpenter regarding impact fees. Commissioners White and Smith did not object to the motion. Commissioner Smith said the discussion should be about helping with the proportional share of

the improvements to Purple Sage Road that Canyon Highway District identified and whether the developer is willing to support that. Mr. Carpenter said asphalt that's not driven on does not do well over time. The fire department is capable of driving over a gravel surface. It's not a problem if the developer has to pave it, but he sees no benefit in doing so. The gravel section is designed to be elevated so there aren't drainage issues. He said impact fee need to be fair; it is unfair if one developer has to pay \$55,050 in fees if another developer of an adjacent subdivision doesn't have to pay at all. He also said there's no reason why impact fees can't be in place a year from now, but that's how long it will take for this development to have building permits. Moving impact fees forward should be a priority. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony again. Commissioner White said would like the project to include a pathway with the developer determining what type of material will be used. Commissioner Van Beek said if they have an asphalt pathway it would be more desirable although she's not set on it because there are places around there where people can walk such as the high school track. She's good with not having an interior path, but keeping the path along the eastern boundary as originally proposed. Commissioner Smith said they can use the road as originally intended, it's a dead-end street and there will be limited traffic and a pathway along the eastern boundary for the loop. The compromise is a partial path and a road. She said the condition of approval for #4 is still fine because if there is a way to do the path in the right-of-way and stripe it the developer can do that and if the highway district won't allow it then the developer can do the path on the eastern portion. Mr. Carpenter said the condition should be removed if you're going to get rid of the pathway on the road. Discussion ensued regarding the possible rewording of conditions. It was decided that Mr. Carpenter will work with staff on revised language for an appropriate condition that meets the intent of the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the comprehensive plan map amendment from a commercial designation to a residential designation, Case OR2021-0014. (Resolution No. 22-050.) Commissioner Van Beek made a motion to approve the conditional rezone for Case No. RZ2021-0029 which included the conditions of approval in the development agreement, and to direct staff to make those changes for the Board's signature at a later date. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to approve the FCO's for the subdivision for Case No. SD2021-0017 as presented. The motion was seconded by Commissioner White and carried unanimously. The Board will sign the approval documents for the conditional rezone and the subdivision at a later date once the ordinance is ready. The hearing concluded at 11:40 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM
CALDWELL, IDAHO APRIL 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- New Pig in the amount of \$4,344.00 for the Solid Waste Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Kellie L Artie, Customer Service Specialist; and Alyssa N. Doyle, Customer Service Specialist-Temporary

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for George & Kayla White dba Keystone Pizza (Resolution no. 22-053)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Chop Shop LLC dba Chop Shop; Dos Caminos Mexican Restaurant LLC dba Dos Caminos Mexican Restaurant; MRG Inc dba Buck's Saloon & Steakhouse; City of Nampa dba Ridgecrest Golf Club; Fiesta of Nampa Inc dba Fiesta Guadalajara; Fiesta's Arts Inc dba Fiesta Guadalajara; Garden City Bar LLC dba 1918 Lounge; and Cloudcroft Inc dba River Bend Golf Course (Resolution no. 22-054)

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

The Board met today at 1:39 p.m. to conduct a hearing in the matter of a request by Ryan and Tanya Robinson for a conditional rezone from an "A" (Agricultural) Zone to a "CR-M-1" (Conditional Rezone – Light Industrial) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Sage Huggins, DSD Planner Madelyn Vander Veen, other interested citizens, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing. Commissioner Smith said this will be the final continuation of the hearing unless there are unknown circumstances that arise. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted

unanimously to continue Case No. RZ2021-0042 for Ryan and Tanya Robinson to April 20, 2022 at 9:30 a.m. The hearing concluded at 1:41 p.m.

MEETING TO CONSIDER APPROVING FINAL PLAT FOR PURPLE SAGE ESTATES NO. 5, CASE NO. SD2021-0066

The Board met today at 3:04 p.m. to consider approving the final plat for Purple Sage Estates No. 5, Case no. SD2021-0066. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Planner Jennifer Almeida, Assistant Plans Examiner Stephanie Hailey, Representatives for Purple Sage Estates and Deputy Clerk Jenen Ross. Jennifer Almeida provided the staff report stating that the site is zoned R-1, single family residential and phase 5 contains 25 residential lots. Internal public roads are provided within the subdivision, individual wells and septic systems will be utilized, and pressurized irrigation will be supplied. All seven conditions of approval have been met. All signatures are on the plat mylar and staff is recommending that the Board approve the final plat for Purple Sage no. 5. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the final plat for Purple Sage Estate no. 5, case no. SD2021-0066. The meeting concluded at 3:06 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE IDAHO DEPARTMENT OF WATER RESOURCES TO REVIEW EMERGENCY DROUGHT DECLARATION PROCESS

The Board met today at 4:03 p.m. with the Idaho Department of Water Resources to review the emergency drought declaration process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek (Commissioner Van Beek left at 4:32 p.m.), EOM Christine Wendelsdorf, Gary Spackman with IDWR and Deputy Clerk Jenen Ross.

Commissioner Smith said she has been approached by a few farmers who are very concerned about the drought and the affect it could have on their business.

Mr. Spackman spoke about benefits of the declaration stating that IDWR has the authority to approve temporary transfers of water rights if there is a drought declaration signed by the Director of the Department of Water Resources and approved by the Governor at the state level. It essentially allows them to transfer water rights in an abbreviated process as opposed to the normal process which can take several months.

In response to a question from Commissioner White, Mr. Spackman spoke about how transfer of water rights work. Water has to be hydraulically connected. He spoke about how there are some federal programs that incentivize fallow ground during times of drought and how the Governor's office has requested they sponsor drought summits. At this time there are summits tentatively planned for eastern Idaho and Twin Falls. Commissioner Smith said she would like to have a summit in the west.

Discussion ensued on the topic of prioritizing water in a drought, such as ensuring there is irrigation water for farmers and ranchers over watering golf courses or running car washes. Mr. Spackman indicated that IDWR doesn't have any authority over those sorts of decisions.

A resolution and request from the Board would be needed for the declaration. Ms. Wendelsdorf expressed her concern for getting information out to the community explaining the purpose of the declaration and Commissioner Smith suggested that the resolution be geared more toward the farming community. Mr. Spackman will email the Board examples of requests received from other agencies.

Discussion ensued regarding communication to the community so they are informed of what the declaration means and what it doesn't.

The meeting concluded at 5:04 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 15, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cole Architects in the amount of \$5,110.00 for Facilities Department
- Bridge Brothers, Inc in the amount of \$70,576.00 for Facilities Department
- ACCO in the amount of \$4,859.00 for Facilities Department

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Bob's Trolley House II to be used 6/11/22; The Getaway Bar & Grill to be used 5/4/22

BOARD OF COUNTY COMMISSIONERS DEPARTMENT ORGANIZATION AND NEEDS (CHIEF OPERATING OFFICER POSITION)

The Board met today at 10:03 a.m. discuss BOCC department organization and needs. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Fair Director Diana Sinner, DSD Director Steve Fultz, Facilities Director Rick Britton, Parks Director Nicki Schwend, IT Director Greg Rast, Chief Juvenile Probation Officer Elda Catalano, Fleet Director Mark Tolman, Lead Generalist Jennifer Allen, Director of Misdemeanor Probation Jeff Breach, and Deputy Clerk Monica Reeves. The Board previously met regarding the Chief Operating Officer (COO) position and decided it would not move forward with that position, although it did decide to move forward with the HR Director position. Commissioner Van Beek sent a follow-up email asking to have discussion regarding the proposal that the Board retain authority over the HR Department and balance it with a COO and an HR Manager, instead of an HR Director, and hire a compensation specialist. Commissioner White does not support the position because she does not want to turn over BOCC duties to a COO. Commissioner Smith said it is illegal for Commissioners to give away their duties and none of the Commissioners want to do that. The Board wanted to hear from its department administrators (DA's) on the COO position, and their comments were as follows:

How will the COO position affect the other elected officials? It's envisioned that the position would function like Ada County's COO who reports directly to the BOCC and is able to keep projects moving and meet with DA's. The person would not make decisions, but DAs could work with them "on the fly." Ada County does a daily or weekly debrief with the BOCC and their COO is able to bring information back from the DA's in an administrative meeting that is not recorded. It's an opportunity to manage. The COO acts as a middleman between the BOCC and DA's but does not oversee anything related to the other elected officials; however, he has built a relationship with them over time.

Would the role of the DA's change with the hiring of a COO? No, DA titles and roles will not change. The purpose of the position is purely for increasing efficiency, it is not a reflection of the work the DA's are doing. The BOCC has a very packed schedule, and it has taken on some big projects and things like DA evaluations were put on the backburner and this position could help keep the process moving along and create a process for evaluations and make sure their job descriptions are still correct and identify areas where they may need help or training, and then come back to the BOCC for a discussion about it.

Would the COO take the place of the HR Director? No. It is important to have both positions, but because we are mid-budget we could hold on the HR Director position until the new budget cycle and fund both positions at the beginning of the next budget cycle and not have a big impact to this year's budget and prioritize which one is most important. The thought is it would augment the ability for the BOCC to perform its duties and get things done. A COO doesn't necessarily negate any direct contact the BOCC would have with DA's. It would allow for the ability to meet without being on the open record so that some of the issues can be flushed out and then the COO would come back and interface with the BOCC.

Will the COO perform DA evaluations? No, they will do initial research and work with DA's and bring a recommendation and help the BOCC be prepared for that evaluation.

Would it help for DA's to communicate on a quarterly basis with their accomplishments, challenges, or needs they have? Yes, the meetings with the BOCC should always be geared toward those things.

There is a lot of potential to the position, but we need to find someone who understands the personalities and politics involved and they must be interested in being here for the long-term. If the position becomes a hindrance there will not be support for it.

One DA is concerned because their department updates have been changed to a quarterly basis and they are worried they will become a low priority and may not get the support needed.

If the right person for the job is found it could be successful, but if we don't have the right person in the position, it will be difficult for the DA's.

Who will serve on the hiring committee? Commission Smith would like buy-in and perhaps the DA's could help pare it down.

Will it be an appointed position that serves at the pleasure of the BOCC and could it be a situation where the person would have to move on when new Commissioners take office? The County cannot have appointed positions so it would be a normal, exempt position hired by the BOCC and would follow the normal at-will status.

Clerk Yamamoto said 15 years ago he looked in to going to a 5-person BOCC with a manager, which is different than a COO, but there aren't many counties that do that. The success of the position depends on who the person is and whether there is trust.

The DA's agreed with the proposal to hire a compensation analyst versus contracting with an outside company to perform those services.

The meeting concluded at 10:47 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 18, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pacific Steel & Recycling in the amount of \$8,381.75 for Solid Waste Department
- Oracle America, Inc. in the amount of \$4,000.00 for Information Technology Department
- Jatheon in the amount of \$7,649.00 for Information Technology Department

CONSIDER SIGNING APRIL 18, 2022 ACTION ITEMS

The Board met today at 8:46 a.m. to consider signing the April 18, 2022 action items. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Office Manager Kathy Frost, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing resolutions granting refund to Oakmont Homes for an improperly collected fee:

When the permit fee was taken staff inadvertently calculated a commercial fee of \$1,304.92, however, it is for a residential project which has a fee of \$809.00. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the refund in the amount of \$495.92 to Oakmont Homes. (Resolution No. 22-055.)

Consider signing FCO's and Development agreement for Burris Ranch Estates, Case Nos. RZ2021-0029, OR2021-0014, and SD2021-0017: The request was for a C-1 zone change to an R-1 zone which was approved by the Board on April 13, 2022. Staff was asked to modify the documents to include language regarding the pathway. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the FCO's and the development agreement for Burris Ranch Estates, Case No. RZ2021-0029, OR2021-0014 and SD2021-0017. (Agreement No. 22-026 and Ordinance No. 22-009.)

Consider signing FCO's and Development agreement for Wayne Lippert, represented by Windermere Real Estate, Case No. RZ2021-0049: The Board approved the case with modifications to the FCO's and development agreement on April 5, 2022. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's and development agreement for Case No. RZ2021-0049. (Agreement No. 22-025.)

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY RUSS & VICKI ELSBERRY FOR A SHORT PLAT FOR BERRY ACRES SUBDIVISION, CASE NO. SD2020-0041

The Board met today at 9:03 a.m. to consider a request by Russ and Vicki Elsberry for a short plat for Berry Acres Subdivision, Case No. SD2020-0041. Present were: Commissioners Keri Smith and Pam White, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The project consists of three residential lots. On March 28, 2022 the Board approved a comprehensive plan map amendment and conditional rezone for the subject property

and at that hearing the Board could not make a decision on the short plat since signatures were not included on the plat mylar, and the hearing was rescheduled and re-noticed in accordance with the Canyon County Code. The subject property has been conditionally rezoned to rural residential and the proposed lots meet the minimum lot size. For access, Lots 1 and 2 will utilize the frontage on Stage Coach Road and approach locations will be determined by the Nampa Highway District at the time of building permit, and Lot 3 will utilize a 30-foot ingress easement to Track Road. An easement reduction request has been approved. The project will utilize individual wells and septic systems, and irrigation will be provided via a private ditch pursuant to a recorded water users agreement. Ms. Allen reviewed the agency comments. Keller & Associates have reviewed the preliminary and final plats and found they are in conformance with the county code and have recommended approval. On September 2, 2021, the P&Z Commission recommended approval of the preliminary plat. Staff finds the preliminary and final plats meet both county and state codes, and based on the Board's approval of the comprehensive plan map amendment and conditional rezone, staff has provided amended FCO's. Commissioner Smith said the FCO's need to be updated with the correct zoning designations and hearing dates as well as the inclusion of a conclusion of law that states the request complies with the ordinance. The Board took a break at 9:11 a.m. so staff could update the FCO's, and went back on the record at 10:09 a.m. to review the updated FCO's. Following the review Commissioner White made a motion to approve the FCO's as presented and to sign the final plat for Case No. SD2020-0041. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:32 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek

PIO Joe Decker, Lead HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Sgt. Jason Roberts has reached out about National Safe Boating week happening in May. The organization Sgt. Roberts has been working with would like Canyon County to do a PSA. The Board is supportive of doing this; Mr. Decker will get it organized.
- Mr. Decker has been contacted regarding the National Day of Prayer on May 5th. In the past they've used Justice Park and the portable podium. Mr. Decker said he will work with Director Britton in getting that arranged.
- A press release from CGI has been received and Mr. Decker will work with Nick Toves in IT to get it posted on the website.
- Commissioner Smith spoke about how she would like to receive citizen input on the budget prior to the final budget hearing. She would like Mr. Decker to get notice out to the community inviting them to the budget meetings with the intention that an input meeting

will be scheduled to receive comments. Mr. Decker also suggested the meetings could be livestreamed and/or posted to be viewed online at a later time.

- The Board asked Mr. Decker to put a notice out to all county employees that Denim Day is April 27th for Sexual Assault Awareness Month encouraging everyone to participate.

The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:39 a.m. for a meeting with HR Staff to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross.

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

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 10:40 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Interim Lead HR Generalist Jennifer Allen. The Executive Session concluded at 11:18 a.m. with no decision being called for in open session. Once the Board went back on the record Commissioner Van Beek made an amended motion to include section (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the amended motion with the Board voting unanimously in favor of the amendment.

The Board has requested that Ms. Allen compile information comparing a Compensation Analyst position to a Compensation Manager position.

Commissioner Smith spoke about an email she sent to the other Board members and Ms. Allen outlining seven items in regard to the process of hiring a Human Resources Director. The Board is supportive of Ms. Allen moving forward with the process as outlined.

Ms. Allen will work on the personnel issue as discussed in the executive session.

The meeting concluded at 11:20 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

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

APPROVED CLAIMS

- The Board has approved claims 583798 to 583834 in the amount of \$44,887.02
- The Board has approved claims 583767 to 583784 in the amount of \$14,996.50
- The Board has approved claim 583766 in the amount of \$78,404.92
- The Board has approved claims 583709 to 583739 in the amount of \$33,781.35
- The Board has approved claims 583690 to 583708 in the amount of \$13,194.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Caxton Printers in the amount of \$1,025.50 for the Trial Court Administrator's Office
- D&B Supply in the amount of \$10,575.00 for the Solid Waste Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Tony Cassinelli, Maintenance Technician; Tracy Sevy, Part-Time Housekeeper; Cody Bailey, Deputy Sheriff-Inmate Control 51003; Curtis Graves, Deputy Judicial Marshal; Kevin Alvarez, Eviction Mediation Services Coordinator-Part-Time; Alyssa Gray, Sr. Administrative Specialist; and Kendra Elgin, HR Generalist

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Bubbly Bar to be used 4/24/22

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Sportsman's Hideout LLC dba Sportsman's Hideout; Firehouse Sports Pub & Pizza LLC dba Firehouse Sports Pub; Macabi Inc dba Acapulco Mexican Restaurant; and Mariscos El Viejon LLC dba Marisco El Viejon (Resolution no. 22-057)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Jacksons Food Stores Inc dba Extra Mile #177; Jackson's Food Stores Inc dba Jacksons Food Stores #3; Jackson's Food Stores Inc dba Jacksons Food Stores #5; Jackson's Food Stores Inc dba Jacksons Food Stores #22; Jackson's Food Stores Inc dba Jacksons Food Stores #59; Jackson's Food Stores Inc dba Jacksons Food Stores #60; Jackson's Food Stores Inc dba Jacksons Food Stores #61; Jackson's Food Stores Inc dba Jacksons Food Stores #62; Jackson's Food Stores Inc dba Jacksons Food Stores #64; Jackson's Food Stores Inc dba Jacksons Food Stores #82; Jackson's Food Stores Inc dba Jacksons Food Stores #85; and Jackson's Food Stores Inc dba Jacksons Food Stores #63 (Resolution no. 22-058)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Holy Cow Idaho LLC dba Holy Cow!; JLC 9 Inc dba Idaho Pizza Co; JLC2 Inc dba Idaho Pizza Company; JLC Corporation dba Idaho Pizza Company; BI-Mart Corp dba BI-Mart #614; Hutching Enterprises LLC dba H&M Meats and Catering; ItalianToGo Co, LLC dba ItalianToGo Co; Costco Wholesale Corporation dba Costco Wholesale #734; Jackson's Food Stores Inc dba Jacksons Food Stores #198; Jacksons Food Stores Inc dba Extra Mile #196; Jacksons Food Stores Inc dba Extra Mile #184; Jacksons Food Stores Inc dba Extra Mile #183; and Jacksons Food Stores Inc dba Extra Mile #182 (Resolution no. 22-059)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Jacksons Food Stores Inc dba Extra Mile #181; Jacksons Food Stores Inc dba Extra Mile #180; Jacksons Food Stores Inc dba Extra Mile #179; Jacksons Food Stores Inc dba Extra Mile #178; Jacksons Food Stores Inc dba Extra Mile #115; Jacksons Food Stores Inc dba Extra Mile #117; Jacksons Food Stores Inc dba Extra Mile #126; Jacksons Food Stores Inc dba Extra Mile #143; Jacksons Food Stores Inc dba Extra Mile #144; Jacksons Food Stores Inc dba Extra Mile #147; Jacksons Food Stores Inc dba Extra Mile #148; Jacksons Food Stores Inc dba Extra Mile #149; and Jacksons Food Stores Inc dba Extra Mile #164 (Resolution no. 22-060)

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith (arrived at 9:05 a.m.), Pam White and Leslie

Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Chief Public Defender Aaron Bazzoli, HR Generalist Demi Etheridge, Chief Deputy Sheriff Marv Dashiell (left at 9:05 a.m.), Controller Zach Wagoner, Assistant TCA Benita Miller (left at 9:12 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution classifying certain records of CCSO and authorizing destruction: Chief Dashiell explained the records for destruction are in regard to fingerprint cards used for hiring purposes. In working with legal, it has been determined that the cards are considered temporary records and only need to be retained for 2 years. Chief Dashiell also noted for the record that the machines themselves hold a digital record and are maintained on a federal level. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution classifying certain records of CCSO and authorizing destruction (see resolution no. 22-056).

Consider signing addendum no. 1 to FY2022 Pickles Butte Sanitary Landfill Dust Control Project: Ms. Klempel said there were no questions and no clarifications necessary on this project. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign addendum no. 1 to FY2022 Pickles Butte Sanitary Landfill Dust Control Project.

Discussion with the Public Defender regarding reimbursement for murder cases to conflict counsel: Mr. Bazzoli said they have a case that has four co-defendants; his office has been able to retain two but the other two may need to be conflicted out. Mr. Bazzoli spoke about the rates being paid specific to 1st degree homicide cases, normally everyone is paid at \$70/hour, however, had this case been assigned by the courts it would be at \$150/hour. He feels that it would be within his budget to increase the \$70/hour rate to \$100/hour to pay for the 1st chair attorney and suggested possibly \$90/hour if there is a 2nd chair attorney involved. The Board is supportive of the change. Mr. Bazzoli will work with the Prosecutor's Office to prepare a resolution.

Discussion regarding compensation plan for the Public Defender's office: Commissioner Smith noted that Prosecutor Taylor nor Chief Deputy Laugheed were available to attend today's meeting. She explained that the compensation plan was not adjusted for the Prosecutor's Office, they did a market adjustment as per allowed in the resolution regarding salaries. Information was provided from the Attorney General's office as well as Ada County relating to salaries and then specific duties and responsibilities were increased for the identified attorneys. Her belief is that the Prosecutor does not believe there is disparity. She encouraged Mr. Bazzoli to review the information that PA Taylor presented for the market adjustments and if he has positions that need those it's very important. There was discussion about not changing the compensation plan because of broader impacts. She feels it's an unfortunate situation to have to make case-by-case adjustments but the resolution did allow for market adjustments to be made. In response to a question from Commissioner Van Beek, Mr. Bazzoli said he is not sure what the impact would be to his budget for the 12 employees that would be affected by a revision to the pay bands. Mr. Bazzoli explained that his understanding of the compensation plan is that it is based on years since Bar passage and amount of responsibilities did not affect pay. He said that there are now people in the Prosecutor's Office with less experience handling misdemeanor cases that have jumped

from being a 3-year attorney to being paid like a 7-year attorney, compared to his office where attorneys are handling a greater, more experienced caseload. Commissioner Smith suggested Mr. Bazzoli work with Prosecutor Taylor and Controller Wagoner to do some comparisons, find agreement with the parity between the offices and evaluate the full financial impact. Additionally, she would like Mr. Bazzoli to look at other public defenders in other communities to verify wages. Mr. Bazzoli said he has evaluated other communities which was all compiled into the compensation plan several years ago, although, he said he doesn't mind meeting with Mr. Taylor and providing any necessary information to Controller Wagoner and the Board. Commissioner Smith said that if Mr. Bazzoli and Mr. Taylor cannot come up with an agreeable resolution then it would be the Board's responsibility as Mr. Bazzoli's elected officials to step in and help facilitate a resolution. Commissioner Van Beek said that the original email from Prosecutor Taylor is not classified as 'attorney-client' communication. She has lobbied for caseload information from the Prosecutor's Office and doesn't feel that a comparison with Latah County is comparable. By statute, the Board of County Commissioners set salaries so the Board should be, as elected official to elected official, involved in the discussion. She noted that in her discussion yesterday with Kathleen Elliott and Jennifer Work, they cited Idaho Code Title 19, Chapter 8, point 7 that there should be reasonable equity between the defending attorneys and the prosecuting attorneys with respect to resources, staff and facility. They went on to cite the IDAPA administrative code which is section 61.01.02 which says that in so far as possible, defending attorneys and their staff will not be compensated less than a properly funded prosecutor and staff with similar experience and performing similar duties and 04 states that the county will frequently review and assess equity between the resource of defending attorneys and prosecutors. Commissioner Van Beek said that the statement that has been made that there is disparity, she hears what was stated as grave concern with the inequity that's now been created as a result. She noted that she did not vote for the disruption in the plan, the point has been well made, she did not approve the increase without looking at the ancillary costs and the windfall that would happen because of that. The fact that this has been brought forward and now has to be dealt with only highlights that the county needs a compensation analyst and cannot be making case-by-case individual decisions regarding the taxpayer money that goes to fund these increases. Commissioner Smith reiterated to Mr. Bazzoli that there are members of the Board that support what he is trying to do but again asked him to work with Prosecutor Taylor to find a resolution – if no resolution can be reached the Board will step in to help. Mr. Bazzoli said he has sent a response to Mr. Taylor and Mr. Laugheed, additionally he has forwarded to the Board, Mr. Wagoner and Mr. Taylor the most recent pay levels for Ada County attorneys. He indicated that Ada County uses a different standard that is not necessarily based entirely on years. In response to a comment from Commissioner White, Mr. Bazzoli said that his understanding of the compensation plan was to use the number of years since Bar passage in order to remove the subjectivity of salary designation and so there wouldn't be lateral moves for increased salary. Commissioner Van Beek noted the low turnover rate in Mr. Bazzoli's department and that she is supportive of what he has expressed, she is not in support of the randomness of the request to increase salaries, particularly in light of citing Idaho code and the IDAPA rules. Mr. Bazzoli said he's happy to meet back with the Board as soon as possible.

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

CONTINUE PUBLIC HEARING – GUILLERMO MARTINEZ AND COLLIAS FAMILY TRUST –
COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2021-
0018 AND RZ2021-0023

The Board went on the record today at 10:03 a.m. to continue the public hearing that was scheduled for 10:00 a.m. regarding the request by Guillermo Martinez & Collias Family Trust for a comprehensive plan map amendment to change the designation of the southwest portion of Parcel no. R29983 from Agriculture to Residential. Also requested is a conditional rezone with a development agreement of approximately 89.74 acres from “A” (Agricultural) to “R-R” (Rural Residential). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The applicant has requested the case be continued to a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to June 7, 2022 at 10:00 a.m. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners’ Office.

MEETING WITH COUNTY TREASURER TO CONSIDER CASUALTY LOSS APPLICATION FOR JM HESS
CONSTRUCTION COMPANY, INC.

The Board met today at 10:32 a.m. with the County Treasurer to consider a casualty loss application for JM Hess Construction Company, Inc. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, and Deputy Clerk Monica Reeves. Treasurer Lloyd said casualty loss occurred on September 6, 2021 as a result of a fire. There were 117 days of loss which equates to \$46,600 in value for a total tax request of \$548.99, on Account No. 16664010 0. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the request by JM Hess Construction Co., Inc., for a casualty loss as presented by the Treasurer. The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners’ Office.

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

The Board met today at 11:03 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Assistant Plans Examiner Stephanie Hailey (left at 11:14 a.m.) and Deputy Clerk Jenen Ross.

Mr. Fultz spoke about an email he forwarded to the Board regarding the Boise River LOMR which is an opportunity for the county to address some of the issues on the CAV. He feels this is a process that they could move forward with and utilize going with Keller Associates as well as Resource Systems Inc. which will have associated professional fees. Ms. Hailey spoke about a team of local engineers that have created a local repository for any new data collected from the area and the

tracking of projects in the area. The team has provided a lot of good technical information and support to the county at no cost, however, the cost for the LOMR is something the county will have to incur in order for that to take place. The Howe Rd. property included in the CAV is the residence that there have been previous discussions about different ways to mitigate the issue, at this point a good solution has not been found. Some research has been done on this property and it has been discovered that some of the information is inaccurate so in order for this property to be removed from the CAV, the LOMR will have to be done to remove the entire property along with several other properties, which will be a great benefit to not only the county in removing the Howe Rd. property but 153 other properties that will be affected. Commissioner Smith feels it is the county's responsibility to have this better data and continue to move forward even if the new data has negative impacts along the way. Ms. Hailey said that community outreach will happen as the LOMR process continues. Mr. Fultz explained the proposed contract for project management and LOMR submittal package is a total cost of \$16,500; he has two funds within his budget he feels he could pull from to cover this cost – professional consultants and/or miscellaneous professional services – both of these accounts have approximately \$20,000 available. Additionally, there is a fee of \$8250 for FEMA to process the LOMR which he believes could be paid from either of the two accounts. He has spoken with Ms. Hailey and they feel there are a few things listed under the *general assumptions* portion of the agreement that could be handled by staff. There are some items such as surveying that are not included but they are not sure if that will be required. He doesn't think that permitting and/or environment investigation will be an issue. Public outreach will be handled by staff. Property investigations are not included in the scope; however, they are not entirely sure what that is – Commissioner Smith believes that would probably be if they are having to do actual survey work on a property. The Board is supportive executing an agreement for this.

Director Fultz updated the Board on the following:

- More information has been received on Project 600; they are now looking at a number of properties with a potential of 2 million square feet in the north revenue allocation area for Caldwell.
- Juli McCoy started with the department yesterday and seems to be catching on quickly. Director Fultz is working to develop an onboarding SOP specific to his department. By the end of the month he hopes to share the overall department SOPs with the Board.
- The Idaho Economic Development Association conference starts today; Director Fultz is a Board member so he will be attending this year but will be turning it over to the economic development team in future years.
- Overall the department continues to be busy – the hearing examiner has 4 cases scheduled for this week. Planning and zoning has 4 cases this week as well and is looking at 3-4 cases every meeting. There are at least 100 cases in process that will require a hearing.
- Sage Huggins is gravitating towards an interest in GIS, so she may be able to assist in that area as back-up to Tony Almeida. Commissioner Smith said one of her frustrations is that maps are only updated at the beginning and there are a lot that changes between the time

an application is being processed and when it's heard by the Board. She feels that updated case maps, subdivision maps and rezone maps would be really beneficial.

- Staff evaluations will be done early next month.
- There was recently a presentation regarding the workflow design for the digital plan review program. This is a program that is used by several other area agencies and Director Fultz believes will offer an opportunity to provide better customer service. The program is fairly expensive but will be included and presented in the FY2023 budget. Director Fultz is anticipating \$120,000 for start-up, training and to be part of the program.
- Budget preparations are beginning.
- Director Fultz has spoken with Planning Official Dan Lister who has indicated that he is continuing to work with Zach Wesley on updates to the fee schedule. Director Fultz believes the resolution is close to being complete.

The meeting concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:35 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

Expo Center/Event Center site improvements:

- AV contract is scheduled to be awarded later this week.
- Pedestrian bridges should be delivered in 16 weeks.

Fair Building rental

- Budgeted revenue has already been exceeded with 4, 3-day weekend events left between April and May and all events in September.

2022 Fair

- Main Stage concerts announced; Thursday, July 28th is Mark Chesnutt and Friday, July 29th is Jordan Davis. The Saturday concert has not yet been finalized. Tickets are scheduled to go on sale the first week of May. All other entertainment agreements are being completed and should be to the Board for consideration soon.
- Vendor agreements are being sent out this week.
- The livestock exhibitor guide was posted on April 1st; there were 195 swine declarations; horse declarations were due April 15th; sheep/goat declarations are due May 10th; the poultry show has been cancelled due to the Avian Flu.

- Discussion ensued regarding awards. Commissioner Smith said she is supportive of more money being spent on awards.

New Fair building name

Director Sinner said naming rights are being pursued so they could change in a couple of years. Some of the name suggestions are as follows:

- Canyon County Premier Event Center
- Canyon County Fair Pavilion
- Canyon County Fair Event Center
- Canyon County Fair Wilson Creek Center
- Canyon County Fair Stock Trail Center
- Canyon County Fair Legacy Center
- The Center at the Canyon County Fair
- Canyon County Fair Exposition Center
- Canyon County Fair Expo Center

After discussion amongst the Board and with Director Sinner, the consensus for the building name is *The Center at the Canyon County Fair*.

In response to Commissioner Smith's question about the events coordinator position, Director Sinner said they have someone who helps during the summer that they've brought on as temporary right now to help. There are also two people who hadn't seen the position but are interested; Director Sinner has met with one and is scheduled to meet with the other.

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

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

The Board met today at 2:06 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

As a point of clarification from the meeting earlier today, Mr. Bazzoli asked if he should be meeting with Prosecutor Taylor as supervisor to supervisor or as legal counsel to the Public Defender's office. Commissioner Smith thinks it should be as supervisor to supervisor. Commissioner Van Beek feels it should be a meeting between elected officials.

At the request of Commissioner Smith, Mr. Bazzoli provided an update on HB781 which is property tax reform that changes the indigent/public defense fund. Mr. Bazzoli gave a review of his understanding of the bill and the effects it will have on his department. Additionally, he spoke

about how the dollar amounts were calculated, stating the funding will be based on FY2021 budgets but it's still not known if the county will have to supplement that amount. At this time, it doesn't seem that housing of public defenders has been taken into account or how public defense will operate once it's taken over by the state.

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

MEETING WITH THE DIRECTOR OF FACILITIES AND THE CLERK TO DISCUSS POTENTIAL RENTAL PROPERTIES

The Board met today at 2:30 p.m. with the Director of Facilities and the Clerk to discuss potential rental properties. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Assessor Brian Stender, Facilities Director Rick Britton, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker, Elections Supervisor Haley Hicks, IT Director Greg Rast, Chief Public Defender Aaron Bazzoli, Elections Specialist Brandi Long, PIO Joe Decker (arrived at 3:04 p.m.) and Deputy Clerk Jenen Ross.

Clerk Yamamoto spoke about some of the struggles the elections office and staff face with the current location such as early voting turnout becoming a distraction to other office functions, a lack of parking and generally no space for constituents on busy days, especially on days with inclement weather. Ideally what they'd like to see is separation between the office, loading, storage, set-up/calibration, training and staging of equipment for delivery to locations on election day. With the location that has been identified, along with Celebration Church in Nampa, this would provide two very good locations for early voting.

In response to a question from Clerk Yamamoto, Controller Wagoner said that over the past 12 years there has been very little to no change, no increase, in the elections budget for the portion that is funded on the local level by county taxpayers. In 2010 the elections budget was \$406,000 and in 2022 the budget is \$436,000. What has changed since 2010 is consolidated elections, funding is received from the state in addition to the \$400,000 to help support elections activities. Clerk Yamamoto noted that the budget doesn't include the new election equipment that was purchased several years ago. He spoke about how he is still very happy with that purchase and one of the main reasons is because they were having several issues with wrong ballots being issued at the polling places. With the new equipment and use of the e-pollbooks that issue has been largely eliminated. Prior to the equipment purchase, with those mistakes they had multiple very close elections. One of the cost-saving features provided by the Hart system is the ballot on demand so there is no waste, whereas before they would have to order 100,000+ ballots at a time in advance.

In regard to the Rite Aid building, it is right on the boulevard and signage would make is very easily identifiable. Director Britton spoke about how if this location can be used for elections it would open up some opportunities to fulfill other space needs. He also spoke about how it would provide other opportunities to possibly be split for use by another office or department, offers ample

storage capabilities, loading docks and is climate controlled. A list was provided to the Board of county owned buildings which includes square footage and Director Britton spoke about some of the changes he'd like to make. A copy of the document is in file with this day's minutes. Recently Mr. Britton met with the City of Caldwell regarding the building, their only request was for upkeep of the landscaping. There would need to be a permit for signage and a use permit. There could be more renovations down the road but for now the building is usable as-is.

In response to a question from Commissioner Van Beek, Director Britton said that storage in the building is not large enough to store all that is currently being stored in the jail annex, nor the surplus items that are received daily. Additionally, if there is a tax seizure of a property due to a death the county is responsible for bring all those items back to the warehouse to be catalogued and put up for auction. He said that the current warehouse space is 5000 sq. ft. and is full.

Director Rast said their recommendation for connectivity to the building would be microwave off the fleet tower, which will be about \$25,000. The county would own the equipment so if there were a change in location the equipment could be moved and there wouldn't be any monthly fees. If the elections office wanted to use the building for early voting they could use the Verizon hotspots they've been using. As far as timing for the microwave equipment, it could be 6 months for installation.

Commissioner Smith asked Director Britton about keeping up maintenance on an additional building as his staff has not grown as the county has continued to grow. He has indicated that his department really wouldn't be able to do much until the fair expo building is completed. As far as keeping up with the landscaping and basic maintenance, Director Britton feels his department would be able to keep up with that portion. Commissioner Smith recognized his department is doing a great job but that they can't get it all done – no one has ever requested for that department to grow to keep up with the amount of land they are maintaining. She said that all the properties need to be maintained at a certain level – the facilities department needs more help and she encouraged Director Britton not to take on more than can be handled. Director Britton feels this is a project that they'll be able to get to at the beginning of the year. Clerk Yamamoto said that initially cleaning and landscape companies could be hired to assist.

Clerk Yamamoto said the annual lease cost is \$218,400, however it is up for negotiation. Within that number there was a certain amount that was allocated to the tenant as to their needs to move in. In order to move in as soon as possible the elections department would clean up the floors as best they could, do some painting, put in some desks and that would be it until they were able to do more. The floors are a tile floor that are a little cracked or chipped although not a trip hazard, otherwise just need a good cleaning.

In response to Commissioner White's question about voting security, Clerk Yamamoto said initially they would have to do something as simple as motion cameras to cover certain areas. Ms. Hicks said that as long as the ballots and scanners are stored, under camera, locked and no one is able to access the building when staff isn't there it covers the security measures of early voting. Additionally, in regard to voter security, their current office is not set up in a manner that it should

be in regard to storage of election material – they are separated between the warehouse and their office. The warehouse houses the items that don't need climate control such as tables; their vault is also a storage space but once it's locked for the 20-day timeframe after canvassing they are not able to access some of their materials. Ms. Hicks thinks that the potential new building will allow for better storage along with a more organized, professional office environment for voters. Right now, everything in their office is on folding tables and she would really like for Canyon County voters to feel more confident in the voting process and bring back the pride to Canyon County voters to know voting is safe. Clerk Yamamoto spoke about how much more efficient they will be with storage, set-up and training if they were able to be in one centralized location where they did not have to constantly set-up and breakdown equipment each day.

Discussion ensued about other possible locations that were evaluated for early voting such as the Job Corps. building and the Caldwell Airport.

Clerk Yamamoto and Ms. Hicks answered Board questions regarding the lease amount and a comparison of space between the Rite Aid building and Celebration Church. Clerk Yamamoto said that once negotiations are allowed to move further there could be negotiation of the numbers and they would have a clearer picture of the triple net numbers.

Commissioner Smith said that in a conversation with Caldwell Mayor Wagoner he has indicated that his intent is to centralize city functions which she feels would open up buildings that could potentially be purchased by the county for fair price.

The Board has given approval to Clerk Yamamoto in order to move forward for the purpose of collecting more finalized numbers. Time is of the essence in order to make something happen before the May 17th primary election in order to provide polling location information to Canyon County citizens.

Controller Wagoner said that when he visits with the election staff he regularly hears about location/space needs – it is a constant battle for this staff and he is always amazed at what they can do for \$400,000 a year. He recognized how hard the election staff works to find the best possible locations for the voters and for their own office. He feels this would be a great investment for the community, the voters, and the elections office.

In response to a question from Commissioner Van Beek in regard to eliminating other precinct locations, Clerk Yamamoto said he would love to do that and they've proven thru the use of O'Connor Fieldhouse that it can work and that it actually works better. However, the Secretary of State has not been entirely supportive of the idea. In the future he would like to demonstrate to Canyon County and the State of Idaho that the concept works and makes sense. He feels it is the most economical, safest and best way to vote.

Commissioner Smith confirmed there is Board consensus for the Clerk to continue moving forward to collect numbers and try to secure the space. Clerk Yamamoto said he will do what he can, he believes it will be fairly easy to get the necessary insurance and tax information but is unsure how

easy it will be obtain the utility information. He reiterated that time is of the essence so he would like to get another meeting with the Board scheduled as soon as possible.

Director Rast said he would like to start working with vendors in regard to the microwave connectivity. In response to a question from Commissioner Smith regarding the possibility of needing to reopen the budget, Controller Wagoner said that reopening the budget is an accounting type exercise that may be required and that there are sufficient cash/financial resources to make this happen. He feels that ARPA money would be an appropriate use in this situation to carry out an essential function.

The Board will meet again on Friday, April 22 at 10:00 a.m. with a possible action item.

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

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 20, 2022

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

APPROVED CLAIMS ORDER NO. 2215

- The Board of Commissioners approved payment of County claims in the amount of \$1,789,520.83 for a County payroll

APPROVED CLAIMS

- The Board has approved claim 583925 in the amount of \$70,576.00
- The Board has approved claims 583897 to 583924 in the amount of \$50,204.35
- The Board has approved claims 583835 to 583861 in the amount of \$85,101.49

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$2,349.34 for Information Technology Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Smoky Mtn Pizza & Pasta Nampa LLC dba Smoky Mountain Pizzeria Grill; The Getaway Bar & Grill Inc dba The Getaway; and BFC 12th Avenue LLC dba Boise Fry Company (Resolution no. 22-061)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Labyrinth Escape Games LLC dba Labyrinth Escape Games; Franklin United Inc dba United Oil; Owyhee Motor Sales Inc dba Owyhee Motor Sales Inc; Albertsons LLC dba Albertsons #166; Albertsons LLC dba Albertsons #176; Albertsons LLC dba Albertsons #103; and Albertsons LLC dba Albertsons #1602 (Resolution no. 22-062)

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

The Board met today at 9:38 a.m. to conduct a public hearing in the matter of a request by Ryan and Tanya Robinson for a conditional rezone of parcel R36137010 from an “A” (Agricultural) Zone to an “CR-M-1” (Conditional Rezone - Light Industrial) Zone, Case No. RZ2021-0042. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Juli McCoy, Tanya Robinson, Paul Calverly, and Deputy Clerk Monica Reeves. Tanya Robinson was unable to attend the hearing scheduled for April 6th, and her attorney has requested for a delay to June so he can prepare for the case. Staff is not opposed to the request to delay. Commissioner Smith said the property should be posted again as we get closer to the new hearing date so the neighbors know about the hearing. Commissioner White is hoping the delay is because the applicant is working toward doing what the Board asked at them to do at the previous hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to June 23, 2022 at 1:30 p.m. with the property to be posted. The hearing concluded at 9:44 a.m. An audio recording is on file in the Commissioners’ Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 21, 2022

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

APPROVED CLAIMS

- The Board has approved claim 583785 in the amount of \$2,438.50

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Veronica Valenzuela, Drug Testing Technician-Part-Time

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:49 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury. The following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue an initial denial with written decision within 30 days on the following case: 2022-453. Case no. 2018-91 is an approved case and the applicant is requesting a reduction in their lien. Director Baker reviewed the request and answered questions from the Board. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to deny the request for a lien reduction. The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. with county attorneys for legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Sanitary Landfill Director David Loper, Facilities Director Rick Britton (left at 9:03 a.m.), IT Director Greg Rast (left at 9:03 a.m.) and Deputy Clerk Jenen Ross.

Consider signing notice of intent to award for Canyon County Fair Expo Building Audio/Visual Equipment and Installation IFB: There was one bid received from Neurilink. The bid came in at the anticipated amount and both the scope of work and bid have been reviewed. In response to a question from Commissioner White, Directors Rast and Britton said they are very comfortable working with this company and would like to move forward with the project. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of intent to award for Canyon County Fair Expo Building Audio/visual Equipment and Installation IFB.

Consider signing notice of sole source procurement of Caterpillar Model 972MXE Wheel Loader from Western States Equipment: Director Loper explained that this sole source purchase will be included in the FY2023 budget but due to the long lead time the process needs to be started now. Generally, it is taking about 8-9 months to receive the machine once the sales agreement is signed. Director Loper spoke about the number of hours on the current machine and the rotation he uses for these machines to keep them under the government warranty. The cost of the new machine is \$585,500 with a buyback of \$150,000 for the current machine leaving a net cost of \$435,500. Director Loper provided some additional information about the efficiency and use of the machine. Mr. Laugheed said this purchase is appropriate under Idaho law and as identified in the notice; there is no legal reason not to move forward. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of sole source procurement of Caterpillar Model 972MXE Wheel Loader from Western States Equipment.

Opening Bids for FY2022 Pickles Butte Sanitary Landfill Dust Control System Project Solicitation of Bids: One bid was received via email from Desert View Construction on April 21, 2022 at 8:14 a.m. The bid will be reviewed by Director Loper and legal. A recommendation to the Board will be made at a later time.

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

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:51 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider new alcoholic beverage licenses for Family Dollar Inc. dba Family Dollar Store #30004 and Kenal LLC dba Kenal Leasing: Commissioner Smith said she has reviewed both applications which are standard and look to be compliant. Commissioner White made a motion to approve the new alcoholic beverage licenses for Family Dollar Inc. dba Family Dollar Store #30004 (see resolution no. 22-063) and Kenal LLC dba Kenal Leasing (see resolution no. 22-064).

The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

QUARTERLY MEETING WITH THE DIRECTOR OF MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:00 a.m. with the Director of Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross.

Director Breach spoke about some of the personnel issues he's been working thru. The Board encouraged him to focus on succession planning and is supportive of him making necessary changes to the department organization to introduce leadership opportunities and ensure succession planning is in place. Additionally, he spoke to the challenges they are facing in attracting applicants to open positions.

The Public Defender's office recently contacted Director Breach wanting to start a DUI diversion program and needing someone to supervise participants. The Public Defender's office will be making a proposal to the Prosecuting Attorney's Office at which time it will be determined if the program continues to move forward.

A review was given of several recent and upcoming trainings being attended.

The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

QUARTERLY MEETING WITH THE DIRECTOR OF JUVENILE PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:14 a.m. with the Director of Juvenile Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Joe Langan with Idaho Department of Juvenile Corrections and Deputy Clerk Jenen Ross.

Mr. Langan provided a handout and reviewed the following:

- Youth arrests, detention admissions, youth petitions; breakdown of charges filed – felony, misdemeanor, status offense
- Probation and diversion and success rates
- Intake breakdown by demographic
- One day snapshot from September 30th showing youth on probation, diversion, in IDJC custody, hours of community service completed, restitution paid to victims, recidivation rate at 6, 12 and 24 months
- Legislative pass through funds of JCA, Tobacco & cigarettes, lottery; State behavioral health funds: SUDS, CBAS; Juvenile justice budget

Director Catalano updated the Board on recent staff turnover. She has several open PO positions and the Project Coordinator position has been vacated. Ms. Catalano has been working with HR

and Controller Wagoner on possibly reclassifying the Project Coordinator position in an effort to increase efficiency within the department. The Board is supportive of plans to restructure and to make sure succession planning is in place. Director Catalano said she will continue working with HR in reclassifying the position.

HB500 which proposes that juvenile fees be done away with was recently proposed. Director Catalano is opposed to the bill as it would be one less tool to encourage people to make lifestyle changes. Proponents of the bill have not yet reached out to the Commissioners or the judiciary so she is not sure where it will go.

Her department is facing staffing issues but she is working to reorganize and reprioritize work in an effort to off-set staffing shortages.

Commissioner Smith spoke briefly about a teen crisis center.

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

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

The Board met today at 10:42 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assistant Director of Juvenile Probation Sean Anderson and Deputy Clerk Jenen Ross. In Director Brown's absence, Assistant Director Sean Anderson updated the Board on the following:

- Spoke about the writing program at the detention center; a handout of the poems written by the juveniles and an invitation to Cambia was provided to the Board.
- Population has fluctuated between 10 and 30 in the past few months; there are currently 24 juveniles in custody.
- The department has three vacant positions but Mr. Anderson is working to contact applicants and schedule interviews.
- There are 10 Probation Officers needing to attend POST. The next session runs May 22nd thru June 10th which they will be sending 6 POs to.
- A review was provided of recent and upcoming trainings and certifications.
- The garden is being prepared.
- Several programs including AAFV, smoking cessation and Wise Guys will be coming in soon. Caldwell Fine Arts has contacted them and will be coming in once a month.

- Mr. Anderson spoke about the GED program which works with the kids in laying out a plan to complete their education and between January and March 9 tests were completed. Commissioner Smith encouraged Mr. Anderson to reach out to Job Corps.

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

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 22, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kelly Galloway, Senior Customer Service

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Trafficalm in the amount of \$1,539.52 for Solid Waste Department
- SBI in the amount of \$3,160.00 for Facilities Department

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 25, 2022

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

APPROVED CLAIMS

- The Board has approved claim 584113 in the amount of \$259.00
- The Board has approved claims 583993 to 584018 in the amount of \$17,363.82
- The Board has approved claims 584019 to 584046 in the amount of \$31,433.30
- The Board has approved claims 583926 to 583951 in the amount of \$52,702.68
- The Board has approved claims 583952 to 583992 in the amount of \$92,135.10
- The Board has approved claims 584086 to 584112 in the amount of \$34,898.27
- The Board has approved claims 584047 to 584085 in the amount of \$68,401.37
- The Board has approved claims 583862 to 583896 in the amount of \$58,127.52
- The Board has approved claims 583740 to 583765 in the amount of \$52,386.91

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Colleen Lorenz, Temporary elections worker; Lydia Lorenz, Temporary elections worker; Ellen Cahalan, Part Time Generalist; Chimene Eisfelder, Deputy Sheriff-Inmate Control; Shirley Santos, Drug Testing Technician Part-Time; and Richard Cabana, Deputy Judicial Marshal

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for I.C.A.N. Foods Inc dba The Griddle; Pantera Market 4, Inc dba Pantera Market #4; Vapor LLC dba Vape; Heather Zimmerman dba The Garage Café; Armgusher LLP dba Nampa Gusher; Larosita Mexican Store Inc dba Larosita Mexican Store; Tita's LLC dba La Playita; Messenger LLC dba Messenger; and County Line Wine Company LLC dba County Line Wine Company (Resolution no. 22-068)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Nampa Restaurant Ventures, LLC dba T.G.I. Friday's; Nampa Wings, LLC dba Winger's Restaurant & Alehouse; O Seafood Inc dba O Crab; Galimofre LLC dba Italianesque; Apple Idaho LLC dba Applebee's Neighborhood Grill & Bar; Jak*s Place dba Jak*s Place Neighborhood Grill; and Caldwell Treasure Valley Rodeo Inc dba Caldwell Night Rodeo (Resolution no. 22-069)

FILE TREASURER'S MONTHLY AND QUARTERLY REPORTS

File in minutes the Treasurer's monthly report for March 2022 and quarterly report for January 1, 2022 to March 31, 2022.

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

The Board met today at 9:03 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- He is continuing to wait for vehicles to arrive; some have been shipped and are in Salt Lake. He anticipates that vans and trucks will be hard to get this year so there may be some vehicles that need to roll over into next year.
- Commissioner Smith asked about the use of fleet vehicles by the Assessor's appraisers, Director Tolman said he has some vehicles that they will start to utilize.
- He has had discussions with Controller Wagoner about increasing the mileage amount to follow the federal rate of \$.58/mile. Commissioner Smith asked Director Tolman to follow up with Controller Wagoner about the resolution.
- Today he will be looking at a used van for the kitchen to transport meals; the purchase wasn't planned but they can make it work within the Sheriff's budget.
- Director Tolman spoke about an arrangement the state and few other counties have in place which allows them to sell vehicles to other entities within the state. He asked if it would be possible to create a resolution for Canyon County to do this sort of thing. There is a smaller entity within the area that is interested in some Canyon County vehicles that are being taken offline this year. The Board is supportive of this idea so Mr. Tolman will work on creating a resolution.
- An update was provided on the carwash; they are still waiting on some information on design and access to power. There will need to be a new bid process as the 90-day timeline has been exceeded.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:21 a.m. to consider action items. Present were: Commissioners Keri Smith and Pam White and Deputy Clerk Jenen Ross.

Commissioner Smith said she has reviewed the following applications and they appear to be in order. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the below new alcoholic beverage licenses.

Olive Branches LLC dba Olive and Vyne Caldwell (see resolution no. 22-067)
Red Brick LLC dba Vape (see resolution no. 22-066)

Melba Pizza Extreme LLC dba Melba Extreme Pizza (see resolution no. 22-065)

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

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

The Board met today at 1:33 p.m. for a meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. Director Fultz updated the Board on the following:

- Code enforcement clean-up day was a success.
- Update on the conference he attended last week.
- Juli McCoy started with the department last week; Assistant Plans Reviewer started today; Engineer starts Thursday.
- The comprehensive plan joint workshop was postponed to May 23rd; an update was given on areas of the plan they are currently focusing on; discussion ensued regarding possible 10, 20- and 30-year plans and impact areas.
- Once the engineer starts they would like to start pre-application meetings. Director Fultz is more supportive of having a fee that could be applied to the application fee. Simple questions/inquiries will not be charged a fee.
- SOPs are still being worked on but he is hoping to have them done by the end of the week.
- Discussion ensued regarding the wording on several applications stating that fees are non-refundable and how refund amounts should be determined.
- There is no new update from Snake River Valley Building Contractors.
- Director Fultz spoke about a letter that was sent to some of the smaller communities letting them know what Canyon County is doing in regard to economic development. Tina Wilson with WAED contacted Mr. Fultz to express her frustration that the relationship between Canyon County and WAED was not recognized in the letter. Commissioner Smith doesn't feel it is necessary to send a revised letter recognizing the relationship as it was the choice of the WAED to discontinue the partnership with the county. Director Fultz wants to be a good partner with the smaller communities and is willing to work with Ms. Wilson in whatever way necessary. The Board is supportive of this plan.
- Commissioner Van Beek asked about an upcoming meeting with Canyon Highway District No. 4 regarding impact fees, she would like the entire Board to be able to participate. Commissioner Smith clarified that the meeting being referenced is this Wednesday and that she and Director Fultz will be attending to discuss the administrative acceptance but due to noticing requirements it cannot be a Board meeting. Commissioner Smith said that in order to keep the process moving and a good relationship with the highway district they

will be attending the meeting to answer questions. At that point there could be a meeting to include the whole Board and a board member and staff from the highway district. Commissioner Van Beek said she still thinks it's important because it is a new process for the county and the highway district that is being evaluated for other areas.

The meeting concluded at 2:03 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 26, 2022

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

APPROVED CLAIMS

- The Board has approved claim 584119 in the amount of \$99.45
- The Board has approved claims 584116 to 584118 in the amount of \$2,979.14
- The Board has approved claim 584115 in the amount of \$289.86
- The Board has approved claim 584114 in the amount of \$3,826.31

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Main Street Motors in the amount of \$23,606.00 for Fleet

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

The Board met today at 1:36 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper, County Agent Nic Usabel (arrived at 1:51 p.m.) and Deputy Clerk Jenen Ross. Director Loper updated the Board on the following:

- Waste amounts were up 2.8% in March and up 9.1% for FY22
- Bids were opened recently for the dust control project at the landfill. Only one bid was received but was higher than expected; \$200,000 was budgeted for the project but the bid came in at \$323,000. Director Loper has been working with the Prosecutor's Office and would like to put the project on hold until the fall in hopes of it getting more attention. At

that point it would be put out for bid again and included in the FY23 budget. Director Loper explained that there is a rental pool agreement in place so he doesn't feel quite as much pressure to move forward with this project. Additionally, the county has about 3 years still to do something with the Stuart well water rights which will be used as a supplemental water source during the spring and fall when there is limited water availability. The Board is supportive of a letter being sent to the bidder and prospective bidders included in the original IFB for the dust control project.

- A meeting is scheduled for May 25th where Tetra Tech will be in attendance to review the landfill gas design and provide an overview of the project that will be put out for bid in FY23. Director Loper anticipates the cost of the project to be approximately \$3M.
- With the upcoming landfill gas project Director Loper may ask for an additional FTE in FY23, tentatively named an Environmental Compliance/Safety Manager, to assist in handling the project along with several other responsibilities. He is working to put together a job description and proposal for the salary range. At the request of Commissioner Van Beek, Director Loper spoke about how household hazardous waste is handled at the landfill.
- A brief discussion was had regarding the success of 'free landfill day' and the good participation of residents with code enforcement violations.
- In response to a question from Commissioner Smith about the Canyon County Solid Waste advisory committee, Director Loper said that Mr. Laugheed is working on creating the bylaws and collecting information on forming a committee. After discussion regarding timelines, Mr. Loper and the Board decided to set the end of May as a deadline to present for Board consideration.

The meeting concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:02 p.m. with the County Agent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, County Agent Nic Usabel and Deputy Clerk Jenen Ross. The following items were discussed:

- An update on programs and activities was provided including the crops program, horticulture program and 4-H Youth Development.
- Currently the Family Consumer Sciences and Small Acreage/Livestock positions are open. Both positions have been posted and they hope to start reviewing applications on April 30th and moving forward with interviews.
- The previously vacant Customer Service Specialist position has been filled by a current county employee.
- Mr. Usabel said that he received budget paperwork from both the BOCC and the Controller and wondered which one he needs to be filling out as this is his first year participating in

the budget process. Commissioner Smith doesn't believe it is necessary for the BOCC application to be filled out as the County is required to fund the County Agent but not the other pieces. She recommended using the BOCC application as a guide as the Board is seeking more information from organizations requesting funding.

- Mr. Usabel asked about the MOU between the University of Idaho and the County which included the shared employee agreement. The last he knew the MOU was back at the county for review and he wanted to know what needs to be done to move that forward. Commissioner Smith referenced the minutes from the meeting on October 7, 2021 where the Board said they wanted the Fair contract signed (which has been done) but also asked for an annual audit and review of the previously used funds and the plan for moving forward. Commissioner Smith thinks that perhaps a meeting needs to be scheduled to review the MOU and make sure that it's working for everyone and that the relationship between the two offices is clearly defined. In response to a question from Mr. Usabel regarding the audit of funds, Commissioner Smith said it wasn't about the dollar amount that was being used, it was more about how the funds were being used and the return on investment. She added that there needs to be a clear understanding on how county taxpayer dollars are spent which is why the MOU will help clearly define what county funds will be used for and what the responsibility of those are. A brief discussion was had in regard to the use of county fleet vehicles by extension office employees and the need to revise the fleet policy. Mr. Usabel said he will await more information from the Board in terms of looking at the audit of funds and information on the MOU in regard to what needs to be provided to move it forward. Commissioner Smith made reference to the recently submitted organization chart noting that she wants there to be a clear understanding of the relationship between the extension office and the Commissioners' Office.
- Fair preparation work is underway.
- Commissioner Smith would like to have an action item added to the next meeting to approve the MOU. Any suggested changes to the MOU will be sent by the Board to Mr. Usabel.

The meeting concluded at 2:35 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM
CALDWELL, IDAHO APRIL 27, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- New Horizons in the amount of \$1,190.00 for Information Technology Department
- WCP in the amount of \$17,724.00 for Information Technology Department

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

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by Gunner and Theresa Bradford for a conditional rezone of 19.75 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. Also requested is approval of a preliminary plat, and an irrigation and drainage plan for Bradford Estates Subdivision, Case Nos. CR2021-0007 and SD2021-0036. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner I Juli McCoy, DSD Planner II Kate Dahl, Darin Taylor, Gunner Bradford, Theresa Bradford, Debra Bruner, Mike Wieland, Melissa Wieland, Bill McFarland, Nathan Coombs, Lola Lodigiani, and Deputy Clerk Monica Reeves.

Juli McCoy gave the oral staff report. Gunner and Theresa Bradford, represented by Darin Taylor, are requesting a conditional rezone of approximately 19.75 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. Also requested is a preliminary plat and an irrigation and drainage plan for Bradford Estates Subdivision. The plat includes two residential lots approximately 9-10 acres each. The subject property is located at 28876 Crossfire Trail in Middleton. The initial parcel was created through a land division. The average lot size in the area is 93.51 acres with no platted subdivisions. There is no surface irrigation or an irrigation district that services the area. The request is generally not in compliance with the comprehensive plan. A significant challenge for this request for a rezone is the condition of the private roads that provide access to the un-platted subdivision in the area. Although the roads are paved they do not appear to meet the required width of 24 feet for a private street with over 100 daily trips. Shalako Street was found by the county engineer to not meet private road requirements as part of the rezone and they would need to bring the entire road section up to private road standards and Crossfire Trail would need to meet private road standards for under 100 daily trips by being widened to 20 feet and extended to the subject property. The fire district did not comment on this request but they did provide comment on the Ridgeline Estates case; the community is over the threshold of 30 homes which will require a secondary access and a turnaround and compliance with standards including fire suppression for the properties in question. Ms. McCoy reviewed the comments from neighbors and agencies and following her staff report she responded to questions from the Board.

The following people testified in support of the request:

Darin Taylor, the applicants' representative, focused his testimony on the staff report and questioned how staff found the application to be against, inconsistent, or in conflict with the comprehensive plan. He believes the staff report contains erroneous information and exposes a bias, not a balanced planning approach. The future land use map does not match the 2020 comprehensive plan text. We have the ability to identify the lands that are truly agricultural and distinguish those from wasteland and it's a planning duty to identify those areas in the future comprehensive plan. We have nonviable farmland in an agricultural zone and that's what we are struggling with. Wise planning would be identifying areas that are not farmland and are suitable for residential development. Mr. Taylor said the County "stubs its toe" when it distinguishes subdivisions created by CUP, rezone, or administrative land divisions and said we need to treat the subdivisions like a subdivision, no matter how they were formed so the residents can be treated equally and it won't be confusing. This application is a perfect example of bias and not balanced planning in application of codes and standards in the County. Commissioner Smith said Mr. Taylor should have spent some time on the seven other elements, specifically, how there is less concern about access and a lot of concern about road construction standards and in review of the conditional rezone of the property to the north and the east there was substantial conversation about the road from the neighbors and the applicant, who was represented by Todd Lakey, about the roads not meeting construction standards. Mr. Taylor said the private roads met the standards when the administrative land divisions were approved. The standards changed and this Board has the ability to recognize that the requirement for one lot to bring all the roads up to current county private road standards is onerous and the type of condition the Idaho Supreme Court has rejected in Boise County and Valley County. The applicants can apply for a variance if that would be helpful to the County as it considers the application because this would be a hardship to bring those roads up to standards. The road does not meet current standards because of the sub-base, but it is in decent condition to travel. If the Board approves this application that's one lot and 10 trips per day would be added. The Bradfords are splitting the property because they are nearing retirement age and they don't want to maintain the extra 10 acres. Following his testimony, Mr. Taylor responded to questions from the Board.

Gunner Bradford gave testimony regarding the roads. Crossfire Trail is a one-lane access and is under the obligation of the HOA to bring up to standards. There are only two houses on that lane, his home and the one belonging to the Coombs. He submitted Google Earth photos to demonstrate 20 years of property history. The property is not farmable, it has never been farmed and is part of BLM land that rolls off to private property. The developer of the subdivision built the Bradford house and they bought it from the bank in a foreclosure. They propose a driveway down the property line to the second half of the property and the closest house to that is the Coombs house. Following his testimony, Mr. Bradford responded to questions from the Board.

Theresa Bradford testified there is a 30-house minimum that changes the road requirements for the fire district and they are under that threshold. They have 20 acres which is larger than the three properties to the north, and after the split they will still be some of the largest parcels out there. Splitting the land keeps with the agricultural character of the neighborhood; there won't

be any change other than adding one house. It's not viable agricultural land, it's sagebrush with no irrigation and seems to be suited for this rezone use. They are happy to work with their neighbors to respect their property uses. At the end of Crossfire Trail as it enters the Bradford property, there is a cul-de-sac designated for that road that's never been paved and they had discussed with the Coombs that they would deepen that to accommodate the cul-de-sac that would service the other property. Following her testimony, Mrs. Bradford responded to questions from the Board. Commissioner Smith said if the case is approved the Board cannot waive the road standards and the Bradfords would be required to meet the standards and provide access including road width requirements and construction at the time of platting. Commissioner Van Beek had follow-up questions. Discussion ensued regarding road standards as well as the process for a variance and an easement reduction. The access and road issue need to be resolved.

Neutral testimony was offered as follows:

Debra Bruner has lived in the area for 11 years and the size of the split would be consistent with the existing properties and it could improve the ambience of the area with landscaping, trees, and access to water. Currently it's a field of weeds and so the request is a good use of the land. Ms. Bruner used to serve on the HOA board and they did a special assessment a number of years ago and they have a significant amount of money in their account but they do not have enough to finish Crossfire Trail. It's her understanding that the HOA owns the roads and it has been discussed that Crossfire Trail would be brought up to standards consistent with the rest of the subdivision. The improvement in that section was the responsibility of the HOA and they have been paying into it for that purpose.

Commissioner Smith said the ordinance does not require asphalt if it's for private roads that serve less than 100 trips per day; this will only serve 9 homes and so it falls under that threshold (the Rio Lobo section). Kate Dahl said Crossfire Trail is 60 feet and the 30-foot easement is the part that would access the new lot the Bradfords want to create. The easement reduction doesn't need to be provided at this point, but it will when they want to plat it. Additional discussion ensued.

Melissa Wieland lives on High Plains Road and her property is not directly impacted which is the reason for her neutral testimony. She is not concerned about the reduction in size, but she is concerned about the access which should be pushed toward the BLM side and provide appropriate access to that home on the back side. Ms. Wieland is the current HOA Treasurer and she said there are funds (less than \$40,000) available and their dues are for road maintenance and to finish Crossfire Trail. The HOA is going to find out what the current costs are.

Ms. Dahl said Crossfire Trail isn't the issue, it's the Rio Lobo and High Plain road sections that are in question. Further discussion ensued on this topic.

Bill McFarland testified that at the last hearing the property was denied due to the concern of getting rid of agricultural land but this property has never been in agricultural use and yet the Board approved 190 acres for the Ridgeline development which was in agricultural production and now that land will be developed and that is confusing to him. The engineering on the roads was

based on over 30 homes and there are only 22 lots if the request is approved. That's confusing as well. According to Mr. McFarland, this is the kind of property that should be approved. It's currently in weeds but at least a nice home will be built eventually.

Testimony in opposition was offered as follows:

Nathan Coombs agrees with the recommendation of denial from the P&Z Commission and staff and said it's important to maintain ag zoning, road access/road construction standards and lot configuration. Agriculture is much more than just whether you can irrigate it; it's rangeland, grazing land, etc. There is ability to irrigate a portion of the property from a well. When vehicles travel Crossfire Trail he can hear it inside his house and so having a third roadway on the south property line will likely be gravel and he would hear it and it would affect the enjoyment of his property. He believes the proposed 30-foot lot width should be 60 feet. There is no proof the roads were built to standards. There are no current plans for the HOA to improve Crossfire Trail. According to Mr. Coombs, the review by Keller & Associates is incorrect when it states the preliminary plat is in compliance when code requires a 60-foot minimum lot width. Following his testimony, Mr. Coombs responded to questions from the Board.

Rebuttal testimony was offered by Mr. Taylor. If the lot width has to be 60 feet there is room to do that and there can be adjustment to the plat; however, his primary point is the application was filed July 6, 2021 and it did include an application and fee for a reduction of width from 60 feet to 30 feet. Kate Dahl has a full-size plat and frontage and width are at 30 feet on the flag lot. Lot width is measured at the front setback; the flag lot does meet code. We trust that Keller's review is correct. The proof that roads were built to standards is the existence of dwellings out there otherwise the County would not have approved building permits if the access/road standards did not match. Mr. Taylor said the staff report citing the fire district letter from Ridgeline Estates is erroneous, it's a very different subdivision and it does not have applicability so it should not have any bearing on this application. There were follow-up questions from the Board.

Commissioner Smith said the applicants could solicit a response from the fire district and get clarification from Keller Associates and the PA's Office on the road lot width as well as what's being certified as in compliance. We can conclude there is legal access to the property but she doesn't know that the subdivision is ready for approval because there is information that's questionable regarding road lot widths and road construction and what standards should apply. The Board has enough information to render a decision on the rezone, but there the conditions of the development agreement need to be discussed. Commissioner Van Beek is reluctant to partially approve the case, but she is in favor of continuing the hearing and giving them the opportunity to look at it. Commissioner Smith said it appears that Keller Associates only looked at the boundaries of the subdivision rather than the entire private road system and whether it complies with the private road standards. Mr. Taylor said they have a subject property that touches a private road lot that meets County standards in width. Rio Lobo and High Plains do not meet today's standards. Commissioner Smith said we need the engineer to confirm what the requirements are and we need to consult with legal on the requirement for interpretation of getting to the property. We know that Shalako does not meet standards but the developer to the east agreed to make those

improvements so the language in the FCO's and the development agreement will rely on that. Ms. Dahl said it would be nice if the applicant could have an engineer look at the roads and provide a cross-section and some specific evidence of what's out there. Commissioner Smith agreed. Mr. Taylor said if the Board votes in favor of the rezone and the subdivision this would need a second hearing and that would give him time to come back with the other information. Commissioner Smith said that is true and the subdivision cannot be approved today because it doesn't have land use approval. It will require a second hearing no matter what so we can impose requirements to "confirm the road" which would get them to the second hearing. Kate Dahl said staff will need to know what the road standards are so they can write that into the conditions of the development agreement. Commissioner Smith said it would be reversing the P&Z Commission's recommendation and then staff would still have time to consider and evaluate the eight (8) questions. She doesn't think the original staff analysis included the case analysis from the east, but it should be included. Commissioner White agrees but she would like more time to review the additional information that was provided today. Commissioner Smith reviewed the options for the Board's consideration and then she made a motion to reverse the P&Z Commission's decision and recommend the case be approved and direct staff to address the Board's comments and concerns that were voiced today and work with Keller Associates as well as the PA's Office on an interpretation for access to the property and road construction standards, and to re-notice this case for another hearing. The motion was seconded by Commissioner Van Beek. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 12:10 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 28, 2022

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

APPROVED CLAIMS

- The Board has approved claims 584210 to 584211 in the amount of \$243.00
- The Board has approved claims 584120 to 584149 in the amount of \$65,179.95
- The Board has approved claims 584150 to 584169 in the amount of \$90,686.90
- The Board has approved claims 584170 to 584189 in the amount of \$9,704.80
- The Board has approved claims 584190 to 584209 in the amount of \$72,531.03

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for 1918 Lounge to be used 5/3/22

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Samuel Mohr, Juvenile Probation Officer; Evelyn Grace Alvarado, Marine Deputy-Temp; and Patrick Collins, Deputy Sheriff-Patrol

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal G & G Investments Idaho LLLP dba Bud's; Angeles De Puebla Ice Cream LLC dba Angeles De Puebla Ice Cream; The Tackle Shop LLC dba The Tackle Shop; Darice Feigel dba The Undiscovered Barrel; and Flying Pie Pizzeria 2 LLC dba Flying Pie Pizzeria (Resolution no. 22-070)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Vern's Lounge LLC dba Vern's Lounge; Indian Creek Steakhouse LLC dba Indian Creek Steakhouse; WW Inc LLC dba Rocco's Roadhouse; La Copa LLC dba La Copa; Nampa Lodge #1389 BPOE Inc dba Nampa Elks Lodge #1389; and Nampa Hospitality LLC dba Best Western Plus (Resolution no. 22-071)

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Case nos. 2022-463 and 2022-472 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Liens and lien releases were presented for Board signatures.

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

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

Case nos. 2022-159 and 2022-81 meet the criteria for approval and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue final approvals with written decisions to be issued within 30 days.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue final denials with written decisions within 30 days on case nos. 2022-1 and 2022-200.

Case no. 2021-1037 was before the Board on February 10, 2022 where there was discussion regarding emergent vs. non-emergent services. Since that time the bill has divided to indicate the difference and the portion the county is responsible for. Commissioner White made a motion to issue an approval of \$291,324.79 for case no. 2021-1037 with a written decision to be issued within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-957

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2021-957. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Attorney Bryan Nickels for St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker and Mr. Nickels and Board discussion, Commissioner White made a motion to continue the case to May 26, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:07 a.m. to consider matters related to medical indigency. Present were: Commissioner Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared on case nos. 2022-242, 2022-251 and 2022-318. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record.

The meeting concluded at 9:08 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 an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Exhibit C to Administrative Services Agreement with Blue Cross of Idaho and Gem Plan: Mr. Wesley said this is a standard amendment that is signed annually and explained that Gem Plan is a self-insured fund that is primarily made up of the smaller counties contributing to one pool of money. Some counties, including Canyon County, have their own fund but Gem Plan negotiates with Blue Cross on behalf of the county. In response to a question from Commissioner White, Mr. Wagoner doesn't anticipate costs increasing with Blue Cross at this time. He feels this year the county will break even on claims but that going forward employee contributions will probably need to increase. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign Exhibit C to the Administrative Services Agreement with Blue Cross of Idaho and Gem Plan (see agreement no. 22-027).

Discussion ensued regarding fees throughout the county and the possible need to evaluate them to make sure they are adequate to the service being provided. Mr. Wesley clarified there are two categories of fees charged by the county, some are set by MOU or agreement which are evaluated and set yearly, others are user-based fees paid on an as-needed basis. The Board thought it may be beneficial to bring the department administrators and elected officials together for one meeting to discuss further. An email will be sent to all elected officials and department administrators asking if there are any fees that need evaluation.

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

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 11:03 a.m. with the Assessor's Office to consider various new and renewing property tax exemptions under codes 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson and Deputy Clerk Jenen Ross. The exemptions were considered as follows:

50-2014 - Urban Renewal

Commissioner Van Beek made a motion to grant exemptions on parcel nos. 04551000 0 and 04552000 0 for the Urban Renewal Agency of Caldwell City. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to grant an exemption on parcel no. 04637000 0 for the Urban Renewal Agency of Caldwell. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to deny the exemption on parcel no. 04638000 0 for the Urban Renewal Agency of the City of Caldwell Idaho. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions on parcel nos. 35307010 0 and 35307101 0 for the Urban Renewal Agency of Caldwell City.

602B - Religious

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant an exemption on parcel no. 09846000 0 for the First Church of the Nazarene.

Commissioner Van Beek made a motion to grant an exemption on parcel no. 38749010 0 for Launch Pad Ministries. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to partially remove the exemption on parcel no. 01341000 0 for Boone Memorial Presbyterian Church of Caldwell Idaho Inc. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to deny the exemption on parcel no. 19438000 0 for ID Dist. United Pentecostal Church Inc. The motion was seconded by Commissioner White and carried unanimously.

63-602C - Charitable

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant an exemption on parcel no. 67120010B0 for the Warhawk Air Museum Inc.

602B - Religious

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions on the 297 parcels as follows:

64941674 0	Educational Media Foundation
61111020 0	Refuge Counseling Center LLC
61111005 0	KTSY Radio Station
78392000 0	First United Methodist Church
78097000 0	Wesleyan Holiness Church

76061000 0	Karcher Church of The Nazarene Inc
75203000 0	Fargo Community Church
74415000 0	Crossroads Assembly of God
73546000 0	The Way Assembly of God Inc
73481000 0	Messiah Lutheran Church
70230000 0	Bible Missionary Church of Greenleaf Idaho Inc
61111002 0	Salt & Light Catholic Radio
39123000 0	Sterry Memorial Presbyterian Church Inc
39122000 0	Sterry Memorial Presbyterian Church Inc
39089010 0	Sterry Memorial Presbyterian Church Inc
38996000 0	First Baptist Church of Roswell
38837117 0	Southern Idaho Corp of Seventh Day Adventists
38837011A0	Southern Idaho Corp of Seventh Day Adventists
38686011A0	Corp of Presiding Bishop of Jesus Christ of LDS
37691000 0	Sandhollow First Baptist
37169000 0	Fargo Community Church
37097000 0	Wilder Assem of God Ch
37021000 0	Free Holiness Church
37012000 0	Free Holiness Church
36264000 0	Greenleaf Friends Church
36263010 0	Greenleaf Friends Church
36242000 0	Greenleaf Friends Ch
36241000 0	Greenleaf Friends Ch
36165000 0	Bible Missionary Church of Greenleaf Inc
35797000 0	Christian Faith Center Assembly of God Inc
35746000 0	Caldwell Free Methodist Church Inc
35666000 0	Church of Christ Cald Inc
35616000 0	Grace Evangelical Lutheran
35436000 0	First Friends Church of Caldwell Inc
35391000 0	First Methodist Ch of Cald
35389000 0	First Methodist Ch of Cald
35252000 0	Salt and Light Radio Inc
35133000 0	Valley Pentecostal Church Inc
35080000 0	Evergreen Heights
34536000 0	Oregon Trail Ch of God Inc
34513011 0	Corp of Presiding Bishop of Jesus Christ of LDS
34443011A0	Corp of Presiding Bishop Church of Jesus Christ of LDS
34366201 0	Corp of Presiding Bishop of Jesus Christ of LDS
34356011 0	Corp of Presiding Bishop of Jesus Christ of LDS
34349100 0	Corp of Presiding Bishop of Jesus Christ of LDS
34324000 0	Corp of Pres Bis of the Church of Jesus Christ of LDS
34174000 0	Franklin Community Ch Inc
33946000 0	Canyon Springs Christian Church Inc
33945011 0	Corp of Presiding Bishop of Jesus Christ of LDS

33945000 0 Canyon Springs Christian Church Inc
 33912000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33715011 0 Homedale Church of Nazarene
 33670010 0 Homedale Friends Comm Church
 33483000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33472000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33409000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33408000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33401000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33400010 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33395010 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33388000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 33158000 0 Free Methodist Church of North America
 33003011A0 United Reform Church of Nampa
 32923000 0 Followers of Christ Inc
 32918000 0 Followers of Christ
 32900101 0 Corp of Presiding Bishop Of
 32596000 0 First Ch of the Nazarene
 32566010 0 Corp of Presiding Bishop of Jesus Christ of LDS
 32558010 0 Corp of Presiding Bishop of Jesus Christ of LDS
 32510010 0 Centennial Baptist Ch Inc
 32419253 0 Corp of Presiding Bishop-Church of Jesus Christ of LDS
 32400000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 32334100 0 Roman Catholic Diocese of Boise
 32334000 0 Roman Catholic Diocese of Boise
 32273000 0 Sunnyridge Assembly of God
 32186010 0 First Romanian Church Inc
 32135000 0 Messiah Evangelical
 32097010 0 New Hope Baptist Church Inc
 32096000 0 Lakeview Bible Church Inc
 32041010 0 Corp of Presiding Bishop of Jesus Christ of LDS
 32007000 0 First Congregational Church United Church of Christ Nampa Inc @@
 32003000 0 Christian Faith Center Assembly of God Inc
 32001010A0 Grace Bible Church Inc
 31999000 0 Trinity Evangelical Luth Ch
 31971000 0 First United Presbyterian
 31968000 0 First United Presbyterian
 31822011 0 Roman Catholic Diocese of Boise
 31793399 0 Crossroads Community Church Inc
 31793395 0 Crossroads Community Church
 31793394 0 Crossroads Community Church Inc
 31478010 0 Church of God of Prophecy
 31460000 0 Rock of The Christian And Missionary Alliance Inc
 31454000 0 Harvest Life Ministries Inc

31440010A0 Church of The Brethren Inc
 31408000 0 Karcher Church of The Nazarene Inc
 31395000 0 Calvary Chapel Nampa Inc
 31394000 0 Calvary Chapel Nampa Inc
 31355010 0 Maranatha Romanian Church of God No 10953
 31065000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 30895000 0 Midland Congregation of Jehovahs Witnesses Nampa Id Inc
 30666011 0 Corp of Presiding Bishop of Jesus Christ of LDS
 30381000 0 Fellowship Baptist Church Inc
 29729000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 29578012 0 Lake Shore Dr Baptist Church Nampa
 29542011a1 Southside Blvd Methodist
 29527000 0 Southside Blvd Methodist
 29411100 0 Corp of Presiding BishOp
 29336013a0 Corp of Presiding Bishop of Jesus Christ of LDS
 29261011 0 General Assembly and Church of The First Born Inc
 29233000 0 Bethel Ch of the Nazarene
 29230010 0 First United Methodist Ch
 29179000 0 Corp of Presiding Bishop
 28875000 0 Greenhurst Bible Church Inc
 28688000 0 Corp of Presiding Bishop of Jesus Christ of LDS
 28615014 0 Assemblies of God S Id Dist
 27472000 0 Midway Bible Missionary Ch
 27440000 0 First Christian Church of Caldwell Db a Caldwell Christian Church
 27439000 0 First Christian Church of Caldwell Db a Caldwell Christian Church
 26438000 0 Jehovahs Witnesses Inc Nampa East Congregation
 26436000 0 Jehovahs Witnesses Nampa East Congregation
 25909000 0 Southern Idaho Corp of Seventh Day Adventists
 25279011 0 Corp of Presiding Bishop of Jesus Christ of LDS
 25279010 0 Corp of Presiding Bishop of
 25279000 0 Corp of Pres Bis of the Church of Jesus Christ of LDS
 25266000 0 La Iglesia De Dios Inc
 24709010 0 Corp of Presiding Bishop of Jesus Christ of LDS
 24564010 0 Roman Catholic Diocese of Boise
 24563000 0 First Southern Baptist Church of Caldwell Inc
 24428010 0 Idaho Conference of Seventh Day Adventists Inc
 23934019 0 Corp of Presiding Bishop of Jesus Christ of LDS
 23118000 0 Calvary Chapel of Nampa Inc
 23113000 0 Calvary Chapel of Nampa
 23112000 0 Calvary Chapel of Nampa Inc
 22961000 0 Teen Challenge International Pacific Northwest Centers
 22926000 0 Wat Idahophoxaiyaraam Inc
 21150000 0 Buddhist Society of Idaho
 20157000 0 Corp of Presiding Bishop of Jesus Christ of LDS

20155000 0	Corp of Presiding Bishop of Jesus Christ of LDS
20007000 0	Church of God
19940000 0	Iglesia Evangelical Mexicana De Wilder Inc
19936000 0	Calvary Holiness Church Inc
19935000 0	First Methodist Epis Ch Wilder
19928000 0	Golden Gate Baptist Ch
19565000 0	Revival Center Ch Inc
19367000 0	Parma Miss Baptist Ch
19192000 0	Parma Ch of the Nazarene
19191000 0	Church of Christ Of Parma Idaho Inc
19148000 0	Corp of Presiding Bishop of Jesus Christ of LDS
18988000 0	Bible Believers Fellowship LLC
18987000 0	First Presbyterian Ch
18975000 0	Roman Catholic Dioc Of Boi Sacred Hearts of Jesus Mary Church
18857000 0	First Baptist Church of Notus Inc
18689000 0	Middleton Ch of Naz Inc
18469000 0	First Baptist Church of Middleton
17999000 0	Way Assembly of God Inc
17993000 0	Methodist Church
17902114 0	Idaho Conference of Seventh Day Adventists
17779000 0	First Baptist Church of Middleton
17769000 0	First Baptist Church of Middleton
17607033 0	Canyon County Church of Christ Inc
17607020 0	Roman Catholic Diocese of Boise
17544000 0	Melba Friends Church Limited
17537000 0	Melba Friends Church Ltd
17535000 0	Community Baptist Church of Melba Inc
17503000 0	Roman Catholic Dioc Of Boise Melba Church
17502000 0	Roman Catholic Diocese of Boise
17048000 0	Bowmont Ch of the Brethren
17047000 0	Bowmont Ch of the Brethren
17042000 0	Church of The Brethren
16765000 0	Nampa Ch of Christ
16270500 0	New Covenant Baptist Church
16238000 0	Roman Catholic Diocese of Boise
16195000 0	Corp of Presiding Bishop of Jesus Christ of LDS
16101000 0	Corp of Presiding Bishop of Jesus Christ of LDS
16040000 0	Wesleyan Holiness Ch of Na
16034010 0	Mennonite Church
15617000 0	Roman Catholic Dioc of Boise St Pauls Church
15502000 0	Church of The Living God Inc
15459000 0	Sovereign Grace Fellowship of Nampa Inc
15441000 0	First Christian Ch-Na
15439000 0	First Christian Ch-Na

15437000 0	First Christian Ch-Na
15436000 0	First Christian Ch
15426010 0	Olivet Assembly Inc
15234000 0	Lutheran Brethren Ch Na Inc
15228000 0	Roman Catholic Diocese of Boise
15227000 0	Roman Catholic Diocese of Boise
15216010 0	Jehovahs Witnesses Nampa Id Inc Lake Lowell Congregation
15216000 0	Southern Idaho District Council of the Assemblies of God
14990002 0	West Valley Baptist Church Inc
14950550 0	Nampa First Church of The Nazarene
14926000 0	Corp of Presiding Bishop
14656000 0	Grace Tabernacle Inc
14329000 0	Fairview Church of The Nazarene Inc
14327000 0	Fairview Church of The Nazarene Inc
14303000 0	Fairview Church of The Nazarene Inc
14302000 0	Fairview Church of the Nazarene Inc
14301000 0	Fairview Church of the Nazarene @@
14096000 0	Corp of Presiding Bishop of Jesus Christ of LDS
13891000 0	First Church of the Nazarene
13817000 0	First Church of the Nazarene
13718000 0	Olivet Assembly Inc
13715000 0	Olivet Assembly Inc
13681000 0	Grace Episcopal Ch of Na
13611000 0	International Church of The Foursquare Gospel
13570000 0	New Direction Inc
13530000 0	New Direction Inc
13490010 0	Involve Church Inc
13443000 0	Bible Pentecostal Church Inc
13441000 0	Bible Pentecostal Church Inc
13439000 0	Bible Pentecostal Church Inc
13034011 0	Nampa First Assembly of God of The City of Nampa Idaho Inc
12829000 0	Rosa De Saron Pentecostal Holiness Church Inc
12798000 0	Apostolic Assembly of Faith in Jesus Christ Inc
12514000 0	Ch of the Nazarene
12158000 0	Ch of the Nazarene
11205000 0	College Ch of The Naz Inc
11204000 0	College Ch of the Nazarene
11200000 0	College Ch of the Nazarene
11134000 0	Greater Life Church Inc
11133000 0	Greater Life Church Inc
11081000 0	Nampa 1st Southern Bapt Ch
10993000 0	College Church of The Nazarene Inc
10954000 0	Evangelical Lutheran Zion Ch of Na
09845000 0	First Church of The Nazarene

09825000 0	Nampa First Church of The Nazarene
09824000 0	First Church of The Nazarene
09492010A0	Southern Idaho Corp of Seventh Day Adventists
09492010 0	Southern Idaho Corp of Seventh Day Adventists
09491000 0	Southern Idaho Corp of Seventh Day Adventists
09488000 0	Idaho Conference of Seventh-Day Adventists Inc
09013000 0	The Church of The Rock Inc
09006000 0	The Church of The Rock Inc
08988000 0	Corp of Presiding Bishop of Jesus Christ of LDS
08833000 0	Ch of the Nazarene
08807000 0	Apostolic Way Inc
08712000 0	Ch of God Prophecy
08588000 0	Good News Community Church Inc
08575000 0	Ch of the Nazarene
08573000 0	Ch of the Nazarene N Na Inc
07347000 0	First Church of Christ Scientist
07275000 0	Northwest Latin Conference of The International Pentecostal
06161000 0	First Baptist Ch-Ca
05799000 0	Jehovahs Witnesses Caldwell Idaho Inc Central Congregation
05176000 0	Cp Reformed Church Inc
05096000 0	Ch of God of Prophecy Regional Office Inc
05061000 0	Heritage Holiness Chapel Incorporated
05032000 0	Idaho Conference of Seventh Day Adventists Inc
04945000 0	Word of Truth Fellowship Inc
04865000 0	Antioch Miss Baptist Ch
04778000 0	New Life Celebration
04774000 0	New Life Celebration
04657000 0	Calvary Temple Inc
04656000 0	Calvary Temple Inc
04513102 0	Church of God Inc
04255000 0	Canyon Hill Ch of Nazarene
04222000 0	Canyon Hill Ch of Nazarene
04221000 0	Canyon Hill Ch of Nazarene
04218000 0	Canyon Hill Ch of Nazarene
04152000 0	Corp of Presiding Bishop of Jesus Christ of LDS
04100010A0	Corp of Presiding Bishop of Jesus Christ of LDS
04001000 0	Idaho Conference of Seventh Day Adventists
03686000 0	Faith Evan Luth Ch of Cald
03685000 0	Treasure Valley Christian
03684000 0	Faith Evan Luth Ch of Cald
03683000 0	Treasure Valley Christian
03678010 0	Treasure Valley Christian
02815545 0	NW District Bible Missionary Church
02759000 0	Treasure Valley Christian Center Inc

02709000 0	Protestant Episc Ch of Id
02657000 0	Assembly of God Ch of Ca
02653000 0	Assembly of God Ch of Ca
02157000 0	Church of God of Caldwell Inc
02119000 0	Ch of God of Prophecy
02092000 0	Iglesia Misionera Pentecostes Inc
02091000 0	Iglesia Misionera Pentecostes Inc
02090011 0	Iglesia Misionera Pentecostes Inc
02033000 0	Spanish Assemblies of God Church Rosa De Saron
02016000 0	Assembly of God Ch Central Latin American Dist Council
01772000 0	Calvary Chapel Caldwell Inc
01577000 0	Church of God Apostolic of ID
01414000 0	Treasure Valley Christian Center Inc
01413000 0	Treasure Valley Christian Center Inc
01379000 0	Corp of Presiding Bishop of Jesus Christ of LDS
01369000 0	Corp of Presiding Bishop of Jesus Christ of LDS
01368000 0	Corp of Presiding Bishop of Jesus Christ of LDS
01367000 0	Corp of Presiding Bishop of Jesus Christ of LDS
01354000 0	Boone Memorial Presbyterian Church of Caldwell Idaho Inc
01353000 0	Boone Memorial Presbyterian Church Inc
01342000 0	Boone Memorial Presbyterian Church Inc
01143000 0	Apostolic Assembly of The Faith in Christ Jesus
01136000 0	Apostolic Assembly of The Faith in Christ Jesus
01112011 0	Jehovahs Witnesses Inc N Caldwell Congregation
00632000 0	Corp of Presiding Bishop of Jesus Christ of LDS
00631000 0	Corp of Presiding Bishop of Jesus Christ of LDS
00330000 0	First Regular Baptist Inc
00087000 0	New Life Bible Fellowship Inc

63-602C - Charitable

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions to the following 105 parcels:

64941254 0	Deseret Industries
64941025 0	Canyon County Community Clinic
61111027 0	Idaho Youth Ranch
61111026 0	Idaho Youth Ranch
61111024 0	Idaho Youth Ranch
61111022 0	Community Council (Dba)
61111015 0	Idaho Youth Ranch
61111007 0	Goodwill
61111004 0	Grace Place (The)
67371501 0	Warhawk Air Museum Inc
67371500 0	Warhawk Air Museum Inc
67340100 0	Hispanic Cultural Crt Of Idaho

67336800 0	Shep Rock Foundation
67165255 0	Mission Aviation Fellowship
67165204 0	Mission Aviation Fellowship
67120000 0	Warhawk Air Museum Inc
64941714 0	Terry Reilly Health Services
64941545 0	Terry Reilly Health Services
64941544 0	Terry Reilly Health Services
64941543 0	Terry Reilly Health Services
64941542 0	Terry Reilly Health Services
64941541 0	Terry Reilly Health Services
64941540 0	Terry Reilly Health Services
61111023 0	Terry Reilly Health Services (Clinic)
61111021 0	Terry Reilly Health Services
38762010 0	Parma Area Sr Citizs Cntr Inc
37939000 0	Blazing Hope Youth Family Ranch Inc
37785000 0	Idaho Youth Ranch Inc
37781011 0	Idaho Youth Ranch Inc
36736000 0	Arena Valley Park Assoc Inc
36402000 0	Pleasant Ridge Grange #135
35865012 0	Witco Inc
35865011 0	Witco Inc
35865010 0	Witco Inc
35818000 0	St Vincent De Paul Of Caldwell Inc
35790115 0	Lifeways Inc
35723101 0	Young Mens Christian Association of Boise Inc
35723100 0	Young Mens Christian Assoc Of Boise Inc
35307103 0	Metro Community Services Inc
35141010 0	Caldwell Odd Fellow Lodge No 10
35091000 0	Advocates Against Family Violence Inc
34971000 0	Caldwell Chapter of The Izaak Walton League of America
33612000 0	Lizard Butte Easter Sunrise
32548178 0	Salvation Army
32109010B0	Witco Inc
31730000 0	Mission Aviation Fellowship
31328012 0	Boise Rescue Mission Inc
31328011 0	Boise Rescue Mission Inc
31312000 0	Boise Rescue Mission Inc
31305000 0	Boise Rescue Mission Inc
31304000 0	Boise Rescue Mission Inc
31139000 0	Pacific Press Publishing Assoc
31060011C1	Love Inc Of Treasure Valley
30505204 0	Idaho Fish and Wildlife Foundation Inc
28695010 0	Community Health Clinic DbA
27333106 0	Corp Of Presiding Bishop of Jesus Christ Of Lds

27333105 0	Corp Of Presiding Bishop of Jesus Christ Of Lds
22891000 0	Mission Aviation Fellowship
19896000 0	V F W Post 11065
17607030 0	American Legion Diven Slonecker Post 126
17540000 0	Melba Valley Historical Society
16883000 0	Community Health Clinics Inc
16880000 0	Community Health Clinics Db
16873000 0	Community Health Clinic
16835000 0	Boise Rescue Mission Inc @@
16046000 0	Canyon County Pet Haven Inc
15988584 0	Salvation Army The
15957000 0	Lifeline Crisis Preg Cntr Inc
15954000 0	Lifeline Crisis Pregnancy Center Inc
14822000 0	Fleet Reserve Assoc Branch 382
14447015 0	Community Health Clinics Inc
14447000 0	Community Health Clinics Inc
14442000 0	Nampa Valley Grange #131
13704000 0	Salvation Army The
13576000 0	Salvation Army
13447000 0	Society of St Vincent De Paul Southwest Id Dist Council Inc
13286000 0	American Legion Joseph H Murray Post 18
11805010A0	Hands of Hope Northwest Inc
11805010 0	Hands of Hope Northwest Inc
11805000 0	Hands of Hope Northwest Inc
08777000 0	Community Health Clinics Inc
08760000 0	Community Health Clinics Db
08759000 0	Community Health Clinics
08670000 0	Nampa Aerie No 2103 Foe
08640000 0	Nampa Aerie #2103 Foe
08237000 0	Nampa Lodge #1389 BPOE
08154000 0	Treasure Valley Transit Inc
07900101 0	Community Health Clinics Inc Db Terry Reilly Health Services
05779000 0	Idaho State Chapter PEO Sisterhood Inc
04887000 0	Salvation Army The
04770000 0	Canyon County Historical Society Inc
04735000 0	Caldwell Model Railroad Club & Historical Society Inc
04699000 0	Mt Moriah Lodge 39 A F Am Inc
03136000 0	Community Health Clinic Db Terry Reilly Health Services
02530505 0	Community Council of Idaho Inc
02530502 0	Community Council of Idaho Inc
02530501D0	Community Council of Idaho Inc
01801000 0	Grand Lodge of Id IOOF Inc
01788000 0	Linc Living Independence Network Corp
01147501 0	Idaho Youth Ranch Inc

01147500 0 Idaho Youth Ranch Inc
01114000 0 Caldwell Elks Home Assn
01113000 0 Caldwell Elks Home Assn Inc
00855000 0 Lambda-Chi Chapter of Kappa Sigma House Corporation
00201000 0 Theta Psi House Corporation

63-602D – Hospitals

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions on the following 44 parcels:

64941679 0 St Lukes Regional Medical Center
64941628 0 Saint Alphonsus Physician Admin Offices
64941625 0 St Lukes Regional Medical Center
64941624 0 St Lukes Regional Medical Center
64941585 0 Saint Alphonsus Emergency Department Neighborhood Hospital
64941492 0 St Lukes Regional Medical Center
64941490 0 Saint Alphonsus Neighborhood Hospital
64941482 0 St Lukes Regional Medical Center
64941410 0 St Lukes Regional Medical Center
64941293 0 St Alphonsus Medical Center Karcher Clinic
64941099 0 Birkeland Maternity Center & Heart Care Center
64940734 0 Saint Alphonsus Regional Medical Center Stars
64940656 0 General Surgery Nampa
64940655 0 SAMG Nampa Ob Gyn
64940654 0 NHP Wound Hyperbaric
64940652 0 NHP Occ Med
64940651 0 NHP Stars
64940645 0 Nampa Hospital
64940243 0 St Lukes Regional Medical Center
64940186 0 St Lukes Regional Medical Center
64940185 0 St Lukes Regional Medical Center
64937764 0 St Lukes Regional Medical Center Ltd
64937538 0 Mercy Physician Cardiology
64936391 0 St Lukes Regional Medical Center Ltd
64935408 0 Saint Alphonsus Physician Services Inc
64932721 0 St Alphonsus Physician Serv Inc
60664500 0 St Lukes Regional Medical Center
31112010 0 Saint Alphonsus Medical Center
31104012 0 Saint Alphonsus Medical Center Nampa Inc
31104011 0 Saint Alphonsus Medical Center Nampa Inc
31100000 0 Saint Alphonsus Medical Center Nampa Inc
31099010 0 Saint Alphonsus Medical Center Nampa Inc
31099000 0 Saint Alphonsus Medical Center Nampa Inc
31098000 0 Saint Alphonsus Medical Center Nampa Inc
31096000 0 Saint Alphonsus Medical Center Nampa Inc

31095000 0	Saint Alphonsus Medical Center Nampa Inc
31084012A0	Saint Alphonsus Medical Center Nampa Inc
31084000 0	Saint Alphonsus Medical Center Nampa Inc
30995012 0	St Lukes Regional Medical Center Ltd
30995011F0	St Lukes Regional Medical Center Ltd
30995011 0	St Lukes Regional Medical Center Ltd
30995000 0	St Lukes Regional Medical Center Ltd
01649000 0	St Lukes Regional Medical Center Ltd
01646010 0	St Lukes Regional Medical Center Ltd

63-602E – Educational

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions on the following 76 parcels:

64941673X0	Greatamerica Financial Services Corporation
64941581 0	TIAA Commercial Finance Inc
64941572 0	Na Pali Coast Capital LLC
64941362 0	Na Pali Coast Capital LLC
64941357 0	Insight Investments LLC
64941113X0	Xerox Financial Services LLC
64941106 0	TIAA Commercial Finance Inc
64940608X0	Xerox Financial Services LLC
64940104 0	Greatamerica Financial Services Corporation
64936374 0	TIAA Commercial Finance Inc
64935345 0	Quadient Leasing USA Inc
64935344 0	Quadient Leasing USA Inc
61111011 0	Treasure Valley Community College
60724001 0	Greatamerica Financial Services Corporation
60724000 0	Greatamerica Financial Services Corporation
60204000X0	US Bank National Association
76062000 0	Greenleaf Friends Academy
36822011 0	Canyon Owyhee School Service Agency
36241010 0	Greenleaf Friends Church
35723012 0	Heritage Community Charter School Inc
35287105 0	Thomas Jefferson Charter School Inc
34795011 0	Mosaics Public School Inc
34320000 0	Vision Charter School Inc
34113000 0	Western Idaho Community Action Programs Inc
32717010 0	Idaho Conference of Seventh Day Adventists Inc
32716000 0	Idaho Conference of Seventh Day Adventists Inc
31539000 0	Christian Schools Foundation of Nampa Idaho Inc
31537010 0	Nampa Christian Sch Inc
31537000 0	Nampa Christian Sch Inc
31535010 0	Nampa Christian Schools
31533000 0	Nampa Christian Schools

31448010 0	Nampa Christian Schools Inc
29567011A0	Victory Charter School Inc
29567011 0	Liberty Charter School Inc
29454010A0	Legacy Public Charter School Inc
19863000 0	Western Idaho Community Action Program Inc Head Start
17885010 0	Building Hope Main Street LLC
13034013A0	Idaho Arts Charter School
13034012 0	Idaho Arts Charter School
13034011A0	Idaho Arts Charter School Inc
13025112 0	Northwest Nazarene University Inc
11633000 0	Northwest Nazarene University Inc
11504000 0	Evan Luth Zions Cong of The
11246000 0	Northwest Nazarene University Inc
11201000 0	Northwest Nazarene University Inc
11194014 0	Northwest Nazarene University Inc
11194013 0	Northwest Nazarene University Inc
11194012 0	Northwest Nazarene University Inc
11194011 0	Northwest Nazarene University Inc
11194010 0	Northwest Nazarene University Inc
11194000 0	Northwest Nazarene University Inc
11189000 0	Northwest Nazarene University Foundation Inc
11188000 0	Northwest Nazarene University Inc
11184000 0	Northwest Nazarene University Inc
11180000 0	Northwest Nazarene University Inc
11007000 0	Northwest Nazarene University Inc
08991000 0	Idaho Arts Charter School
08901000 0	Idaho Arts Charter School
08900000 0	Idaho Arts Charter School
08891000 0	Idaho Arts Charter School
08890000 0	Idaho Arts Charter School
08631000 0	Idaho Arts Charter School
07314000 0	College of Idaho
07311000 0	College of Idaho
07216000 0	College of Idaho-Campus
03956000 0	College of Idaho Inc
03955000 0	College of Idaho Inc
03820000 0	College of Idaho Inc
02530536 0	Western Idaho Community Action Partnerships Inc
02287000 0	Building Hope Chicago Street LLC
00925000 0	Idaho Conference of Seventh Day Adventists@@
00851000 0	College of Idaho Inc
00845000 0	College of Idaho Inc
00842000 0	College of Idaho Inc
00841000 0	College of Idaho Inc

00838000 0 College of Idaho Inc

63-602GG – Low Income Housing

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions to the following 14 parcels:

38770000 0 Elderly Opportunity Agency Inc
36243000 0 Idaho Friends Retirement Homes Inc
35333236 0 Advocates Against Family Violence Inc
35333212 0 Advocates Against Family Violence Inc
35129131 0 Advocates Against Family Violence Inc
32564318 0 Advocates Against Family Violence Inc
32504483 0 Advocates Against Family Violence Inc
32480180 0 Advocates Against Family Violence Inc
19406000 0 Elderly Opportunity Agency Inc
15438000 0 Nampa Christian Housing Inc
12983500 0 Trinity New Hope Inc
06438114 0 Advocates Against Family Violence Inc
06438106 0 Advocates Against Family Violence Inc
06438102 0 Advocates Against Family Violence Inc

50-2014 – Urban Renewal

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions on the following 10 parcels:

13601000 0 Nampa Development Corporation
13415011 0 Nampa Development Corp
13415000 0 Nampa Development Corp
04591000 0 Urban Renewal Agency of The City of Caldwell Idaho
04561000 0 Urban Renewal Agency of Caldwell City
04559000 0 Urban Renewal Agency of Caldwell City
04558000 0 Urban Renewal Agency of Caldwell City
04557000 0 Urban Renewal Agency of Caldwell City
04556000 0 Urban Renewal Agency of Caldwell City
04555000 0 Urban Renewal Agency of The City of Caldwell Idaho

The meeting concluded at 11:18 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2022 TERM

CALDWELL, IDAHO APRIL 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman

Commissioner Pam White - OUT
Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

MAY 2022 TERM
CALDWELL, IDAHO MAY 2, 2022

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

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

APPROVED EMPLOYEE STATUS CHANGE FORM

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

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

The Board met today at 9:04 a.m. with HR Staff to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross.

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

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

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

EXECUTIVE SESSION – PERSONNEL MATTERS FOR CANDIDATE EVALUATION

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

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

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

The meeting concluded at 9:52 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Assistant Director of Facilities Carl Dille, Facilities Admin. Becky Kearsley and Deputy Clerk Jenen Ross.

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

Building maintenance projects currently in legal include the fair expo concrete polishing, A/V project and pedestrian bridges, Pod 5 roof replacement, Trane chiller replacement on the juvenile detention center rooftop, and the warehouse project design which will be before planning and zoning on May 10th.

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

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

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

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

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

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

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

order of requests and is working with IT to create a management program to help with the tracking.

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

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

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

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

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

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

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

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

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

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

The action items were considered as follows:

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

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

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

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

The following updates were provided to the Board:

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

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

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

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

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

One of the building inspectors is going out on medical leave soon and will be out for several weeks, another employee has resigned from the department and one new hire is working thru a medical situation. Tom Crosby will be going back out into the field and Dave Curl will be now working as a plans examiner as well as the Building Official with another part-time employee helping out for the time being. Director Fultz will draft a letter letting citizens know of the situation.

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

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

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

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

MEETING TO DISCUSS THE SAFE TEEN YOUTH ASSESSMENT CENTERS

The Board met today at 2:31 p.m. to discuss the safe teen youth assessment centers and a potential grant opportunity. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, SWDH Director Nikki Zogg, and Deputy Clerk Monica Reeves. Director Catalano said she was invited to tour the assessment centers and it was an eye-opening experience and she's been meeting regularly with the state since. She knew SWDH would be applying for funding and she offered to help them with gathering data for the application. She said Canyon County needs a youth crisis center or shelter because for years we have struggled with not having placements for youth – the only place we have is the juvenile detention center. Director Zogg said the premise behind the assessment centers and the youth

crisis centers started last winter after the Idaho Behavioral Health Council put together its strategic plan and put forth recommendations to the legislature for funding. Director Catalano would rather collaborate with folks if they have already started their application process. She does not want/need to apply but she wanted to find out if the Board wanted her to apply. Dr. Zogg said there is a workgroup of 15 people who represent health care, courts, juvenile detention and special service supports and a lot of those meetings came out from the board of health who had asked about the impacts COVID had on the youth. Research found there was increased suicidal ideation, child abuse and neglect, and the self-harm they were seeing in hospitalizations, with law enforcement and child protective services and that is what started the group down the path in wanting to establish a youth crisis center. The youth crisis center and adult crisis center are two different topics. When talking to the state about how to fund a youth crisis center she became aware of the plan for funding for a crisis center and also for the assessment centers and so the work group brought into its scope, outside of youth crisis and just looking at these other upstream interventions where they might be able to leverage some funding so that's what they have been working towards. SWDH is not the experts in this area but they are trying to bring everybody together to maximize the existing resources because this is only guaranteed funding for one year and they feel like they have a lot of the resources within the community currently. The services are not connected and people don't feel like they can talk to each other so SWDH's hope was to build a collaborative application although they don't feel like they need to own it. Someone puts the idea in a funding application and then the funding be dispersed to the partners who can carry out the work and help support them. Youth crisis centers are meant more for mental health than a substance use crisis, although it could also be a substance use crisis as well as other types of crisis such as homelessness, or someone trying to escape from a human trafficking situation, for example. It is meant to be less than a 24-hour stay with an evaluation and assessment and stabilization and referral into care. Assessment centers are intended to stop the pipeline of youth into the corrections system or into CPS systems to find the high-risk kids and try to divert them by identifying them early through screening and assessment and case management and working with them and their families to avoid those two settings. Director Zogg provided a PowerPoint, a copy of which is on file with this day's minute entry. Director Catalano said assessment centers have a place where families can walk in and seek help for a child through a screening or an assessment and they would get follow-up from a case manager and a provider that would address either homelessness, substance abuse, or parenting resources. The effective models she's seen work very closely with law enforcement and the schools where the majority of referrals come from. Commissioner Smith asked Director Zogg is she feels we can work together on the assessment center and she said yes, her thought is we would have a joint application and then we would have organizations that would identify themselves as being that assessment center. Director Zogg does not see SWDH doing that unless nobody else wanted to do it. She is hoping to leverage existing organizations such as the Nampa Family Justice Center or WICAP, because they are already working with youth and if they were open to being an assessment center, just adding that capacity so the infrastructure already exists and if it's aligned with their mission it's not necessarily adding a lot of extra cost. They have sent a survey to working groups to see where they see themselves fitting in and then they will follow up and ask if they see themselves running an assessment center or providing screening so we have an idea of what interest there is among the partners to address the gaps. After that they will submit a single application with the wish list in their funding request.

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

COMMUNITY INPUT MEETING

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

The following citizens offered comments:

Kenneth Leytem, a Middleton resident, spoke about annexation within the unincorporated areas of the County and the issues and negative impacts associated with large density housing in rural communities. He believes state, county, and city officials are putting the rights of developers over the rights of residents living in the affected areas. The City of Middleton prioritized the want for impact fees, permit fees, taxes, and assessments over the wants and needs of the community by masking the negative impacts of traffic issues, minimizing shortcomings of police, fire, and school resources, as well as water resources, and sewer capacity. Who is protecting the property rights, property values, and quality of life of the citizens? He said the County should: 1) stop abdicating its fiduciary responsibility related to planning and zoning and areas of impact to cities who have shown for disdain and indifference to the residents; 2) force developers to submit the actual subdivision plans to be constructed during the County's approval process and place contingencies on the developments so they cannot negatively impact residents already living in the area; 3) place requirements on annexations of areas that are already populated with rural subdivisions that will not be injurious to other properties in the immediate vicinity or negatively change the essential character of the area; and 4) advocate on the residents' behalf to the cities to ensure property rights, property values, rural lifestyle, and safety and security are not infringed on by the greed of development. Commissioner Smith said we are losing some of the best farm ground to cities who are in a rush to annex and it's very frustrating. Idaho statutes give land use planning act authority to each jurisdiction, and annexation is one of those "kings of development" and there needs to be some reform at the state level because we have agreements with cities regarding the comment period when we create those impact areas but it's not reciprocated and Idaho Code does not have a standard for that and so the cities annex inside those areas and outside those areas and it's a detriment to some of our communities. We need to think about HB389 that allows for the 3% growth yet the budgets are supposed to be based off of us providing mandated services and she's having a hard time understanding how it's going to be equitable. How do we manage those moving forward and how can we meet the level of service that's required by law with a 3% cap? It's frustrating and we all need to contact our senators and representatives and ask for a change to property tax reform and land use reform. She said Senator Rice just tried to pass a bill without due process to allow other cities to annex in other impact areas. We were able to shut it down in a committee meeting and then he picked it up without agenda notification. Commissioner Smith is fighting for orderly growth that we can sustain and said our growth is limited in the County and we are working on a comprehensive plan that will help, but we have no control over what the cities do. If property is contiguous to a city they apply for annexation and the laws for voluntary annexation all you have to do is touch the city. It doesn't follow our comprehensive plan or ordinances. She encouraged Mr. Leytem to contact his local representatives and senators. Commissioner Van Beek spoke about how the Board is always willing to listen to the issues.

Larry Olmsted had questions regarding DLR and the Board's request for an update on construction costs on the jail. He is opposed to the Board spending any more funds on DLR's jail plan which he believes was overdesigned and over-priced. There is support for a jail, but there is not support for a jail this big and costly with no citizen input with no means of financing other than property tax. Mr. Olmsted wants the Board to involve citizens, implement impact fees, and establish a capital construction fund. There are local firms in Boise that design and build jails and he would favor utilizing a local firm rather than DLR. Commissioner Smith said the estimate for the update on

the jail construction costs is \$7,500 and it came about as part of a recent meeting with local Mayors who are supportive of starting a jail committee and they wanted to know what it would cost to update those figures. The point with visiting with the Mayors is because in order to be able to move forward on impact fees we have to have a base set and the fastest way to get there is to know what the cost and need is now. She emailed the Sheriff's Office and the Prosecutor's Office asking if the DLR update would be able to give us adequate information to set that base for impact fees and the answer was "*I don't think so.*" Her intention was help figure out a baseline for impact fees. Mr. Olmsted said he supports impact fees, but he does not support the idea of asking for a cost estimate on something nobody wants when you don't know when it will be built. He said the Board should do a capital improvement plan and say this is how much jail you're going to need and impact fees can only pay for the new part. He suggested that an estimate could be provided by Russ Moorehead with Lombard-Conrad. Commissioner Van Beek in light of the mental health component with incarceration, there is a need that has to be addressed rather than building bigger jails, and citizens have to be involved in the planning stages of that process. She said ElJay Waite has proposed alternative methods of payment and has done the feasibility studies on some of the most complex financial documents in the city and she will not allow his ideas to be pilfered. The County has been sitting on the Pond Lane property for 12 years and now is not the time to build when construction costs are high. We should stage the funding, and figure out what citizens will pay for, what size of jail we need given the incarceration component and involve citizens at a greater level. Mr. Olmsted asked questions regarding urban renewal. Commissioner Smith said the property is in an urban renewal reallocation district and the tax base is set from when we adopted the ordinance setting it and that amount goes to its original taxing districts and then any increase in it goes to the urban renewal district and those funds that are collected are typically used for infrastructure and site improvements.

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

Steve Burton had two topics to discuss and wanted to address one now and save the other for the end of the meeting after everyone else had a chance to speak. He thanked Commissioner Smith for letting him know about the Star City Council meeting where they discussed the impact area and their new comprehensive plan. He attended the meeting and found an empty house because public notice was only done in the Idaho Statesman and nobody knew about it. He offered

testimony and said there was a good exchange of information, but regardless the City of Star passed a resolution to expand their comprehensive plan and extend their impact area into Canyon County. He doesn't think the Mayors of Star and Middleton are going to have a discussion about negotiations. Commissioner Smith said it's her understanding the Mayor of Middleton is actively pursuing discussions with the City of Star but they have not yet been able to engage in a conversation. The City of Middleton's attorney copied the Board on a letter reinforcing that they have not been able to communicate with Star and they fully anticipate moving forward within the 30-day window if they are not able to negotiate, and that a lack of conversation will mean they disagree and will ask the Board to render a decision. That would be a public meeting where they will hear comments on where the impact area should be and will be the first time the Board will have the opportunity to agree to make its own recommendation on a boundary and then if the two cities do not agree and adopt those boundaries, then it will go to a vote. (*The Board had already made a decision on the Committee of Nine's recommendation.*) In order to get it to a vote the fastest way was to adopt the Committee of Nine recommendation and that's what they did. Ordinances are not officially adopted until they are published in the newspaper; Star said it had adopted the map, however, they had not officially adopted the map so the County held its ordinance until Star had its meeting and then the County recorded its ordinance. The 30-day timeline starts from that date in April. Mr. Burton said the City of Star is not stopping and is continuing to add developments and he believes the County should ask a judge for a cease and desist while this is in process. Commissioner Van Beek said the Board issued a cease and desist letter but Star did not heed the warnings in the cease and desist so there is a process we have to go through and we are following the timelines. Commissioner Smith said the City of Middleton is working on the issue and the County's attorney believed it was a battle the County might not win. She said there is a long history of annexations that the prior Boards of Commissioners allowed.

Rosalyn Studarus said Steve Burton addressed her concerns.

Kim Yanecko had follow-up questions from the last two community input meetings regarding how to place an item on the agenda, and when will the Board hold a meeting on the resignation letter that was given to Commissioner Van Beek. She requested the meeting be held prior to the election so citizens can have a good understanding of who is representing them, but it seems Commissioners White and Smith are not interested in holding a meeting on the resignation letter. Ms. Yanecko said at the last meeting she asked Commissioner White about where she has lived and she confirmed she resided in California. She had asked Commissioner Smith several questions and followed up in an email to both Commissioners but has not received a response for any of the information she requested. Given that the Governor just released a drought declaration, she wants to know if we are going to have a moratorium on any open applications and a stop on any future applications at the present time until the drought issue has been resolved? Commissioner Van Beek said there is a resolution coming for the Board to support the resolution for the drought and it allows temporary funding to come immediately to farmers and entities that would give them access to water rights. Ms. Yanecko said it helps farmers and it doesn't necessarily stop development. Commissioner Van Beek said that is a true statement. Commissioner Smith said the Board was actively working on a drought declaration and invited the Idaho Department of Water Resources (IDWR) to talk about it a couple of weeks ago where they discussed the process

and because of BOCC support it got relayed to the Governor and he decided to work towards a state of emergency vs. having counties individually go through that process. Through the Idaho Association of Counties, the Board agreed to participate and agreed with an emergency drought declaration and it is specifically tied towards irrigation water for accessibility for the farmers. Ms. Yanecko said IDWR's report referenced the fact that the drought, as severe as it is, does not only impact surface water but also impacts groundwater which is something we all face south of the lake and so she is requesting the Board make it an agenda item so the community can voice concerns that there should be a moratorium. She understands the farmer portion of it, but a county-wide moratorium seems to be a reasonable request based on the information we have that's conflicting with availability of water. Commissioner Smith said the Idaho Department of Water Resources just presented an updated water report to the COMPASS board and she believes that meeting was posted on YouTube.

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

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

ElJay Waite said it's a good idea to meet with the Mayors and talk about growth and with his background in urban renewal he wants to submit a topic the Board may want discuss with the Mayors. There are a lot of enclaves in city areas that have not been annexed into the city that are within the city bounds and water and sewer lines run right past them. With what we are trying to do with the County, the urban renewal, and the City of Caldwell on Highway 20-26, that's an infrastructure reimbursement into a property that hasn't developed for decades and maybe it's time to look at the enclaves in the cities and set up urban renewal areas specifically on the ones that could develop quickest and be the most valuable to the city and use that same reasoning to allow developers to develop it. Apparently, there are areas that are so disadvantaged and

deteriorated nobody wants to touch them. If that could be brought to the Mayors he would like a report back as to what they say. Commissioner Smith said that's a great idea.

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

the Board chairman that the two commissioners already have the appropriate approvals for their travel and that my approval was not necessary. It was also stated that I was wasting her time and that I should focus on 'high priority work that the public is actually interested in'. This contradicts her statement made in a candidate forum on April 25th that an elected official's job is to 'spend every dollar as if was their own.' Clarification is in order. I believe that if people are not going to do the job they should not run for public office. The Board of County Commissioners should model the highest level of professionalism and leadership in government. The call for stewardship and accountability is imperative in order to safeguard the trust of taxpayers, but where mischief abounds it draws flies and fire. A statement was recently made by the Board chairman that 'the BOCC collectively is not set up to function as a working group.' I strongly disagree. The BOCC should function as a one of the greatest models of teamwork, respectful negotiation, and collaboration, particularly in light of its unique structure and share the equal power in governance. Choosing who governs is still a function of the people. There is some homework that needs to be done between now and May 17th."

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

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 3, 2022

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

APPROVED CLAIMS

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

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Stinker Stores Inc dba Stinker Store #48; Stinker Stores Inc dba Stinker Store #60; Stinker Stores Inc dba Stinker Store #75; Stinker Stores Inc dba Stinker Store #108; Stinker Stores Inc dba Stinker Store #82; Stinker Stores Inc dba Stinker Store #44; Stinker Stores Inc dba Stinker Store #113; Stinker Stores Inc dba Stinker Store #41; Mother Earth Bew Co LLC dba Mother Earth Micro Brews; Smashburger Acquisition – Idaho LLC dba Smashburger #1588; Muniz Family

Grocers Inc dba Grocery Outlet of Caldwell; and JFL Vond LLC dba Super C (Resolution no. 22-077)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Caldwell Bowl Inc dba Caldwell Bowl; Belle Event Center LLC dba Belle Event Center; Shi Sushi Restaurant LLC Shi Sushi Spirits; GMRI, Inc dba The Olive Garden Italian Restaurant #1731; Evergreen Restaurant LLC 1313 dba Outback Steakhouse; Mesa Downtown LLC dba Mesa Tacos & Tequila; Done Ulmer dba Airport Inn; Casa Anejo LLC dba Casa Anejo; El Guero LLC dba Pollos Y Mariscos El Guero; Sodexo America LLC dba Sodexo America; Sodexo America LLC dba Sodexo America (Resolution no. 22-078)

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

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

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

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

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

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

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

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

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

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

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

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

Those present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Elizabeth

Allen, Alan Mills, TJ Wellard, Matt Wilke, Danny Schuster, Erin Schuster, George Crookham, other interested citizens, and Deputy Clerk Monica Reeves. DSD Planner Elizabeth Allen summarized the changes that were made based on the last hearing held on March 8, 2022. Revised amendments were made to the following sections:

07-02-03: Definitions

07-17-03: Jurisdiction

07-17-21: Minor Replat and Amendment

07-18-01: Purpose

07-18-03: Applicability

07-18-05: Application

Alternative 07-18-05: Application

07-18-07: Administrative Division in Agricultural Zones

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

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

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

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

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

Neutral comments were offered as follows:

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

Alan Mills stated he concurs with TJ Wellard's comments and said there's so much of the ordinance that's subject to interpretation. When Idaho Code sections 67 and 31-3805 were created there was an intent to the purpose of those and after 10-20 years of being construed the same somebody came in and decided it read differently than that and those two code sections had to be amended for clarification. Somebody could take the position that government lots fall into

platted lots and totally disrupt the process. A lot of work needs to be done on this ordinance and he suggests a working group be formed with ag owners, property owners, surveyors, etc., who have to drive this so that staff is not burdened with trying to interpret all of the comments. There is still validity to the 2004 date, but it would benefit from far more input. The ordinance needs to be vetted again and a workshop needs to be held where both hypothetical and real examples can be given and the group can talk about how to run them through the process and come out with a conclusion.

Matt Wilke agrees with TJ Wellard and Alan Mills. There are some applications we need to run through the process and see what the injury will be, if any. He agrees with clustering permits through separate ownership. He thought the 2004 date of originality was a good idea and it was brought forward to reduce the amount of control and time it took to get through the process for administrative splits but we are now adding so much red tape it's starting to confuse the process. Commissioner Smith said she is trying to make the administrative land division process cleaner, but she agrees there is more red tape for the minor replats. Discussion ensued.

Comments in opposition were offered as follows:

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

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

Ms. Allen asked the Board to recognize that staff is still in the process of updating the comprehensive and a joint workshop is scheduled, they are short-staffed and they have over 100

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

MEET WITH LOCAL MAYORS TO DISCUSS COUNTY GROWTH

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

Discussion topics included the following:

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

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

- Commissioner Smith spoke about some of the mental health challenges facing youth and funding that is coming up thru the state for teen assessment centers which are designed to be diversion programs. This program currently has funding but it needs a building; SWDH is willing to spearhead this effort. Additionally, there is going to be a grant from the state for a teen crisis center, this will be for youth in an immediate crisis. At this time there really is no other place for these kids to go other than an emergency room. So far, every idea that has been explored for a location has fallen thru but it is still desperately needed.

Discussion ensued regarding possibly building options that may work and the possible use of opioid settlement funds.

- Discussion ensued regarding a commuter car that would use Union Pacific rail lines. Commissioner Smith spoke with UP who indicated all that would be needed is a feasibility study that shows need and predicts use. Mayor Kling said that Elaine Clegg sits on the national committee and thinks it would be good for there to be a collaborative effort so that it's not being worked from two different directions.
- Brief discussion ensued regarding the governor's drought declaration and IDWR's role.

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

MONTHLY ELECTED OFFICIALS' MEETING

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

Discussion topic included the following:

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

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 4, 2022

PRESENT: Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2216

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

APPROVED CLAIMS

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

APPROVED CATERING PERMITS

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

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

The Board met today at 9:03 a.m. to conduct a public hearing in the matter of a request by Spring Hill Ranch, LLC, represented by Subdivision Maker, LLC, to amend the preliminary plat for Spring Hill Ranch Subdivision (Case No. SD2020-0010), Case No. SD2021-0070. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, Tracy Skidmore, Craig Grier, Matt Hildebrandt, Les Chapman, Dora Donovan, David Donovan, Dustin Schiffler, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The amendment changes the subdivision access from Freezeout Road to Purple Sage Road. The property is zoned "R-1" (Single Family Residential, one-acre average minimum lot size). The plat consists of 27 residential lots and 1 common lot. The property is located in a mapped floodplain (Zone A). The 38.15-acre property is located at 14263 Purple Sage Road. On December 7, 2020, a preliminary plat was approved for Spring Hill Ranch with main subdivision access coming Freezeout Road. A final plat and construction drawings were submitted on July 30, 2021. The final plat changed the main access to the subdivision to Purple Sage Road. On March 3, 2022, the P&Z Commission recommended denial of the preliminary plat for the following reasons: The request is inconsistent with Condition No. 5 of the previously-approved preliminary plat which included a letter from Canyon Highway District #4 dated September 22, 2020 prohibiting access onto Purple Sage Road. The relocation of the access to Purple Sage Road, a minor arterial, would create potential traffic and sight-visibility impacts that were addressed by the approved access from Freezeout Road. Following Mr. Lister's report, he responded to questions from the Board. In the

highway district's letter of April 8, 2021, it stated a flood study commenced and indicated the approach onto Freezeout Road was not feasible due to a 12' culvert required to pass the base flood plus 1' of freeboard. A variance request to allow an approach onto Purple Sage Road was granted on March 3, 2021. Conditions of approval required placement of the approach approximately 740' east of the Freezeout Purple Sage intersection. Notice applicant that the approach will be restricted to a right-in-right-out approach once a second road connection is provided and provision of an updated preliminary plat for review – conditions of the variance approval have been met through the revised preliminary plat submittal.

The following people testified in support of the request:

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

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

The following people offered testimony in opposition to the request:

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

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

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

Rebuttal testimony was offered by Mr. Taylor regarding access and the culvert. There are no issues with Canyon Highway District, the Bureau of Reclamation or the Black Canyon Irrigation District associated with this project. He referenced an email dated May 3, 2022 from the Canyon Highway District related to traffic. He does not see any sight distance issues with Purple Sage Road and said

Craig Grier's comments are well noted and should be made to the highway district for their technical expertise. This Board should recognize the agencies for their expertise, specifically the highway district's engineering and the standards they have implemented. Following his testimony, Mr. Taylor responded to questions from the Board.

Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek has concerns regarding access and traffic safety. She referred to the April 8, 2022 letter from Canyon Highway District and spoke about the size of the culvert and volume of water flow and said she does not have enough information to move forward. There were additional questions asked of staff and there was Board discussion regarding delegated authority to highway districts. Commissioner Van Beek said there are engineering questions about the easement and volume of water as well as who owns the easement. Commissioner White said the highway district has approved this and she believes the developer and Mr. Taylor will follow through on the safety concerns. Commissioner White made a motion to approve the amended preliminary plat for Spring Hill Ranch Subdivision, Case No. SD2021-0070. The motion was seconded by Commissioner Smith for discussion. She said the Board struggles with the balance between Canyon Highway District and their authority because we have had multiple hearings where citizens are not able to provide testimony about road and access issues and we need to advocate to senators and representatives for change at the state level. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. Because the Board's decision is a material change to the P&Z Commission recommendation, it requires re-noticing for another hearing. Commissioner Smith suggested Carl Gephart attend the next hearing and provide testimony, and see if the community can work with the highway district regarding information about the right-in-right-out approach. The hearing concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

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

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

Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the final plat to May 19, 2022 at 1:30 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:50 p.m. to consider the final plat for Hipwell Estates Subdivision, Case No. SD2021-0013. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Associate Engineer Devin Krasowski, other interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the staff report. The property is zoned rural residential and contains 8 residential lots. It is not in an irrigation district nor does it have surface water irrigation rights. The project was approved subject to 8 conditions which have been met. Keller & Associates has reviewed the final plat and found it to be in conformance, and the engineer has supplied a statement of completion. Following Board review and comments, Commissioner Van Beek made a motion to approve and sign the final plat for Hipwell Estates Subdivision, Case No. SD2021-0013. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded 2:54 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 5, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:48 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case nos. 2022-500 and 2022-475 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Liens and lien releases were presented for Board signatures.

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

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

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

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

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

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

A brief discussion was had regarding the MOU with the University of Idaho/Extension office and a request to go into executive session was made as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:15 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive

Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:59 a.m. with no decision being called for in open session.

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

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

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

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

TOTAL: \$85,530.33

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

opinion, we are “getting off really cheap.” He is amazed the shelter staff is able to keep the doors open given the funding situation and he feels we should investigate what is the proper amount of money that should be forwarded to the shelter. Commissioner Smith agreed that the shelter staff runs a great facility. The meeting concluded at 10:35 a.m. An audio recording is on file in the Commissioners’ Office.

CONSIDER ALCOHOLIC BEVERAGE LICENSES AND REVIEW EMPLOYEE STATUS CHANGE FORMS

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

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

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

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

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 11:00 a.m. with the Assessor’s Office to consider various new and renewing property tax exemptions under codes 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Business Manager Jennifer Loutzenhiser, Customer Service Specialist Shari Poplin and Deputy Clerk Jenen Ross.

63-602B - Religious

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant an exemption on parcel no. 35395000 0 for First Methodist Church of Caldwell.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant an exemption on parcel no. 31064106 0 for Cross of Christ Evangelical Lutheran Church Inc.

Ms. Loutzenhiser noted for the record that on the advice of legal, the Assessor's Office is recommending denial of an exemption on parcel nos. 01443000 0, 01442000 0 and 01647000 0 for Aspen and Christopher Morrow FBO TV Free Church. Commissioner Van Beek made a motion to deny the exemptions due to the inability to tour the site on mixed use, incomplete application and lack of supporting evidence that it functions as a church. The motion was seconded by Commissioner White and carried unanimously.

63-602D – Hospital

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant a partial exemption on parcel no. 01648000 0 for St. Lukes Regional Medical Center for parking lot usage.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant a full exemption on parcel no. 30995011B0 for St. Lukes Regional Medical Center LTD.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant a full exemption on parcel no. 64941896 for St. Lukes Cancer Institute.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny the exemption on parcel no. 61111025 0 for St. Lukes Regional Medical Center due to the space being vacated and a request that the account be closed.

63-602E – Education

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a denial on parcel no. 64941110 0 for Great America Financial Services Corp.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a partial exemption to Canon Financial Services Inc., PIN 64941394 0 for active leases, the remaining will be denied.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue exemptions on PIN nos. 60686650 and 64933876 for Canon Financial Services.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant an exemption to Marlin Leasing Inc. on PIN 64806140 0.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant exemptions to Northwest Nazarene University for PINs 11181000 0 and 11178000 0.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue an exemption to the College of Idaho for PIN 00843000 0.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant an exemption to 3900 Overland LLC for PIN 32504100 0.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny an exemption to Building Hope Iowa LLC (previous owner) for PIN 32121000 0. A secondary motion was made by Commissioner Van Beek to grant the exemption to Gem Prep Nampa LLC (current owner) for PIN 32121000 0. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:28 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today with the Clerk to discuss and make a recommendation on the FY2023 funding amount for Southwest District Health (SWDH). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. Commissioner Smith is the County representative on the health board and each year the members make a recommendation for the SWDH budget and those members have never gone back to their boards and asked for a recommendation and the SWDH board that exists today, partly due to the legislative change this is taking the indigent services program to the state and then we have a higher responsibility for pay to SWDH in reverse. She believes we will realize some cost savings for property tax but she's not sure. As part of the budget request she was directed to get consensus from the Board of Commissioners on 0% increase, 1% increase, 2% increase or a 3% increase. Once a recommendation is made she will take it back to the health board and it will vote and choose one of these percentages and SWDH Director Nikki Zogg will make a presentation based on what the health board recommends. Clerk Yamamoto said given what's happened legislatively, this is a sweet deal for canyon county because with the state taking over indigent and public defense, although we are not sure what that will look like. What does SWDH's budget look like now and do they need an increase? Even at the highest level

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

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

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

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

APPROVED CATERING PERMIT

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

PUBLIC HEARING TO CONSIDER CASE NO. OR2021-0029

The Board met today at 8:11 a.m. for a public hearing to consider case no. OR2021-0029 an ordinance amending Chapter 7, Articles 2, 17, and 18, Zoning Regulations, of the Canyon County Code of Ordinances; and Severability Clauses; and Effective Dates to include provisions for the land division of parcels created prior to September 6, 2004 and other amendments regarding the division of property. the amendment includes the following: Chapter 7, Article 2, Section 3, definitions: amend the definition of original parcel. Chapter 7, Article 17, Section 3, Subsection 3: Jurisdiction: amendment to subsections (A), (B), and (F) regarding agricultural parcels, parcels created by settlement or court decree and division of land fewer than five parcels from the original. Article 18: Administrative land divisions. Chapter 7, Article 18: Amendment to include separate sections for purpose, applicability and application requirements and provisions, separate and amend provisions and requirements for land division in an "A" zone and divisions in other zones (Section 07-18-01), amendment to Section 07-18-05 (Administrative division and relocation of building permits between contiguous parcels in an agricultural zone) regarding removal of ownerships of contiguous parcels requirements and other minor amendments to Subsection (4), Amendment to Section 07-18-07 (land divisions by judicial division) to provide clarification to the

requirements, and minor amendments. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Planning Official Dan Lister, Planner Elizabeth Allen, Darin Taylor, George Crookham, TJ Wellard, Alan Mills, Matt Wilke, Jerry Payne, Danny Schuster, Chris Smith, David Ferdinand (arrived at 8:20 a.m.) and Deputy Clerk Jenen Ross.

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

- Discussion ensued regarding the definition of “non-viable” ground.
- A future workshop will be scheduled to further discuss the 2004 originality date.
- Jurisdiction section will be left as presented.
- Court decree language will be removed.
- The section that addresses parcels is consistent with the ordinance changing it and staff’s recommendation is for no more than 4.
- Minor replat language is not being considered at this time and a workshop will be scheduled for further discussion.
- Section 07-18-01 regarding applicability will be held for the time being.
- Application for administrative land division: Commissioner Smith explained that highway districts don’t collect fees on rezone applications but they do collect them on administrative lot splits. They have also expanded their purview, the county requests acknowledgement on access but they were forcing right-of-way dedications thru the administrative land division process and holding those applications for extended periods of time. The way that the ordinance was worded, no one could apply for an administrative land division without that acknowledgement letter from the highway district. This change doesn’t circumvent the highway districts but puts the control back in DSD just like has always been done with rezones; the county sends an agency response requesting specific language on access and approach. Based on a question from Mr. Crookham, Mr. Lister further clarified the process in regard to applicants being able to submit a site plan prior to a record of survey. Mr. Crookham said he is good with this if staff is good with it. 15-day review will be added in.
- Discussion ensued regarding easement language. Final decision on language is “...includes existing and necessary easements”.
- Section 07-18-07 regarding administrative division in ag zones: Discussion ensued regarding residential parcels with the final decision being to reject the change and leave it how it was worded.
- 07-18-09: Just an administrative change to add in the letter ‘a’.
- 07-18-11 regarding relocation of building permits: The only change is to removing the 100% ownership. This is for very small contiguous transfers. Following discussion in regard to the ‘and’/ ‘or’ for the relocation in section D, it was decided to keep the “or” language.

- Administrative land division in all other zones: The purpose of this section is to allow for a division of commercial, industrial and residential zones – this is not for ag zones. Decision is to keep it as it's been, no changes at this time.

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

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

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

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

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

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Interim Lead HR Generalist Jennifer Allen, IT Director Greg Rast and Assistant IT Director Eric Jensen. Director Rast and Mr. Jensen left the meeting at 9:29 a.m. The Executive Session concluded at 9:51 a.m. with no decision being called for in open session.

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

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

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

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

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

Commissioner White made a motion to go into Executive Session at 10:05 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Interim Lead HR Generalist Jennifer Allen and HRD candidate. The HRD candidate left the meeting at 10:47 a.m. The Executive Session concluded at 10:53 a.m. with no decision being called for in open session.

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

The Board met today at 11:00 a.m. with the Sheriff's Office to discuss a resolution authorizing specific compensation adjustments with an action item and for a review of the DLR fee proposal regarding updated costs for jail construction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek (Commissioner Smith left the meeting at 11:19 a.m.), Chief Deputy Sheriff Marv Dashiell, Cpt. Harold Patchett, Lt. Martin Flores, Lt. Travis Engel, Controller Zach Wagoner, Assessor Brian Stender, Clerk Chris Yamamoto (arrived at 11:04 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Meeting to discuss resolution authorizing specific compensation adjustments for Sheriff's Office
Action Item: Consider signing resolution authorizing specific compensation adjustments for Sheriff's Office: Chief Dashiell explained that dispatch is down six (6) positions and over the past few months

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

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

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

The dispatch center dispatches for 18 first responding agencies within the county. The county population exceeds 230,000 with approximately 100,000 being the City of Nampa which has their own dispatch center and dispatches for 2 first responding agencies and pay their employees more than Canyon County is paying, especially in the 3,5- and 8-year range.

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

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

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

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

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

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

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

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

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

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

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

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 9, 2022

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

APPROVED CLAIMS

- The Board has approved claims 584533 to 584575 in the amount of \$39,173.70
- The Board has approved claims 584490 to 584531 in the amount of \$3,993.96
- The Board has approved claims 584265 to 584294 in the amount of \$171,440.54
- The Board has approved claims 584295 to 584323 in the amount of \$183,071.95
- The Board has approved claims 584420 to 584451 in the amount of \$1,141,890.28
- The Board has approved claims 584471 to 584489 in the amount of \$22,651.37
- The Board has approved claims 584452 to 584470 in the amount of \$13,763.00
- The Board has approved claim 584532 in the amount of \$6,064.81

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

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

APPROVED EMPLOYEE STATUS CHANGE FORM

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

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

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

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

The Board met today at 9:04 a.m. with the directors to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel (left at 9:08 a.m.), Weed and Pest Superintendent AJ Mondor (left at 9:15 a.m.), Code Enforcement Supervisor Eric Arthur (left at 9:32 a.m.), IT Director Greg Rast

(joined the meeting at 9:07 a.m.), Assistant IT Director Eric Jensen, DSD Office Manager Kathy Frost (left at 9:18 a.m.) and Deputy Clerk Jenen Ross. The meetings and action items were as follows:

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

Weed and Gopher Control update:

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

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

Code Enforcement update:

- Total active cases fell from 780 to 735 this month; all will need to be re-notified as they are so old. The county has been broken down by area for each code enforcement officer and they are working with Tony Almeida to create a system for tracking and breaking down the county. Review of active case numbers.
- Clean up day was huge success; Mr. Arthur would like to do a dump day in fall as well for code enforcement. About 90 letters were sent out to properties with code enforcement violation with about 40 properties participating on the free day. Before and after photos of the properties were shown to the Board.

Information Technology update:

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

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

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

The Board met today at 2:07 p.m. to continue the discussion regarding the FY2023 funding amount for Southwest District Health. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, Clerk Chris Yamamoto, Troy Cunningham, the Financial Officer for SWDH who participated via conference call, and Deputy Clerk Monica Reeves. Commissioner Van Beek summarized the conversation she had with Troy Cunningham earlier in the day. For FY2022 the state appropriation for SWDH was \$1,476,900 and that includes the \$985,800 which represents $\frac{3}{4}$ of the state's fiscal year, plus the additional \$491,000. With the 3% increase the six counties contribution amount would be \$2,965,156. Mr. Cunningham said the \$2.9M amount is the total cost but this year they wanted to annualize that to make it account for the difference in the counties' fiscal year versus SWDH's fiscal year and the first three months of the state's fiscal year, the counties will be contributing at their prior year amount and starting October 1 they will change to this amount which is significantly higher. The difference is those first 3 months of contributions are not typically accounted for. Commissioner Van Beek said the Canyon County will go from \$1,448,358 to \$2,121,961 which is a dollar change of \$673,603 if they are granted the 3% increase. The difference between a zero increase and the 3% is \$49,304. The net increase to the County, because of HB 316, is going to be significant and it ranges anywhere from 43% to 47%. Commissioner Smith said the law changed and it required counties to fund SWDH at a higher level, but the flip side to that is we are no longer funding indigent and that's even more significant. Controller Wagoner said the \$2M to SWDH is significantly lower than the \$5M budgeted for indigent medical a few years ago. The FY2022 dollar amount was skewed because the law changed mid-stream, March 1st during the middle of the fiscal year, and had it been in effect for the entirety of Canyon County's fiscal year our allocation would have been over \$2M. We talked about how this was going to appear to be a big jump because the law change was effective mid-stream. The numbers now show the full effect for a full year for SWDH which is offset by the savings in indigent medical. Mr. Cunningham reviewed population and taxable market values and said the increase in population is a big segment of the driver; we had an influx of population and that's how Canyon County bears more of that brunt. Commissioner Smith said it's important to recognize this is not an additional request, they are not providing additional resources, this is their normal budget and they will continue providing the services they have. Looking at the cost savings to constituents and still providing ongoing health efforts across the community is important. We are the largest contributor and we also have the highest population being served and SWDH is struggling with employment and they were not able to do the payroll increases that we did and a modest increase will help cover those costs and help retain good employees to a marginal extent. She supports the 3% increase. Controller Wagoner supports it as well. Indigent costs have decreased to almost nothing and a 3% increase request is very reasonable for the money and services that come back to this county. Commissioner Van Beek is supportive of the 3% increase. Commissioner Smith will forward that recommendation to the health board. Director Zogg will make a formal presentation to the Board, the Clerk and the Controller. The meeting concluded at 2:24 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

APPROVED CATERING PERMIT

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 11, 2022

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

There were no meetings held this day.

APPROVED EMPLOYEE STATUS CHANGE FORM

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED CATERING PERMIT

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

MAY 2022 TERM
CALDWELL, IDAHO MAY 12, 2022

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

MEETING TO CONSIDER AGENDA ITEMS

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

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

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

Discussion regarding CCSO Data Storage: Ms. Klempel explained there was an existing MOU with the Post Falls Police Department for data sharing of the license plate recognition database. Cpt. Armstrong said that the Post Falls Police Department was the victim of a ransomware attack which affected the server that stored the data. A company named Neology provided a temporary solution until there was a decision made on a permanent solution. In that time the county has decided to continue on with Neology and the cloud-based storage. The Oregon/Idaho region of HIDTA will be funding the first 3 years at \$5000/year. Although there has been no commitment from HIDTA past the first 3 years Cpt. Armstrong has indicated that HIDTA is very supportive of this project and thinks there could be additional funding in the future. There was no action necessary or taken by the Board, today's meeting was for informational purposes only.

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

CONTINUED MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

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

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

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

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

There were three options provided to the Board as follows:

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

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

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

FY2023 BUDGET PRESENTATION FOR SOUTHWEST DISTRICT HEALTH

The Board met today at 1:32 p.m. to hear the FY2023 budget presentation for Southwest District Health (SWDH). Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, Indigent Services Director Yvonne Baker, SWDH Director Nikki Zogg, SWDH Financial Officer Troy Cunningham, SWDH employees Colt Deckman and Daniel Adams, Sarah Andrade with Lifeways, Inc., and Deputy Clerk Monica Reeves. Commissioner Smith, who serves on the SWDH health board, said the board met yesterday recommended approval of the budget and recommended a 3% increase as well. Director Zogg said the budget request continues to be out

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

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

Commissioner Van Beek made a motion to go into Executive Session at 2:11 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d): interview and candidate evaluations for the Direct of Human Resources position. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Assessor Brian Stender, Lead HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The Executive Session concluded at 4:54 p.m. with no decision being called for in open session. The final round of interviews will be held on May 16, 2022 at 3:00 p.m.

MAY 2022 TERM
CALDWELL, IDAHO MAY 13, 2022

PRESENT: Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman - OUT
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGN NOTICE OF LIEN – PROPERTY ABATEMENT

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

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

The Board met today at 8:58 a.m. to consider signing the FY2023 Indigent Defense Financial Assistance Compliance proposal and grant application. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli, Deputy P.A. Zach Wesley, Planning Official Dan Lister, Planner Elizabeth Allen, Controller Zach Wagoner, Other interested citizens and Deputy Clerk Jenen Ross. Mr. Bazzoli apologized for not having the actual paperwork for the Board to review, he stated that it is sent to him to be completed and is then forwarded to the Clerk for his review and signature. Mr. Bazzoli anticipates the county receiving approximately \$1M this year which is based on a percentage the county has spent on public defense in 3 of the past 5 years. He also provided an explanation of the amounts that have been granted in the past, how the numbers are calculated and what the funds are used for.

Controller Wagoner said that the state will not be fully funding public defense in FY2023 as their funding number is based on FY2021 numbers, however, in 2022 Canyon County got three new

judges which increased many costs including in the Public Defender's office. He said he Public Defender's budget will be comprised of Public Defense Commission, state and county monies.

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

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

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

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

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

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

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

Staff prepared updated FCOs and a final revised document for the Board's consideration to reverse the P&Z Commission's recommendation. Dan Lister reviewed a memorandum which includes the color-coded changes that were discussed at the May 6, 2022 hearing. (A copy of the document is

on file with this day's minute entry.) Staff advised that another public hearing will be scheduled and a new legal notice will be prepared with the new amendments.

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 16, 2022

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

APPROVED CLAIMS

- The Board has approved claims 584577 to 584607 in the amount of \$179,163.57
- The Board has approved claim 584576 in the amount of \$1,757.29

APPROVED EMPLOYEE STATUS CHANGE FORM

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

APPROVED CATERING PERMIT

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

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

The Board met today at 10:30 a.m. with HR staff to discuss general issues, set policy, give direction and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek,

Interim Lead HR Generalist Jennifer Allen, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action item was considered as follows:

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

EXECUTIVE SESSION – PERSONNEL MATTERS

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

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

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

- Would like to move forward with finding a quote to do a harassment training. Based on suggestions from the Board Ms. Allen will find out if ICRMP is offering any trainings this year and if there are any discounts associated with those. Additionally, she will reach out to the other elected officials to see if there is any interest in having their employees attend the training as the risk factor is associated to all county employees, not just Board employees.
- The April turnover report will be emailed to the Board.
- Ms. Allen met with Controller Wagoner on Friday regarding salary information for the HR Director candidates. Interview questions have been sent to the Board for today's meeting.

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

MEETING TO CONSIDER ACTION ITEM

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

Consider transfer alcoholic beverage license for Jackson's Food Stores Inc dba Jacksons #239:

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

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

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

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

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

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

- PNW is a new economic development project looking at approximately 500,000 sq. ft. and 500 new jobs; they will likely be located within in the urban renewal area.
- There is still one open inspector position; two interviews were conducted last week and they are now just waiting to hear on background checks.
- There is still one Planner III position open which has only had one applicant; they may look to underfill with a Planner II. A meeting is scheduled for Friday with a contract planner to see how that would work.
- Budgets were due to the Controller today. A first draft has been prepared and is ready for their review; the proposed budget will be equivalent with revenue.

- Director Fultz and Elizabeth Allen will be presenting a draft version of the comprehensive plan to the Caldwell Board of Realtors this week.
- On the 19th of this month Director Fultz will present to the Caldwell URA the economic development projects that have taken place over the past 18-20 years.
- Next Monday is the comprehensive plan workshop with the BOCC and P&Z.
- Planners have been working with the engineering team regarding subdivisions.
- Employee reviews will begin next week.
- The hearing to take comments on fees is scheduled for June 7th.
- An agreement with the City of Parma regarding the comprehensive plan is currently being reviewed by Zach Wesley and then will come before the Board.
- Abatement on Riverview Rd. has taken place. A few unanticipated items were encountered; the total for abatement came in at \$9800 as a lot of hidden trash and debris was discovered. A lien will be placed on the property for the abatement costs.
- The impact fees for Canyon Highway District 4 have been reviewed by Zach Wesley. Director Fultz is now in the process of getting the hearing scheduled.

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

MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES

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

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

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

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

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

Commissioner Van Beek made a motion to go into Executive Session at 3:05 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen and HR Director Candidates. The Executive Session concluded at 3:47 p.m. with no decision being called for in open session.

MAY 2022 TERM

CALDWELL, IDAHO MAY 17, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

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

APPROVED CATERING PERMIT

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

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

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

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

Consider signing legal notice of public hearing regarding a proposed admission fees charge by the Canyon County Fair: The hearing will be held on June 7, 2022 at 9:00 a.m. where the Board will take public comment on the proposed admission fees charged by the Canyon County Fair. The existing fair fees were set by the fair board when it was directing the fair and since the BOCC took it over there has not been a fee setting. The proposed fees have been previously discussed with Director Sinner. The fee setting for reserved seating will be brought to the Board separately as it comes up. It will vary from year to year and we won't be tied to a formula or flat fee. Director Sinner said admission went up \$1 and the wristbands went up \$5, with each exhibitor being given two wristbands. The livestock entry fee is new; it used to be collected by the U of I Extension Office but will now be collected by the Fair. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the legal notice of public hearing regarding a proposed admission fees charge by the Canyon County Fair. Commissioner Smith noted to recent resignations from the U of I Extension Service Office and there was discussion about how staffing changes will impact the Fair.

Deputy PA Wesley asked the Board to go into Executive Session as follows:

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

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

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

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

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

Increases to the Fair budget

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

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

EXECUTIVE SESSION – PERSONNEL MATTER

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

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

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

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

The following people testified in support of the request:

Matt Wilke reviewed the preliminary site plan with 17 lots and said it will create 15 more homes on site. There is a manufactured home in phase 1 and another home in Phase 2. There are 23 nearby subdivisions with an average lot size of 1.69 acres; the proposed project's average lot size is 1.87 acres. Additionally, the Willowbrook Development is located to the east. He spoke about the demand for rural lots and the rezone activity that has occurred in the Middleton impact area. The current driveway is over one-quarter mile long which is why Terry Richards chose this site, however, that did not come to fruition. Canyon Highway District has a plan for a neighborhood transportation plan and it's conceptual only and the alignment can vary depending on surrounding development. The district intends to have it come through the flag lot, although they are not sure where, so they can continue traffic from Lansing to Kingsbury at some point. That's why they are up in the air as to when they develop the driveway and have the option to pave if the collector

doesn't come through in time for Phase 3. The applicants have applied for a 50-foot easement reduction and flag lot reduction for the road, as well as on the southeast corner of Benhaven for Phase 2. The property looked like a junkyard before the applicants bought it and in the last year they have cleaned it up but there is still a manufactured home to remove. They met with the City of Middleton regarding a pre-annexation agreement and they thought as they had a way to run water and sewer through the property it would be nice to have the ability to cross the flag lot and the owners didn't see that as an issue. The applicants have hired a water engineer who has been trying to work with the Army Corps of Engineers, but for the last two months he has not been able to get a response from them. The pond system that shows a wetland but that doesn't mean it's a certified wetland because it dries up during the winter and it is off stream and is fed by a head gate. A project hydrologist has been hired to work on the project so they can get storage and irrigation use from the pond. Following his testimony, Mr. Wilke responded to questions from the Board.

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

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

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith supports the findings as written but she wants a condition of approval to include language regarding an acknowledgement from the Army Corps of Engineers regarding the wetland. Commissioner Van Beek supports the development as presented but she is not in favor of requiring anything on the wetland. The applicants are aware that if the Army Corps of Engineers comes back he would have to comply with something for the wetlands and there is credible testimony that they will not build in it. Imposing a condition will label it as a potential wetland but the Board doesn't have the expertise to make that determination today. Commissioner Smith said that's not true because the information we have identifies it as a wetland. Dan Lister said it will come back as a preliminary plat where staff will ask the same thing so whether we add it to the conditions or we add it as a condition of the preliminary plat it will be caught at some point. Commissioner Smith said if it's a wetland it needs to be included on the preliminary plat not a condition of approval for the final plat. It should be part of the planning process for the subdivision. The best available data we have is that it is a wetland and not holding them hostage and allowing them to continue with the rezone and acknowledging that it is a potential wetland and they need to do their homework is very

important. Commissioner White said they can present evidence of what they have done and then it covers all the bases for both scenarios. Commissioner Smith does not want to require a pre-annexation agreement at this time. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve Case No. RZ2021-0036 and CR2022-0009, the FCO's with a modification to the development agreement conditions to include an acknowledgement from the Army Corps of Engineers regarding the wetlands and compliance with standards if applicable, and to approve the ordinance. (Ordinance No. 22-0-10, and Agreement No. 22-031.) The hearing concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:08 p.m. for a monthly meeting with the Public Defender to discuss general issues, set policy, and give direction. Present were: Commissioners Leslie Van Beek and Pam White, Chief Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. Mr. Bazzoli reported on the age of active pending caseload, the monthly case type count, and the clearance rates of incoming and outgoing cases: opened cases total 4,146, and closed cases total 2,206. (Copies of the reports are on file with this day's minute entry.) They have been doing jury trials since mid-March. Most of the murder cases have resolved to the extent they are getting pleas through mediation. Mr. Bazzoli reported on staffing updates including new hires and employment offers that have been made. The juvenile protection unit and some felony attorneys will soon move into the new office space. The items discussed were general in nature and did not require Board action. The meeting concluded at 2:24 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 18, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

APPROVED CATERING PERMIT

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

APPROVED EMPLOYEE STATUS CHANGE FORM

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

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

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

Elizabeth Allen gave the oral staff report. On February 3, 2022, the P&Z Commission recommended denial of the comprehensive plan map amendment and rezone and after the decision the applicant changed the request to a conditional rezone with a development agreement. The Board heard this case on April 6, 2022 and directed staff to re-notice the hearing to take care of some noticing issues associated with the change in request. Eagle Land Surveying representing the property owner, Dan Callahan, is requesting a comprehensive plan map amendment to change the future land use designation of parcel No. R37410 from Agriculture to Residential. Also requested is a rezone of 39.98-acres from the current zoning designation of "A" (Agricultural) to an "R-R" (Rural-Residential) zone with a development agreement restricting future development of the site to four 10-acre parcels. The subject property is located on the northwest corner of Galloway Road in Middleton. Within one mile of the site there have been four land use cases approved since 2017: one case was a conditional rezone to rural residential that restricted development to one homesite; another case was a conditional rezone to rural residential that restricted the development to two 6-acre lots; and another case was a rezone to rural residential. The project site and surrounding area are primarily active farmland and development of the site will fragment viable farmland. Two dairies are located within two miles of the site and one site is situated within three miles of the site. A feedlot is situated over two miles from the site. The site is located within a nitrate priority area and the sampled wells contain a nitrate level of .005 to 2 milligrams per liter of nitrates. Individual wells and septic systems are proposed when the site develops. Staff found the requested comprehensive plan map

amendment is inconsistent with the 2020 comprehensive plan. The proposed residential designation is not compatible with designations to the north and west. Extending residential designation to this property introduces a designation that is not compatible with the area's character nor is it consistent with the vision of the plan. For the straight rezone to rural residential, staff found it is not compatible with the character of the area. For the conditional rezone, staff found it would be more consistent than a straight rezone but any rezone in the area will still fragment farmland, although conditions could mitigate some concerns. The applicant is proposing a homesite footprint limited to a half acre on each of the corners of the 10-acre parcels. They are proposing four 10-acre lots. The subject property is an original parcel and is eligible for an administrative land division as an alternative option. Letters of opposition were received citing concerns about the loss of farmland and impacts to farming operations, rural character, wells, water, water supply, infrastructure, fragmentation of remaining farmland, impacts to infrastructure and services, lack of impact fees, traffic concerns, schools, the loss of wildlife habitat. Ms. Allen reviewed agency comments and following her report she responded to questions from the Board.

The following people testified in support of the request:

Robin Callahan testified the land is family-owned and has been in her family for 41 years; she and her husband have owned it for 25 years and they are seeking approval to split it into four parcels. There is a mainline irrigation with risers across the top of the property that will facilitate pressurized irrigation on both of the northern parcels. There is a pipeline to the pivot that goes from the upper corner to the center so it would be easy to extend irrigation to the two southern splits. They talked about trying to give the greatest flexibility by designating 1.5 acres as the maximum size for the home envelope and having it on any of the corners on each parcel so that would give people the opportunity to choose where they want their home to be. They would also have the road coming off Middleton Road or Galloway Road whichever makes the most sense and is preferred by the highway district. Depending on where the building envelope is located there will be additional roads, possibly. The property is at the corner of where the proposed residential area is supposed to be and by splitting it into four 10-acre parcels instead of straight development it would act as a buffer and help protect the farm ground around it. Of the 10 acres, the 8.5 acres that remain could be agricultural and would help address some of the concerns about traffic, schools and water quality as well as keeping the agricultural lifestyle. She reviewed the City of Middleton's proposed impact zone which shows the city going to Goodson Road which is beyond where the Callahan's property is by one mile. Several neighbors in the area support the request. Anne Wagner owns property to the north and she does not support the request. Mrs. Callahan spoke of properties in the area that used to be farmed but have been fragmented and divided into six parcels. She spoke of the developments that have occurred in the area which resulted in quality projects. Following her testimony, Ms. Callahan responded to questions from the Board. She had hoped her family would want to live on the property and some were initially excited about it, but after hearing how some of the neighbors have responded they no longer want to live there. Mrs. Callahan said she and her husband hoped to try to acquire another piece of farm ground that's closer to a dairy and be able to preserve and farm it; however, the property will likely be sold for development, although that was not their plan.

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

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

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

Testimony in opposition was as follows:

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

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

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

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

Ralph Kilchenmann testified that he owns nearly 80 acres and said just because he disagrees with their proposal doesn't mean they cannot get along. This is prime farm ground; the property was taken out of sage brush in the 1950's through successful crop rotation, fertilizing, and a lot of levelling and the ground has become better and better every year. It took 70 years of improvements to make this ground what it is today. Dividing it into 4 pieces with 8 ½ acres of tillable ground is classic example of farmland fragmentation that will make it unusable for commercial farm use. The property is designated as agricultural in the current and the 2030 comprehensive plan and therefore a rezone request should not be on the table. This property has building permits as-is and if the Callahans want to downsize the farming operation they can sell it as farm ground or lease it.

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

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

Rebuttal testimony was offered by Robin Callahan who stated they have provided a concept, but not a plat because they did not believe it was a requirement and so it's confusing that people are continually asking for that. The investments made to the property have helped, the property has

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

Commissioner Smith said the best option is for the applicants to take advantage of the two administrative land divisions which would give them two parcels. If they continue with the conditional rezone to identify very clearly where those building lots would be and ask for that rural residential zone on those two-acre lots and be very clear with the request and how would it promote efficient farming of the remaining parcel. It would not require a plat but it would require some detailed planning of where those sites would be. She agrees with the opposition testimony that additional work is needed to show the ongoing protection and promotion of the ag opportunities that exist in this area. There needs to be a plan and without having that it's hard to support approval. There are options that would leave a majority of the property in ag. The Callahans should evaluate the impacts and narrow the scope and take advantage of their administrative splits and look at where they would build to help preserve farm ground. Recently the Board passed a transfer of development rights to contiguous parcels and they should explore if there are other original parcels in the area where they could transfer those between contiguous parcels with separate owners and showing the promotion of ag. Ms. Allen said there might be more opportunities and tools they could utilize after the comprehensive plan is updated and adopted. Further discussion ensued. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

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

Smith said Mrs. Callahan did an excellent job in presenting the plan but the timing is not there and to rezone a full 40-acre parcel to rural residential is too much at this time. She concurs with the P&Z Commission's recommendation and she encouraged the Callahans to look at the other options.

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 19, 2022

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

APPROVED CLAIMS

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Rocky Mountain Steel in the amount of \$1,363.46 (not to exceed \$1,500.00) for Parks Department

APPROVED EMPLOYEE STATUS CHANGE FORM

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

APPROVED CATERING PERMITS

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, IT Director Greg Rast (left at 9:18 a.m.), Facilities Director Rick Britton (left at 9:18 a.m.), Solid Waste Director David Loper (left at 9:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider hearing public comment regarding sole source procurement of Caterpillar Model 972MXE Wheel Loader from Western States Equipment: No one appeared to offer comment nor were any comments received. Commissioner Van Beek had a citizen inquire about the purchase and asked Director Loper to speak about the buy-back provision and the rotation of machines. Commissioner

White made a motion noting that no one appeared and no comments were received for the public hearing. The motion was seconded by Commissioner Van Beek and carried unanimously.

Consider authorizing execution of Caterpillar Model 972MXE Wheel Loader from Western States Equipment sales agreement after opportunity for public comment: After receiving no public comment Commissioner White made a motion to authorize the execution of Caterpillar Model 972MXE Wheel Loader from Western States Equipment sales agreement. The motion was seconded by Commissioner Van Beek and carried unanimously. Director Loper will sign the sales agreement and will forward it to Western States Equipment. Once the FY2023 budget is approved he will submit a purchase order.

Consider signing notice of publication and public comment period regarding proposed gas collection and control system for the Pickles Butte Sanitary Landfill: Director Loper explained that a design has been completed and submitted to DEQ. Per the code public notice is required and starts the 28-day comment period. A hardcopy of the plan will be available for review in the BOCC office and a link will be provided for the website. Director Loper further explained that there are two projects, landfill expansion and landfill gas; the expansion was planned to move forward first but with some new rules in place they've had to rearrange the priorities and the gas collection has taken precedence. Discussion ensued regarding the lining of the landfill which will be the first priority considered as part of the expansion project as the design will be based around that if it is necessary. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of publication and public comment period regarding proposed gas collection and control system for the Pickles Butte Sanitary Landfill.

Consider signing Canyon County Agreement for Fair Expo Building audio/video equipment and installation with Neurilink, LLC: Director Britton spoke about the process up to this point stating that one company submitted a bid and they'd like to move forward with the contract. This is a standard contract although the timeline has some flexibility due to known supply chain issues; the deadline is November 18th based on the ability to obtain the equipment. Director Rast is familiar with Neurilink and is comfortable with the contract. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Canyon County agreement for Fair Expo Building audio/video equipment and installation with Neurilink, LLC (see agreement no. 22-032).

At the request of Commissioner Van Beek, Mr. Wesley provided an update on impact fees pertaining to Canyon Highway District No. 4.

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

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 10:01 a.m. to consider various new and renewing property tax exemptions under codes 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014. Present were: Commissioners Pam White and Leslie Van Beek, Business Manager Jennifer Loutzenhiser, Customer Service Specialist Norma Jimenez and Deputy Clerk Jenen Ross. The exemptions were considered as follows:

63-602C - Charitable

Commissioner White made a motion to grant an exemption to Love Inc. of Treasure Valley, parcel no. 20939010A0. The motion was seconded by Commissioner Van Beek and carried unanimously.

63-602W – Site Improvements Associated with Land

Commissioner Van Beek made a motion to grant an exemption to Carriage Hill West 6 – Toll Southwest LLC. The motion was seconded by Commissioner White and carried unanimously. A spreadsheet is on file with this day's minutes denoting the individual parcel numbers included.

63-602B – Religious LLC's, Corporations, or Societies

Commissioner Van Beek made a motion to grant an exemption to Celebration Life Church, Inc, parcel no. 67274100 0. The motion was seconded by Commissioner White and carried unanimously.

63-602P – Property Exemption from Taxation-Facilities for Water or Air Pollution Control

Commissioner Van Beek made a motion to grant an exemption of \$70,155,215 which is mainly for equipment used in pollution control. The motion was seconded by Commissioner White and carried unanimously. A spreadsheet is on file with this day's minutes denoting the individual companies and equipment being exempted.

63-602C and 63-602GG

Leap Charities Inc. applied for exemptions under codes 63-602C and 63-602GG for parcel no. 12985525 0. Ms. Loutzenhiser provided an explanation why the Assessor's Office doesn't believe they qualify for either exemption. Commissioner Van Beek made a motion to deny both exemptions. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

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

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

Dan Lister gave the oral staff report. April Bibbins is requesting approval of the preliminary plat for Lansing Lane Subdivision, three (3) residential lots, on Parcel R33835011. The property is zoned "R-1" (Single Family Residential). The subject property is located at 23412 Lansing Lane, Middleton. On February 17, 2022, the P&Z Commission recommend approval of the plat subject to conditions. The project will utilize individual wells and septic systems. Irrigation follows along the east and north side using existing water rights; they can also use a domestic well up to a ½ acre feed. A pressurized irrigation line exists and is provided through water rights they have through the Lansing Meadows irrigation pump. Stormwater runoff will be maintained on each lot. The initial plan for access was to maintain the existing access for Lot 1 along Lansing Lane and then Lots 2 and 3 would maintain a private driveway and share access. However, Canyon Highway District did not agree with keeping the Lansing Lane access because it's a major collector and there is planned future expansion of that so they want right-of-way but no additional access points. They provided options on how to address the access. The applicant asked for a variance but it was denied so they are proposing that instead of having access at the front of the property, Lot 2 will have access off New Castle Drive, and Lots 1 and 3 will have a shared access point from Arden Circle which meets the intent of the highway district's letter. Neighbors have concerns about the maintenance of the irrigation system because the property is using the Lansing Meadows water system for irrigation without paying for the services. Water rights are through the Middleton Mill Ditch Company, but the owners have not paid for associated irrigation maintenance costs that the HOA for the Lansing Meadows is providing. It's been requested that the plat include a recorded water users maintenance agreement to ensure those platted lots pay their fair share. Staff reviewed the original approval from 2002 of the Lansing Meadows Subdivision and there was nothing stating this owner had to pay. If anything, the owner of the 4.7 acres was concerned about their water rights being affected by this subdivision and within the decision it talked about the developer taking care of that and making sure their rights would not be taken away and so when they installed the pressurized irrigation system they would have access to it. The history, per Kevin Bishop, is that since they have it in their HOA that fair payment would be made by that owner it never happened. The P&Z Commission found this to be a civil issue; the applicant has shown they have water rights and how they're going to use them and it doesn't disrupt the water rights of others within the subdivision. The P&Z Commission recommended approval of the plat without the water user's agreement. Staff has augmented some of the conditions because of the change in access. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

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

April Bibbins gave testimony regarding the irrigation water system. She said the letter submitted by the HOA's attorney does not contain facts. The Bibbins purchased their house and they have a letter from the Lansing Development Company and the original owner stating they will provide pressurized irrigation to her property; but, the letter did not state there would be costs involved. According to Ms. Bibbins, none of the previous homeowners have paid Lansing Meadows HOA so she questions why she is being forced to. When she moved to the property in 2019 she was not asked by the HOA to pay for the pressurized irrigation and said when the HOA learned the Bibbins' were building two homes that's when they requested payment. She said the development will not affect the pressurized irrigation system. Following her testimony, Ms. Bibbins responded to questions from the Board. There were also follow-up questions for Mr. Lister.

The following people offered neutral testimony:

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

Rebuttal testimony was offered by Jesse Christensen who stated that from the outset, they were planning to water up to one-half acre off of their private wells. If they subdivide the lot they have to provide the historic irrigation to each lot and if for some reason the Bibbins chose to sell the properties they would have to provide irrigation water to it. If the Lansing Meadow Subdivision decided to cut off the Bibbins from the irrigation and provide the to/through of the historic flow through the ditch they would not have a problem with that because they were hoping to irrigate off the wells anyway because there aren't any plans for large yards. He said the applicants are

okay with them bringing the ditch back if that's what they need to do to satisfy themselves to provide water, but right now the Bibbins have access to water and they have to get it to the corner of each lot. Mr. Christensen responded to follow-up questions from the Board.

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 20, 2022

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

APPROVED CLAIMS ORDER NO. 2217

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

APPROVED CLAIMS

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:49 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker (left at 8:53 a.m.), Sgt. Jason Roberts (left at 8:53 a.m.) and Deputy Clerk Jenen Ross.

Consider signing 2022 National Safe Boating Week proclamation: Sgt. Roberts has created an event at Lake Lowell tomorrow which involves several agencies. This is part of the nationwide event to encourage boating safety in the community. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the 2022 National Safe Boating Week proclamation.

Consider signing Treasurer's tax charge adjustments by PIN for April 2022: This report includes 2021 BOE adjustments, homeowner exemptions, reduces some fees and interest and adds some to the tax roll. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Treasurer's tax charge adjustment by PIN for April 2022.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY TROOST FAMILY LIVING TRUST FOR A REZONE, CASE NO. RZ2021-0035

The Board met today at 9:02 a.m. to table a public hearing to consider a request by Troost Family Living Trust for a rezone, case no. RZ2021-0035. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Smith and second by Commissioner Van Beek the Board voted unanimously to table the hearing to June 17, 2022 at

9:00 a.m. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner White joined the meeting at 9:04 a.m., Deputy P.A. Zach Wesley, Director of IT Greg Rast, Assistant Director of IT Eric Jensen, Interim Lead HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing release and settlement agreement for Information Technology Department: Mr. Wesley explained this is a post settlement agreement that has been worked on with IT and HR for a departing employee. He said this is a standard agreement and feels it is in the best interest of the county to proceed. Commissioner Smith said she is okay with the settlement agreement and understands the risks of not signing it and the benefits of signing it. Commissioner White noted for the record that there has been good discussion previously on this subject. Commissioner Van Beek said she is opposed to the agreement for the reasons that were articulated. Commissioner White made a motion to sign the release and settlement agreement for the Information Technology Department. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES

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

Mr. Bazzoli said that although he hasn't spoken with Prosecutor Taylor, Mr. Laugheed did forward him some documentation and arguments. He explained they are in the same position as the Prosecutor's Office to the extent that they are all fighting for the same pool of applicants. Often new attorneys who've recently passed the Bar exam will apply for many open positions within an area so that puts Canyon County's Public Defender department in competition with the Ada County's Public Defender department but they have a significantly higher budget for each attorney and start each pay band \$4000 higher than Canyon County. Additionally, Ada County operates their budget differently from Canyon County in that once the new fiscal year begins they are given their budget and allowed to manage it, giving them latitude to adjust salaries as necessary to accommodate a situation. Recently, Mr. Bazzoli has lost attorneys to both Ada County and the Attorney General's office, each of them will be making more money and the attorney at the AG's

office received an 11% raise within a month of starting and is anticipating another 7% in July. He feels that when the Board approved raises for Prosecutor's Office employees the compensation plan was kind of thrown out. Until that point they were able to keep people relatively happy because they knew they were making the same as the Prosecutor's Office employees, there was a compensation plan in place guiding salaries and that any raises would come in October. Another attorney, with 18 years' experience, will be leaving for a position in Idaho Falls, it's essentially a lateral move but Mr. Bazzoli had to deny the request for a raise, in an effort to keep him, stating that the county doesn't do mid-season raises. With several openings within his department they have been in a consistent interview phase since last October. They've been managing because there was not a full set of judges, however all judge positions are now filled and they are a couple courtrooms short plus losing a couple more people.

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

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

In response to a question from Commissioner White, Mr. Bazzoli explained what he really wants is parity and equity between positions within both the Prosecutor's Office and his department. He'd really like to continue following the compensation plan that has been followed for several years; it's based on years of experience which worked well for the most part because it removed the favoritism component. In today's market it's hard to retain an attorney if you have a less experienced attorney handling misdemeanor cases making more than a more experienced attorney handling felony cases. It's an employee market and there are many more attorney positions available than actual attorneys to fill them.

Commissioner Van Beek spoke about how she did not approve the FY22 salaries and noted for the record that Mr. Bazzoli never "bullied" the Board for salaries, he has maintained public decorum and professionalism and runs a great staff. She explained that there is a no notice to the public allowing for input on employee's salaries and by her calculations there is close to a million dollar

increase to the budget halfway thru the budget year which is unprecedented. Mr. Bazzoli provided information from the IDAPA rules indicating that the change to prosecutor attorney salaries has placed the county in jeopardy because the public defender's office has to be compensated at a rate that is comparable to the Prosecutor's Office for like positions and what she hears Mr. Bazzoli saying is that there is some inequity and Canyon County does now stand in violation. She said she doesn't own that, didn't support it and is not going to support it today even though she agrees with Mr. Bazzoli's position. She feels there is principle here and there is a responsibility to the taxpayer to hold the budget as sacred. Without a newspaper notice or a public hearing to look at the implications of that, the fund balance is not a long-term source of funding for those salaried, on-going positions. In regard to the resolution [recently signed for the PAs Office], there is no defensible way to justify the salary increases in there because it is just takes someone coming to the Board and putting enough political pressure on them to get that thru with a resolution without public input, that could change and there could be another adjustment. Mr. Bazzoli has provided caseload studies which have been consistent and on-going since she has been here. She has asked for information on caseloads [from the PAs Office] but it has not been provided. Commissioner Van Beek indicated that information from Latah County was provided to the Board but since that is northern Idaho she doesn't feel that is comparable. She understands that Ada County PA, Jan Bennetts, does provide caseload information to her Board in making decisions on salaries, however, that is not done in Canyon County and she objects because she doesn't, as a commissioner, have an indicator on what the total number of that dollar amount impact is. She doesn't feel that the numbers should not be sealed, that information is public record and she is in favor of Transparent Idaho where like positions with like salaries can be reviewed. Salaries are a matter of public record and she will make sure that Mr. Bazzoli gets that information. Commissioner Van Beek said that today's request would require a resolution and she believes she's covered the points. She noted that Commissioner Smith is not here today, she was a participant in increasing the salaries. Commissioner Van Beek said she cannot be a participant in that because that is the commitment she made to the taxpayer, that she would do her diligence and hold the line on the budget and this will have an impact on the budget.

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

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

the pay range for a position in the HR department. There have been mid-stream changes made this year and the county has the financial resources to do that. Mr. Wagoner said he believes that small changes, scattered throughout the county, have been made. Those changes are moving farther away from the main goal of the compensation plan – equity, fairness and consistency.

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

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

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

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

Commissioner Van Beek said the public was welcome to attend today's agenda meeting to hear the information but they were not welcome to provide input. Comparatively speaking, for the fee

increases at the Fair and in DSD public comment will be taken and those costs are insignificant in comparison to the long-term salary affects. She thanked the Clerk and Controller for providing information on where that funding will come from and asked if that could again be provided to the Board.

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

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

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

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

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 23, 2022

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

APPROVED CLAIMS

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

- The Board has approved claims 584726 to 584749 in the amount of \$100,057.44
- The Board has approved claims 584843 to 584856 in the amount of \$708,906.91

APPROVED EMPLOYEE STATUS CHANGE FORMS

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

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

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

The Board met today at 9:01 a.m. to consider signing a resolution to approve the job description of one (1) position in the Trial Court Administration department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Jamie Robb, Assistant TCA Benita Miller, Clerk Chris Yamamoto, Controller Zach Wagoner, Representatives for Valley Regional Transit and West Valley Humane Society and Deputy Clerk Jenen Ross. Ms. Robb explained they would just like to add to the job description that the Jury Commissioner must reside within Canyon County; that is the only change being made. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the job description of one (1) position in the Trial Court Administration department (see resolution no. 22-108). The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATIONS

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

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

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

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

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

Mr. Stoll reviewed a document showing county-wide benefits between FY2017 – FY2021 including federally funded transportation projects, COMPASS funded grants, assistance and technical analyses for agencies, additional regional projects, COMPASS primary regional plans and programs and breakdown of FY2023 membership dues. Discussion ensued regarding the consequences if Canyon County chooses not to participate in COMPASS. The request for FY23 is \$122,508 and there was general Board support.

The meeting concluded at 10:24 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR CHAPALA MEXICAN RESTAURANT #7 INC DBA CHAPALA MEXICAN RESTAURANT #7

The Board met today at 10:24 a.m. to consider a new alcoholic beverage license for Chapala Mexican Restaurant #7 Inc dba Chapala Mexican Restaurant #7. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith noted that this is for a new restaurant in Nampa and that the application looks to be in order. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously sign the new alcoholic beverage license for Chapala Mexican Restaurant #7 Inc dba Chapala Mexican Restaurant #7 (see resolution no. 22-109).

The meeting concluded at 10:26 a.m. An audio recording is on file in the Commissioners' Office.

JOINT WORKSHOP WITH BOARD OF COMMISSIONERS AND P&Z COMMISSIONERS TO DISCUSS THE 2030 COMPREHENSIVE PLAN UPDATE

The Board met today at 5:04 p.m. for a joint workshop with the P&Z Commissioners and DSD staff to discuss the 2030 Comprehensive Plan Update. Present were: Commissioners Keri Smith and Leslie Van Beek; DSD Director Steve Fultz, DSD Staff members: Dan Lister, Elizabeth Allen, Juli McCoy, and Cassie Lamb; P&Z Commissioners Ron Amarel, Harold Nevill, Robert Sturgill, Patrick Williamson, Robert Larison, Miguel Villafana, and Bryan Sheets; other interested citizens and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the staff presentation which was summarized as follows:

- General changes
- Public involvement summary
- Chapter 1 – Property Rights
- Chapter 2 – Population
- Chapter 3 – Economic Development
- Chapter 4 – Land Use and Community Design
- Chapter 5 – Natural Resources and Hazards
- Chapter 6 – Schools
- Chapter 7 – Public Services, Facilities, & Utilities
- Chapter 8 – Transportation
- Chapter 9 – Recreation
- Chapter 10 – Special Areas and Sites
- Chapter 11 – Housing
- Chapter 12 – Agriculture
- Chapter 13 – National Interest Electric Transmission Corridors
- Intensive Agriculture Overlay
- Agri-Tourism Overlay
- Next steps include: Schedule public hearings to adopt the plan and create ordinances to implement the plan

A roundtable discussion followed regarding various elements of the draft comp plan, and planning in general. The P&Z Commissioners and the Board of Commissioners will email their comments to staff for another review. Elizabeth Allen said the plan will be scheduled as a special hearing and it will take several hours to get through the comments. Director Fultz said the likelihood of getting the comp plan to 100% acceptance by the 240,000 people in the County is probably not going to happen. We will be reviewing the plan on an annual basis and it's his vision that we always have a 10-year that will be reviewed every year. There was general consensus to move the plan forward to the P&Z Commission for public comments at public hearing.

The meeting concluded at 6:44 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 24, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- A-Gem Supply Inc in the amount of \$2,190.00 for Parks Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kathleen (Kate) Rice, Human Resources Director; Alex Eells, Outdoor Recreation Planner

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Carniceria Mi Tierra Inc dba Carniceria Mi Tierra (Resolution no. 22-114)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for La Michoacana Mexican Restaurant LLC dba La Michoacana; Clifford Randall Raymond dba Red Dog Saloon; Shewil LLC dba Slicks Bar (Resolution no. 22-115)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Target Corporation dba Target Store T-2206; Khanpur LLC dba Friendly Fred's; Valley Wide Cooperative Inc dba Valley Country Store (Resolution no. 22-116)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 6/11/22; Raising Our Bar to be used 6/3/22, 6/4/22, 6/5/22, 6/10/22, 6/12/22, 6/13/22, 6/17/22, 6/19/22, 6/24/22, 6/25/22, 6/26/22

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via teleconference, Deputy P.A. Alex Klempel, Chief Deputy Marv Dashiell, Director of Juvenile Probation Elda Catalano (left at 9:16 a.m.), Fleet Director Mark Tolman (left at 9:22 a.m.), EOM Christine Wendelsdorf, Assessor Brian Stender (left at 9:22 a.m.), Sheriff's Office employees (left at 9:13 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records: Ms. Klempel said this is for destruction of older records that no longer need to be retained mainly pertaining to response records to public records requests. These records are from prior to 2019 and no longer subject to any kind of public records litigation; additional records to be destroyed include obsolete manuals and operating procedures. Ms. Klempel addressed several questions from Commissioner Van Beek clarifying some of the wording within the resolution. Commissioner Van Beek would like more information regarding parts 1-3, although she is good with sections 4-5. Ms. Klempel further clarified that actual records are not being destroyed, just the response packet to a records request. No action was taken on this action item; it will be re-agendized to Thursday, May 26th at 10:00 a.m.

Consider signing memorandum of agreement with Idaho Department of Juvenile Corrections to support the community based alternative services and substance use disorder services programs: Ms. Catalano provided background information on the partnership that started 12 years ago in order to provide youth services. Ms. Klempel said that this MOA has been reviewed by Deputy P.A. Wesley and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the memorandum of agreement with Idaho Department of Juvenile Corrections to support the community based alternative services and substance use disorder services programs (see agreement no. 22-034).

Consider signing a resolution to change the County Travel Reimbursement Rate: Director Tolman explained that the county has been at the same reimbursement rate of \$.52 for many years. The Federal standard is \$.585 so ideally, he'd like to see the county stay within the GSA standards. This resolution will allow the county to stay aligned with the Federal standard in future years. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to change the County Travel Reimbursement Rate (see resolution no. 22-113).

Consider approving and signing supplemental services addendum with Forensic Logic for COPLINK data integration maintenance: Chief Dashiell explained this is a law enforcement database sharing program and is paid from the Homeland Security Grant. The continuing subscription with annual renew is \$8,724. Ms. Klempel said this is relatively the same contract as last year but with a slight increase to the fee. Upon the motion of Commissioner Van Beek and second by Commissioner

White the Board voted unanimously to approve and sign the supplemental services addendum with Forensic Logic for COPLINK data integration maintenance (see agreement no. 22-036).

The meeting concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY, GIVE DIRECTION AND ACTION ITEM

The Board met today at 2:04 p.m. with the County Agent to discuss general issues, set policy, give direction and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Patrick Momont with the University of Idaho and Deputy Clerk Jenen Ross. Mr. Momont provided the following update to the Board:

- Staffing: there are currently 3 open educator positions; the open FCS educator has several good candidates; preliminary interviews have been conducted for the livestock educator; As requested by Mr. Momont, the Board is supportive of refilling the horticulture educator position.
- Budget requests: \$49,000 to refill the position left vacant by Tina Holmquist – Commissioner Smith asked if perhaps one of the administration positions could be cut to fund this position with the Fair taking over several responsibilities. Additional \$4500 for the master gardener program; \$1200 for the audit; \$1500 per educator although this is pro-rated when a position is vacant. There is some maintenance that needs to be done on the roof and flooring but he will address that during the budget season.

Consider signing University of Idaho Extension Office cooperative agreement for University of Idaho Extension Programs: Discussion ensued regarding the terms of the agreement. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the University of Idaho Extension Office cooperative agreement for University of Idaho Extension Programs (see agreement no. 22-036). Commissioner White will sign the agreement administratively.

Mr. Wesley said he has not seen anything from the university regarding the loaned employee agreement.

The meeting concluded at 2:47 p.m. An audio recording is on file in the Commissioners' Office.

CANVASS MAY 17, 2022 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the May 17, 2022 General Election. The official documents were presented by Elections staff and were signed in the Elections Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 25, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 584889 to 584923 in the amount of \$25,570.69
- The Board has approved claims 584857 to 584888 in the amount of \$114,336.12

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Rocky Mountain Steel in the amount of \$5,701.78 for Facilities Department
- Asphalt Driveways & Patching in the amount of \$2,919.00 for Solid Waste Department
- Northwest Land Services LLC in the amount of \$9,987.00 for Development Services

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Tara Hill, Administrative Supervisor; Marsha Larson, Deputy Attorney I; and Haven Davis-Martinez, Canoe Science Camp Program Intern

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Carl Dille

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Conrad & Bischoff Inc dba Garrity 66; Family Dollar Inc dba Family Dollar Store #26963; Family Dollar Inc dba Family Dollar #27513; Family Dollar Inc dba Family Dollar #30025; Family Dollar Inc dba Family Dollar #27267 (Resolution no. 22-117)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for LD Wood Investments LLC dba The Ranch (Resolution no. 22-118)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Legends Sports Bar & Grill to be used 6/9/22

MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS THE GAS COLLECTION SYSTEM IMPROVEMENTS AND FLARE STATION DESIGN

The Board met today at 9:00 a.m. with the Solid Waste Director to discuss the gas collection system improvements and flare station design. Present were: Commissioners Pam White and Leslie Van Beek, Landfill Director David Loper, Facilities Director Rick Britton, Clerk Chris Yamamoto, Controller Zach Wagoner (left at 9:57 a.m.), IT Director Greg Rast, PIO Joe Decker, Maureen McGraw with Tetra Tech and Deputy Clerk Jenen Ross.

Director Loper stated this project will be a large budget item in FY23 so he wanted to provide the Board with an overview. He and Ms. McGraw gave a PowerPoint presentation which is on file with this day's minutes. Topics covered in the presentation included an explanation of landfill gas and why it matters, regulatory framework, gas collection and control system compliance schedule, design overview, goals of GCCS, vertical landfill gas wells, vapor monitoring probes, horizontal landfill gas well, utility flare, operational components and engineers estimate. The estimated cost for construction is \$2,797,348; there will be other on-going costs once construction is complete. Director Loper said the money has already been saved for this project so at this time there will be no impact to landfill fees. The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

EMERGENCY EXECUTIVE SESSION REGARDING RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE, TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

The Board met today at 1:01 p.m. for an Executive Session pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) to discuss records exempt from public disclosure and attorney-client communication, to communicate with legal counsel regarding pending/imminently likely litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Deputy PA Wesley said it was scheduled as an emergency session because the group had intended to meet at another time, but ended up re-setting it due to a lack of Board availability. The session is appropriate pursuant to Idaho Code, Section 74-204(3) which allows for an emergency session with 24 hours' meeting and agenda notice. *The agenda was updated at approximately 3:00 p.m. May 24, 2022 to include today's 1:00 p.m. Executive Session which was held as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code, Section 74-204(3). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. The Executive Session concluded at 1:44 p.m. with no decision being called for in open session.

PUBLIC HEARING - CONSIDER A REQUEST BY SIERRA VISTA PROPERTIES, INC., FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, AND A PRELIMINARY PLAT FOR MINT FARM ESTATES SUBDIVISION, CASE NOS. RZ2021-0046/SD2021-0038

The Board met today 1:53 p.m. to consider a request by Sierra Vista Properties, Inc., for a conditional rezone of approximately 90 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone/Single Family Residential) zone including a development agreement. Also requested is approval of a preliminary plat, irrigation, and drainage plan for Mint Farm Estates Subdivision (53 residential lots), Case Nos. RZ2021-0046 & SD2021-0038. The subject property, parcel no. R37496 is located at 8718 Purple Sage, Rd., Caldwell, Idaho. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, John Cotner, Ammon Andelin, Keith Bowhan, Derritt Kerner, Jill Jenkins, Allen Colson, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The Hearing Examiner recommended denial of the request on January 20, 2022. The Board heard this case on March 30, 2022 and continued it today's date and asked the applicant to consider a rural residential zone and potentially a variance if they cannot meet the two-acre average minimum lot size. The applicant has submitted a variance application to reduce the lot sizes and they provided an amended plat that reduces the number of lots to have some of the larger lots on the outskirts of the boundary and the smaller lots in the middle of the property. It reduced the number of lots to 50 with a 1.57-acre average lot size. Staff cannot approve the variance as it does not meet the requirements; there is no hardship identified as part of this variance. They are applying for a rezone and are showing how they comply with that rezone and so if it's a rural residential zone they want they should comply with that zone. If it cannot comply the Board can condition it to better match the area. Staff provided the code that allows for a conditional rezone to not constitute a spot zoning and it doesn't create presumptive proof that other properties in the area could get the same thing. There is a way to use the R-1 zone conditionally to get that project to be closer to what the area is trying to maintain; however, the Hearing Examiner recommended denial of this case and promoted more of a rural residential zone in this location. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

Darin Taylor offered testimony on behalf of the applicants. After the last hearing they revised the plat to submit with their variance application and after making the adjustments they lost three lots. The perimeter average lot size is 2.37 acres, included in that number are two stormwater basins totaling .43 acres and they are identified on the plat as separate lots and they can be

changed to easements if the Board prefers. Overall, the average lot size is 1.57 acres. The 18 lots located in the center are just above 1 acre. The nearest conditional R-1 zoning is ½ mile west, ½ mile east and a ½ mile south of the subject property. There are platted subdivisions within ½ mile of the subject property. They lost 3 lots along the north boundary. The code states that a conditional rezone is not spot zoning and is not a precedent for future zoning. The subject property is across the street from the City of Middleton impact area, and is identified on Canyon County's future land use map as residential. If the County requires a 2-acre average density, 11 or 12 lots will be lost. A traffic impact study and a groundwater study were completed and there is no information in the record about why the lots proposed should not be approved. The subdivision design and use complies with the requirements of the Canyon Highway District. Following his testimony, Mr. Taylor responded to questions from the Board.

The following people testified in opposition to the request:

Jill Jenkins is a partner with Western Land, LLC and she owns the property on the northeast side of the project. She's attended the hearings and talked about the need for municipal services, water shortages, cross contamination between sewers and wells, traffic problems, and school overcrowding. This is prime farmland and the applicant knew it was zoned ag when he purchased it. There is a lot of less productive land around the valley that could be for housing until there's a need for it to be zoned that way. There is a lot of traffic on the roads and a single-access road is a safety issue and a two-lane road is not sufficient for emergency responders. Ms. Jenkins said more planning needs to go into this because it's becoming hodge-podge and they should go through the planning process again.

Allen Colson testified that he agrees with Ms. Jenkins' testimony. There is a County mandate to preserve ag land, this is prime farm ground that's been farmed for at least 20 years. Reducing the proposal from 53 homes to 50 homes will not make much of a difference; the development is not helping to pay for community services. He spoke about road safety issues and traffic concerns. He does not support development that takes farmland; the community prefers larger 5-acre lots. Darin Taylor offered rebuttal testimony. Regarding the concern about overcrowded schools, Mr. Taylor said schools sit idle three months a year to a large extent so there are other schedules that could be part of the solution to overcrowding. Regarding the concern about a single access, the fire codes require a second access before you have more than 30 lots and the proposed second access is according to the highway district's required plan for this area. There are two planned accesses that will serve the subject property. The record indicates the land is not prime farmland, and there is a demonstrated need for housing in the area. Mr. Taylor does not see any demonstrated damage or injury to any of the adjoining properties nor does he see any injury or interference with farming or agricultural operations if this project is approved. The proposal meets the minimum standards in the code. Following his testimony, Mr. Taylor responded to questions from the Board.

Commissioner Smith believes rural residential is a better fit. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek appreciates the applicant's proposal and noted they have

made concessions, but she is in favor of upholding the Hearing Examiner's recommendation understanding that an R-R zone would reduce the project a number of lots but it would also be more compatible especially in light of what the surrounding lot sizes are. This is not a denial of the project but it is a denial of higher density in the middle of the project. Mr. Taylor made a great argument for use and did a great job cleaning up some of those arguments in the last hearing, but the property is outside the area of city impact and with the surrounding properties chose to comply with the rural residential zone because that is what this truly is. Commissioner White is not opposed to the project, but she believes a rural residential zone would be a better fit. Commissioner Smith agrees with the findings from the Hearing Examiner's decision, and she would improve them to note that the rural lifestyle is more agreeable there. When using the land use matrix things like the agriculturally-related activities aren't allowed in an R-1 zone which would be consistent with other uses in that area. The timing is not right for R-1 zoning and if the project moves forward at this time the R-R zone is the best. Otherwise she would give it a few years and see if Willowbrook develops and if it does it will be R-1 or more dense. It should be noted in the essential public services section that we did receive a letter from Middleton and the school is at capacity. Technically, we could also state that the jail is full. We have traffic mitigation through the future impact fees but there isn't anything that is proposed to be mitigated regarding any of our services that are at capacity currently. Commissioner Van Beek made a motion to uphold the recommendation of denial by the Hearing Examiner on Case Nos. RZ2021-0046 and SD-2021-0038, and to include the additional findings suggested by Commissioner Smith to support the denial regarding services and the other items under condition no. 2. Steps the applicant could take to gain approval include lowering the density in the area. The motion was seconded by Commissioner White and carried unanimously. Mr. Lister will make the changes to the FCO's and submit them for the Board's signature. The hearing concluded at 3:04 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Sunbelts Controls in the amount of \$2,950.00 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Payton Emmitt Talbot, Marine Deputy-Temp; Stephanie Hailey, Engineering Coordinator; Ripley Orr, Canoe Science Camp Program Intern; and Ryan Varon, Canoe Science Camp Program Intern

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Koda Bear Winery Inc dba Koda Bear Winery (Resolution no. 22-120)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Grit Ground Game LLC dba Grit; Uppercuts Barber Shop LLC dba Uppercuts Barber Shop/Upperclass Beauty Salon; 4T Sports Bar LLC dba 4T Sports Bar (Resolution no. 22-121)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Eva Contreras De Cuevas dba Tacos El Centro; 2C Family Brewing Company dba 2C Family Brewing Company; Destination Caldwell Inc dba Destination Caldwell; Salon Columbia Event Center LLC dba Salon Colombia Event Center (Resolution no. 22-122)

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:52 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Case nos. 2022-496, 2022-467, 2022-494, 2022-497 and 2022-495 do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record. Liens and releases of liens were presented for Board signatures. The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Attorney Bryan Nickels for St. Alphonsus, Interpreter Laura Leavitt and Deputy Clerk Jenen Ross.

Director Baker provided a brief synopsis of each of the following cases and the following actions were taken.

Commissioner Van Beek made a motion to continue case no. 2022-176 to August 25, 2022. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to continue case no. 2021-957 to June 23, 2022. The motion was seconded by Commissioner White. A vote was taken on the motion with Commissioners Van Beek and White voting in favor and Commissioner Smith voting in opposition. The motion carried in a 2-to-1 split vote.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny case no. 2022-281.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue case no. 2022-128 to August 25, 2022.

The meeting concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:30 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials on case nos. 2022-338, 2022-408 and 2022-330 with written decisions within 30 days.

The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 10:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 10:10 a.m.), Fair Director Diana Sinner (left at 10:18 a.m.), Representatives from the Sheriff's Office (left at 10:10 a.m.), Director of Juvenile Probation Elda Catalano (left at 10:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records: Ms. Klempel provided a review of the records to be destroyed, most of which are electronic, however the boat records are paper documents. All the records to be destroyed are classified as temporary and are more than two years old. Upon the motion of Commissioner White and second by Commissioners Van Beek the Board voted unanimously to sign the resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records (see resolution no. 22-119).

Consider signing community support agreement between St. Luke's Health System, Ltd and Canyon County: Mr. Wesley explained this is a contract prepared by St. Luke's in order to provide funding for a proposed program run by Juvenile Probation. The commitment on the county side is to fulfill the proposal and spend the money only on that proposal. Ms. Catalano said that St. Luke's will be providing \$2000 to fund a self-esteem building program for young women. The program runs two sessions, one in the spring and one in the fall. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the community support agreement between St. Luke's Health System, Ltd. and Canyon County (see agreement no. 22-037).

Consider signing Canyon County Fair 2022 Entertainment Contracts with the following contractors: Mr. Wesley said these are the standard forms used each year and Director Sinner explained these contracts are for grounds entertainment and represent 68% of the budget for that line item. Commissioner Van Beek made a motion to sign the contracts as listed. The motion was seconded by Commissioner White and carried unanimously. The contracts were signed as follows:

- Aussie Kingdom/CJ's Animal Adventures Inc., Carolyn Lantz: agreement no. 22-038
- Carol Grabner: agreement no. 22-039
- Drew Murray Inc.: agreement no. 22-040
- Hispanic Folkloric Dancers of Idaho/Brad Ebert: agreement no. 22-041
- Idaho Reptile Zoo/Tyler Messina: agreement no. 22-042
- Jason Buckelew: agreement no. 22-043
- Rhys Thomas/Up for Grabs Inc.: agreement no. 22-044
- Patti Syme: agreement no. 22-045
- National Entertainment Group/Richard Barker: agreement no. 22-046
- Wilma June Madison: agreement no. 22-047

As part of the legal staff update, Commissioner Smith spoke about an email she recently received from Sheriff Donahue which indicated that Commissioner Van Beek made contact with one of his deputies requesting front door security services so she may independently continue holding the afterhours community input meetings in the Commissioners' meeting room. Commissioner Smith asked at what point, as a Board, can Commissioner Van Beek be censored from being allowed use of public resources – in regard to both use of the BOCC meeting room and Sheriff's Office security services in order to keep the courthouse open. Mr. Wesley said that to the extent that the BOCC meeting room is held out as a public meeting place it should be available to any community group,

when not acting as a Board, an individual commissioner in their own political capacity making a request for the meeting room, he would recommend the Board follow regular policies for the administration of the room. Commissioner Smith the BOCC meeting room has not been used for non-BOCC meetings and the public meeting room only gets used by the Republican and Democratic parties; at this point no other outside groups are allowed to use the room. Mr. Wesley said he feels the request should be formal to hold a meeting in one of the rooms under the Board's jurisdiction and then the Board, as a majority, can consider the request in line with existing policies. Commissioner Smith said that if Commissioner Van Beek wants to hold a meeting during regular business hours that isn't an issue as it doesn't require additional resources. Anything afterhours would require Board approval because there is no policy in place to address it and there would be a need for additional resources.

A request to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 10:23 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 11:02 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATION FOR ADVOCATES AGAINST FAMILY VIOLENCE

The Board met today at 11:07 a.m. for a FY2023 budget presentation by Advocates Against Family Violence. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Kim Deugan and Trisha Lofton with Advocates Against Family Violence and Deputy Clerk Jenen Ross.

Ms. Deugan reviewed a handout outlining the services they provide and previous budgets. For FY2023 they are requesting \$50,000. The handout reviewed by Ms. Deugan is on file with this day's minutes. The Board has indicated they are supportive of the request. The meeting concluded at 11:44 a.m. An audio recording is on file with this day's minutes.

COMMISSIONERS TO REVIEW FY2023 BUDGET MATTERS

The Board met today at 11:45 a.m. to review FY2023 budget matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Administrative Supervisor Monica Reeves and Deputy Clerk Jenen Ross.

Commissioner Smith explained this is the time for Board discussion in order to submit a requested budget to the Clerk for consideration in his suggested budget. Some of the line items discussed were as follows:

- Outside training for the admin. staff – line will remain at \$6600 with the knowledge that it will include training for both staff and BOCC.
- Airfare and other travel costs will remain the same.
- There is no recommendation from the Clerk and Controller for salaries yet.
- Subscriptions – Commissioners Smith and Van Beek would like to include subscription costs for the Idaho Statesman.
- IT has recommended replacement of Ms. Reeves' desk printer for \$287; Board would like \$500 in the computer equipment line for any unforeseen expenditures.
- Office furniture – will be reduced to \$0 as there are no known needs.
- Advertising: increase to \$18,000.
- Misc.: will remain the same to cover water.
- Local mileage line will be eliminated; mileage line will remain at \$3000.

Commissioner Smith said she has been looking at elected officials' salaries and may get with the Clerk and Controller for information on how those salaries were determined. If applicable for changes it will come back as a Board discussion.

The meeting concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATIONS

The Board met today at 1:33 p.m. for FY2023 budget presentations. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith arrived at 1:39 p.m. Clerk Chris Yamamoto, Controller Zach Wagoner, Terry Harrell, Chris Trakel and Joe Moore from the Caldwell Veterans Council; Tina Freckleton from the Third District Youth Court; Melissa Radloff and Asia Miller from JANNUS; Ali Rabe and Evan Stewart from Jesse Tree of Idaho; Mike Swartz, Bob McKellip, Mike Summerville and Lori Kent from Canyon Soil Conservation District; Bill Larsen from Treasure Valley Partnership as well as other interested persons, and Deputy Clerk Monica Reeves. The following budget presentations were given to the Board:

Caldwell Veterans Council: This year the council is requesting \$32,000. They provided information regarding their civic purpose, groups who use the hall, and spoke about the humanitarian outreach programs. The average yearly cost is about \$50,000 to keep the hall open and the Veteran Service

Officer who works full-time is paid by the V.A. Caldwell Veterans Memorial Hall. A copy of the presentation is on file with this day's minutes. The presentation completed at 1:59 p.m.

Third District Youth Court: A review of their budget and income was provided. Youth Court activities, demographics, and their success rate was shared with the Board. \$10,000 is being requested for FY2022. (2:02 p.m. to 2:14 p.m.)

Aging Strong Programs by Jannus: Melissa Radloff spoke about the volunteers and the programs they offer as well as the type of funding they receive. This year the organization is requesting \$18,000 in County funding. (2:22 p.m. to 2:47 p.m.)

Jesse Tree of Idaho: Ali Rabe and Evan Stewart spoke about the organization and what their needs are. Jesse Tree supports individuals who are at risk for homelessness and they estimate they are receive between 100-200 applications for Canyon County residents each month. They have received community support through donations, rental assistance grant. Jesse Tree is requesting \$2 million in County funding to help them sustain their mission over the next three years in providing rental assistance. (2:49 p.m. to 3:32 p.m.)

Canyon Soil Conservation District: A PowerPoint presentation was given showcasing the services the district provides. This year the organization is requesting \$15,000 in County funding. There was discussion regarding the drought year and the need for an updated and comprehensive aquifer study since the last one was done in 1995. The soil conservation district could help call the meetings and bring people together but the actual groundwater studies would be done by the Idaho Department of Water Resources and/or the USGS. If the district had a letter from the Board requesting assistance they could make contact with the other agencies. There was also discussion about the need to have more specific information regarding soil classifications when the Board is making land use decisions. The district would need more investigation of the site and their staff would have to do an inventory of the existing system and they would probably need another position. Commissioner Smith would like to explore that idea with funding assistance provide through the Development Services Department budget. Mr. Summerville said if they received a letter from the Board on the groundwater issue they would contact their partners and see what data is already in existence and what other things could be done and what the costs might be. Clerk Yamamoto asked if the district's matching funds would increase if the County increases its funding. Mr. Summerville said it would help them, and there is an opportunity to seek additional federal funding and if they can get some assistance from the County and a part-time position. Commissioners Smith and White support that. Commissioner Van Beek wants more to time think about the implications on DSD staff and she believes more conversations are needed. (3:33 p.m. to 4:19 p.m.)

Treasure Valley Partnership: The partnership's mission is to provide a forum for mayors and commissioners to build relationships, collaborate, share information and best practices and work together to address issues affecting the citizenry. This year TVP is requesting \$5,580 in County funds, which is less than last year's request. Commissioner Smith suggested the partnership look at a floodplain model ordinance for the valley because there are restrictions that are a disservice

to constituents. Commissioner Van Beek said there is also an interest in reviewing the covered load ordinance for gravel. (4:20 p.m. to 4:28 p.m.)

Today's budget presentations concluded at 4:29 p.m.

The Board went back on the record at 4:40 p.m. for continued discussion about the presentations. Discussion resumed regarding Jesse Tree's request for ARPA funds – theirs was not a property tax request. The Clerk and Controller want to take a closer look at the request which is a 3-year commitment of over \$600,000. The Board likes the idea of the program because if the data is correct about the cost of homelessness that is a significant cost to the community. Clerk Yamamoto said he's not come to any conclusions yet about his suggested budget; it's going to be an odd budgeting situation and it's highly likely the Clerk's suggested budget will have the mandatory services and other things will be left blank for the Board to fill in. The question was asked about whether there are any amounts that need to be flagged on the other organizations. Commissioner Van Beek said Advocates Against Family Violence is going to apply for ARPA funding. The Board wants to include a new budget line item for honorarium and congratulatory items with a funding level of \$750. The discussion concluded at 4:51 p.m.

The Board went back on the record at 4:56 p.m. and said it wants to make sure the facilities budget includes funds for new paint, new lights, and window reconstruction in the Commissioners' Office. The discussion concluded at 4:58 p.m. An audio recording is on file in the Commissioners' Office. **Due to technical difficulties with the recording system, the last 12 minutes of the discussion was not captured on the audio file.*

MAY 2022 TERM

CALDWELL, IDAHO MAY 27, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Motorola Solutions in the amount of \$228,510.88 for Emergency Management

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change forms for Aldo Fortanelly, Clerk II; Mary Banford, Clerk I; and Tenley Ozuna, Clerk II

APPROVED KEY AND SECURITY ACCESS REQUEST FORM

- The Board approved key access form for Payton Talbot, Marine Deputy

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permits for Paleteria Y Neveria Mi Linda Michoacana Ice Cream LLC to be used 6/3/22 and 6/4/22; The Curb Bar & Grill dba The Curb Bar & Grill to be used 6/10/22; Garden City Bar, LLC dba 1918 Lounge to be used 6/9/22, 6/18/22 and 7/30/22

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bon Appetit Management Co. dba McCain Pub; and City of Nampa dba Centennial Golf Course (Resolution no. 22-123)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Hispanic Cultural Center of Idaho, Inc. dba Hispanic Cultural Center of Idaho; Coronar LLC dba Los Mariachis Mexican Restaurant #2; and The Tilted Ace LLC dba The Tilted Ace (Resolution no. 22-124)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Tacos Colimas LLC dba Tacos Colimas (Resolution no. 22-125)

PRESENTATION BY SOUTHWEST DISTRICT HEALTH FOR ARPA FUNDS

The Board met today at 9:09 a.m. for a presentation by Southwest District Health for American Rescue Plan Act (ARPA) funds. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, SWDH Director Nikki Zogg, and Deputy Clerk Monica Reeves. Director Zogg said she had intended to make an ARPA request, but some things have transpired since then so she thought it'd be good to have a discussion and get input and potentially come back later. The premise of the conversation is around youth behavioral health support systems in the health district. (reviewed her PowerPoint)

Focus Areas:

- Lack safe environment or supervision for children when adult needs to access care
- Reduce juvenile justice and child welfare involvement
- Individualized plans for youth and family
- Provide 24/7 services for youth in behavioral health crisis

Adults in Crisis

Option 1: Seek one-time ARPA funding to pilot a respite nursery, complete a solicitation for interest to existing childcare providers, and contract with providers who can provide drop-in childcare. Estimated cost to pilot one year is \$50,000

Option 2: Seek one-time ARPA funding to pilot a respite nursery and collaborate with WICAP on a project to provide respite nursery services with a broader scope. Estimated cost: More conversations need to happen with WICAP to see if blending or braiding funding would be feasible.

Prevention: Safe Teen Assessment Centers

Youth in Crisis: Youth Crisis Center

Director Zogg asked if the Board would entertain a funding request and offer some guidance if she came back and asked for help with purchasing an existing space or building a place. SWDH will look at pursuing other funding opportunities. Commissioner Smith said building a campus on the lot that's available is the best option but she'd like to find a temporary option to get by for a small period of time. The biggest challenge is finding available counselors and resources. Director Zogg said they have reached out to behavioral health players and one intends to apply for the contract funds or through the SWDH as the administrator as was done with the adult crisis center. Commissioners Van Beek and White would like additional information since we do not know what the financial need is. Clerk Yamamoto said there are multiple entities who are requesting ARPA funds and we'll have to determine what is the most urgent need and best use. The funds have to be allocated by 2024 and spent by 2026. Commissioner Smith said the County sent the money for the rapid rehousing and housing assistance back to the state, and because the state didn't spend it, it will be sent to other states and cities and we won't have any chance to use it. She would like to see the money used, in part, for the crisis center but we need to keep working on what we could do for the immediate need and also what would it take to build the long-term home. Director Zogg said she will wait for the request for the crisis center funding and see what that looks like because there is potential funding that can be used. The district has some funding for COVID-response-related things, but she will have to ask if it could be used for something like this. The amount is \$6 million over two years, but she doesn't know if it can be used for infrastructure; if not, they will be sending more than half of the money back. Commissioner Smith said they should ask for it and see if there are other ways to connect other entities with that money. Director Zogg will come back in a month or so. No Board action was required or taken. The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

PRESENTATION BY CITY OF MIDDLETON FOR ARPA FUNDS

The Board met today at 9:41 a.m. for a presentation by the City of Middleton for American Rescue Plan Act (ARPA) funds. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Middleton City Clerk Becky Crofts, Middleton Public Works Director Jason Bengilder, Mike Bowick from SPF Water, and Deputy Clerk Monica Reeves. Ms. Crofts said the City of Middleton received \$1.8 million in state funding and they are trying to solve two critical

infrastructure projects which are a qualified expenditure under ARPA spending. The projects are as follows:

- Hartley Sewer Trunk Line Wastewater. Middleton is using their \$1.8 million on that project which will serve the City and it will serve for expansion to the west down Highway 44 for residential and commercial development. It will be completed by July of this year.
- Southern Middleton Water System Loop and Boise River Watermain Bore - The City wants to partner with Canyon County to use \$2.2M of the ARPA funds the County received. The project will connect to the southern planning area and will allow a connected system and enable them to bring more industrial growth. There are 500 acres of potential industrial area that the project would help serve long-term needs in terms of growth and employment.

Commissioner Smith asked if the City is talking about slowing the residential growth and working on industrial and commercial so there's a better balance and so that we are not continuing to overfill the schools. Ms. Crofts believes there will be a natural slowing occur in residential growth due to the rising interest rates. Traffic is a big concern to the City and there are a lot of things they're working through. Middleton leadership does not want to become a bedroom community, they want to develop the commercial and industrial corridors that provide jobs. Commissioner Van Beek had follow-up questions regarding the projects. Jason Bengilder gave an overview of the loop request. The projects will improve water infrastructure, meet an existing need and set us up for redevelopment as Highway 20/26 corridor grows. Commissioner Smith said there are some discussions on what the County will use the ARPA funding for but most of it is planned for revenue replacement funds which opens the door to additional opportunities such as capital projects including a second administration building so we can handle our own growth. The County can consider Middleton's request but we are little early and as we work through what those priorities look like it will be a matter of timing and what the Clerk's suggested budget looks like. Clerk Yamamoto said the \$44 million in ARPA funds the County is receiving does not come close to what the needs of the County are so those discussions are happening and he hopes to have better ideas soon as to what the best use of the funds will be. No Board action was required or taken. The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATIONS

The Board met today at 10:11 a.m. for FY2023 budget presentations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto (left at 10:24 a.m.), Steve Davis, Kathy Simkins and Sheila Beeman with Genesis Community Health (left at 10:24 a.m.) and Heidi Caldwell, Katie McKinney, Amanda Johnson and Carrie Palmer with WICAP and Deputy Clerk Jenen Ross.

Genesis Community Health: Mr. Davis provided background information on the organization. A secondary location on Smead Parkway is anticipated to open in early 2023. A handout was provided which includes a description of need and services, value of services in FY22, clinic expenses, impact, budget proposal. This year's request is for \$75,000 which is the same as previous years.

A brief break was taken from 10:24 a.m. to 10:43 a.m.

WICAP: They are requesting funding for help with their food distribution program and youth advocate program and spoke about what they've been able to do in the community thru each of these programs. This year they are requesting \$200,197 which would fund two (2) positions – a Program Specialist for the food distribution program and an additional Youth Mentor, additionally it would help with a portion of the rent on the food storage warehouse. A handout is on file illustrating the services they provide and programs the offer.

The meeting concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

PRESENTATION BY CANYON COUNTY EMERGENCY MANAGER FOR ARPA FUNDS

The Board met today at 11:31 a.m. for a presentation by the Emergency Manager for ARPA funds. Present were: Commissioners Pam White and Leslie Van Beek, EOM Christine Wendelsdorf, Ambulance District Director Michael Stowell and Deputy Clerk Jenen Ross. Ms. Wendelsdorf is requesting funds to replace 36 handheld and mobile radios for the Canyon County Ambulance District. This will allow all the radios to be updated; currently the radios being used are 10-years past end-of-life. They are still working but need to be upgraded due to the encryption which will happen within the next year and will no longer be supported by the older version radios. Without providing the new radios the ambulance district would no longer be able to communicate with other agencies. Ms. Wendelsdorf said that this is an allowable expense thru ARPA. The radios will be good for 10-years and Ms. Wendelsdorf does an annual firmware update on them. The Board is supportive of the need and purchase. The meeting concluded at 11:41 a.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 31, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

FILE TREASURER'S REPORT IN MINUTES

- The Board filed the Treasurer's monthly report for April 2022

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Cameron Lybbert, Fair Events Coordinator; Travis Joseph Weber, Deputy Sheriff-Inmate Control; William Ty Kinghorn, Deputy Sheriff-Inmate Control; Peter Krantz, Deputy Sheriff-Patrol; Addison Rennigton, Temporary Legal Support; Kamryn Wiese, Temporary Legal Support

APPROVED CLAIMS ORDER NO. 2218

- The Board of Commissioners approved payment of County claims in the amount of \$1,923,674.84 for a County payroll

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Miwall Corporation in the amount of \$6,850.00 for Canyon County Sheriff
- Apple Inc in the amount of \$1,849.00 for Information Technology Department
- Dell in the amount of \$1,188.74 for Information Technology Department
- Dell in the amount of \$2,377.68 for Information Technology Department
- Wasp Barcode Technologies in the amount of \$1,977.00 for Information Technology Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Salinas Foods LLC dba Yita's Family Restaurant King Legend Hall (Resolution no. 22-126)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for 2C Wine Down LLC dba 2C Wine Down (Resolution no. 22-127)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Fast Mart Nampa, Inc dba Fast Mart (Resolution no. 22-128)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Hat Ranch Winery LLC dba Vale Wine Company/Hat Ranch Winery (Resolution no. 22-129)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for SAS Restaurant Ventures Inc. dba Denny's Restaurant #6640; Paletteria Y Neveria Mi Linda Michoacana dba Paletteria Y Neveria Mi Linda Michoacana Ice Cream (Resolution no. 22-130)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Swirl Wine Shop and Lounge LLC dba Swirl Wine Shop and Lounge (Resolution no. 22-131)

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1) (C), (D) AND (E) REGARDING ACQUISITION OF AN INTEREST IN REAL PROPERTY, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (c), (d) and (e) regarding acquisition of an interest in real property, records exempt from public disclosure and to consider preliminary negotiations involving matters of trade or commerce. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam and Leslie Van Beek, DSD Director Steve Fultz and Chris Jacky and Mike Ybaruen with Idaho Power. The Executive Session concluded at 2:15 p.m. with no decision being called for in open session.

PRESENTATION BY THE IDAHO CHAPTER AMERICAN FARMLAND TRUST REGARDING CROPS DATA IN CANYON COUNTY

The Board met today at 2:32 p.m. for a presentation by the Idaho Chapter American Farmland Trust regarding crops data in Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Staff Kate Dahl, Tammie Halcomb, Elizabeth Allen, Juli McCoy and Cassie Lamb, David Anderson with American Farmland Trust, Alan Mills, Roger Batt, George Crookham, Kris Crookham, Judy Boyles, Other interested citizens and Deputy Clerk Jenen Ross. Mr. Anderson addressed topics which included a 20-year Agricultural Economic Impact Analysis, an overview of the situation, the problem and solution, design of the agricultural economic impact proof-of-concept which include goals and outcome and baseline cropland data layer from USDA 2021 (top 12 crop categories). Mr. Anderson addressed questions posed by Commissioner Van Beek and provided background information on American Farmland Trust and himself. A copy of the PowerPoint presentation is on file with this day's minutes. The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER OFFER TO PURCHASE COUNTY PROPERTY LOCATED AT O POND LANE

The Board met today at 3:35 p.m. to consider an offer to purchase county property located at O Pond Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Assessor Joe Cox, DSD Director Steve Fultz, Alan Mills and Deputy Clerk Jenen Ross.

There have been two offers for this property, one from Mills and Co. on behalf of Hall and Sons LLC for \$10K and one from Choice NW Realty on behalf of Dylan Wickle for \$20K.

Treasurer Lloyd explained that this property has previously been put up for tax sale but did not sell so it is now Board discretion as to how/if the property is disposed of. Discussion ensued as to the value of the property, access issues and whether or not to take public testimony at this time. It was determined that the best course of action would be to put the property up for auction again to allow any member of the public to make an offer. Mr. Cox said his office can work to determine a value for bare property with no access. There was no action taken on either offer.

The meeting concluded at 3:48 p.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 THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 4:03 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Parks Director Nicki Schwend and Interim Lead HR Generalist Jennifer Allen. The Executive Session concluded at 4:46 p.m. with no decision being called for in open session.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$1,246.75 for Information Technology Department
- reMarkable 2 bundle in the amount of \$2,311.20 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for County Line Wine Co to be used 6/17/22

CONSIDER APPROVING FINAL PLAT FOR KIMBER RIDGE SUBDIVISION # 2, CASE NO. SD2021-0030; AND THE FINAL PLAT FOR MONUMENT PLACE SUBDIVISION, CASE NO. SD2021-0002

The Board met today at 8:48 a.m. to consider approving final plats for Kimber Ridge Subdivision #2 and for Monument Place Subdivision. Present were: Commissioners Leslie Van Beek and Pam White, Engineering Coordinator Stephanie Hailey, County Engineer Devin Krasowski, interested citizens, and Deputy Clerk Monica Reeves.

Consider approving final plat for Kimber Ridge Subdivision # 2, Case No. SD2021-0030: Stephanie Hailey gave the staff report. Keller & Associates has reviewed the final plat and construction drawings and recommends approval. Staff recommends the Board sign the final plat. All required signatures have been obtained. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve and sign the final plat for Kimber Ridge Subdivision.

Consider approving final plat for Northstar Ranch Development, LLC., for final plat approval of Monument Place Subdivision, Case no. SD2021-0002: Devin Krasowski gave the staff report. Keller & Associates has reviewed the final plat and construction drawings and recommends they be approved. Staff recommends the Board sign the final plat. All required signatures have been obtained. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve and sign the final plat for Monument Place Subdivision, Case No. SD2021-0002.

The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER AN APPEAL BY LYNDIA M. SMITH OF THE HEARING EXAMINER'S DECISION TO GRANT A C.U.P. TO ANDREA SURMEIER FOR A SPECIAL EVENT FACILITY, CASE NO. CU2021-0005-APL

The Board met today at 9:07 a.m. to conduct a public hearing in the matter of an appeal by Lynda Smith of the Hearing Examiner's decision to grant a conditional use permit (CUP) to Andrea Surmeier to allow a special event facility use within an "A" (Agricultural) zoning district, Case No. CUP2021-0005-APL. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Cassie Lamb, Lynda Smith, Michael McGarvin, Elizabeth Anderson, Andrea Surmeier, Nicole Van Lith, other interested citizens, and Deputy Clerk Monica Reeves. DSD Planning Official Dan Lister arrived at 10:15 a.m.

Cassie Lamb gave the oral staff report. On March 17, 2022, the Hearing Examiner approved Andrea Surmeier's request for a CUP to have a special event facility use within an "A" (Agricultural) zoning district. The use will encompass 1.16 acres of Parcel R36774010, and the events include farmers markets, movie nights, weddings, and other public events. On March 31, 2022 Lynda Smith appealed the decision because the two neighboring property owners, Obendorf Hops, and Dixon Farms, were not notified. According to Ms. Lamb, no proof has been provided to the County that Obendorf Hops was not notified of the neighborhood meeting. The County notified them of the Hearing Examiner's hearing and no comments or concerns were received and they have since assisted Ms. Surmeier regarding a land division compliance as a part of her conditions of approval. Dixon Farms rents a farm field but he does not own a property therefore he was not required to be notified. The second reason for appeal dealt with the noise and hours of operation; the appellant is requesting that the hours of operation be amended to 9:00 p.m. on weekdays and Sunday, and 10:00 p.m. on Friday and Saturday. Another reason for appeal is traffic impact and parking. The appellant is requesting the number of vehicles be reduced from 50 to no more than 30 vehicles. Ms. Lamb gave a review of agency comments. Staff recommends the Board deny the appeal and uphold the Hearing Examiner's approval of case No. CU2021-0005. Following her report, Ms. Lamb responded to questions from the Board.

Testimony in support of the appeal/opposition to the request was as follows:

Michael McGarvin lives on Fern Lane and has vast knowledge of the property and surrounding area and he has two areas of major concern: parking and sound. The current gravel pad for parking is 32 x 86, and if you remove the ingress/egress lane in the center and consider the fire access you are left with 25-28 parking spaces and that's with valet parking. All roadside parking should be restricted due to traffic concerns and site blockage. The business hours should be limited to 9:00 p.m., and the applicant should add a 6-foot privacy fence along the west property line from the southwest corner pin to at least two-thirds of the way north down the property line. If we can get through these two issues he has no objection to welcoming Ms. Surmeier to the neighborhood. Mr. McGarvin spoke about the dangerous intersections in the area and the resulting vehicular accidents that have occurred. Roadside parking is concerning given the agricultural operations (hop farms) and the farm equipment in the area. It would be nice if the adjacent farmer would allow her more space for parking.

Elizabeth Anderson has lived on Fern Lane approximately one mile from the subject property and she has major concerns regarding the noise, parking, and size of the events. There were two events last summer that alerted her to how her quality of life would be changing. She could hear

conversations and music playing loudly which travels to her backyard and disturbs her quiet retreat. She would like the business hours limited to 10:00 a.m. to 9:00 p.m., and for the applicant to build a 6-8-foot privacy fence on the west side of her property. There is not enough parking for the events and she does not want any on-road parking during events. Parking should be limited to what is available on the Surmeier property. The numbers of guests at the events weigh heavily on those who live/work in the area, additionally, some of the events will be alcohol-driven.

Lynda Smith testified that she is the closest neighbor to the subject property and she learned about the request through publications and postings. Her letter of appeal did not state the two parties were not told about the hearing, she had just stated who the adjacent people were. She spoke of the topography of the land, traffic, and the dangerous blind intersection in the area. She is fine with the hours of operation ceasing at 9:00 p.m., and she hopes with the change in the parking lot guests will not have to park on the roads, but she doesn't see how that can be avoided. At the first hearing it sounded like the applicant was flexible with the hours of operation and reducing the number of cars. Ms. Smith said there are a lot of discrepancies in the master application and the Hearing Examiner's staff report as they state different hours. She spoke of how she has worked with highway district to get the speed limit reduced due to traffic concerns.

Testimony in opposition to the appeal/in support of the request was as follows:

Andrea Surmeier testified she has already agreed to the limitations of having the music stop at 9:00 p.m. and not to have events where cars are parked on the side of the road. If a car is parked on the side of the road during events she takes full responsibility for the consequences. Hours of operation and traffic go hand-in-hand and there is no intention of events being held Monday through Friday from 10:00 a.m. to 11:00 p.m. or midnight. She plans to only have 10 events a year and only operating from May until November, most of which will be highlighting the ag community and the hop industry. Currently, they are set to have 5 events this year with each event to have a maximum of 75 people. Three of the events are partnered with either Gooding Farms, Obendorf Farms, or the Idaho Hop Commission. Boise breweries are selling tickets and they will bus brewers and beer enthusiasts to the Wilder community to take farm tours and then come back to the property for an organized dinner, all of which will end at 9:00 p.m. and the guests will be bussed back to Boise. She has partnered with Destination Caldwell for their Ag Venture Trail to promote Caldwell as a destination opportunity and to organize small groups to come to the hop and wine region for organized tours. A craft fair is planned for one Saturday in August from 10:00 a.m. to 5:00 p.m., and they have plans to rent the parking lot of a surrounding business and shuttle guests back and forth assuming it gets too big. Ms. Surmeier understands the parking concerns and she does not want people parking on the road or causing more traffic issues. She communicates regularly with Brock Obendorf and she will follow their schedule for crops spraying and not have people on her property on those days. The fence will have to come in communication with Mr. Obendorf because he does not necessarily want the fence because he needs the space for the tractors. Following Ms. Surmeier's testimony, she responded to questions from the Board. There were follow-up questions for staff as well.

Rebuttal testimony was given by Lynda Smith. The parking lot faces her house and she sees the cars coming in/out of the event center. The use will represent a big change to the area and will take some give and take on the part of the neighbors to communicate.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said the neighbors' concerns are valid and Ms. Surmeier has stated her willingness to ensure there is no road parking for events and that is extremely important. Commissioner Van Beek said this has not been vetted enough and there are a lot of unanswered questions related to traffic infrastructure, the impacts to agricultural operations, and the life and safety concerns. It needs more definition. There was discussion regarding amending conditions to mitigate concerns such as:

- Change the hours of operation Monday through Thursday and Sunday to end at 10:00 p.m.; and Friday and Saturday will end at 11:00 p.m.
- A privacy fence must be installed along the south property line; the owner must coordinate with local hop growers regarding spray routines and coordinate no events during those times
- A parking plan must be submitted to DSD prior to commencement of use and must show vehicle circulation and be signed off by the fire department
- Signage

Commissioner Van Beek made a motion to reopen testimony to get clarification on the fence. The motion was seconded by Commissioner White and carried unanimously.

Elizabeth Anderson testified she would like to see privacy fence on the west side for a sound barrier. Dan Lister said staff feels the conditions are appropriate for the type of use and the infrequencies of a special events facility in this location, but it's up the Board if it wants to add more fencing. Cassie Lamb said we have to think about how the fencing will affect the spray rotations of the tractors. Commissioner White wants to table this hearing in order to get a definite plan and more information from the applicant. Staff will work with the applicant. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to June 2, 2022 at 9:45 a.m. The hearing concluded at 10:57 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY KEITH & JANA MOORE FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0038

The Board met today at 10:58 a.m. to conduct a public hearing in the matter of a request by Keith and Jana Moore for a conditional rezone, Case No. RZ2021-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Keith Moore, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she knows the applicants' daughter who had emailed her asking about the status of the case and she then forwarded the request to DSD; it was stuck on a planner's desk and then Dan Lister got the case moving. She did not discuss the specifics of the case and said their past relationship will not bias her decision. Dan Lister gave the oral staff report. The applicants are requesting a conditional rezone of Parcel R28678010 from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone – Rural Residential) zone. The request includes a development agreement to limit the development to one division. The property is located at 580 S. Powerline Road in Melba and consists of 6.43 acres, and the request is to divide the parcel one more time to leave the existing house on one 3.67-acre parcel and providing a 2.75 parcel for a family member to build on. The short plat for this subdivision will be heard by the P&Z Commission later this month. On April 21, 2022, the P&Z Commission recommend approval of the request. Staff is recommending approval subject to the conditions listed in the development agreement. Following his report, Mr. Lister responded to questions from the Board. Keith Moore testified about the property history noting that property in the area was homesteaded by his wife's grandfather. It is good farm ground but it's not viable for him to farm it. They want to gift the parcel to their son and daughter-in-law. Mr. Moore said he will need a variance to leave the irrigation on the side of the road for the downstream user and they are willing to do what they need to do relative to the conditions. He said it is a better value for the County to have his son improve the property versus having 2.5 acres that he will not try to irrigate. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the conditional rezone for Keith and Jana Moore as presented but with the direction to staff to add a section to the conclusions of law for the joint exercise of powers agreement for the City of Melba. The signed FCO's, ordinance (No. 22-011), and development agreement (No. 22-050) are on file with this day's minute entry. The hearing concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATION FOR NAMPA FAMILY JUSTICE CENTER

The Board met today at 1:32 p.m. for a FY2023 budget presentation by Nampa Family Justice Center. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Jeanie Strohmeyer, Alyssa Groon and Jennifer Perry with the Nampa Family Justice Center and Deputy Clerk Jenen Ross. A review was provided of intake numbers (Nampa vs. remainder of Canyon County) and how it relates to the cost to operate budget, funding provided

by the City of Nampa and other funding sources along with a review of services they are able to provide that other agencies don't. A copy of the cost to operate document is on file with this day's minutes. This year their funding request is \$73,806.06. The meeting concluded at 2:00 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES AND CONSIDER AN ACTION ITEM

The Board met today at 2:14 p.m. with the Public Defender to discuss salaries and to consider an associated action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross.

Mr. Bazzoli said that he has created a proposed resolution based on recommendations from Chief Deputy P.A. Sam Laugheed and a brief review of the previous meeting held on May 20th was provided to the Board. Mr. Bazzoli explained he has lost several attorneys this year to higher paying positions at other area agencies. Additionally, there has been a lot of frustration within his office when they learn attorneys with less experience handling lesser caseloads are making higher salaries in the Prosecutor's Office. Mr. Bazzoli would like to see consistency within the pay bands and to be competitive with prosecuting attorneys. Discussion ensued as to how Mr. Bazzoli evaluated salaries included in the resolution, how years within pay bands work and a review the attorneys included in each pay band. Commissioner Smith would like an email with a clear outline of which individuals would be getting promotions and additional responsibilities.

Mr. Bazzoli said his department is currently at 32 attorneys but per the PDC guidelines he should be at 32.5. Additionally, his department is under budget by \$240K due to unfilled and underfilled positions. Commissioner Smith asked about the impact to the FY23 budget, and the Board would like a statement about parity between the Public Defender's department and the Prosecutor's Office. Mr. Bazzoli said he would work to revise the resolution for clarification. Commissioner Van Beek made a motion to continue the meeting and action item to Friday, June 3rd at 10:00 a.m. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:52 p.m. pursuant to Idaho Code, Section 74-206(1) (b), and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Director of Misdemeanor Probation Jeff Breach. The Executive Session concluded at 3:15 p.m. and once back on the record Commissioner Van Beek made a motion to

continue the executive session to Friday, June 3rd at 9:00 a.m. The motion was seconded by Commissioner White and carried unanimously.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(1)(B)(D)(F)(I) TO DISCUSS SPECIFIC PENDING OR IMMINENTLY LIKELY CLAIMS AND CONTROVERSIES, INCLUDING SPECIFIC PERSONNEL, AND OTHER RECORDS PRESENTLY EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO IDAHO CODE 74-107(11)

Commissioner White made a motion to go into Executive Session at 3:19 p.m. pursuant to Idaho Code, Section 74-206(1)(b)(d)(f)(i) to discuss specific pending or imminently likely claims and controversies, including specific personnel, and other records presently exempt from public disclosure pursuant to Idaho Code 74-107(11). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Sheriff Kieran Donahue, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Assessor Brian Stender, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel and Representative from the Hartwell Corp. The Executive Session concluded at 4:18 p.m. with no decision being called for in open session.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 2, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO in the amount of \$15,069.00 for Facilities Department
- Idaho Electric Signs in the amount of \$1,562.00 for Facilities Department
- Quality Electric in the amount of \$3,579.00 for Solid Waste Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Blue Eye to be used 6/11/22

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for El Cafetal Colombian Restaurant LLC dba El Cafetal; and Pacific Sushi LLC dba Pacific Sushi (Resolution no. 22-133)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Paddles Up Ventures LLC dba Paddles Up Poke; and Paddles Up Ventures LLC dba Paddles Up Poke (Resolution no. 22-134)

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services and Deputy Clerk Jenen Ross.

Case no. 2022-498 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue an initial denial with written decision within 30 days. The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel (left at 9:10 a.m.), Deputy P.A. Zach Wesley (arrived at 9:07 a.m.), Director of Juvenile Probation Elda Catalano (left at 9:22 a.m.), Director of Juvenile Detention Sean Brown (left at 9:16 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:05 a.m.), Cpt. Mike Armstrong (left at 9:05 a.m.), Assessor Brian Stender (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing purchase agreement with Neology: This for cloud storage service that will be reimbursed from HIDTA funds for the next 3 years. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the purchase agreement with Neology (see agreement no. 22-118).

Consider signing notice of appeal of insurance non-renewal: A draft letter to ICRMP requesting an appeal has been prepared and reviewed by the Board in response to the letter of non-renewal that was recently received. Upon the motion of Commissioner White and second by Commissioner

Van Beek the Board voted unanimously to sign the notice of appeal of insurance non-renewal. A copy of the notice is on file with this day's minutes.

Consider signing memorandum of agreement with Idaho Department of Juvenile Corrections to support clinical services in juvenile detention facilities: This is a standard agreement with the State of Idaho which provides funding for mental health professionals that work in juvenile detention centers. Director Brown said this is a program that has been going since 2007 and reviewed one change in the number of evaluations to be performed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the memorandum of agreement with Idaho Department of Juvenile Corrections to support clinical services in juvenile detention facilities (see agreement no. 22-049).

Consider signing independent contractor agreement with Heather Carrizales for Substance Use Disorders System Project Coordinator: Mr. Wesley explained this is a follow-up item to an MOU that was signed with the state recently. The state funds drug and alcohol treatment for the 3rd district and as a collective group the 3rd district needs to house an administrator for those funds. Canyon County as the largest county of the collective group is the natural fit to be the administrator of the funds as most of the funds benefit Canyon County. This agreement is an independent contract with the facilitator; funding for the position comes from the state and the county is just the pass-thru. For the most part this is a standard independent contractor agreement with the caveat that it would expire or not be paid if the state funds were not available. Ms. Catalano provided some background information on the program. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement with Heather Carrizales for Substance Use Disorders System project coordinator (see agreement no. 22-049).

Consider signing legal notice for entering into a personal services contract with Heather Carrizales: Commissioner Van Beek made a motion to sign the legal notice for entering into a personal services contract with Heather Carrizales. The motion was seconded by Commissioner White and carried unanimously.

Discussion ensued regarding the next steps in the process in order to implement impact fees.

The meeting concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED PUBLIC HEARING - APPEAL BY LYNDIA M. SMITH OF THE HEARING EXAMINER'S DECISION TO APPROVE A C.U.P. TO ALLOW A SPECIAL EVENT FACILITY IN AN AGRICULTURAL ZONE, CASE NO. CU2021-0005-APL

The Board met today at 9:54 a.m. to conduct a public hearing in the matter of an appeal by Lyndia Smith of the Hearing Examiner's decision regarding Case No. CU2021-0005, a conditional use permit to allow a special event facility use within an "A" (Agricultural) zoning district. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, DSD Planning Official Dan Lister,

DSD Planner Cassie Lamb, Elizabeth Anderson, Andrea Surmeier, and Deputy Clerk Monica Reeves. Today's hearing was continued from yesterday so that staff could work with the applicant on proposed conditions. Commissioner Van Beek disclosed she received a telephone call from Lynda Smith (the appellant) yesterday asking how to submit a late exhibit and she informed Ms. Smith of the process. DSD Planner Cassie Lamb gave up an updated staff report and summarized the changes to the conditions of approval. Board discussion ensued about the conditions, and DSD Planning Official Dan Lister offered staff comments as well. Andrea Surmeier testified she worked with staff to limit the hours of operation, months of operation, and parking spaces. She met with Brock Obendorf and discussed the issues raised at yesterday's hearing. She has a great working relationship with the Obendorf family, and is sensitive to their concerns and needs about their farming operation. The Obendorfs were adamant about not putting up a fence on the property boundary as they utilize large farm equipment on the property. Following her testimony, Ms. Surmeier responded to questions from the Board about the proposed conditions of approval. Elizabeth Anderson is opposed to the conditional use. She lives west of the property and during two events she heard noise in the form of music and intimate conversations about the expense of weddings. Her property is her sanctuary and she would like a privacy fence put up. During rebuttal, Ms. Surmeier spoke about how misinformation has been spread in the community about her event facility and it has affected relationships so she circulated a letter to try to calm the neighbors' concerns. There is an active potential case for harassment and defamation between Lynda Smith and Ms. Surmeier and her lawyer is seeking a protection order. She said a temporary fence could be an option, but she will have to talk to the Obendorfs about it since they are a direct property owner. She responded to additional questions from the Board. Additionally, there was further discussion between the Board and staff regarding proposed conditions of approval. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek said there are missing parts and pieces and she feels the request could be injurious to other property or negatively change the essential character of the area. There will be an ongoing issue with parking, and with traffic in remote areas there are life safety issues and therefore she cannot make positive findings. She wants to see the County expand ag-tourism to more than just alcohol and wine-related events. Commissioner Smith said in her review of the information the property owners have enjoyed a peaceful ag community and the agricultural zone allows special event facilities. She said the assumption that Ms. Surmeier is only having alcohol-related events is quite pretentious. The wine industry and hop industry are key to our economic success and special event facilities are a permitted use in the zoning matrix so we can impose mitigating conditions to allow the applicant the use of their property and to help mitigate impacts to the neighbors. This request helps protect agricultural and provides an opportunity for the community to experience it. Commissioner Smith said the FCO's prepared by staff are good, but they need to be updated to match what's in the conditions of approval. Recommended changes are as follows:

- The use shall be limited to no more than 100 guests, as originally required by the hearing examiner
- A simple change to Sunday through Thursday hours of operation: 10:00 a.m. 9:00 p.m.
- Off-street parking shall be in accordance with CCZO 07-13-01

Parking and circulation plan shall be submitted to DSD prior to the first event
40 cars maximum allowed to be parked onsite

- Remove Condition #13C
- Remove reference to the decibel level in Condition #16

Commissioner Smith made a motion to deny the appeal and to uphold the Hearing Examiner's decision for CU2021-0005. The motion was seconded by Commissioner White. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. The FCO's will be updated and brought back to the Board later today. Commissioner Smith read a statement regarding the request for reconsideration/judicial review process. The hearing concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY GARY MCCALLISTER, REPRESENTING JOSEPH & LESLIE FRANKS, FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, CASE NO. RZ2022-0003

The Board met today at 11:11 a.m. to conduct a public hearing in the matter of a request by Gary McCallister, representing Joseph and Leslie Franks, for a conditional rezone of Parcel R38053, approximately 2.3 acres, from an "R-R" (Rural Residential, two-acre average minimum lot size) Zone to an "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. The request includes a development agreement to limit future development to one division creating a total of two building parcels. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Gary McCallister, Ron Amarel, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is to allow for one division of the property to divide away the primary dwelling from the secondary one that exists on the site. If approved it would require an administrative land division. The subject property is located at 25528 Old Highway 30 in Caldwell and is adjacent to subdivisions and the Purple Sage Golf Course. On April 21, 2022, the P&Z Commission recommended approval of the request. Staff recommended a conditional rezone rather than a full rezone because it is adjacent to existing agricultural properties. Following his report, Mr. Lister responded to questions from the Board. Gary McCallister testified in favor of the request and said they have removed one of the accesses to Highway 30 and put it on Griffin Road, and the highway district has issued a permit. He concurs with the staff report and said the applicants agree with the proposed conditions. Mr. Lister said the applicants have not yet signed the development agreement. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve Case No. RZ2022-0003 for Gary McCallister, representing Joseph and Leslie Franks, and to sign the approval documents at a later date. The hearing concluded at 11:27 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MASON ASSOCIATES INC., REPRESENTING VAN SLYKE FARMS LLC FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT, CASE NO. OR2021-0012/RZ2021-0027

The Board met today at 1:36 p.m. to conduct a public hearing in the matter of a request by Mason Associates Inc., representing Van Slyke Farms LLC, for a comprehensive plan map amendment (Case No. OR2021-0012) from an “agricultural” designation to a “residential” designation, and a zoning map amendment (Case No. RZ2021-0027) to rezone a portion of the subject parcels from an “A” (Agricultural) Zone to an “R-1” (Single Family Residential) Zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Angie Cuellar, Phyllis Indart, William Mason, Richard Zehr, Jan Van Slyke, Tristan Van Slyke, Melanie Stone, Corey Blaine, Nathan Piercey, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 3:30 p.m. Commissioner Smith disclosed she is very familiar with the area.

Dan Lister gave the oral staff report. The request is for a comprehensive plan map amendment to amend a 5.44-acre portion from an agricultural designation to a residential designation, and a zoning map amendment of 26.2 acres of 111 acres from an “A” Agricultural Zone to an “R-1” (Single Family Residential) Zone. The applicant has submitted a subdivision plat with one-acre lot sizes, but it’s not before the Board today because they are still working through some issues. The parcels are located at 17553 Van Slyke Road in Wilder. Mr. Lister reported on the property history as well as the uses in the area. The property is in a high nitrate priority area. The applicant is proposing individual septic systems and wells and domestic wells will be used for irrigation; they are working with SWDH on the nutrient pathogen study. There was a review of comments received and potential impacts to the area. On October 7, 2021, the P&Z Commission recommended approval of this request. Staff recommends the Board consider a conditional rezone with conditions similar to the adjacent property which is a rural residential zone including landscaping, dedication of open space, and exterior lighting provisions. Staff is recommending denial; however, the P&Z Commission recommend approval so the FCO’s reflect their recommendation. Following his testimony, Mr. Lister responded to questions from the Board.

The following people testified in support of the application:

Tristan Van Slyke, the President of Van Slyke Farms, testified they have not been able to make any money off the ground and it’s cost them more in taxes and to keep the weeds down. Because it’s not viable farm ground and it’s not doing anything for the property owner other than being a “time suck and financial suck”, he thinks it will contribute to the environment and the micro climate being an extension of the residential development of Garrett Ranch Way that’s already there. He doesn’t think the Williamson conditional rezone will be entirely developed because they have said they have no plans in the near future to do any development there, they did that years ago to protect their right to be able to sell for their retirement plan. The other developments in the area are much larger in overall total acreage and are denser than one-acre lots. Van Slyke Farms are trying to do a responsible development and it’s not fair that future-planned irresponsible developments are being held against their application as a reason to deny. Mr. Van Slyke said his proposal should not be treated as a “guinea pig” for some new approaches to development and

planning in the region. He testified about the road, wells, and the septic system. Following his testimony, Mr. Van Slyke responded to questions from the Board.

Angie Cuellar testified she tried to get in contact with the City of Greenleaf regarding their letter, but they would not respond until now. The Homedale Fire District will provide service to this subdivision and does not object to the plan as long as it complies with the requirements of the highway district. The highway district has also approved the proposal. The property is in close proximity to residential areas. Over half of the property is identified in the comprehensive plan as residential and the Van Slyke's are doing their best to preserve agricultural ground. Ms. Cuellar testified the County does not have a requirement for a landscaping plan. The health department has said the applicants can have 19 lots on the property, but the proposal is for 17 lots. Regarding water, Ms. Cuellar said we sit upon the largest aquifer in the northern half of the United States – one of the three largest aquifers in the world – and there are layers that separate the waters in different places. Shifting layers of the ground will affect wells. There is water. IDWR has standards and if you're in a high nitrate area or any area where well drillers have concerns you have to take your water to the health district and have it tested once a year. According to Ms. Cuellar, the Snake River Treasure Valley Aquifer has as much water in it as Lake Michigan. There are areas that shift and change but it's one of the reasons why community wells and city wells go deep. She spoke of the conditions of approval for the property north of the subject property.

William Mason, the project engineer, testified that on the 2020 comprehensive plan this area is a residential zone and is near the conditional rezone of the Williamson property that allowed for one-acre lots. Had they known this would be an issue they may have asked their client to rezone everything in the square instead of using the area that is nonviable farm ground to the west and keep the development to the north of the canal where the slopes are at.

Corey Blaine testified he represents the Christensens who applied for a comprehensive plan map amendment and R-2 rezone for the 222 acres surrounding this property. He and the partners own the acres touching this property and they support the Van Slykes request. He supports property rights and the ability to develop the land. Mr. Blaine testified he is planning to do a community sewer and water system for his project. He's installed complex systems in nitrate priority areas and the average cost is \$15,000 up to \$25,000. They are more expensive the traditional system, but his experience with what's being built on one acre is upward of \$1M, and the \$15,000 to \$25,000 doesn't really matter.

Testimony in opposition was as follows:

Nathan Piercy is a hobby farmer and he is opposed to the request. He said the case should be dismissed due to the misconduct of P&Z Commissioner Brock who violated the rules of the meeting and perjured himself, and so if you throw out his vote it goes to a two-to-two vote. Commissioner Brock prompted a person to nonverbally answer a question about hillside development after public comment had been closed and when Mr. Piercy said that wasn't fair, he denied doing it. Mr. Piercy said Commissioner recused himself however, the rest of the commission was "pretty cozy with him". If this gets turned down it could possibly affect the

conditional rezone the Williamsons have. He believes the Commission rushed through and went straight to approval. As far as water rights, there was a person there who testified that two neighbors in Garrett Ranch had to re-drill their wells. Mr. Piercey has lived in the area for seven years and he has watched them farm alfalfa off it. Concerns include: negative impacts to irrigation water, wells, water quality, water quantity, and road and traffic safety. Development should not impact the existing residents in the area. At what cost does development come and when do we pay attention to the comprehensive plan. Following his testimony, he responded to questions from the Board.

Deputy PA Zach Wesley arrived at 3:30 p.m. at which time Commissioner Smith asked him about the concern raised by Nathan Piercey. Mr. Wesley said we are starting from scratch and not relying on the record the P&Z Commission has made and so any potential error at the P&Z Commission hearing would be cured by the Board's hearing.

Rebuttal testimony was offered by William Mason. He addressed the individual septic systems versus community water systems and said there is a diminishing return on when that would work, if there is not a breakeven point for the number of lots a community system would not pencil out, they wouldn't feasibly be able to pay for it. This project is standalone, the topography doesn't allow them to connect to anything else so the it's intended to use individual wells and septic. Commissioner Smith asked about the possibility of re-noticing this case as a conditional rezone. Mr. Wesley said if it's changed from a straight rezone to a conditional rezone it would need a second hearing but it does not need to go back to the P&Z Commission. Mr. Mason said his clients are okay with noticing it for a conditional rezone, and he will provide information on water quantity in the area.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said the applicant has demonstrated a willingness to restrict it to the nonviable portion and preserve the rest for farming; the impact of homes doesn't appear to be a big factor on services and it appears to be commensurate with what's happening around it. There doesn't appear to be a future traffic pattern conflict. There is enough evidence the Board can move forward. Commissioner Smith said if a sewer system is approved then you could have 19 lots. If you rely on the letter from DEQ, they recommend cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs for the area for adequate, safe and sustainable drinking water. We don't have that. There has been testimony across the County about water concerns, but there is no evidence in front of the Board about water but what we do have is testimony from two residents that their wells went dry and the City of Greenleaf has anecdotal knowledge of water issues. This proposal deserves more time and it would allow the Board to look at conditions of approval. The City of Greenleaf felt this was a basic subdivision and community planning was important including possible pathways or open space and Commissioner Smith thinks that idea should be explored. Mitigation conditions could be imposed and a conditional rural residential zone would be more appropriate. She concurs with staff's findings, and she encouraged the applicant to look at setbacks for the agricultural uses in the area. There was further discussion regarding which zoning is appropriate. Commissioners Smith and Van Beek are

open to a conditional rezone for R-1 zoning potentially. Deputy PA Wesley said if the Board makes a substantially materially different decision than the P&Z Commission recommendation that is when there will be a second hearing requirement and we'll have to have an idea of what we're looking at to have it noticed as conditional rezone or straight approval to facilitate public testimony, but ultimately the Board can approve, deny, or impose conditions. Commissioner Smith said the Board is not guaranteeing the approval of a conditional rezone. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the comprehensive plan map amendment to residential and recommend the applicant move forward with a conditional rezone. The hearing concluded at 3:56 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE CITY OF MIDDLETON FOR AN URBAN RENEWAL RAA WORKSHOP

The Board met today at 4:00 p.m. with the City of Middleton for an urban renewal RAA workshop. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 4:15 p.m.), Assessor Brian Stender (left at 4:43 p.m.), DSD Director Steve Fultz, Economic Development Specialist Tammie Halcomb, Planner III Kate Dahl, Middleton Mayor Steve Rule, Middleton City Administrators Becky Crofts, Consultant to the City of Middleton Doug Waterman, Legal counsel to the City of Middleton Meghan Conrad and Abby Germain, Mark Wendelsdorf and Deputy Clerk Jenen Ross.

A review of the project and PowerPoint presentation was provided to the Board. Some of the topics discussed included the following:

- Middleton Urban Renewal Area – East
- Middleton Urban Renewal – West
 - Both of which they intend to have established by the end of the year
- History of the current Central/Downtown URD
- Study areas for both the east and west renewal areas
- An outline of the process and next steps to be taken
- Urban renewal plan elements
- Ag operation consent
- Preliminary timeline

The meeting concluded at 5:04 p.m. An audio recording and copy of the PowerPoint presentation are on file in the Commissioners' Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 3, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Thrifty Payless Inc dba Rite Aid #5409 (Resolution no. 22-135)

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 9:02 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 roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Interim Lead HR Generalist Jennifer Allen and Director of Development Services Steve Fultz. Director Fultz and Ms. Allen left the meeting at 10:10 a.m. The Executive Session concluded at 10:12 a.m. with no decision being called for in open session.

Once back in open session Mr. Wesley spoke about the annual insurance certification for the Administration Building. A certificate of insurance has been produced by Hartwell and a standard form letter has been prepared indicating the county is in compliance.

The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES AND CONSIDER RESOLUTION REGARDING PAY RATES FOR DEPUTY PUBLIC DEFENDERS

Note Prior to formally going on the record for this meeting, the Board reviewed the draft resolution that PD Bazzoli provided and there was administrative discussion regarding the verbiage in the resolution, specifically in line with what the Prosecuting Attorney's Office requested which was to remove the language regarding Idaho Code, Section 19-850 regarding the PDC and parity. PD Bazzoli removed some language in the resolution and provided a new draft. Commissioner Van Beek was opposed to the resolution and left at 10:34 a.m.*

The Board met today at 10:36 a.m. with Public Defender Aaron Bazzoli to discuss salaries and to consider a resolution for pay rates for the deputy public defenders. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. Commissioner Smith said what she heard from the Prosecuting Attorney's Office was that per the resolution the Board signed in 2021 for setting the compensation plan for the year, market adjustments were allowed on a case-by-case basis and substantiation needed to be provided. The resolution also references the PA's increases; PD Bazzoli referenced Kootenai County and Ada County in addition to what the PA's Office specifically mentioned in their resolution. She said the Board has enough information with the amended resolution to support PD Bazzoli's request. Commissioner Smith is concerned because it is not a significant increase for this year's budget but it does add about \$148,000 in next year's total cost to the County, but we are in a tough time right now with recruiting and retention and we are obligated to provide the service and we need to do what we can to retain employees. Commissioner White said we are statutorily required to do this and there is parity that is somewhat evolved and it's very important to be fair with all employees. She made a motion to sign the resolution regarding pay raises for the public defender. The motion was seconded by Commissioner Smith and carried unanimously. (Resolution No. 22-132.) The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 6, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 585113 to 585165 in the amount of \$74,087.10
- The Board has approved claims 585395 to 585403 in the amount of \$8,135.50
- The Board has approved claims 585008 to 585112 in the amount of \$644,457.39
- The Board has approved claim 585007 in the amount of \$33.99
- The Board approved payment of County claims in the amount of \$3,695.26 for March Jury
- The Board approved payment of County claims in the amount of \$2,745.38 for April Jury
- The Board approved payment of County claims in the amount of \$480.67 for Special Jury
- The Board approved payment of County claims in the amount of \$24,540.00 for May Election

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Trace Reed, Juvenile Detention Officer

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- FBI-LEEDA in the amount of \$2,085.00 for Canyon County Sheriff
- Action Target in the amount of \$1,800.00 for Canyon County Sheriff
- Caxton Printers in the amount of \$19,645.80 for Trial Court Administration
- Western Idaho Fair in the amount of \$1,349.75 for County Fair
- Creative Awards in the amount of \$2,132.00 for County Fair
- Skyline Silversmiths, LLC in the amount of \$6,657.00 for County Fair
- T.O. Engineers in the amount of \$7,200.00 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 6/17/22 and Payette Brewing Co to be used 6/16/22 and 7/8/22

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:05 a.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz (left at 9:29 a.m.), Building Official Dave Curl (left at 9:27 a.m.), Fair Director Diana Sinner (left at 9:38 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public Hearing regarding proposed revised Development Service Department's building permit and planning and zoning fee schedules and consider signing a resolution adopting revised Development Services Department building permit and planning and zoning fee schedules: A review of how the revised fees were determined was provided and a copy of the spreadsheet indicating the current fee, percentage change, 2022-2023 proposed fees and comparisons to Ada, Owyhee and Gem counties. Today's hearing was properly noticed in the Idaho Press Tribune but no members of the public attended to offer comment nor was any written comment received. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution adopting the revised Development Services Department building permit and planning and zoning fee schedules (see resolution no. 22-137).

Consider signing resolution for a refund request for Sierra Vista Properties, Inc for a withdrawn variance application: Director Fultz said that upon review the application it didn't meet the criteria for a variance. There was a small amount a staff time used for review of the application and a refund of \$412.50 is recommended. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to issue a refund of \$412.50 to Sierra Vista Properties, Inc for a withdrawn variance application (see resolution no. 22-136).

Public Hearing regarding a proposed admission fees charge by the Canyon County Fair and consider signing a resolution setting and adopting fees for the Canyon County Fair: Director Sinner said the last increase was in 2017 and provided a brief overview of the changes. Mr. Wesley noted that changes to the concert tickets and reserved seating will be brought forth at a later time, however, it was inadvertently included in this resolution so it will be corrected with a strikethrough. Today's hearing was properly noticed in the Idaho Press Tribune but no members of the public attended to offer comment nor was any written comment received. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution setting and adopting fees for the Canyon County Fair (see resolution no. 22-138).

As part of the legal staff update, Commissioner Van Beek thanked Mr. Wesley for his assistance with the impact fees meeting with Canyon Highway District no. 4 and provided the timeline of when those meetings will be occurring.

The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATION FOR METRO COMMUNITY SERVICES

The Board met today at 1:31 p.m. for the FY2023 budget presentation for Metro Community Services. Present were: Commissioners Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Grant Jones with Metro Community Services and Deputy Clerk Monica Reeves. A review of the past year was provided. In the last year the organization has struggled with employee staffing/retention, inflation, and supply chain issues which have affected and

impacted the organization and the way it operates. Their free transportation service, which provides service to seniors, those with disabilities or who are financially-limited, has suffered as well. They will phase out the food pantry service as there are others who provide regular and consistent food services to the community and will focus on other key programs they can expand and enhance. For FY2023 Metro is requesting \$125,000. The meeting concluded at 2:58 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 9, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 585166 to 585184 in the amount of \$13,887.25
- The Board has approved claims 585306 to 585336 in the amount of \$54,137.30
- The Board has approved claims 585185 to 585222 in the amount of \$49,693.11
- The Board has approved claims 585223 to 585270 in the amount of \$53,848.35
- The Board has approved claims 585271 to 585305 in the amount of \$131,419.90

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Boise Window Tint in the amount of \$1,478.10 for Facilities Department
- Cole Architects in the amount of \$4,032.50 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Dori Smith, Deputy Public Defender I; Joshua Barnett, Deputy Sheriff-Inmate Control; Alexis Haddad, Clerk I; Heather Coatney, Clerk I; and Sarah Winslow, Auditing Supervisor.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AGENDA ITEMS

The Board met today at 9:36 a.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 10:11 a.m.), Director of Indigent Services Yvonne Baker (left at 9:39 a.m.), DSD Planner Juli McCoy (left at 10:00 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider approval/denial of indigent decisions and signing of liens: Case no. 2022-499 does not meet the eligibility criteria for county assistance an upon the motion of Commissioner White and second by Commissioner Van Beek to Board voted unanimously to issue an initial denial with written decision within 30 days.

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 White made a motion to go into Executive Session at 9:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and DSD Planner Juli McCoy. The Executive Session concluded at 10:10 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Van Beek explained there were some noticing requirements that that still need to be met and that the action item of signing the legal notice of public hearing regarding Canyon County Highway District No. 4 impact fee proposal will be postponed to a later time

Consider signing Treasurer's tax charge adjustments by PIN for May 2022: the report includes adjustments of penalties and interest for fees added in error. The total adjustment is \$5718.43 to be removed from the tax roll. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for May 2022.

The meeting concluded at 10:12 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 10, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman - **OUT**
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 585337 to 585393 in the amount of \$174,155.88
- The Board has approved claim 585394 in the amount of \$6,427.72

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 13, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Thompsons Inc. in the amount of \$1,455.35 for Facilities Department
- Essential Objects in the amount of \$2,999.00 for Information Technology Department

- Project Manager.com in the amount of \$16,254.00 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Presley Ramey, Fair Summer Intern; Theodore W. Lagerwall, Jr., Deputy Attorney II

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Scott Hillman

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 6/25/22

MEETING TO DISCUSS AND REVIEW COMMISSIONERS' PROPOSED BUDGET REGARDING THE POTENTIAL POSITION FOR A CHIEF OPERATING OFFICER

The Board met today at 8:39 a.m. to discuss and review Commissioners' proposed budget regarding the potential position for a Chief Operating Officer. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner Van Beek supports the position but would like the incoming Commissioners (who will be sworn-in to office in January, 2023) to weigh in on how they want to manage the position. Commissioner Smith is supporting of the position and reiterated the points she's previously made about the how the position will benefit the County in terms of teambuilding, efficiencies, timely response to department needs, etc. Regarding Commissioner Van Beek's request that the new Commissioners be involved, Commissioner Smith said there is not a process for them to participate at this point. Clerk Yamamoto said it could be a helpful situation if you have the right person and if there is a board or council conducive to that kind of activity, but it would be adding a position and how much efficiency could this position bring? He suggested the job description be revised to remove the section that refers to sitting a desk for up to 8 hours a day since it's important for the person to be out and about and meeting/talking with departments. Commissioners Smith and Van Beek agree that language should be revised. The salary range for the position is \$98,000 (minimum), \$116,693 (mid-range) and \$135,000 (maximum). Controller Wagoner said we typically budget at the mid-range amount so that would be \$116,693 and with factoring in benefits we should include a total amount of \$150,000. The Board supports moving forward with the position. The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

COMMISSIONERS' OFFICE FY2023 PRELIMINARY BUDGET WORKSHOP

The Board met today at 9:00 a.m. for the Commissioners' Office FY2023 preliminary budget workshop. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Highlights from the budget review were as follows:

- Elected officials' salaries will remain at the same level of \$309,249
- No COLA, step, or merit increases have been included for regular employees at this time
- The BOCC wants to add funding for a Chief Operating Officer position to the regular employee line which brings that total to \$795,606
- "B" Budget expenses are standard. The education and training line item was brought to \$6,000 and should be utilized for the investment in the BOCC's administrative staff and the COO position this year versus for BOCC training
- The subscription line item was increased to renew the annual subscription for the Idaho Statesman
- There are incidental amounts for small office/computer equipment, but nothing for office furniture
- The second part of the BOCC office/meeting room remodel will be included in the Facilities budget

There was a review of the general budget.

- BOCC wanted to remove the \$10,000 in the Attorneys line item. (The last time it was used was in 2018)
- There was a review of the outside agencies' funding requests and following comments the BOCC suggested the following amounts for the outside agencies seeking funding for FY2023:
 - Advocates Against Family Violence \$50,000
 - Caldwell Veterans Council \$32,000
 - Canyon Soil Conservation District \$15,000 (*BOCC wants more information regarding the funding source and the possibility of moving this item to the DSD budget*)
 - COMPASS \$122,508
 - Genesis Community Health \$75,000
 - Jannus \$18,000
 - Jesse Tree of Idaho \$0 (*BOCC does not want to approve for ARPA funds either*)
 - Metro Community Services \$62,500
 - Nampa Family Justice Center \$20,000
 - Southwest District Health \$2,257,029
 - Treasure Valley Partnership \$5,580
 - Valley Regional Transit \$40,000

- WVHS \$200,000
- WICAP \$55,000
- Youth Court \$10,000

The Board is awaiting the recommendations from the Historic Preservation Commission regarding FY2023 project funding amounts. The meeting concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

SHERIFF'S OFFICE FY2023 PRELIMINARY BUDGET WORKSHOP

The Board met today at 10:17 a.m. for FY2023 preliminary budget workshop meetings. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Chief Marv Dashiell, CCSO Financial Manager David Ivers, and Deputy Clerk Monica Reeves. Highlights from the budget review were as follows:

- Shortages in personnel have to be addressed. In May they were down 14 vacant deputy positions in the jail (17 by the end of June); down 4 patrol deputies and 3 detectives
- Seeking a customer service position at driver's license, and an administrative assistant to help the emergency manager with paperwork, grants, invoicing, and reports
- Rifle replacements and weapons for the SWAT team as well as firearms and ballistic vests for deputies
- Fleet needs: 9 Patrol vehicles, 2 trucks and 1 van
- Replace office chairs, tables, and training room mats
- Replace/update computers, mobile modem system for vehicles, body camera and the digital information management system
- Remodel projects for CID and locker room (turned into external interview rooms); and the ad-tech booking area in the jail
- Battery replacement for radio towers likely in FY2022 due to the concerns of backup power supply in the towers
- Waterways boat purchase – CCSO was awarded \$93,000 in grant funds with a \$24,000 match
- Ammo budget – The current vendor is having a lot of supply issues
- CCSO will apply for a \$92,000 grant to replace the computers and monitors in dispatch center with a high-end system, which is contingent on grant funding
- Working with IT on a test-run of a single-monitor system
- Contracts - Some vendors are seeking 20%-25% increases in their standard annual supplies
- Fuel – CCSO has a 78,000-gallon annual average and at \$5 per gallon that's a \$125,000 increase
- CCNU building lease will increase to \$54,000 annually, with the potential of acquiring that asset later

- There are large overtime amounts due to staffing issues (\$450,000 and of \$125,000 in separate line items)

Commissioner Smith said the Board requested a report from HR on unfilled positions and there are 25 unfilled positions for CCSO since May. There are several positions haven't been filled as far back as 2011 and six that haven't been filled since 2019. Chief Dashiell said he will have to review the information to figure out where those assignments are. Commissioner Smith asked what the dollar value is for those and it would seem prudent since the taxpayer has been paying for those for a very long time that we cut the positions until we know we can fill them. She is not asking to cut them, but she would like more information. Controller Wagoner said we have not paid anything out for those positions; there are no expenditures for vacant unfilled positions. We do not levy property tax for those. Every year we use fund balance to balance the budget – we don't fully fund the budget with property tax money, we anticipate there will be vacant positions so we do not levy property tax for those. Sheriff Donahue wants to look into the six positions referenced by Commissioner Smith.

Commissioner Smith asked what percentage of salary increase was proposed. Chief Dashiell spoke about putting appointed salary positions at a percentage below their supervising personnel so they would be at a fixed level, coming down off the Sheriff, rather than in a running scale into the future. However, they have not had a lot of opportunity or direction on where the County is going with the compensation plan this year so he was waiting on that. Commissioner Van Beek asked if the County is moving forward with a wage and compensation analyst? Commissioner Smith said that's a good note and it can be brought during the HR budget workshop.

Commissioner Van Beek asked for the Sheriff's position on incorporating a negotiator/social critical incident task force person or providing education and training to assist officers not only for their own mental health but also in the field when there is an acute crisis of mental health. Sheriff Donahue said there is a mental health crisis in the U.S., but putting another citizen into a potential volatile situation where they are going to be susceptible to harm is not something he is willing to do. His officers have the training and protection for those calls and although it is an evolving thing he is not in a position now to commit to having another person in the fray on those mental health calls because they are not trained to do what law enforcement does. His goal is to continue providing training to the officers and the realization that people have mental health issues whether it's caused by drug addictions, alcohol, economic stressors, etc., and we'll have to deal with it the best we can but to bring another person into the scene is not something he is contemplating. Chief Dashiell said Ada County has a CIT – crisis interdiction team – that could be called upon by CCSO if needed. Boise City started a mental health team where a fulltime officer is paired with the counselor. He believes it would be a better option to look at a group that would work with all law enforcement agencies instead of individual agencies having a specific person assigned to their agency. He does not believe the CCSO call load would support a fulltime position in that field but said it might make more sense to have someone on a contract basis, potentially.

Commissioners Smith and Van Beek asked questions regarding the line items for hospital services, OT expenses, use of grant funds, and security services (inmate housing lease/POD 6).

Commissioner Van Beek asked for the resolution that transferred the inmate housing lease from the current expense fund to security services. When initially proposed in 2018 the funds were in the current expense fund and then it was moved, but in order to do that there has to be a resolution to move between accounts but she cannot locate the resolution. Controller Wagoner said it's the annual lease payment for Pod 6 and because it's currently used for housing inmates it is appropriate to account for it in the justice fund in the security services function because it most accurately reflects the actual use of those dollars. Commissioner Van Beek said historically when there's been a transfer of money between accounts there has to be a resolution. The lease expires in 2-3 years and we want to be careful with the tracking of those dollars on what it's used for because we told taxpayers we were taxing to provide for housing for inmates and so this could be a significant part of an annual lease payment to provide for a new jail facility in the security services, and that would be the right use of that. Chief Dashiell said it was placed initially in the justice fund (410) and that's where the lease amounts were paid from. Last year that amount moved to the revenue replacement line along with some contracts. This year they have reinserted those items into the Sheriff's budget as expenditures and it will be up to the BOCC and Auditing to work through what may come out of revenue replacement opportunities. Commissioner Smith said the \$1.4M was ARPA money for 2022 and the Controller has said we need that money to make the payment and we will wait on the Clerk's suggested budget on where to pay it. Commissioner Van Beek wants to make sure those funds help, she said we are also going to be receiving money that's coming back from the revenue allocation area that will be a little over \$2M. We don't have an identified funding source that's committed long-term to the future of building a new jail. When the lease is done that money will no longer be dedicated toward paying for Pod 6 and we'll either return them or will repurpose that annual payment amount and that money could be a significant factor in the annual amount for construction of a new jail. Sheriff Donahue said when the lease ends we still have to house inmates and there will be costs associated with that. There was discussion regarding the CCSO training budget. Commissioner Smith the training budget was left at \$45,000 but costs for hotel and meals were cut nearly in half. Chief Dashiell said he expects to see training becoming available again locally because agencies are starting to see a cycle on retirements and with younger people coming into leadership positions. Commissioner Smith said since the hotel and meal line items were reduced it makes sense to reduce the training line as well. Chief Dashiell offered to reduced it to \$30,000. Sheriff Donahue said they are very frugal with training dollars and associated expenses and they get pushback that they do not send people to enough training, especially out-of-state training. They wait for training to come in state. He also pointed out that his office returns a lot of money back to the County coffer each year. Training is very important and he wants to make sure he has enough to cover the needs. Clerk Yamamoto said with regard to the staffing in the Sheriff's Office, they put the personnel level at the per capita basis and they have not filled those positions fully for several years, but they have left it in the budget in case they could be filled. Auditing figures out how much money will be expended on those personnel levels and that's what they charge the taxpayer. For example, if there is \$5M for personnel but they think they're going to spend \$4M, that's how much we take property tax-wise. Commissioner Smith said if we are not using the positions and if we cannot fill them perhaps they can be used for other positions like the admin for the emergency manager, for instance. Where is the need and do these positions need to keep up with the times and be changed so they can be filled? Sheriff Donahue said it's a multi-faceted issue and

they will have to do research on the initial question about the six (6) positions, but setting those aside they are desperate to fill positions. They are down 25 employees and the positions are critical to the mission whether it's the communications center, driver's license, patrol, CID, etc. They are drowning and their OT numbers are huge, but worse than that is the burnout of employees who are working mandatory overtime in the jail and it's causing them to look elsewhere for employment. He said it's a good discussion to have but it's not that he has those 6 positions because they are overfilling - they are required. Clerk Yamamoto said he is fine with OT and holiday pay because it's a bargain in that it's replacing a fulltime paid position, but there is the burnout factor to consider. Commissioner Smith said some positions cannot be filled because we're not competitive and so continuing to fund the positions at levels we cannot pay people at is not a service and we're not doing our duty. The question is: do we need that position or do we need a different position and what should it be funded at? We should fix the problem because we are burning out employees not only in the Sheriff's Office but other offices as well. Commissioner Van Beek's concern is that we tax more than we spend and we are supposed to matching services and so that is a conversation that needs to happen. Clerk Yamamoto said that is not true – we have seen a huge increase in other non-property tax revenues. The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION, PURSUANT TO IDAHO CODE, SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE

Commissioner Van Beek made a motion to go into Executive Session at 1:35 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DSD Director Steve Fultz, DSD Economic Staff Tammie Halcomb and Kate Dahl, Steven Jenkins with the City of Caldwell, Beth Ineck with BVEP and a Representative for Project PNW. The Executive Session concluded at 1:54 p.m. with no decision being called for in open session.

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 2:02 p.m. for FY2023 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Clerk's Office Staff Emily Howell, Jess Urresti, Yvonne Baker, Haley Hicks (left at 3:14 p.m.), Assessor Brian Stender (arrived at 2:56 p.m.), Chief Deputy Assessor Joe Cox (arrived at 2:58 p.m.) and Deputy Clerk Jenen Ross. FY2023 preliminary budget discussions were as follows:

Auditor:

- The county still has responsibilities in regard to indigent medical services including billing and collection; the estimated revenue for FY23 is \$200,000 which will be accounted for in the general fund; there will also be two (2) employees accounted for in this fund
- Service contracts: increased to \$62K for Computer Arts program specific to medical indigency
- Postage: \$5000 due to billing associated with indigent
- Association dues: increased from \$1500 to \$7500
- Burial fees: \$20,000
- Computer: consistent with IT recommended schedule

Recorder:

- In FY21 the Recorder's office brought in a little over \$2M in revenue due to the number of documents recorded; FY22 is not expected to be quite as successful; projected revenue is at \$1.4M
- Service contracts: increase to \$30,000 due to Helion increase in pricing
- Building services: rollover from previous fiscal years for the vault remodel
- Postage: reduced by \$5000 due to reduced passport transmittals
- Office furniture: public waiting area chairs are in need of replacement
- Small office: as contingency in case something needs to be replaced such as a label printer or scanner
- Training: there are no fee-based trainings that the Recorder staff attends; they participate in free online trainings

Court Clerks:

- Looking to have several position control numbers be reclassified; currently have five (5) Court Support Clerk positions that they would like to change to Clerk I positions; four (4) Clerk II positions they'd like to reclassify to Clerk III positions
- Capital construction and Building Supplies and Materials: rolled over from the current fiscal year as previously approved projects will not be completed prior to the end of the fiscal year
- Meals, mileage, hotel, airfare: there are two major events that Court Clerks try to attend annually; a conference put on by Tyler Technologies which runs the Odyssey program and the ICCN conference
- Interpreter fees: remains at \$135,000
- Office supplies: reduced to \$13,000

Elections: *(Two accounting entities – consolidated elections and regular elections)*

- Overtime: increase due to statutory deadlines that need to be met and upcoming elections
- Temporary: poll workers who get to \$600 in a calendar year have to be added to payroll, they can no longer be paid under the election worker budget

- Election worker: this is for people who help in the office on election day
- Copiers contract: increase due to higher volume and printing costs of ballots
- Delivery: increase due to rate increases
- Construction contracts: has been working with the Facilities department for new desks; renovation to voting area; office for the Election Supervisor
- Requested positions: additional Elections Specialist and change one title to a Lead Election Specialist; would like to change the Election Supervisor title to Election Director title
- Computer equipment: IT recommendation; additional Hart voting system voter equipment
- Office buildings: \$350,000 included in the budget in the event a building is located in order to move elections

Controller PCN is still included in the budget.

Assessor's Office:

DMV:

- Large portion of the budget increase is to reclassify the positions with updated job descriptions to be more in-line with what is paid in the Treasurer's Office
- Spoke about potentially reduced revenue stream due to some services being taken back by the state and that may now be able to be provided by dealerships; will request an increase in administration fees; Assessor Stender said a review of the administration fees will happen prior to the start of the budget year
- Intends to use part-time employees vs. temporary employees for busy times of the day

Reappraisal:

- Reclassification of positions to more closely match Clerk I & II with corresponding salary ranges
- Professional consultants: has been reduced
- Misc. professional services: increased from \$60,000 to \$177,000 to accommodate for the final aerial flight (total flight cost is \$117,000, \$70,000 is the Assessor's portion)
- Service contracts: Aumentum technology which is the assessment and assessment administration program; revisions of public access upgrade; 15% increase in cost table due to increase per parcel; \$5000 for access to DSD's software for licensing
- Vehicles: would like to move away from appraisal staff using personal vehicles; they will start with the rural appraisal section by using 2 older vehicles already in the fleet but would like to purchase an additional vehicle; it has been recommended to include \$8000 for fuel and \$8000 for maintenance
- Office furniture: would like to obtain an outside drop box; need to get new more stable furniture for constituents coming into the office
- Litigation fees: bi-annual contribution to a litigation fund is \$15,000
- Computers: recommendation by IT

- Capital construction: would like to remodel the front office to offer staff a better space to assist more of the public at one time; revisions to meeting room space and the Assessor and Chief Deputy offices

The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used on 7/2/22, 7/3/22, 7/8/22, and 7/16/22; and the Curb Bar & Grill to be used on 6/25/22; and Paleteria Y Neveria Mi Linda Michoacana Ice Cream, LLC to be used on 6/18/22.

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 9:03 a.m. for FY2023 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, PIO Joe Decker, Treasurer Tracie Lloyd and Chief Deputy Jennifer Mercado (arrived at 9:05 a.m.), Coroner Jennifer Crawford (left at 9:48 a.m.), Fair Director Diana Sinner (arrived at 9:45 a.m.) and Deputy Clerk Jenen Ross. The FY2023 preliminary budgets were discussed as follows:

Public Information Officer:

- Added \$2000 for small equipment for a portable PA system
- No training planned at this time but may look to attend a conference in August; Commissioner Smith encouraged Mr. Decker to attend trainings.
- Not requesting a social media person this year.

Treasurer's Office:

- Interest rates are coming up so the county is receiving additional interest; remaining at same projected amount as FY22 of \$255,000.
- Employees: one vacant funded position; Treasurer Lloyd feels it is necessary to keep the position but not critical to fill it at this point. A 7% COLA was included in the 'A' budget as a placeholder.
- Misc. professional services: for billing and printing, anticipating a postage increase this year; increased from \$78,000 to \$85,000.
- Tax deed expenditures: increase due to postage.
- Service contracts: new public access on the website which will hopefully go live by August 1st. With this public access Treasurer Lloyd was able to negotiate better fees on credit cards and will be able to implement debit card usage and a lower fee for usage of a debit card in her office; she was also able to get a lower rate on e-checks. This line item includes the Aumentum annual service contract.
- Postage: increased due to anticipated rate increase.
- Armored car: increased cost based on fuel prices.
- Computer and office equipment: a scanner will need to be replaced.
- A \$22M deposit was received last week for the coronavirus relief monies.

A brief break was taken from 9:26 a.m. to 9:36 a.m.

Coroner's Office:

- Requesting to add a PT autopsy technician; Coroner Crawford has worked with the Clerk and Controller to come up with an amount of \$37,000 for this position. Currently there are only 2 people trained in this area but one of those people is leaving soon. She has worked with HR Generalist Demi Etheridge to create a job description.
- A new vehicle is necessary to replace a 2008 Nitro, Director Tolman has suggested \$38,000 be added to the budget.
- Misc. equip: Coroner Crawford would like to look into getting a digital x-ray machine. Currently her office works with St. Alphonsus to preform x-rays and over the past 4 years \$17,775 has been spent for x-rays (this does not included hours spent by personnel). A refurbished machine with all necessary items would be \$29,500, new is about \$41,000. A certified x-ray technician is already part of her staff.
- Coroner Crawford spoke about trainings her staff will be attending this year.

County Fair:

Fair operations:

- Anticipates increased revenue this year.
- Expenses: largest increase is to the mainstage entertainment line.
- No new or reclassified position requests this year.

Fair building:

- Fund balance will be used, no monies will be levied.
- Utilities will be the largest increase.
- Travel: staff to attend fair training and conferences.
- Office supplies: includes some software expense.
- Building supplies: basic building supplies for the current building (janitorial supplies); renovation of the concession stand to convert to an office space; discussion regarding space and building needs of Fair staff and the Extension office.
- Construction contracts: \$3M dependent on what is completed or needs to be completed on the new building.
- Machinery: \$22,000 for 2 golf carts and \$50K for 2 portable ticket booths for the new building site.

The meeting concluded at 10:23 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND CONSIDER AN ACTION ITEM

The Board met today at 11:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Sheriff Kieran Donahue, Cpt. Mike Armstrong, Facilities Director Rick Britton, Controller Zach Wagoner, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution designating surplus property and donating to the Idaho State Police:

Sheriff Donahue explained this is for some older property that is not in use by his office any longer and ISP has expressed an interest. The equipment is out of date, out of use and past it's life expectancy. Ms. Klempel said that there is specific provision in Idaho Code to allow for donation to another political subdivision. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating surplus property and donating to the Idaho State Police (see resolution no. 22-139).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY

Commissioner Van Beek made a motion to go into Executive Session at 11:07 a.m. pursuant to Idaho Code, Section 74-206(1) (c) an acquisition of an interest in real property. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Sheriff Kieran Donahue, Cpt. Mike Armstrong, Facilities Director Rick Britton, Clerk Chris Yamamoto and Controller Zach Wagoner. The Executive Session concluded at 11:38 a.m. with no decision being called for in open session. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 11:38 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Jamie Robb and Deputy Trial Court Administrator Benita Miller. The Executive Session concluded at 11:55 a.m. with no decision being called for in open session.

CONSIDER SIGNING INDEPENDENT CONTRACTOR FRAMEWORK AGREEMENT FOR CIVIL LEGAL WORK FOR AND THROUGH THE PROSECUTING ATTORNEY'S OFFICE AND FY2023 PRELIMINARY BUDGET WORKSHOP FOR PROSECUTING ATTORNEY'S OFFICE

The Board met today at 1:32 p.m. to consider an Independent Contractor Framework Agreement for Civil Legal Work for and through the Prosecuting Attorney's Office, and to conduct the FY2023 preliminary budget workshop for the Prosecuting Attorney's Office. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, PA Office Manager Melinda Longoria, Controller Zach Wagoner, PIO Joe Decker, Ambulance District Director Michael Stowell, Director of Juvenile Probation Elda Catalano, and Deputy Clerk Monica Reeves.

The agreement was considered as follows: Prosecutor Taylor said his civil division has been down a few deputies and they do not have the manpower to complete all of the projects for the elected offices so they want to contract with former Civil Deputy PA Dan Blocksom to review some of the civil obligations such as contract review, legislative review, etc. He has the funds to pay for this due to unfilled positions within the office. Mr. Blocksom will do the initial project under the auspice of the civil division and it is solely on a contract basis at a rate of \$200 per hour which is the going rate for attorney fees. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the Independent Contractor Framework Agreement for Civil Legal Work for and through the Prosecuting Attorney's Office. (Agreement No. 22-051.)

The PA budget review was as follows:

"A" Budget: PA Taylor is not asking for new positions this year but he is asking for funding for existing positions because it's been difficult to attract and retain employees. If the Public Defender Department is asking for more positions he needs to be authorized the same number of attorneys. He said the County needs to look at an across-the-board cost of living adjustment, but he will defer to the Controller and Board on what that amount will be.

“B” Budget: There are increases are in four primary areas:

- Experts, travel expenses, transcripts, and witness fees
- Miscellaneous professional services: Professional service contracts for outside civil attorneys and they want to put that into the FY2023 budget to have a \$50,000 line item for those contracts for the civil division. If he is able to fill attorney positions then the line may become a moot issue.
- He has been working with IT on recommendations for technology replacement and moving away from the Chromebooks and taking on the IT Department’s recommendations (includes copiers and docking stations). The Chromebook laptops are coming to the end of their life and the replacements are more expensive than the current Chromebooks. One-third of the desktops have to be replaced based on the quote from the IT Director. There was discussion regarding the case management software. He had \$75,000 within his budget as a placeholder on the off chance the Justware product fails they would have the money to start the process of getting a new case management software. His IT person and IT Director Rast have had communication about software and exploring whether it’s prudent to do an RFP for a case management system. He has been utilizing IT’s team and it has remained stable so there is no need to spend more dollars as long as the system is working. Commissioner Smith said the PA’s “B” budget growth is 33% and noted if there are no plans for the \$75,000 it is a very simple process to reopen the budget for unplanned expenses.
- Facilities Director Britton has provided an estimate on a remodel of the copy room which will be cut down by two-thirds to insert new cubicles that would add 6 more slots for support staff. They wiped out the file room this budget year for additional office space for attorneys and if they fill all positions in 2023 they would be out of space so that’s why they are doing this project. There is \$15,000 in the capital construction line for demo/construction and \$17,000 for the cubicle systems.

The Board had questions about another line item for office furniture for \$15,000, and the value of the construction inventory that’s stored in the warehouse. Prosecutor Taylor said he will defer to the Facilities Director on the value. There are bundles of wood and that have been sitting with Facilities for almost two years for a build-out which was planned for the PA training room and some of that wood has been set aside for a standardized desk and bookshelf for each office. The PA has been waiting for projects since 2019 but understands there are other priorities. There was discussion regarding support staff positions; whether the attorneys work from home; the increase in the training budget; and the prosecution services contracts with the Cities of Nampa and Caldwell. Controller Wagoner said he neglected to add \$1,000 to the PA uniforms line item for the investigators. Regarding the 30% growth in the “B” budget, he said we need to consider the operating circumstances, such as the 17 pending homicide cases, for example. There is a decrease in the “A” budget for two positions that were previously funded, those positions have been unfunded for FY2023 so before we factor in any COLAS, the “A” budget is down around \$500,000. Discussion ensued. Commissioner Smith said it’s important to take out the \$75,000 only because the Board is treating others like that. Commissioner Van Beek agrees. Commissioner Smith wants

the PA to pull back his office furniture line item. She said he's doing a great job of running an office with the attorneys he has and she wants to continue to make sure we're able to invest in the human capital and so if we can take a little bit from a couple other areas she thinks that would be important because she doesn't think he pays the civil attorneys enough. Some positions have been open since 2019, 2020 and 2021 but the PA has been actively recruiting and has already done one pay scale adjustment. We should be evaluating what the pay scales look like. Commissioner Smith said the PA should look at that and make sure we are offering these positions and retaining the employees we currently have at wages that will retain and hire people. Prosecutor Taylor said that has been the challenge. The meeting concluded at 2:14 p.m. An audio recording is on file in the Commissioners' Office.

FY2023 PRELIMINARY BUDGET WORKSHOP FOR FACILITIES

The Board met today at 2:16 p.m. for the FY2023 preliminary budget workshop for the Facilities Department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Facilities Director Rick Britton, Maintenance Technician Carl Dille and Deputy Clerk Monica Reeves. Director Britton's review was as follows:

Increase to the overtime budget: The department is doing away with comp time and doing straight overtime.

New positions and Reclassifications: Upgrade senior customer service position to an office manager position, and the housekeeping supervisor to a custodian supervisor so she can be at the same level as the other supervisors within the department; and upgrade the maintenance II tech positions in order to have some structure to have longer-term employees.

Three (3) new positions:

- A project analyst administrative specialist to be a backup for office manager and to help regulate budget with logging manhours and tracking jobs; help keep projects in order, and that person would be in charge of the warehouse and be a backup to the office manager.
- A fair expo custodial position to maintain the new center and the old fairgrounds
- A maintenance 2 tech position

He eliminated one of the tech positions (-\$59,000), but he would like to hire an HVAC specialist.

There was discussion regarding how to staff coverage of the parks on weekends, including Celebration Park and Lake Lowell Park due to complaints about trash, graffiti and maintenance of the restrooms. There was also discussion about the potential of having a partnership with Fish and Game. Director Britton wants another position for the grounds department but he was trying to regulate and not ask for 5 new positions, but if the desire is to make sure Saturdays and Sundays are covered he would like two additional positions: one in the grounds department and one in the maintenance department and that way he would have sufficient staff to maintain parks in the

summer months. Commissioner Smith is supportive of that. Commissioner White asked about contracting with a cleaning company for the parks coverage, but Director Britton would prefer his staff perform that work due to the costs that would be involved. Commissioner Van Beek asked about the status of improvements to Storey Trail. Director Britton said the funds were not there for the Parks Department last year, and with the amount of work they have this year he was looking at 2024 to finish the trail. Director Schwend is budgeting for that project next year. Commissioner Smith wants to explore the idea of charging a park usage fee at Lake Lowell to assist with the seasonal help and improvements. There would have to be a partnership. Commissioner Van Beek said Director Schwend has done a good job with building relationships with federal agencies and she is interested in looking at the MOU and exploring partnerships. She also likes the idea of having coverings/sails that would add a lot to the aesthetic and it would upgrade that area. Director Britton said he talk with Director Schwend about it and he will obtain some pricing options on the sails. Commissioner Smith said there is general support to add a position back in to the budget. Controller Wagoner said the \$308,000 in the line item includes four new positions. Review of the budget continued as follows:

Idaho Power costs have increased by 13% increase this year.

Painting and LED conversion throughout the campus. He wants to convert lighting to LED around the campus (converting from fluorescent to LED with a cost savings of 8%-10%)

\$65,000 for jail repairs and maintenance supplies

Request for funds to purchase two homes next to courthouse campus

\$1.6M for capital construction for A&E fees for a second administration building. There will be other fees on top of that amount. The plan at the moment is that ARPA funds would pay for the building. ARPA funds must be spent be obligated by 2024 and spent by 2026.

\$72,500 for 3 pieces of equipment:

- \$45,000 for a pull behind lift (huge asset for facilities in terms of safety and because he wouldn't have to rent the equipment)
- \$17,500 for a riding lawnmower (existing one is 16yrs old and needs work)
- \$10,000 for an ATV 4-wheeler for ice melt on sidewalks, fertilizer, and spraying throughout summer and winter months

Funding for new vehicle replacements as recommended by Fleet

Commissioner Smith asked what items could be cut, and Director Britton said he could eliminate one of his vehicle requests.

Capital improvement contracts – LID improvements with City of Caldwell for streetlights and crosswalks, and bump-outs around the campus. The city provided a number of \$300,000 and there is a 70/30 split, with the County's portion being 70%. Commissioner Smith wants to

negotiate a 50/50 split. There was discussion about whether the streetlight lamp posts will include cameras. There are discussions to be had on the cost for camera installation. Director Britton will see if he can regulate the fee a little better.

\$68,750 for a jail kitchen dishwasher

He has received plans for the animal shelter roof, but he doesn't have a number yet but once he does he will meet with the Controller to see where they can come up with the money.

Controller Wagoner said there is a 162% increase in the Facilities "B" budget. Earlier this afternoon he was asked about a 30% increase in the PA's budget and this total budget is a 79% increase. We have to be cautious of blindly evaluating just a percentage change year to year. The value created by Director Britton's team is tremendous and if you look at a 10-year history of Facilities, the number of employees has hardly changed. He supports the request for additional personnel. The meeting concluded at 3:23 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ISSUING RECOMMENDATION ON ADJUSTMENT TO MIDDLETON, STAR OVERLAPPING CITY IMPACT AREAS PER IDAHO CODE §67-6523(C)

The Board met today at 3:33 p.m. to consider issuing a recommendation on adjusting the Middleton and Star overlapping city impact areas per Idaho Code § 67-6523(c). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, GIS Analyst Tony Almeida, and Deputy Clerk Monica Reeves. Commissioner Smith said Deputy PA Wesley sent an email stating the Board needs to issue a recommendation on adjusting the overlapping areas within 30 days of the City of Middleton's request. If a majority recommendation is not reached we need to meet again before the deadline. Deputy PA Wesley responded to the letter dated May 24, 2022 from the City of Middleton/Givens Pursley Law Firm, and on June 3rd the Board received a response from City of Star's attorney and their position has not changed. Middleton has not, in their opinion, been responsive to them. They both acknowledge that they are not in agreement on the impact area. Commissioner Van Beek provided the following summary: Star's last correspondence indicates Middleton is not willing to negotiate unless they concede that property owners in that crossed area have the right to select which city they want to be a part of, and, in the absence of that agreement they would allow citizens to choose who they want to be a part of. They are saying Middleton is not willing to negotiate and they would consider their proposal at the next city council meeting if Middleton provided a proposed alternative to the Committee of Nine recommendation. Commissioner Smith said we should stay clear of the lawsuit and focus on where those impact areas should be. The cities cannot agree. The County needs to provide a recommendation that does not have overlapping impact areas and the cities can argue in court. We want to establish two nonoverlapping impact areas and let them do the rest. Dan Lister said staff did not have time to make a recommendation but they have brought maps the Board has seen before during discussions on the City of Star's Impact Area and Committee of Nine discussions. The options are as follows:

- Option A: Up to Blessinger Road instead of Kingsbury, and include the piece that has been annexed into Star, bringing it into “no man’s land”
- Option B: Generally around the existing annexed area of the City of Star
- Option C: A one-mile boundary from both city limits
- Option D: A half-mile boundary for the city limits but it severely reduces Star’s impact area to the north and it would also reduce Middleton’s impact area

Commissioner Smith likes Option D and wants to know if we can adjust the nonoverlapping area. Commissioner Van Beek believes the City of Nampa will fight that and said we may have to look at it on a case-by-case basis. If you restrict it for one it will be problematic for the other 7 cities within Canyon County. Commissioner Smith said they are causing urban sprawl. The law is vague; you can do voluntary annexations outside of impact areas. Middleton’s case might have their own standing that it doesn’t say you can annex inside someone else’s impact area, but if you pull it back and create a no man’s land whoever can service it first gets it. The County is not telling cities you cannot annex, it is saying here is the identified growth area. Commissioner Van Beek suggested an Option E that could include the area up to Edna. Go to the half mile at Kingsbury and allow them to go north and leave the southern tip in place. Discussion ensued. Commissioner Smith wants to pull back both sides, but we need to run it by Deputy PA Wesley. She also wants a message on the Nextdoor App that tells citizens about the upcoming meeting. Commissioner White said she is okay with the map approved by the Committee of Nine. Commissioner Smith said if we can pull it back we should consider creating an area that has no impact area in the middle that both of them can annex. (Reviewed the Middleton Future Land Use Map with Star’s overlay). One proposal would be to give no impact area between that boundary except the land that Star has already annexed. Commissioner Smith wants staff to make new maps and come back next week. Dan Lister said a “no man’s land” means it would stay in the County there would be no impact area, and the question is can we affect that area and make it no man’s land. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the matter to Friday, June 17 at 9:00 a.m. to allow time for updated maps and to run the matter by legal counsel. The meeting concluded at 4:01 p.m. An audio recording is on file in the Commissioners’ Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2219

- The Board of Commissioners approved payment of County claims in the amount of \$1,845,347.07 for a County payroll (approved electronically)

APPROVED FEBRUARY 2022 AND MARCH 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of February 2022 and March 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.

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 9:02 a.m. for FY2023 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Fleet Director Mark Tolman, TCA Jamie Robb (left at 10:05 a.m.), Assistant TCA Benita Miller (left at 10:05 a.m.), Deputy Judicial Marshal James West (arrived at 9:19 a.m. and left at 10:05 a.m.), ADJ Davis Vander Velde (arrived at 9:27 a.m. and left at 10:05 a.m.), Chief Public Defender Aaron Bazzoli (arrived at 10:03 a.m. and left at 10:36 a.m.) and Deputy Clerk Jenen Ross. The FY2023 preliminary budgets were discussed as follows:

Trial Court Administration Office:

General district court:

- Modification of a current position to create a mediation coordinator position.
- Ms. Robb is asking the Supreme Court to send all interpreter allocated monies for the judicial district to Canyon County so those services can be coordinated thru her office.
- She is requesting two more PT marshals and one FT marshal due to judge positions now being fully staffed and courts are now fully up and running; requesting a 2nd part-time jury clerk and an administrative staff attorney.
- Requesting several adjustments to pay ranges.
- Increased interpreter revenue: Controller Wagoner is anticipating \$35,000 to be budgeted
- Education and training remaining at \$7500; Association dues remaining at \$2850; \$855 for subscriptions.
- Capital crimes: remaining at the same amount as last year, \$10,000 is the deductible (further clarification is necessary as to whether this deductible is per case).
- Office supplies: Reduce to \$10,000.
- Uniforms: marshal uniforms and judges robes.

Family Court Services:

The Board asked Ms. Robb to reevaluate expenses in this area, specifically in regard to the training. Discussion ensued as to what Family Court Services provides.

Court Device:

This is a dedicated fund and there are no changes this year.

Court Facilities:

This is a dedicated fund.

- Requesting to remodel the TCA office, staff attorney office, the marshals' office and the last courtroom from this fund. A determination will still need to be as to whether the office furniture is made by the Facilities department or purchased.
- \$50,000 for capital construction – there are sufficient funds in this fund to pay for these requests.

Treatment Courts:

Funded by state monies and user fees, no property tax monies. Controller Wagoner is comfortable with the revenue estimates.

- Some education and training for coordinators is being budgeted for.

The Board took a brief break from 10:06 a.m. to 10:11 a.m.

Public Defender's Department:

- Not requesting any additional attorneys; seem to be in compliance with PDC case management standards. Discussion regarding how reimbursement works thru the PDC. Anticipated reimbursement is just under \$1M.
- Conflict council: Clerk's suggested budget will likely include \$600,000; FY2022 is on track to spend \$560,000 to \$600,000.
- Discussion regarding budget lines that regularly fluctuate and are often out of the PD office's control such as expert witness, doctors and psycho. /sexual evaluation, competency evaluation and interpreter fees.

Commissioner Smith appreciates Mr. Bazzoli being fiscally conservative but encouraged him to reevaluate his numbers and adjust as necessary.

- Computers: based on IT recommendation.
- Pine Technologies/Justware: budget remains static at \$50,000.
- Office furniture: nothing planned for FY23.

Fleet Department:

- Revenues: met goal for this year and anticipate doubling by the end of the year.
- Fuel revenue: increased to \$525,000; expenditure line will be changed to match.

- Employees: would like to request an additional technician and a PT lot helper, plus reclassification; \$56,000 for new technician, \$16,000 for PT helper.
- Oil: increased \$6000 from last year.
- Cell phone: increased \$12,000 to update phones.
- Fuel: pass thru expense.
- Education/training: a fair amount of training is done online; ASE classes will require travel for the testing; Government Fleet provides training that the administrative portion of the department needs to attend.
- Tires: increased to \$53,000.
- Uniforms: increased \$1000.
- Machinery: rollover from FY22 for the carwash.
- Computer equipment: IT recommendation, rollover from FY22.
- Software: rollover from FY22, waiting for diagnostic equipment.
- Vehicles: several vehicles may not arrive this year and funds will need to be rolled over to FY23 if they don't.

Director Tolman addressed a conversation that happened yesterday during the Facilities department budget workshop speaking about how he works to make sure they have safe equipment; he doesn't suggest doing away with the lift or the trucks scheduled for replacement.

- \$18,000 that was in storage buildings has been rolled to the carwash line which is now at \$185,000.

The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 1:33 p.m. to conduct the FY2023 preliminary budget workshops for the Juvenile Probation Department, the Misdemeanor Probation Department, Juvenile Detention Center, and Information Technologies Department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto (arrived at 1:38 p.m.), Controller Zach Wagoner, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, IT Director Greg Rast, IT Business Manager Caiti Pendell, and Deputy Clerk Monica Reeves. The workshops were held as follows:

Juvenile Probation Department (1:34 p.m. to 2:06 p.m.)

Requesting funding for:

- Part-time position
- Performance-based promotions for four (4) probation officers to senior probation officers
- Reclassification of a project coordinator position to a deputy director position
- \$5,000 to replace office chairs
- \$100,000 for replacement vehicles
- \$15,000 for juvenile detention center repairs

There was a review of the four divisions within the juvenile probation department which included a review of sources of revenues and fees as well as expenses.

Misdemeanor Probation Department (2:07 p.m. to 2:17 p.m.)

There was a review of department trends and revenue forecasting. Overall, probation and community service numbers are down which will change the revenue forecasting.

- Cost of supervision revenue for FY2023: \$420,000
- Workers comp fee that community service workers pay: \$14,902
- Add a senior probation officer position and increase the overall stipend for those positions from \$1,000 a year to \$2,000 a year
- Upgrade a customer service specialist position to an administrative specialist position to help make the position more competitive
- Director Breach is hopeful there will be a COLA
- \$17,887 to replace computer equipment and a printer/copier

Juvenile Detention 2:18 p.m. to 2:34 p.m.

Requesting funding for:

- Increase for overtime, training and part-time costs
- A senior administrative specialist position (previously unfunded; \$63,000 which includes benefits)
- \$10,000 in miscellaneous professional services for the PREA audit
- 15 New radios at \$300 each
- Will receive \$15,000 cigarette tax funds to pay for replacement of sinks and cabinets, and training equipment
- Food costs will increase 55%
- \$15,000 for computer equipment replacements as recommended by IT, and cameras
- New floor for the gym
- Repairs to showers

Information Technologies Department 2:35 p.m. to 3:05 p.m.

There was a review of projects and highlighted major expenditures which total \$486,600.00

- GIS Server Hardware Expansion \$28,000
- Camera Surveillance Expansion \$16,500
- Server Expansion VMWare Licenses \$15,000
- Truckload of Copy Paper \$24,000
- Skype Replacement Project \$335,500
- License/Software Increases \$67,000

The meeting concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 16, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Norm Swaffield, Building Inspector; and Milagros Aguila, Legal Assistant I

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek and Pam White, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case nos. 2022-502 and 2022-501 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions in 30 days.

Releases of liens were presented for Board signatures.

The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC MEETING TO CONSIDER RESOLUTION GRANTING MATERNE NORTH AMERICA A PROPERTY TAX EXEMPTION PURSUANT TO IDAHO CODE 63-602NN

The Board met today at 9:04 a.m. to consider a resolution granting Materne North America a property tax exemption pursuant to Idaho Code 63-602NN. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Robyn Sellers with the City of Nampa, Representatives for Materne North America, DSD Staff Kate Dahl, Tammie Halcomb, Katie Philips, Eric Arthur, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Landfill Director David Loper, Kirk Carpenter with Nampa Fire District and Deputy Clerk Jenen Ross.

Commissioner Smith noted that proper notice was provided and that one taxing district is in attendance today.

Ms. Sellers spoke about what Materne has brought to the community and how they are looking to expand their operation. They will be in the top 3 employers in Nampa and have been important partners with the City of Nampa in bringing other business to Nampa. She is in full support of this expansion.

Director Fultz said this expansion is necessary. He spoke about how Materne has other locations throughout the county where this expansion could take place and the quality of jobs they will be bringing to Canyon County. Materne strongly meets established criteria, and he is excited to have them in Canyon County and Nampa.

Commissioner Smith read a statement from Nampa Fire District into the record.

Mr. Cox addressed the financial impact that was noted in the letter from the fire district stating that there is always a tax shift, but there is also an evaluation of the economic benefit to the community. He feels Canyon County is better off by doing this. They are an existing company but there is competition with other sister companies in other states.

Commissioner Van Beek spoke about how Materne is very welcoming partners and how this really is an extension of the agricultural growers.

Comments were provided by representatives from Materne North America giving background information of their company, investments and benefits they provide to the community. The expansion will be staffed with all new employees, employees will not be transferring in from other locations.

Kirk Carpenter with Nampa Fire said he didn't receive the public notice until last night but feels Materne is a benefit to the community. He retracted the concerns noted in the statement read earlier by Commissioner Smith.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting Materne North America a property tax exemption pursuant to Idaho code 63-602NN (see resolution no. 22-140).

The meeting concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND CONSIDER ABATEMENT PURSUANT TO CANYON COUNTY ORDINANCE 07-19-01 (6) FOR PARCEL NO. 21400500

The Board met today at 9:34 a.m. with county attorneys for a legal staff update and to consider abatement pursuant to Canyon County Ordinance 07-19-01 (6) for parcel no. 21400500. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, DSD Director Steve Fultz, DSD staff Eric Arthur, Katie Phillips, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Mr. Arthur spoke about the property located at 5391 Lake Ave, Caldwell. A complaint was received a little over a year ago, legal notification was provided (the last notice was provided in December of 2021) but little to no progress has been made. He is seeking to abate the junk and debris on the property, not the RV that is being lived in. A quote has been received from Northwest Land Services for approximately \$9000 for clean-up. Mr. Arthur spoke more to the service that will be provided by Northwest Land Services and asked for Board direction to notice the abatement. The Board is supportive of proceeding with the notice of abatement and abatement providing a notice of appeal is not received from the property owner.

Commissioner Van Beek made a motion to approve the notice of abatement. The motion was seconded by Commissioner White. There was no action item for Board action today but there is Board consensus to move forward with notice although Commissioner Smith would like to see another item scheduled so that there is an action item to approve the purchase order and abatement.

The legal staff meeting has been left open for the remainder of the day.

The meeting concluded at 9:43 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 9:46 a.m. for FY2023 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Landfill Director David Loper (left at 10:17 a.m.), Parks staff Nicki Schwend, Laura Barbour and Alex Eells (arrived at 10:09 a.m. and left at 10:54 a.m.), Facilities Director Rick Britton (arrived at 10:25 a.m.), Jennifer Allen and Kate Rice (arrived at 10:43 a.m.) and Deputy Clerk Jenen Ross. FY2023 Budget workshops were considered as follows:

Landfill Department:

- Anticipated to exceed \$8M in revenue
- New and reclassified positions: requesting 1 new FTE – an Environmental Compliance and Safety Manager and to reclassify an Operations Supervisor to an Operations Manager.
- Professional consultant: Tetra Tech
- Misc. professional services: \$1,683,000 for county support services and justice fund for the SILD worker program.
- Permits and licensure: increased from last year due to the landfill gas system.
- Credit card services: exceeded \$100K in fees; anticipates requesting an increase to this fee, currently it is at \$1.00 per transaction.
- Wood waste removal: increase to \$500,000.
- \$20,000 for perforated gas lines.

- Equipment repairs: scraper will need transmission repair, anticipated to be \$60,000-\$70,000
- Storage buildings: \$115,000 for wash rack improvements and improvements to lean-to building flooring and doors.
- Fencing: big fencing projects especially in relation to the gas system project
- Well monitoring: \$30,000 will need more on-site monitoring
- Computer: \$95,000 for auto excavator TopCon.
- Office buildings: would like to house the new environmental compliance person in the current office and move code enforcement to the lean-to building where the SILD program is based. Director Loper has worked with Director Britton who believes he can create an office area in that space.
- Capital construction contracts: \$3M for landfill gas.
- Other improvements: \$150,000 for the beautification project; \$10,000 for concrete at the transfer station area; \$250,000 for dust control project that was not done in FY22.
- One additional vehicle.
- Heavy equip: \$851,000 for loader replacement and an excavator.

Revenues are still exceeding costs for both A and B budgets.

Parks, Cultural & Natural Resources Department:

- Staffing: currently have 4 open positions which is putting a lot of pressure on the staff; biggest issue is finding Interpretive Specialists to work at Celebration Park; requesting a significant increase in this budget in order to offer a salary that fits what is being asked in the job.
- Misc. Professional services: \$7500
- Gun Range: \$15,000 to improve the berms and continue with the range services recommended plan.
- Field trips/program materials: increased by \$1000
- Building supplies and materials: \$22,000 for a replacement AED.
- Ground maintenance supplies: will be increased due to being over 200% of what was budgeted this fiscal year.
- Exhibits: \$6000 for new platforms on the Story Trail.
- Capital construction: \$75,000 for the Crossroads Museum mezzanine.
- Boat Docks: Cutthroat grant reimbursement will be \$15,087.
- Vehicles: \$45,000 to replace an F-150 truck.

The Board took a brief break from 10:54 a.m. to 10:57 a.m.

Human Resources Department:

- Would like to add a Compensation and Benefit Specialist/Analyst/Manager at \$105,000 which is salary and benefits. One part-time position will have increased hours which will cause an increase to the PERSI contribution.
- Professional consultants: \$10,000 for a consultant to provide harassment prevention training.
- Misc. professional services: ADP and JobScore contracts; would like to look into utilizing a service to use text messaging to reach out to applicants/candidates. \$85,000 in this line item.
- Document shredding: increased 15%.
- Postage: decreased expense.
- Health maintenance: Flores for HRA/DCA administration. \$20,000 has been budgeted.
- Computer equipment: IT recommendation.
- Furniture: new chairs, additional file cabinet, HR conference room table needs to be larger, new employee work station.

The meeting concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The board met today at 11:25 a.m. for a continued meeting with county attorneys for a legal staff update. A request was made to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 11:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Alex Klempel. The Executive Session concluded at 11:45 a.m. with no decision being called for in open session.

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 2:00 p.m. to conduct the FY2023 preliminary budget workshops for the County Agent's Office and the Development Services Department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Patrick Momont from the University of Idaho Extension Office, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. DSD Office Manager Jennifer Almeida arrived at 2:26 p.m. The workshops were held as follows:

County Agent's Office – 2:00 p.m. to 2:20 p.m.

Patrick Momont gave an update on staffing levels noting there are three vacancies of the five U of I faculty in the office. They are in the process to fill the positions. One of the major increases is in the County Agent's contracts: \$18,000 for the 4-H program coordinator and temporary help for the master gardener education program where the salary will increase from \$10 per hour to \$15 per hour. There was discussion regarding mileage and meal amounts for educators and well as grant funding the educators receive. Commissioner Smith asked about reducing some of the line items and Mr. Momont said that could be done on a temporary basis since they have some vacant positions. He spoke of efforts being made to assist the Fair Office. Commissioner Smith asked if there any grants that could be used to construct a new building, potentially near Fair office. Mr. Momont said he is only aware of ARPA funds. Clerk Yamamoto asked if the Board is clear on who has what duties with the relationship between the County Agent and the Fair. Commissioner Smith said the Board just went through that MOU at a previous meeting with Mr. Momont. There are two MOU's, one is for the Fair relationship and the one is the general MOU between the U of I and the County. Commissioner Smith said the biggest concern she had was the relationship issues between the two offices, but Mr. Momont and Fair Director Sinner are working through that.

Development Services Department 2:21 p.m. to 2:43 p.m.

Director Fultz reported that the department is self-supporting through its fees. He is projecting that \$25,000 as the County enters into agreements with cities for planning and economic development services. Other notable increases:

Seeking a part-time position for document scanning. (The position was temporary but he is hoping a part-time person will stay in the position longer.)

\$20,000 for professional consultants. The engineer that was hired is working toward getting his PE designation and the department will need backup engineering services. (Note – the engineering line item went from \$70,000 to \$0.)

\$35,000 for miscellaneous professional services for the hearing examiner and code enforcement abatement and demolition. Commissioner Smith wants those two items separated: \$10,000 for hearing examiner and a separate line for abatement and demolition with the amount to be determined after Director Fultz discusses the case information with the code enforcement officer.

\$28,000 for marketing for the economic development team. DSD is working on large industrial leads so they need marketing materials for projects in the new Caldwell Urban Renewal Area and other areas. He has an upcoming meeting with the City of Middleton who wants to present an area for a large basic sector employment group.

Funding for service contracts for Pictometry and GIS mapping licensing.

Funding for miscellaneous maintenance for a storefront entry similar to what PA has.

\$126,000 for IT recommended computer systems and software. \$120k of that is for the digital plan review and plat review software project, and \$6k for the code enforcement division to help track down property owners.

Funding for education and training. In the year since Director Fultz was hired, the department has hired 17 new people.

Commissioner Smith said DSD revenues are projected at \$3,087,000 and expenses are \$3,079,000. Director Fultz said they are seeing a slight trend down in residential, but it's trending up in industrial and commercial. Commissioner Smith asked him to think about a balance on that because building will slow down so she wants him to reduce his amounts but then add back in the recently approved fee increases and then see where the numbers fall.

Commissioner Smith noted for the record that an application was received today from Aaron St. George with Canyon Recovery Community Center but because the application was incomplete so the Board decided to cancel the meeting.

The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 17, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Survey Group in the amount of \$14,950.00 for the Solid Waste Department

CONSIDER JUNE 17, 2022 AGENDA ITEMS SCHEDULED FOR 9:00 A.M.

The Board met today at 9:02 a.m. to consider the June 17, 2022 agenda items scheduled for 9:00 a.m. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie

Lloyd, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Property Appraisal Supervisor Greg Himes, Deputy PA Alex Klempel, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

Reschedule public hearing to consider a request by Troost Family Living Trust for a rezone, Case No. RZ2021-0035: Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to August 15, 2022 at 9:00 a.m.

Meeting with County Treasurer to consider a request by Darigold for a casualty loss exemption - Greg Himes said there are two applications, one on the real property and one for personal property where the date of loss due to a fire was on October 12, 2021. The application was filed timely but was slightly late getting to the Board because there was a lot of conversation between the Assessor's Office and Darigold. There was a review of the real property and person property calculations. Tracie Lloyd reported the total value on the personal property for casualty loss was \$1,181,213 and the taxes to be cancelled are \$14,597.79; and for the real property it was \$153,800 and cancelled taxes on that amount are \$1,900.69 for the 2021 taxes. Chief Deputy Assessor Joe Cox said the values are prorated so they did pay from January until the date of loss. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to grant the exemption for the real property and personal property owned by Darigold in the amount of \$16,498.48, to broken out as two separate items as explained by the Treasurer.

Consider signing resolution for a refund request for Steven & Kathleen Squellati for a withdrawn conditional use permit modification - Dan Lister said the applicants withdrew their application because they opted not to build the structure that necessitated the need to modify their existing CUP. Staff worked on the application and it was supposed to be heard last night by the P&Z Commission but the applicants withdrew their application. Staff has done at least 50% of the \$550 fee and is recommending a partial refund of \$275. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the partial refund amount of \$275. (Resolution No. 22-142.)

Consider issuing recommendation on adjustment to Middleton, Star overlapping city impact areas per Idaho Code § 67-6523(c) - Dan Lister provided copies of maps; one depicts what was decided at the last meeting which shows Star's area of city impact in blue and Middleton's in orange. The Board wanted staff to look into whether it could make no impact areas within these certain locations as shown on the left-hand side of the map. In looking at the state law, staff does not believe that is available. If today we find out we can only affect the overlap area and cannot take away he still wants the opportunity for the Board to give a recommendation on how to fix that overlap. Deputy PA Alex Klempel reviewed the statute and said the way it's written indicates it's about who has the area of city impact not whether we can take it away, and the reasoning behind that is because of what happens if the cities do not go along with the Board's recommendation it goes to election and the electors in that overlap area have a choice of which area of impact they want to live in, not whether they will live in an area of impact. Based on the language of the statute the Board has to either give all of it to Star or all of it to Middleton or split it somewhere in the

middle. Commissioner Van Beek reviewed the maps and asked questions of staff. The last time the Board met it talked about splitting those two areas labeled “no impact area” but that’s not an option. If we look at who’s providing service, Star Sewer and Water put a lift station on Joplin Road that is intended to service. She attended meetings yesterday with the City of Nampa and said that is potentially an area where there is going to be a committee of nine because Nampa also wants that area so it seems messier to give that one to Middleton to get three agencies involved in that triangle so what about giving that to Star and giving the other on Purple Sage Road as Middleton is already planning for residential development in that area and moving toward Kingsbury Road. Dan Lister said the Willowbrook area looks like they may have an agreement with Star to build so there’s a lot of moving pieces, and at the end of the day what has happened with Star is they have annexed into a city impact area that was not theirs and until we get more interpretation through state law about that it seems perfectly okay at this point that they did that. Either way if we switch these lines, if we come up with no overlap he thinks the annexation rules are still in place in the sense that if somebody wants to voluntarily annex something and one of the cities gets to them first, until the state law changes he thinks it’s still a fair game to who gets what, who can service what, and at that point they are coming back and fixing their area of city impact through the same process we went through. It’s kind of a muddy situation but unfortunately, we went through the first half and today our job is to fix the overlap that’s has been created and if staff has to make any recommendations at this point based on the decisions made at the last impact area meeting, staff recommends keeping it as-is – keeping the map the committee of nine adopted and pushing Middleton’s boundary to the Kingsbury line. Commissioner Smith recommends continuing on with the committee of nine’s recommendation for the Star impact area and pull the Middleton impact area back. Commissioner Van Beek supports that. Commissioner White asked what to do about the people who want to stay in the County. Mr. Lister said we have to remember this is still Canyon County’s jurisdiction. We just have an agreement with those cities that they get some talking points and in the case of Star, certain things that we have to look at their code to see if it matches just in case it ever gets annexed into their city that it follows some of their policies and codes, but at the end of the day it’s still Canyon County and they are still in our jurisdiction which is considered first at the end of the day. This is just to understand that they are in an area where it’s foreseeable in the future that it can be annexed. It doesn’t mean it’s annexed or pushing to be annexed - but we do have to consider their plan and their growth pattern. Commissioner Van Beek said there is not an option just to remain Canyon County without either side because people already live in an impact area already they just may not have known that they were in Middleton’s impact area even though they live in rural Canyon County. No matter what, they are in an impact area. The Board gave direction to staff to move forward with the Committee of Nine map recommendation understanding the approval documents will be prepared next week. The meeting concluded at 9:21 a.m. An audio recording is on file in the Commissioners’ Office.

MEET WITH TRIAL COURT ADMINISTRATOR TO CONSIDER SIGNING RESOLUTION FOR THE JOB TITLE, JOB DESCRIPTION AND FLSA STATUS OF A POSITION UNDER THE TRIAL COURT ADMINISTRATOR

The Board met today at 9:32 a.m. with the Trial Court Administrator to consider signing a resolution for the job title, job description, and FLSA status of an office administrator position under the Trial Court Administrator. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Administrative District Judge Davis Vander Velde, TCA Jamie Robb, Assistant TCA Benita Miller, HR Generalist Demi Etheridge, and Deputy Clerk Monica Reeves. TCA Robb wants to shift some job duties and change one judicial assistant position to an office administrator which will be filled by the person who is currently in the position. This person will be working on management-level projects and will also fill in for the administrative supervisor when that person is out of the office. The net impact to the budget will be minimal around \$1,000. The minimum range will be a salary of \$51,614 and a maximum salary of \$66,089. Following questions from the Board, Commissioner Van Beek made a motion to approve and sign the resolution for the job title, description and FLSA status for the position for the TCA. The motion was seconded by Commissioner White and carried unanimously. (Resolution No. 22-141.) The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair - OUT
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board has approved a special Jury claim in the amount of \$3,552.53
- The Board has approved claim 585404 in the amount of \$1,500.00
- The Board has approved claims 585405 to 585431 in the amount of \$82,173.35
- The Board has approved claims 585432 to 585462 in the amount of \$30,309.30
- The Board has approved claims 585463 to 585476 in the amount of \$5,069.25
- The Board has approved claims 585510 to 585525 in the amount of \$14,901.61
- The Board has approved claim ADV 585526 in the amount of \$170.00
- The Board has approved claims 585575 to 585593 in the amount of \$164,385.07
- The Board has approved claims 585626 to 585645 in the amount of \$30,008.03
- The Board has approved claims 585669 to 585693 in the amount of \$45,660.17
- The Board has approved claims 585744 to 585766 in the amount of \$50,200.67

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Landfill Director David Loper (left at 9:21 a.m.), Fair Director Diana Sinner (left at 9:06 a.m.), Deputy Clerk Jenen Ross. Weed and Pest Superintendent AJ Mondor participated via conference call from 9:22 a.m. to 9:39 a.m. The action items were considered as follows:

Consider signing Canyon County Fair parking lot rental agreement with Caldwell Bowling, Inc.:

Director Sinner said this agreement is the same as past years. The parking lot will be rented for \$500 during the week of fair to be used as reserved parking for superintendents and staff. Director Sinner did note that Caldwell Bowling is under new management and next year's contract has already been negotiated; there will be a slight increase to \$800. Ms. Klempel said the agreement has been reviewed by Deputy P.A. Wesley and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Canyon County Fair parking lot rental agreement with Caldwell Bowling, Inc. (see agreement no. 22-052).

Consider signing dance competition coordinator agreement with Monique Michel-Duarte for the Canyon County Fair:

Director Sinner explained that Ms. Michel-Duarte coordinates the dance competitions and that the agreement contains the same terms as previous years. Ms. Klempel said the agreement has been reviewed by Deputy P.A. Wesley and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the dance competition coordinator agreement with Monique Michel-Duarte for the Canyon County Fair (see agreement no. 22-053).

Consider signing independent contractor agreement with Rodney Evans + Partners, LLC for Pickles Butte Landfill landscape improvement bidding services and construction administration:

Director Loper explained this contractor will assist with bid documents, bidding and negotiations and construction administration related to the Landfill beautification project. As part of the project an entrance sign will be added and improvements made to the hardscape and ingress/egress. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement with Rodney Evans + Partners, LLC for Pickles Butte Landfill landscape improvement bidding services and construction administration (see agreement no. 22-054).

In response to a comment from Commissioner Van Beek, Director Loper said he would resend his email to the Board regarding the SWAC (Solid Waste Advisory Committee). He said there is a draft ordinance and draft bylaws, but feels there needs to be additional discussion between himself and the Board. Further discussion ensued regarding the role of the SWAC and how the committee will be comprised.

EXECUTIVE SESSION – PERSONNEL MATTERS

A request was made to go into Executive Session as follows:

Commissioner White made a motion to go into Executive Session at 9:22 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Pam White. Weed and Pest Superintendent AJ Mondor participated by teleconference. The Executive Session concluded at 9:39 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$5,950.47 for the IT Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Ashley Sagrero, Interpretive Specialist; and Javier Guizar, Interpretive Specialist; and Riley Portwood, Deputy Sheriff; and Shelby McCain, TCA Office Administrator

CONSIDER WRITTEN DECISION ON ADJUSTMENT TO MIDDLETON, STAR OVERLAPPING CITY IMPACT AREAS PER IDAHO CODE § 67-6523(C)

The Board met today at 10:05 a.m. to consider written decision on adjustment to Middleton, Star overlapping city impact areas per Idaho code § 67-6523(c). Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Director of DSD Steve Fultz, Planner Juli McCoy and Deputy Clerk Jenen Ross. Deputy P.A. Klempel said she has drafted a letter to the Cities of Star and Middleton which has been reviewed by Deputy P.A. Wesley and Planning Official Dan Lister;

the letter has also been reviewed by Commissioner Van Beek who is supportive and provided approval to use her signature stamp if the Board moves forward with signing the letter. Discussion ensued regarding the map that is attached, Ms. Klempel said it is her understanding that the map is to follow the Committee of 9 recommendation. She suggested that the letter could be amended to either removed the notation that a map is attached or include language indicating that depiction on the map is approximate and does not supersede the Committee of 9 recommendation. Director Fultz believes the map is accurate but would like to take a closer look and Commissioner Smith thinks it's important for the map to be included with the letter. The Board would like for the boundary roads to be clearly identified. Director Fultz will speak with Mr. Lister to confirm all the boundaries are correct and to get the map cleaned-up as requested by the Board. This meeting will be continued to 1:15 p.m. today.

The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED MEETING TO CONSIDER WRITTEN DECISION ON ADJUSTMENT TO MIDDLETON, STAR OVERLAPPING CITY IMPACT AREAS PER IDAHO CODE § 67-6523(C)

The Board met today at 1:19 p.m. for a continued meeting to consider written decision on adjustment to Middleton, Star overlapping city impact areas per Idaho code § 67-6523(c). Present were: Commissioners Keri Smith, Pam White Leslie Van Beek, Deputy P.A. Alex Klempel, Director of DSD Steve Fultz, Clerk Chris Yamamoto, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross. This meeting was continued from 10:00 a.m. this morning.

Commissioner Smith asked if there is any kind of formal notice due to the cities. Per Ms. Klempel this is the process that has been advised by Deputy P.A. Wesley – to provide a letter notifying each city of the county's recommendation. If the recommendation is not accepted by the cities the next step would be to go thru the election process which is noted in the letter. Discussion ensued regarding ordinance adoption and map and text updates by the cities and county if all parties are in agreeance. At the Board's request the map will be revised administratively to clearly indicate the recommended City of Star impact area and the City of Middleton impact area. Commissioner Van Beek made a motion to approve the map with the discussion having the southern border on the eastern side for Star and Middleton follow the river and include that with the letter that will provide clarification from the Board on how the Board wants to see the overlapping city impact areas per Idaho Code §67-6523(c). The motion was seconded by Commissioner White and carried unanimously. A copy of the letter and map are on file with this day's minutes.

The meeting concluded at 1:27 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS COUNTY REVENUES

The Board met today at 1:28 p.m. to discuss county revenues. Present were: Commissioners Keri Smith, Pam White Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross.

Controller Wagoner explained that they are constantly evaluating revenue and looking for trends. The county has multiple sources of revenue, it is not strictly property tax. Property tax is the largest source of revenue but not the only source. Additionally, not every property tax bill is paid timely, there are penalties, there is interest – ultimately, over the course of years the county will actually end up collecting a little more. Another significant source of revenue is the intergovernmental revenues, the federal and state grant awards and state shared revenues such as sales tax. Charges for services, including recording fees, landfill fees, motor vehicle fees, etc. also contribute a large source of revenue. Other revenues include building permits, driver licenses and investment earnings. It is beneficial to have multiple sources of revenue. A handout was provided which includes the following:

- FY2019 revenues and distribution (this was the last complete fiscal year prior to COVID-19); a pie chart showing distribution of revenue
 - 57% property tax (\$54,193,576)
 - 18% intergovernmental (\$16,676,369)
 - 18% charges for services (\$17,321,627)
 - 7% other (\$6,109,044)
- COVID-19 revenue disruption
 - Average revenue change in the 3 years proceeding COVID-19 was 10.3%
 - Per the ARPA revenue replacement calculator you take the 10% and roll it forward thru FY2024, that equals \$153,774,706 which is the first step in calculating revenue lost.
 - For FY2020, factoring in the 10% increase, county revenue should have been \$103,772,678; actual revenue was \$98,897,779 so the revenue lost for FY2020 was \$4.8M, FY2021 was \$9.8M and the estimated projected total loss for FY2022 thru FY2024 is \$85M. The total award of ARPA dollars was \$44M and based on the estimated projections Controller Wagoner is confident that those funds are eligible for spending as revenue replacement.
- Major revenue sources
 - Review of revenue source numbers from property tax, sales tax, landfill fees, recorders' fees, motor vehicles, development services and federal grant awards from 2016 – 2022 (est.).
 - Year-over-year revenue changes through May 31st for property tax, sales, tax, landfill fees, recorder's fees, motor vehicles, development services and federal

grant awards comparing 10/1/2020 – 5/31/21 and 10/1/21 – 5/31/22 with dollar and percentage change.

Controller Wagoner spoke about how for several years the county has only taken new construction which is what has driven the change in property tax. The property tax request dollar amount is one number that cannot change during a fiscal year. Clerk Yamamoto and Controller Wagoner spoke about how in previous years the county was spending fund balance, there were significant increases in medical indigency costs and investments were made in facilities during those years. Each year, in order to balance the budget a certain amount of fund balance is used. Typically, between 85% and 90% of what is budgeted is spent. Commissioner Van Beek spoke about how she would like to see closer budget to actual numbers. Controller Wagoner feels that the system in place works, he does not want to see the county move to a 'use it or lose it' budget mentality. In response to a question from Commissioner White, Clerk Yamamoto said he likes to keep a 33% fund balance, currently the county is at about 50%. Commissioner Smith feels that there has been careful planning; revenue are often projections moving forward. She spoke about several years ago when there was a recession and how that money needs to be there to get thru those times and as leaders those balances need to be kept although maybe not quite as high as they currently are. However, in line with what Commissioner Van Beek said, Commissioner Smith would like to see some of the significant internal department contingencies removed from the budget. If there is a need at some point those funds could come from the general fund. She would also like to see positions that have been open since before 2019 be either removed or reworked.

Clerk Yamamoto said he doesn't believe there is a real understanding of how budgeting works. He said when they create the budget they figure out approximately what will be needed and then add in the contingency, this is a program that has been working for several years. Additionally, all non-property tax revenues are spent first. Whatever is not spent is what does not have to be requested the next year. Clerk Yamamoto said the county generally operates on a 10% non-funded budget. Controller Wagoner spoke about how they do their best to make the numbers as accurate as possible but at the end of the day it is a budget, it's a projection or estimate. Property taxes are not being levied to fund everything, there is a gap. This is a system that has been working, the county is in excellent financial shape. Clerk Yamamoto said that cutting contingencies doesn't save taxpayers any money.

Discussion ensued regarding the claim process and the Board's authority in authorizing usage of funds if contingencies are removed from individual budgets and just kept in the general fund.

Commissioner Smith asked how revenue replacement dollars can be allocated for a new administration building since it cannot be built before there is a new Board. Controller Wagoner said the \$44M has already been received, \$6M has been allocated in the current budget leaving a balance of \$38M. His question to the Board is how much they would like to see saved/reserved for the administration building. Commissioner Smith and Clerk Yamamoto believe the number to be about \$24M based on numbers provided by Director Britton. Controller Wagoner said this money is already in its own account but it needs to be decided how much should be used for they FY2023 budget. Commissioner Van Beek thinks the discussion needs to be presented to the public,

she said the ARPA guidelines contemplate allowing the public to weigh-in on how those funds are spent. Additionally, Commissioner Van Beek asked about the ARPA replacement funds stating that the recommendation from the Idaho legislature is to use that money for one-time, non-recurring costs. Commissioner Smith clarified that revenue replacement guidelines did not state that you couldn't use it for that, revenue replacement allowed the flexibility for the government to spend the money how they saw fit. Controller Wagoner confirmed that revenue replacement affords the greatest flexibility in how those monies are spent and his hope is that Canyon County can make its own decision on how those funds are spent here in Canyon County, not at the state level. Commissioner Van Beek agrees with the local control but would like to see community input.

The meeting concluded at 2:13 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 23, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerk Jenen Ross

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Case no. 2022-504 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision in 30 days.

Director Baker asked for Board direction regarding case no. 2006-419 which is an approved case. The applicant passed in 2019 and since that time the property taxes have gone unpaid and the property is scheduled to be taken for public auction. A gentleman has come forward who would like to purchase the property before it goes to auction in an effort to clean it up as the structures are uninhabitable and the property itself is in poor condition. The gentleman has offered to reimburse the county \$20,000 to settle the lien against the property; the outstanding amount on the case is \$85,660.75. After extensive discussion regarding the value of the property, intention of the potential buyer and position of other lienholders the Board is in favor of continuing to let this property go to public auction.

The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-381

The Board met today at 9:06 a.m. to conduct a medical indigency hearing for case no. 2022-381. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, the applicant and spouse and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker and the applicant, and Board discussion, Commissioner White made a motion to continue the case to August 25, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:17 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared for the following cases: 2022-480, 2022-481, 2021-957 and 2022-472. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue denials with written decisions in 30 days on the cases as read into the record. The meeting concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER REQUEST FOR APPROVAL BY THE MIDDLETON URBAN RENEWAL AGENCY OF TWO RESOLUTIONS ACCEPTING THE MURA EAST AND MURA WEST ELIGIBILITY REPORTS

The Board met today at 11:07 a.m. to consider request for approval by the Middleton Urban Renewal Agency of two resolutions accepting the MURA east and MURA west eligibility reports. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Mark Wendelsdorf, Middleton City Clerk Becky Crofts, Attorney for the City of Middleton Doug Waterman, Legal counsel for the agency Abby Germain and Deputy Clerk Jenen Ross.

Commissioner Smith indicated that legal has not had a chance to review the documents provided by the City of Middleton, additionally, the Board would also like more time for review. Ms. Germain has indicated that the sooner these resolutions can be scheduled the better as the timeframes are tight. She explained that these are the resolutions accepting the eligibly reports which is really what allows them to start the planning process. This is not the area that will end up being the revenue allocation area, it is just the area they'll be considering for project development in putting together the economic feasibility study. The sooner they are able to start looking at the areas the sooner they will be able to come back to the Board with what they'd like in the actual revenue allocation area.

Commissioner Van Beek made a motion to continue this meeting to June 29, 2022 at 1:15 p.m. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:16 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY RYAN & TANYA ROBINSON FOR A CONDITIONAL REZONE: CASE NO. RZ2021-0042

The Board met today at 1:46 p.m. for a public hearing to consider a request by Ryan and Tanya Robinson for a conditional rezone, case no. RZ2021-0042. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Planning Official Dan Lister, Todd Lakey, Keith Cochran, Marty Delk, Katie Delk, Lee Brawley, Paul Calverly, John Weilmunster, Tanya Robinson via teleconference and Deputy Clerk Jenen Ross.

Commissioner Smith explained this is a second hearing request. The planning and zoning commission recommended approval of this case but at the April 20, 2022 hearing the Board (Commissioner Smith was not present for this hearing) wanted to reverse that decision and recommended denial. This is the third and final hearing where the Board will be rehearing it as a brand-new case; this will be a final decision either way.

As a housekeeping matter from the last hearing, Mr. Wesley said that at the BOCC hearing there was a material change from the planning and zoning decision which resulted in a denial. Today's hearing is from scratch so all evidence can again be accepted. It is Mr. Wesley's understanding that Commissioner Smith has reviewed the record from the prior hearing and is aware of what transpired. Commissioner Smith personally knows the applicants so Mr. Wesley reviewed statute, 67-6506, which allows her to participate in the hearing today and Commissioner Smith made disclosures about how she knows the applicants noting that she has never done any business with the Robinson's and she would have no financial gain based on today's decision. She has made it clear to Ms. Robinson that if she planned to develop the property there could be no conversations specifically about the property. Together they did look into some procedural items on a former conditional use permit on the property, but they have never had a conversation about it being rezoned. After the previous hearing, Ms. Robinson did text Commissioner Smith letting her know that the Board had reversed the decision and that the hearing was kind of a mess; she had concerns about possible ex parte communication between Mr. Lister and a commissioner. Commissioner Smith said she would like to participate today so that there is a 3-person Board decision.

Mr. Wesley said the other matter to be addressed is perception of ex parte communication between Commissioner Van Beek and Mr. Lister regarding the merits of the case. Mr. Lister said there was a break taken to allow the Commissioners time to review the land use matrix to determine what is applied in an ag or light industrial zone. Commissioner Van Beek requested additional information from Mr. Lister because he had written a list of each of the uses, this was

added as exhibit 4 of the staff report at the March 29th hearing; there was no conversation about the case. Commissioner Van Beek explained that during that hearing she had not had the benefit of reviewing the land use matrix and wanted that opportunity. There were no merits of the case discussed, it was simply to work thru the document. Mr. Wesley said that it is important that today's hearing be treated as a new hearing and that any contact or communication about the case be made part of the record so that the applicant or any opponents or friends of the application have the opportunity to review and comment on them.

Mr. Lister gave the staff report stating that this is a request by Tanya Robinson for a conditional rezone. They are requesting a change from 'A' agricultural zone to a conditional rezone, light industrial. The request includes a development agreement that restricts the use and minimizes the impacts to the surrounding uses and properties within the area. The property is approximately 20 acres and located along Van Slyke and Peckham Roads. Canyon County's future land use map shows that it is in an industrial designation, this is similar to the City of Greenleaf's comprehensive plan's future land use map which also shows it as an industrial designation. To the east is Wilder's impact area, where just east of the property is designated for commercial and industrial. Besides the a few properties south of Peckham Rd. the majority of the area is zoned agricultural. The vicinity map shows the average lot size in the area is 34.6 acres. Mr. Lister referenced the zoning map and provided a review of the properties that have been zoned to M-1. Soils in the area are predominantly best suited soil, about 4.5 acres are moderately suited soil and not considered prime farmland. Within in a two-mile radius it is near feedlots and gravel pits and in a nitrate priority area. There are three subdivisions within area. This property is in existence as an agricultural property, there is no development on it, it's surrounded by properties that are actively used for agriculture purposes and maintain an agricultural/rural character. The area does not truly contain industrial uses even though it is in an M-1 zone, the businesses that are located in area are uses that can be obtained in the ag zone via a conditional use permit. The property is north of Peckham Rd. which is in transition between agricultural and industrial. There were development agreement requirements that have been vetted out with the applicant and have been agreed upon; there are a number of uses the applicant is willing to prohibit in order to make it more consistent with the uses found in that area and to not be detrimental to the area. Additionally, the applicant has agreed to make a food processing facility a conditional use permit which would force it to go to a public hearing. The operations plan includes a 100 ft. setback from all property lines, noise and exterior lighting plans, DEQ review for air pollution, waste water, public drinking water requirements and a dust management plan; there will need to be review and approval by Golden Gate Highway District which may include a traffic impact study depending on the use or trip generation study. There will Landscaping plan to ensure there is a visual buffer along the south and east boundaries of the property and a plan to maintain the site. Modifications to any historic laterals, drainage, ditch flows or things of that matter are protected and there will need to be approval from the jurisdiction before making any modifications. Golden Gate Highway District finds that this property does not have a legal access so the appropriate permits would have to be obtained. The Boise Project Board of Control said that Mayhew drain and Guess gulch bisect the property and the canal has a 90' easement so they've requested that any development observe that and that any modifications be approved thru their agency. Storm drainage and run off needs to be maintained onsite. The City of Greenleaf does not oppose this request, although, Mr. Lister

did provide a background stating that initially the applicant wanted to split the site through a previous conditional use permit, however none of the conditions of that CUP were met and Greenleaf as well as staff recommended denial of the request because it was an expired permit and needed to go thru a different process. As part of the letter sent by Greenleaf they feel this really is an industrial area and therefore should be industrial uses and not another house, or should remain ag until it can meet the future designation. Throughout the hearings a number of comments and letters have been received, Mr. Lister referenced letters in opposition from Martin Delk, H. Lee Brawley and Paul Calverly. This case was before the planning and zoning commission on January 6, 2022 where there was a recommendation of approval with conditions of the development agreement as presented today, however, P&Z added the condition that if there are any divisions on the property that it has to go thru the platting process which would provide notice to the neighbors and allow affected agencies to make comment. On February 10, 2022 this case was heard by the BOCC and after review of the staff report and public comment the Board directed staff to re-notice the hearing to consider denial of the case due to no specific use, too many conditions applied and without a known use there are unknown impacts to the existing agricultural area, therefore findings B, D and F could not be made and directed staff to provide FCOs with those changes. The hearing was tabled to March 29, 2022, at that point it was tabled to April 14, 2022 but the applicant didn't appear and it was tabled again to April 20, 2022 where the applicant requested more time for legal staff to review the case. The recommendation today is to either follow the Board's direction from the last case which was a denial and to sign the FCOs as provide by staff, if approved, the Board would need to direct staff to bring back amended findings of approval, a development agreement and change to the ordinance. Several late exhibits were provided to the Board today – March 29, 2022 is an addendum to the original staff report and marked as exhibit 12, June 16, 2022 a memo was provided to the Board providing an update of what has transpired with this case which included new FCOs and states that the June 23rd public hearing notice was posted on June 14th, this is exhibit 13. Exhibit 14 is photos provided by Tanya Robinson and exhibit 15 is the PowerPoint presentation that will be presented by Mr. Lakey.

In regard to a question from Commissioner Van Beek regarding access, Commissioner Smith clarified that this property has 50' of road frontage which, per the county ordinance, provides access. They do not have an approach permit from the highway district. Commissioner Smith said that the Robinson's, or whomever owns the property will be required to mitigate traffic concerns and find an approved approach permit.

Both Development Services staff and the Planning and Zoning commission both recommended approvals, although the P&Z commission added the condition that any splits require platting.

Todd Lakey provided testimony in support of the application stating that the previous staff report covers how the application complies with the comprehensive plan and the zoning ordinance. In regard to economic development, there needs to be an increase in industrial uses in the right areas in Canyon County. Mr. Lakey provided a slide in his PowerPoint presentation which outlined numbers related to industrial business. Canyon County is well below the average for industrial space but demand remains high. There were a lot of comments at the previous hearing about wanting to see a specific user – Mr. Lakey doesn't feel that economic development can be done

in that 'piece-meal' way. There needs to be land that is already zoned industrial so that business that are considering Canyon County have a reduced risk and a reduced start time to begin operations. If businesses are looking at an area and don't see land that is zoned properly and entitled they will look elsewhere. The comprehensive plan supports the application, additionally, it also supports the approach to get land zoned and ready to recruit and attract business. Mr. Lakey discussed the character of the area and why this won't be a negative change. This corridor and parcels have been planned and zoned for industrial use and he feels the requested zoning is more appropriate than the existing zoning. In referencing the county's future land use map, the rail line is very prominent which is a key element of this corridor, additionally it is close to highways 95 and 19 and I-84, thus the reason for the industrial planning. Mr. Lakey again referenced his slide which shows the county's future land use map and existing zoning map – there is a corridor that has been planned and there is existing strait M-1 zoning in this location that follows the rail spur and Peckham Rd. which has been planned for this type of use. Greenleaf has this property planned for industrial use, located within their impact area where growth should occur. It is also near Wilder's impact area to the west, they also plan this area for commercial and industrial use. The comments stating that this request is poor planning is simply not true, this area has been very well thought out and planned by both the cities of Greenleaf and Wilder and the county to designate this corridor for industrial use along both sides of Peckham Rd. Mr. Lakey addressed some of the industrial uses and zoning in the area, this has been conditioned to focus on ag support. Previously the focus was on the land use matrix and where a particular use is located on paper, this this is not just about what's on paper, whether this will negatively change the character is in large part about looking at what's out there currently and determining whether those impacts and intensity of those uses are similar to what is being proposed in this application. Pictures were provided in Mr. Lakey's presentation giving an overview of other businesses already in the area. In regard to traffic, this area was planned for industrial uses from a traffic standpoint. The regional freight study done by COMPASS designates this property and this area as a regional freight cluster. Peckham Rd. is also designated in that study as a supporting connector to the regional freight corridors in the area and as a major collector by the highway district; good portion of it has already been improved pursuant to the grants that were obtained by highway district in cooperation with the cities. There has been an additional grant obtained to continue to improve Peckham Rd. The required access has been obtained in the form of frontage and if the highway district requires Van Slyke that can also be utilized. They have no concerns from a capacity standpoint. The condition to follow the recommendation of the highway district is adequate in this area that is planned and has been improved. His client agrees with the conditions of approval – as he reviews the remaining list of uses he does not see anything in the list that is more intense or more impactful than the uses that are out there currently.

Based on the uses already in the area and the very coordinated planning for this area, he feels that is why it is more appropriate to rezone this property in this location, in this corridor to industrial. It is also necessary for economic development in Canyon County.

A brief break was taken from 2:46 p.m. to 2:49 p.m.

Keith Cochran offered testimony in favor of the application stating he is a real estate agent that works with a lot of industrial land and parks. He spoke about some of the recent projects in the

area that he's worked on and the need for industrial areas. He addressed Commissioner Van Beek's comment about not knowing what will go on this property stating that it is unknown what will go there but that it needs to be zoned in way to attract businesses/buyers. In response to a question from Commissioner Smith regarding the conditions being placed on the property, Mr. Cochran spoke about the importance of accurate marketing of a property. He feels this would be a good thing for that particular area. Commissioner Van Beek spoke about smart growth and planning and making sure all the pieces are compatible.

Tanya Robinson offered testimony in favor of the application in regard to the letters of concerns from some of the property owners in the area. She greatly respects the concerns for change in the area, however, when asked about a specific use that seems detrimental to the area they have no answer. She also addressed the concern of how one will negatively affect the character of the area. She said that Mr. Calverly owns directly across from the trailer manufacturer which is not an allowed use in an ag zone, however, it is an allowed use in an M-1 zone. Mr. Delk and Mr. Brawley live directly across from Valley Agronomics, that property was already zoned M-1 prior to them purchasing their property. The view from their mailbox is of silos and the warehouse plant. The two 5-acre parcels owned by Mr. Delk and Mr. Brawley are the only ones in the area and wonders if the argument could be made that those two parcels don't fit the area. They do not currently maintain an ag use on their property but they are requesting that the Robinson's do. As for the development agreement, they have been very willing to be less impactful than any other M-1 zoned property in the area. She feels that they have essentially agreed to be the pioneers and have agreed to accommodate the request of the county by setting the tone with a landscape plan, noise reduction plan, dust mitigation and so forth. No other businesses in the area or M-1 zoned properties have any such plan. Ms. Robinson said they've agreed to go back thru the channels should they decide to divide the property so that all neighbors are noticed and have accommodated every request so far. They have no business plan at this time and cannot move forward with any such plan until they have the appropriate zoning. She has stated several times under oath that she has no intended use at this time, she cannot declare one without the proper zoning. It has been requested, on the record, for her to list the property and come back with a buyer but that is not legal or ethical for her to do. At this time, she cannot provide an intended use as there is not an investor or business partner that will speak with her before the property is zoned appropriately. She has lived in Canyon County for 13 years and has a mutual respect for the ag community and the ag based businesses. This property was purchased as long-term investment, to have a business different from their careers and they are still hoping they will be granted the opportunity to do so. Commissioner White reiterated several of Ms. Robinson's points for clarification and noted that she doesn't understand why lighting, noise, landscape and dust mitigation plans are being required as there does not seem to be any of this in the surrounding area. She wondered if just because M-1 zoning is on one side of the street should it also just be put on the other side too and the conflicts of personal property rights. She feels that the balance needs to be found between protecting ag and personal property rights.

Commissioner Van Beek confirmed with Mr. Lister that both the cities of Wilder and Greenleaf as well as Canyon County all show the north side of Peckham Rd. as M-1 industrial. Mr. Lister spoke about a similar decision made in 2020 which contained similar conditions. It is located on Lower

Pleasant Rd. which is in the industrial area just off of Simplot – it is on the cusp of where the agricultural and industrial designations meet and it was determined that was a transitional area. The conditions that have been applied to today's application are similar to the ones crafted for the 2020 case. In the end it was denied by the Board for the enforcement issues relating to all the conditions and it wasn't the right time. Today's case is in the same area, it is the same transitional area. It is recognized that in the future this will be an industrial area but just not the right time.

Discussion ensued regarding the noise decibel level. Ms. Robinson has requested the level be at 100dba which is consistent with noise in the area such as a tractor or combine.

Commissioner Smith asked about a vehicle service facility being prohibited, she feels that is an agricultural use that could be helpful to an agricultural area. Mr. Lister said that initially it was part of the conditions copied from the 2020 case. Generally, a vehicle service facility is mechanical or car repair and found in a commercial or industrial zone. It is a use that is allowed across the street so Commissioner Smith wondered if it is a use that could be found by the planning and zoning commission thru a conditional use permit with applicable conditions. Commissioner Smith asked about the food processing facility, as a county that relies on agriculture, a lot of commodities are shipped outside the county and outside the state; for an area that already has food producers, she is opposed to any restrictions on a food processing facility. She feels they are appropriate in ag areas. Mr. Lister believes it was added because it's still an agricultural area so if there were to be a food processing facility in an ag zone then they'd have to go thru a hearing and conditions would be applied for that use. Commissioner Smith said that for her personally, a food processing facility is appropriate in this area. Commissioner Van Beek said she would be in favor of reviewing the land use matrix of everything that would still be allowed in this area and thinks it may help mitigate some of the concerns.

Marty Delk offered testimony in opposition of the application stating that there are many things to refute. The original statement by Ms. Robinson to surrounding property owners was that she wanted to build a house and an arena but when she couldn't get the CUP she changed the request to a rezone. Mr. Delk has indicated that there is nothing comparable in the area and that it's all houses and farms. He has concerns that a new buyer may want to reinstate some of the removed uses. Additionally, he feels that Commissioner Smith has a conflict of interest in this case. The only area that is light industrial is from Travis Rd. to the hop field north of Peckham Rd. – everything else is farmland and farmhouses.

Commissioner Smith feels that she gave a fairly detailed review earlier and stated that she did speak with Ms. Robinson about the previously expired CUP which has nothing to do with this case so that would not prohibit her from taking part in this hearing.

Commissioner Van Beek explained that part of the difficulty during the decision-making process was because there was vacillation that she heard – they weren't sure if they were going to sell the property or what they were going to do with the property. She feels that it's fair to state for the record that what she has heard as a Commissioner is that a property comes with property rights so when people buy in an area they understand what they're buying and where they're buying it.

Mr. Delk said he absolutely knew what he was buying when he bought, however, this rezone north of Peckham Rd. didn't happen until after he'd purchased. Also, due to being outside of Greenleaf city limit he didn't have any say when they rezoned the area. Commissioner Smith clarified that this decision will be permanent, they will have two years to comply with the conditions and if they don't the land will be reverted back to ag. It's important to note that the development agreement will run with the land, it is not for Ms. Robinson. Everyone has property rights and any new owner could apply for an amendment to the development agreement, apply for a new rezone, it is a property right to make application.

John Weilmunster offered testimony in opposition stating that he is in full agreement with Mr. Delk's comments. He reiterated that they received no notification of hearings from the City of Greenleaf, feels Commissioner Smith has a conflict of interest, and has concerns about being able to spray his hops. He thinks this project should stay on the southside of the railroad tracks and that this parcel should remain ag. Mr. Weilmunster answered questions from Commissioner Van Beek and Commissioner Smith about how much land he owns/farms, how long he's lived in the area and if the current M-1 zone in the area impacts his living or farming capabilities. He owns/farms approximately 900-1000 acres, has lived in the area for 18 years and the current M-1 zone does not affect his living or farming abilities.

Lee Brawley testified that at the last hearing this was declined based on the lack of a plan, and as of today nothing has changed. He would like to be supportive of the Robinsons but he has no idea what the plan is so he's not able to do that. In response to a question from Commissioner Van Beek, Mr. Brawley pointed out his property on the map stating that it is the closest property to Ms. Robinson's. Commissioner Smith asked if the M-1 zoning directly across from his house affects his life. He said that the noise and the traffic do have an impact on him.

Paul Calverly offered testimony stating that he owns the 80-acre parcel to the west of the subject property which they've owned for 15 years and have grown hops on. He said this area is class I soil and should be kept in agriculture and expressed his concern about industrial in this area.

Mr. Lakey provided rebuttal testimony addressing the concern that this remain in ag. This area was a very coordinated effort between Canyon County, Greenleaf and the City of Wilder to designate this corridor on both sides of Peckham Rd. Peckham Rd. is a conduit, not a barrier, both sides need to be allowed use for close proximity to both the road and the rail corridor. In regard to a comment from Commissioner Van Beek about finding a place where ag goes and where industrial goes, he feels this is a place in close proximity to the corridors where industrial should be. He feels that their proposed use is compatible or less impactful and that it is consistent. Ms. Robinson has done a good job in trying to mitigate, conditions were something she included voluntarily to help reduce potential impacts in response to neighbors' comments. It reduces impacts below what they're experiencing out there from agriculture as far as noise and dust and the existing uses that were shown earlier. Some of the conditions include buffering, landscaping and hours of operation. The owner of the property to the north is supportive of this request. In regard to spraying and agricultural activities in the area, that is why light industrial is a good neighbor to agriculture. The trucks and noise and such have existed in this area compared to

residential uses. Van Slyke Rd. has been improved and has additional grant funding to keep improving it and with the condition to comply with the highway district requirements traffic has been/or will be mitigated. Locations for industrial uses are needed in Canyon County. This is a very limited area that is properly designated and it's designated for a reason because of those corridors and infrastructure that's there.

Late exhibits were accepted into the record.

Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek spoke of her thoughts when looking at the area collectively and when taking it all into consideration there are approximately 19-acres against 275-acres equating to 4% of a piece of property that was bought on speculation, does that drive change in an area that is agricultural? She would submit that it does but she is not sure it's the right time, however, she does realize there is a need for industrial property. She hears the testimony that the property is unable to be marketed without a zone change but if the Board changes the zone without knowing what could potentially go in there, the affects they are trying to mitigate, she just doesn't know what that looks like. To her, it's hard to make an argument if in-fill should be considered first, she wondered if perhaps the wrong side of the tracks was purchased. There is ground available that would in-fill the M-1 zone and created demand for increasing the M-1 availability in the area. The ground where the trailer company is located has not developed even though it's zoned. It's hard to make an argument to expand and move north when the area south hasn't been developed.

Commissioner Smith said that Peckham Rd. with the rail line is gold for economic development and a community. Some of the land hasn't been developed because of the ownership of it. She agrees with Commissioner Van Beek's analysis that the zone with the existing uses is south of Peckham Rd. but per land use planning and Idaho statutes that regulate zoning this request wouldn't be considered spot zoning, it's an area that meets the comprehensive plan, there is existing zoning in the area and existing uses that support it. She appreciates the efforts that were put into place between the applicant and staff to help mitigate concerns on the other side of the road. In her analysis there are over 19 businesses in the M-1 zone that support the ag industry and she supports agricultural growth. She would be willing to go thru the list and eliminate the uses that don't support ag growth but she thinks it's already been narrowed down to focus on the ag businesses and it would stay consistent with a changing area. She is supportive of the use and thinks that if there is support from another Commissioner that they should look at the land use table.

Commissioner White said that she recognizes that M-1 is just across the road but it's still a difficult decision because this is ag property. She does not support this, she feels it is on the wrong side of the tracks. This is still crop property and she would like it to remain as agricultural for the time being.

Commissioner Van Beek reviewed the 115 categories listed in the land use matrix in the M-1 zone and how the consideration of those influenced her decision. She has concerns about going north when the economy is turning, protection of agriculture, and unknown impacts of locating an additional facility there. She believes in smart growth and planning.

Commissioner White made a motion to deny the request and to not approve the conditional rezone on case no. RZ2021-0042. The motion was seconded by Commissioner Van Beek. Commissioner Smith confirmed with Commissioners White and Van Beek that they are denying based on findings for denial as prepared by staff. Commissioner Van Beek said there was clarification provided on letter G regarding the access point so that should be removed as a reason for denial, the property does have legal access. Commissioner White noted that the change is included in her motion and Commissioner Van Beek said her second still stands. A vote was taken on the motion with Commissioners White and Van Beek voting in favor and Commissioner Smith voting in opposition. The motion carried in a 2-to-1 split vote. Commissioner Smith read a statement into the record stating that the applicant or other affected persons may request reconsideration of this Board's decision by filing a request for reconsideration with this Board that identifies specific deficiencies in the decision within 14 days of the Board's final written decision. The Board will then have 60 days to respond to the request in writing. The applicant or other affected persons who intends to seek judicial review must first request reconsideration with this Board. The 28-day timeframe for seeking judicial review will be tolled pursuant to Idaho code 67-6535 until the Board issues a written decision regarding reconsideration or the 60-days has passed.

The hearing concluded at 4:26 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 4:28 p.m. for a meeting with county attorneys for a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Due to the length of the previous land use hearing Commissioner White made a motion to continue the legal staff update to Friday, June 24th at 9:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 4:29 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY SPRING HILL RANCH, LLC REPRESENTED BY SUBDIVISION MAKER, LLC FOR A PRELIMINARY PLAT: CASE SD2021-0070

The Board met today at 4:29 p.m. for a public hearing to consider a request by Spring Hill Ranch, LLC represented by Subdivision Maker, LLC for a preliminary plat: case SD2021-0070. Present were: Planning Official Dan Lister, Deputy P.A. Zach Wesley (arrived at 4:53 p.m.), Darin Taylor with Subdivision Maker, Marilee Moores, James Flynn and Deputy Clerk Jenen Ross.

Commissioner Smith explained this case was continued with specific items to be considered. Mr. Lister said the hearing was re-noticed to consider approval as it was a decision change from planning and zoning where a recommendation of denial was made.

Commissioner Van Beek put on the record that she has had a conversation with her husband regarding this property and his familiarity with it.

Dan Lister gave the staff report stating this hearing is for a modification that was requested by the applicant. In 2019 a conditional rezone was approved for a single-family residential zone. It is subject to conditions such as 27 buildable lots, must have a stub road to the south, a special setback to the property to the northeast, standard setbacks for irrigation and the timeframe. In 2020, the applicant at the time submitted a preliminary plat showing the 27 lots, that the road would connect to Freezeout Rd. which would serve as the main entry/exit to the subdivision and the rest would be internal roads, it would be served by domestic well, the average lot size is 1.11 acres which meets the regulations of the R-1 zone sizing for parcels within that zone. Individual septic systems would be utilized, pressurized irrigation would be provided to each lot and drainage would be maintained on-site by swells and stormwater retention swells as provided by the applicant and noted on the plat. Mr. Lister gave historical information in regard to this application and the way it's gone thru the process. The modification of this application is to change subdivision access from Freezeout Rd. to Purple Sage Rd. which has been approve thru a variance by the Canyon Highway District due to hardship caused by the West Hartley Gulch. The development is located in a floodplain but there is a condition that they will need to provide FEMA approval before the signing of the final plat.

Two late exhibits were received, one from Mr. Taylor which was a document from the engineer stating that grading and drainage has been completed per the construction plans; exhibit 13 is a letter from Craig Grier, a neighbor, which is a petition signed by 69 people requesting denial of this application as they feel it is dangerous for ingress/egress to be off Purple Sage Rd. and that ingress/egress off Freezeout Rd. was more appropriate.

At the planning and zoning commission meeting on March 3rd, staff recommended approval of the request subject to the amended conditions. The P&Z Commission recommended denial because the modification violates the initial conditions placed on the preliminary plat and that the modification creates impacts that would be mitigated by keeping the ingress/egress at Freezeout Rd. On May 4, 2020 the Board directed staff to re-notice this item to consider approval. Updated FCOs have been provided to the Board to consider approval which has the original conditions still included with some modifications to more closely match the wording of the Canyon Highway District letter after the variance was granted; there was also a section added regarding the area of city impact review.

Discussion ensued as to whether a site visit could be conduct or of this could be remanded back to the highway district.

Due to this property changing ownership and some confusion on the timeline a summary is as follows:

Road improvements were made at the direction of the highway district. The applicant approached the highway district explaining that the culvert would make a bad slope on the road due to being too large because of the flood zone. The highway district told the applicant that if they made improvements they'd approve an access off Purple Sage Rd. The improvements were made, and a final plat submitted showing the improvements. Mr. Lister said the final plat came in right after the preliminary plat and in March they asked about a variance. At that time staff told them to move forward to gain approval from the highway district. Between March and April, the applicant was notified by the highway district that the variance would be granted. The applicants were then provided a list of items that the construction plan required. It is staff's belief that there were items missing but they were already working on the road construction without county approval. Typically, construction doesn't start until you have approved plans; the county generally wants to see road improvement plans, drainage and irrigation plans. Further discussion ensued regarding the timeline between approval from the highway district, construction beginning and approval from the county.

Once Mr. Wesley arrived, Commissioner Smith asked about the logistics of conducting a site visit and if this case can be remanded back to the highway district. Mr. Wesley discussed some of the options for a site visit but would like to do some additional research on the Board being able to put this back to the highway district. A brief discussion was had as to who has final authority, the county vs. the highway district. Commission Smith asked that because this was a condition on the final plat, did the highway authority have the authority to change it?

Darin Taylor offered testimony in favor of the application. The highway district engineers maintain that Purple Sage Rd. is as safe as Freezeout Rd. for access. Freezeout Rd. as approved in the original plat could not be built to highway district standards without violating state code. With approval from the highway district and the preliminary plat approved the then landowner submitted construction plans to the highway district and the county. The highway district reviewed and commented on the plans, corrections were made, and it was resubmitted in June of 2021. Approval was received from the highway district of the revised construction plans in July of 2021 which was when Mr. Taylor got involved. A letter dated November 12, 2021 was received from the county engineer approving the construction plans. Construction commenced with a lot of preliminary work prior to having approved construction plans from the county. The project engineer has certified that the improvements have been made to Canyon Highway District No. 4 and Canyon County standards in compliance with approved construction plans from the county and the highway district. Yesterday Canyon Highway District approved the final plat, accepted the right of way dedication and accepted all the improvements that are already constructed on the condition that the Board approve an amended preliminary plat. His client has followed what the highway district has been saying and has been trying to accommodate and follow with what the county has said and now they're at this point. The property was rezoned almost 3 years ago to allow residential use, the preliminary plat, construction plans and the final plat have been reviewed by the County engineer and recommended approval with the conditions. The highway

district, health department, county surveyor, all other agencies have signed the mylar, it is currently at the highway district waiting on this Board's decision on the revised preliminary plat.

In response to a question from Commissioner Smith, Mr. Taylor doesn't think there needs to be a modification to the conditional rezone which originally stated that there was to be no access onto Purple Sage. His reasoning for that is that the highway districts have sole jurisdiction over roadways, including access, and when Canyon Highway District discovered that the access to Freezeout Rd. could not be constructed either their standards or state statute would have to change and they knew state statute wouldn't change so they had to adjust their standards. He feels it's consistent, the county recognizes the authority of the highway district authority over the public roads.

Additional discussion was had about the timing of the variance from Freezeout Rd. to Purple Sage Rd. and the start of construction. Mr. Wesley feels they are now in compliance with what has been requested by the highway district and would have a hard time saying that the preliminary plat condition hasn't been met. Mr. Wesley feels that what needs to be evaluated today is whether there is legal access and is it properly described on the preliminary plat, anything beyond that may be beyond the scope of this hearing and Board authority.

Commissioner Smith noted for the record that Ms. Moores stated that the Board having final authority is not completely true.

Mr. Flynn provided testimony in opposition speaking about traffic issues and doesn't feel the ingress/egress access is a safe choice.

Commissioner White made a motion to close testimony. The motion was seconded by Commissioner Van Beek and carried unanimously.

Late exhibits 12, 13 and 14 were entered into the record.

Commissioner Smith said that long ago the Commissioners delegated authority for roads and she feels for the community and that the elected official's need to be held accountable. With that being said, she explained that the preliminary plat meets the technical requirements as found in the zoning ordinance and for that reason she is in support. Commissioner Van Beek said she concurs with Commissioner Smith's sentiments and recommends approval of the amendment to the preliminary plat allowing access to change from Freezeout to Purple Sage for all the reasons noted in the record. Commissioner White said she is reluctantly in favor of this but would like the Board to send a letter to the highway district and seconded the motion. The motion carried in a unanimous vote. The Board will sign the findings for approval of this case.

The meeting concluded at 5:35 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 24, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – OUT
 Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board approved claims 585477 to 585509 in the amount of \$218,618.63
- The Board approved claims 585527 to 585573 in the amount of \$88,229.10
- The Board approved claims 585626 to 585645 in the amount of \$30,008.03
- The Board approved claims 585646 to 585667 in the amount of \$24,146.96
- The Board approved claims 585669 to 585693 in the amount of \$45,660.17
- The Board approved claims 585694 to 585743 in the amount of \$780,892.23
- The Board approved claims 585767 to 585800 in the amount of \$17,677.22
- The Board approved claims 585801 to 585826 in the amount of \$12,135.63
- The Board approved claims 585827 to 585828 in the amount of \$3,389.67
- The Board approved claim 585829 in the amount of \$1,118.72

MEETING WITH PARKS DIRECTOR TO RECEIVE RECOMMENDATIONS FOR FY2023 HISTORIC PRESERVATION GRANT AWARDS

The Board met today at 9:00 a.m. with the Parks Director to receive recommendations for FY2023 Historic Preservation grant awards. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Controller Zach Wagoner, Parks Director Nicki Schwend, HR Director Kate Rice, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. Director Schwend gave a brief review of the Historic Preservation Commission, commission members, explanation of what the funds can be used for and the application process/information being collected.

The total requested amount for FY23 is \$84,936 and the total amount being recommend by the HPC is \$74,936. Director Schwend gave a brief explanation of each application, project and the requested amount. The recommendations are as follows:

Canyon County Historical Society: \$32,709
Historical Society of Middleton: \$6,900
Melba Valley Historical Society: \$3,700
Nampa Public Library Foundation: \$7,627
Parma Lion's Club: \$0

Warhawk Air Museum: \$24,000

The Board is supportive of the recommendations. Controller Wagoner spoke about how these funds are levied and that formal action accepting the recommendations will be part of the budget approval process.

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:20 a.m. with county attorneys for a legal staff update. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:23 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. HR Director Kate Rice and HR Generalist Jennifer Allen participated from 9:23 a.m. to 10:01 a.m. The Executive Session concluded at 10:13 a.m.

At the conclusion of the executive session, Commissioner Smith said that claim no. 585646 is being held for further discussion but that the rest of the batch is approved for payment.

The meeting concluded at 10:14 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 27, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$3,866.46 for the Fair
- SHI in the amount of \$272,688.94 for Information Technologies Department
- SHI in the amount of \$46,896.86 for Information Technologies Department
- Poly Seal the amount of \$9,000.00 for Facilities Department
- Best Buy in the amount of \$51,960.00 for Facilities Department

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for The Undiscovered Barrel to be used on 7/3/22, and for Raising Our Bar to be used 7/1/22, 7/2/22, 7/3/22, 7/6/22, 7/9/22, 7/15/22, 7/16/22, 7/22/22, 7/23/22, 7/24/22, 7/29/22, 7/30/22, and 7/31/22

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Ciara Dalley, Customer Service Specialist – Booking

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1) (B) AND (D) REGARDING PERSONNEL MATTERS AND RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 8:37 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and Richard Friddle with Weed and Pest. The Executive Session concluded at 9:15 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Van Beek made a motion to continue the meeting to 3:30 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:16 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR LAKE VISTA ESTATES, CASE NO. SD2021-0043

The Board met today at 9:23 a.m. to consider approving the final plat for Lake Vista Estates, Case No. SD2021-0043. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, and Deputy Clerk Monica Reeves. Mr. Lister reported that the plat is in conformance with Canyon County Code and all conditions have been met. Commissioner Van Beek had questions of staff regarding roads. Darin Taylor offered comments in support of the plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted to approve the final plat for Lake Vista Estates. The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING FOR BORTON-LAKEY LAW AND POLICY, REPRESENTING NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board met today at 9:32 a.m. for a public hearing in the matter of a request by Borton-Lakey Law and Policy, representing Nick and Hailey Bland, for a conditional rezone of Parcel R29600012, approximately 1.27 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single Family Residential) zone. The request includes a development agreement limiting residential development to a primary dwelling on the site. The property is located at 9762 Deer Flat Road in Nampa. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Nick Bland, Hailey Bland, Reese Verner, Tracey Cook, Carey Cook, Von Duke, Valerie Duke, Diana Stanford, Grace Blaylock, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she has known the Verner Family for many years but that will not affect her ability to render an unbiased decision in this case.

Dan Lister gave the oral staff report. The 40-acre property that divided the lots was divided without County approval. In 2011 a land division was approved to recognize the division of a 3-acre parcel and the division away from the farm ground which was 37 acres. The 3-acre parcel includes an existing dwelling and accessory structures most of which are from the 1940's. In 2011 a building permit was submitted on the 3-acre parcel to construct a secondary dwelling and during the construction of that dwelling the parcels were split off and sold. The 1.7-acre parcel was sold to the Blands and the other parcel was sold to the Duke family. Once this was discovered, construction was stopped on the Bland home and a violation was sent to both parcels for them to be abated by either rezoning the property and do a subsequent land division to recognize the division, or, they would have to merge the parcels back together and complete the secondary dwelling process. The application was initially for both parcels affected by the split that was not recognized by the County (Parcels R29600 and R2960012). The applications were signed by the Duke and Bland families. On April 7, 2022 the P&Z Commission recommended approval with conditions that affected both parcels that said no secondary dwellings or further divisions will be allowed. After the hearing the Dukes withdrew their portion of the application and so today the application before the Board is amended to where it's just the 1.27-acre parcel seeking the zone change with the development agreement and so it's a material change from what the P&Z

Commission reviewed. Mr. Lister reviewed the applicable standards and regulations; analysis; surrounding land use/character; soil and farmland information; access and traffic; facilities; essential services; comprehensive plan; potential impacts; and public comments and agency comments. Staff recommends the Board approve the request subject to the conditions of the development agreement. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Todd Lakey testified that the Krajniks owned the 40 acres and they split off the 3 acres and the 37 acres without going through the process, and then they sold the 37 acres to Lake View Farms. The request today is supported by the comprehensive plan and the zoning ordinance and is narrowly tailored so it will not have any impact on the Dukes or others in the area, and it will allow the Blands to finish their house that's three-quarters constructed. This started last year with Mrs. Bland's father, Carey Cook, looking for a parcel where the kids could live close to his lot and he talked to Mr. Krajnik about selling the parcel to him. They met with DSD staff about buying the 3-acre parcel and explained they wanted to divide the parcel and have it for their kids to be close by. They would not have purchased had they been told that was not do-able. The options that were explained by the County were either get the building permit from Lake View Farms, or pursue a secondary residence, or pursue a conditional rezone and so they started with the least intrusive option but the farmer was not willing to sell the building permit. They pursued the secondary residence option and that's when they discovered that the original split was not recognized by the County so they had to correct the split that was not done correctly by Mr. Krajnik and they thought that solved the property but then they learned there were additional processes to go through. They did not understand the fact that the code talks about the family member owning one parcel and getting the secondary residence permit on the second so that was part of the misunderstanding. They got the secondary residence permit and split the parcel with the intent being the same all along that one split would be sold and the Blands would have the split on the subject parcel. The Blands got their construction loan and began construction and then discovered the problem and so this is the third option they are pursuing. There was never any nefarious intent on the Blands part as they thought they were doing what they needed to do before they got to this point with the rezone, and as part of that process DSD staff suggested the Dukes being on the application. It's Mr. Lakey's understanding that the Dukes did not comprehend what was entailed with rezoning their property as far as the differences for uses they had as an agricultural property versus R-1 zoning, but everyone knew that the idea was that the Blands would have that property available. Once they learned the Dukes did not want to be involved that's when Mr. Lakey became involved and requested they be removed from the application. This is not spot zoning and does not establish any kind of precedent for residential development in the area. It eliminates the negative impact on the Dukes and narrowly tailors the solution in this case. Following his testimony, Mr. Lakey responded to questions from the Board.

Nick Bland testified that he and his wife purchased the property to be close to their family members who have lived in the area for decades. They have the best interest in mind in preserving the land and protecting the area. A year and a half ago when they bought the property they thought they had a building permit and they hired a company to build their home and then last

February it was paused and it's been a very stressful time with hundreds of thousands of dollars on the line. They want to build one house on 1.27 acres and preserve the area exactly how it is. They were confused about the process but they have not tried to be deceitful. Following his testimony, Mr. Bland responded to questions from the Board.

Hailey Bland testified they knew the building permit was in process but they were not involved in the discussions with DSD staff regarding the process or the secondary residence permit. They were waiting for the go-ahead from their builder.

The Board had questions for staff about the permit process. Dan Lister said staff found the property to be not in compliance with the ordinance and the request is to authorize the 3-acre parcel so the applicant can apply for a secondary residence and it shows the parcel with an existing house on it in the name of Carey Cook. The building permit states the owner of the lot or parcel containing the second residence must live on site. The permit was issued with the understanding that that has to happen otherwise it cannot be a secondary residence. Follow-up questions and discussion ensued.

Tracey Cook testified the Krajniks sold the property to them. The Blands and the Dukes were friendly until the P&Z Commission hearing when the Dukes got the impression the Cooks were trying to do something illegal, which may have been what happened but it was not intentional. When she looked at the building permit it was confusing because the Cooks listed their residential address on the application but it was for a building permit for the Bland's new address – they (the Cooks) were not claiming they lived on the property and so she believes there was a mistake when the County issued that permit.

Reese Verner testified that he lives in the area and Hailey Bland is his granddaughter. He purchased his property over 40 years ago and they later sold the farmstead off of their parcel to the Cooks (his daughter and son-in-law) and at that time he went through the administrative split process for his 40 acres and he got approval for the original homestead, which the Cooks live in, and two other parcels and another permit for the rest of the 40 acres. He built a home four years ago and amended the split process and now it provides for the Cook parcel, the Schmidt parcel, and the Verner house which comprises the rest of the 35 acres. They gave up that one building permit when he built his home in order to clean up the descriptions, etc. Mr. Verner supports Nick and Hailey Bland being allowed to continue building their home.

Carey Cook testified that when he bought the 3 acres he was intending to split it and he used a realtor to do that and to work with the County, and this is one of the ways the County told them to move forward after one of the other options didn't work. There has never been any intent on his part, the builder's part, or the realtor's part to be deceptive. When the Dukes purchased the existing farm house they knew the Cooks intended to build another home next door and they agreed to it. He listed his permanent address on the application and there's a letter on file stating he is the current owner, but it never said he is the current resident of 9762 Deer Flat. He believes it's an administrative mistake and when staff saw Deer Flat they assumed the Cooks were living there, but they were not. He acknowledged there were mistakes but it was not intentional and

he should have read the documents more carefully because he did not realize a secondary building permit meant that he was to be the primary resident – he thought it was a second building permit. Commissioner Smith pointed out that there are multiple documents in the file stating there are no permits and no other land divisions available for the property. Following his testimony, Mr. Cook responded to questions from the Board.

The following people testified in opposition to the request:

Von Duke testified the biggest reason he is opposed to the application is because at the P&Z Commission hearing he learned his agricultural zoning was going to change to residential zoning. He questioned why the owners didn't wait to sell the house until all this was figured out, and he asked why his address is still listed on the documents associated with this case. The application for the first hearing was signed by his wife at the request of Carey Cook who said it would allow the Blands to keep moving forward with their house, which the Dukes were in support of in the beginning. He was opposed to it once he learned they were trying to change the zoning of his land without telling him and that's why he wanted to stop the process. He has a small barn he was hoping to convert to a studio apartment for when his mother visits. When he read the paperwork and saw the Cooks applied for a second building and he questioned why the realtor didn't tell him there were strings attached to the property before he purchased it. According to Mr. Duke, permits for the approach, the sewer, and fire district access were issued under his address and/or parcel number. Mr. Duke said he knew a house was going in but he did not know he was attached to it and that's where the hostility came from because everything that was done to move forward was wrong and he wants the application denied. Following his testimony, Mr. Duke responded to questions from the Board. Commissioner Van Beek said there is a consistent theme that there was a failure on the part of the Dukes, the Blands, and the Cooks to understand the definition of a secondary residence. She doesn't understand why Mr. Duke is still upset when there is a remedy for this situation. Commissioner White wants to talk about solutions and find a legal way to work this out and move this forward.

Dan Lister said this is the solution. The Dukes are no longer part of the application so their property would stay agricultural and it would only rezone the 1.27 acres with the stipulation that there will be no secondary houses. If the zoning is approved they can go through the process to recognize the land division and then it would be legal. Commissioner Smith said the other option is for the ordinance amendment that allows for a transfer of building permits and so it's a matter of timing and waiting until August (when the ordinance is considered) and exploring all options to purchase a building permit and to move it. Mr. Lister said once that ordinance is adopted there is an opportunity for the 1.27 acres to get a building permit from the Boehlke site if they are willing to sell. Commissioner Smith said there are Idaho Supreme Court cases that reject spot zoning and this case should be put on hold and wait for the ordinance amendment and exhaust all avenues. There are other avenues the Blands can explore before creating this spot zoning. Commissioner Van Beek said we don't know if the Boehlke's are willing to give up their building permit.

Valerie Duke testified they purchased their property as a blended family and she was hoping to file a business application but has not done it because of the issues associated with the property. She

was fine with the Blands being out there, but she questions how Carey Cook made so many mistakes with the process. Mrs. Duke wants the Board to deny the request and she will work with the Blands in some way. She testified she signed the application at Carey Cook's request, but she was recovering from surgery and was heavily medicated and didn't know what she was signing. Commissioner Van Beek wanted to know about the type of business Mrs. Duke wants to put on her property. Dan Lister said the use the Dukes want is not allowed in the R-1 zone which is why they want to maintain the agricultural zone. Further discussion ensued.

Grace Blaylock is opposed to the request and says it's suspicious that the house was built at the back side of the property because it makes no sense and therefore she believes their intent was to put two houses on the parcel.

Diana Stanford testified she has lived in the area for over 20 years and has opposed zoning changes due to residences infringing into agricultural areas. She said the normal process was not followed with the permitting process associated with the subject property.

Rebuttal testimony was offered by Todd Lakey who said this is a legal solution. There was a lot of confusion over the secondary residence but that's not the basis for what brings us here today. They are not asking for an illegal secondary residence permit, what they are asking for is a conditional rezone that's very narrowly tailored to just the Blands and it prohibits further development or splitting the property and that's what everybody agreed to. The Dukes said they are okay with the Blands living there as long as their property is not part of the application and it gets to remain in agriculture. To the point of waiting for the ordinance to come into place, we don't know if Mr. Boehlke will sell a building permit. This a conditional rezone that meets the requirements of the comprehensive plan and zoning ordinance. Spot zoning is a question of whether it complies with the comprehensive plan and in this case, there is a reasonable finding that it does comply with the comprehensive plan so we don't get to type 2 spot zoning. He agrees with the analysis and staff's application of that analysis. We have everybody in agreement on the solution except Ms. Stanford and Ms. Blaylock who live on their 1.3-acre parcels, but there was no nefarious intent or ill intent to further develop this property. The Blands just want to build their house. The Board had follow-up questions for Mr. Lakey following his testimony.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said there was confusion on everyone's part as to what this meant; it is a nonconforming piece but if we look at precedent for citing non-spot zoned cases, she believes Mr. Lakey's citation of the US Supreme Court decision that we can argue that this was not to encourage development in this area but to find a legal remedy. She supports staff's analysis and findings. She said the nonconforming piece of 1.27 acres started with the Krajniks not the Blands and its unfortunate for everyone that properties were sold and didn't go through the County process. The request will not change the nature or character of the area. Commissioner Smith said the property does not meet the definition of a nonconforming parcel, it's a parcel with a code enforcement violation. This is not consistent with the comprehensive plan or the comprehensive plan map; it's not close to another residential district. There are multiple findings that do not support the change to residential. In the court

case *Evan vs. Teton County* it's very clear there are two types and this one meets the definition of type 2 spot zoning. This is not consistent with the comprehensive plan nor is the requested rezone more appropriate than the current zoning designation. She provided adequate information that moving forward is very risky and she does not support the request. This is prime farmland and agricultural pieces are thriving in the area and she said this case will set a precedent moving forward. Commissioner Smith encouraged the applicants to wait for an ordinance amendment that would allow them to continue the use. There was further discussion as part of the Board's deliberation. Commissioner White wants to pause the case so they can thoroughly explore the options. There are misunderstandings but she doesn't see any ill will. Commissioner Van Beek said there needs to be a resolution and a solution and she thinks the Board could find support for this to allow both parties to cohabitate and it's unfortunate the process is creating the animosity heard today. To the point of making the applicants wait for the adoption of an ordinance, what if the ordinance is not adopted? Commissioner Smith said they can apply for other amendments and they are able to get involved with the comprehensive plan and look at different. There are many times where cases are denied and the Board has suggested waiting until the area is more appropriate for a single family or rural residential zone. Commissioner Van Beek said a text amendment can take up to a year but that's not reasonable, it's a hardship. Mr. Lister said today's application is different than what was considered by the P&Z Commission (two parcels, three acres) so a second hearing is required. We could re-notice the hearing for a new date and during that time we could ask the applicants to talk to Mr. Boehlke. Commissioner Van Beek made a motion to approve the conditional rezone for Case CR2022-0002 with the development agreement which supports the FCOs by the P&Z Commission. The motion died for lack of a second. Commissioner Smith made a motion to deny the case as presented based on it not being consistent with the comprehensive plan map and she directed staff to bring back findings that evaluate the policies both in favor of and opposed to introducing this zone to the ag area, and for the reasons stated previously on the record for B and C staff should modify those two conclusions of law and findings. Additionally, the development agreement should be denied and brought back to a new hearing for those considerations. The motion died for a lack of a second. Commissioner White said she is not against the request, but she wants the hearing re-noticed. Commissioner Smith said if there isn't something that substantially changes she does not know that it will change anything other than what's happening today. There could be an ordinance amendment by then that could change it, but we don't know. Commissioner White wants a continuance so the applicants can check on other options. Mr. Lister said the building plans show a 3-acre parcel, not a 1.27-acre parcel so we have to look at that and make sure it meets setbacks. They are changing the application to say it's 1.27 acres and to state who the owners are and that it's not a secondary residence so we can remove those conditions. If the conditional rezone is approved they have to amend their previous land division to show this division and once that gets approved then those properties are split per the code and they do not affect one another. The Dukes would have to get a building permit for the secondary dwelling they want. Both properties have an open violation case so until something happens to abate it they are stuck. Commissioner White made a motion to continue the hearing to August 10, 2022 at 2:00 pm. Commissioner Smith said no matter what is decided another hearing will be required because there has been a material change to the P&Z Commission's recommendation. The motion was seconded by Commissioner Smith specifically to gain information from the applicant if they are able to find another means for approval which

would include a potential purchase of a building permit. The motion carried unanimously. The hearing concluded at 12:43 p.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 THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 8:37 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and Richard Friddle with Weed and Pest. The Executive Session concluded at 9:15 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Van Beek made a motion to continue the meeting to 3:30 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:16 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 THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 3:36 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Director Kate Rice and HR Generalist Jennifer Allen. The Executive Session concluded at 4:23 p.m. with no decision being called for in open session.

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dower Product Services in the amount of \$84,275.28 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Bianca Valadez, Pre-Sentence Investigator; Sydney Brown, Juvenile Probation Officer; Brent Moore, Deputy Sheriff; and Scott McDonald, Deputy Sheriff

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (arrived at 9:05 a.m.), Deputy P.A. Alex Klempel, Fair Director Diana Sinner (left at 9:16 a.m.), Park Director Nicki Schwend (left at 9:14 a.m.), Outdoor Recreation Planner Eric Eells (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Idaho Parks and Recreation grant agreement for non-motorized east end fishing access improvements project: This grant will be used for non-motorized fishing access at Celebration Park which will complement the newly developed RV area. The grant will allow them to install a gangway and dock. The project is approximately \$20,000 with a match of \$4845 to be paid by the county for a steel gangway and hinges. Ms. Klempel said this has been reviewed and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Idaho Parks and Recreation grant agreement for non-motorized east end fishing access improvements project (agreement no. 22-056).

Consider signing resolution reappointing Zach Wesley to the Historic Preservation Commission: Director Schwend provided a background on the Historic Preservation Commission noting that Mr. Wesley has been on the Board for many years and is very beneficial to the Board. Mr. Wesley spoke about how he has enjoyed participating. Upon the motion of Commissioner White and

second by Commissioner Van Beek the Board voted unanimously to sign the resolution reappointing Zach Wesley to the Historic Preservation Commission (see resolution no. 22-143).

Consider signing entertainment coordinator agreement with Boise Arts & Entertainment for the Canyon County Fair: Director Sinner explained this is the contract for the entertainment coordinator who books all the small acts for the Fair. This is the standard contract although this year Ms. Sinner has increased it to \$2500; the last increase was in 2018. Upon the motion of Commissioner White and second during Commissioner Van Beek the Board voted unanimously to sign the entertainment coordinator agreement with Boise Arts & Entertainment for the Canyon County Fair (see agreement no. 22-055).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner White made a motion to go into Executive Session at 9:17 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:27 a.m. with no decision being called for in open session.

The legal staff update will be continued to 2:00 p.m. today.

The meeting concluded at 9:27 a.m. An audio file of the open portion of the meeting is on file in the Commissioners' Office.

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 2:05 p.m. for a continued meeting with county attorneys for a legal staff update. A request to go into executive session was made as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 2:07 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter

into Executive Session. The motion carried unanimously. Present were: commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Fleet Director Mark Tolman. The Executive Session concluded at -2:40 p.m. with no decision being called for in open session.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

CONSIDER SIGNING RESOLUTION TO APPROVE JOB TITLE, JOB DESCRIPTION AND FLSA STATUS FOR THE WAGE AND COMPENSATION ANALYST POSITION

The Board met today at 8:44 a.m. to consider signing a resolution to approve the job title, job description, and FLSA status for the wage and compensation analyst position. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, HR Director Kate Rice, and Deputy Clerk Monica Reeves. The resolution was not ready so the Board reviewed the draft job description for a compensation and benefits manager. Director Rice said it seems to be a manager position and while it does not manage people it would manage a major function within the County that has a major expense as the County spends about 70% of its expenses on salaries and therefore we need a person who is an expert in that area to focus exclusively on the compensation program to bring equity within the County and between the County and the competing entities. Director Rice is proposing a mid-range salary of \$75,000 annually. Commissioner Van Beek said if the person is started at the mid-range salary it would be more than the similar position in Ada County and we have adopted a posture that we would not exceed their wages but would be within 10%-15% of their pay bands. Commissioner Smith would like to match the salary. We used to be able to live more affordably in Canyon County than in Ada County but you cannot argue that the cost of living would substantiate a 20% reduction in wages in any longer. Commissioner Van Beek asked Director Rice to find out if we are comparable to the position in Ada County and the Board can make some justification if we are looking at matching that. She also asked about the expectation for reviewing job descriptions and if it should be done on an annual basis. Director Rice said because of the number of positions at the County (over 200 unique positions), annually is almost unattainable, but at a minimum a review should be done when position rolls over or at a 3-year rotation. The Board wants to start recruiting now and fill the position if we can. Commissioner Van Beek wants the position to fall under HR independently of any office or department. Commissioner Smith said the position is brand new and the person may not be able to provide the level of information we need for this year. Director Rice will bring the resolution for the Board's consideration next week. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR GREINER PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:02 a.m. to conduct a property tax assessment protest hearing for Greiner Properties, LLC, Account No. 30933010B0. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone, Cindy Greiner, Assessor's Office employees, and Deputy Clerk Monica Reeves. Cindy Greiner offered testimony in favor of the application. Mike Cowan, Greg Himes and Sam Stone offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek is in favor of leaving the agricultural exemption on the property and she supports continuing the hearing to allow time for the applicant to bring in a lease agreement. Commissioner White wants to uphold the Assessor's value. Commissioner Smith believes that with the information available today the Board should issue a decision and then the applicant can go through the appeal process. Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by two-to-one split vote. The hearing concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DINA CONSULTING AND DESIGN, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:45 a.m. to conduct a property tax assessment protest hearing for Dina Consulting and Design, LLC, Account No. 30933010 0. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone, Claudia Dina, Assessor's Office employees, and Deputy Clerk Monica Reeves. Claudia Dina offered testimony in favor of the application. Mike Cowan, Greg Himes and Sam Stone offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek supports granting the agricultural exemption for this property. Commissioner White said the Board does not have adequate information overturn the Assessor's value on the property. Commissioner Smith said the Board does not have any information that the assessed value is incorrect nor was there specific information that this property qualifies for an exemption. Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by two-to-one split vote. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JRP PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:10 a.m. to conduct a property tax assessment protest hearing for JRP Properties, LLC, Account No. 363550110. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Rural Supervisor Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. Commissioner Smith believes the case should be dismissed because the applicant was not present nor did he provide any evidence. There was Board consensus to dismiss protest number 22032 for JRP Properties, LLC. The matter concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR MOUNTAIN CREST IDAHO, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:14 a.m. to conduct a property tax assessment protest hearing for Mountain Crest Idaho, LLC Account No. 310310000. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Rural Supervisor Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. There was Board consensus to dismiss protest number 22061 for JRP Properties, LLC. The matter concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CHICK-FIL-A, INC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:16 a.m. to conduct a property tax assessment protest hearing for Chick-Fil-A, Inc., Account No. 309711020. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Rural Supervisor Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. Joe Cox said the appellant called yesterday and said she would not be able to attend and asked for a hearing date of August 1, 2022, but that is past the BOE deadline. Darryl Spieser said the evidence referred to a cost approach to value but he valued it on an income approach. Chief Deputy Cox said the appellant met the minimum requirements and so the case should not be dismissed. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the Assessor's value and allow the appellant to appeal to the board of tax appeals. The hearing concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER A REQUEST FOR APPROVAL BY THE MIDDLETON URBAN RENEWAL AGENCY OF TWO RESOLUTIONS ACCEPTING THE MURA EAST AND MURA WEST ELIGIBILITY REPORTS

The Board met today at 1:24 p.m. to consider a request for approval by the Middleton Urban Renewal Agency of two (2) resolutions accepting the MURA East and MURA West eligibility reports. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (arrived at 1:31 p.m.), DSD Director Steve Fultz, Middleton Mayor Steve Rule (left at 1:47 p.m.), Middleton City Clerk Becky Crofts, Attorney for the City of Middleton Doug Waterman, Legal counsel for the agency Abby Germain and Meghan Conrad, Assessor's Office Staff, Greenleaf Mayor Brad Holton, Brian Stender via teleconference and Deputy Clerk Jenen Ross.

These reports are the kick-off the planning process for considering a new urban renew district. Today's resolutions would accept the eligibility reports, finding that both areas are deteriorated or deteriorating. That would then allow the agency to begin the planning the process to both figure out specific projects and further define the actual area of the revenue allocation area. The area being looked at today won't necessarily be the same area that is ultimately included in the urban renew district and revenue allocation area. These resolutions allow them to start finalizing and preparing the actual projects in the areas that would be included in the ultimate plan. Legal counsel for the agency addressed questions from Commissioner Van Beek about parcels that may or may not be considered and how that process works. Under the statute, due to the area that is being considered for potential inclusion in the urban renew area (parts of unincorporated Canyon County), determination must be made by both the agency and the city as well as the county. Mr. Waterman has prepared a document that outlines percentages of county vs. city ground, but isn't aware of any documents that show the percentage of county ag ground. Based on a question from Commissioner Smith, Mr. Waterman spoke to the criteria for determining a blighted area in regard to FEMA floodplain designations. Mr. Waterman said there are parcels that are identified as having approved projects and some that are proposed. He said the city is currently in the process of getting ag consents – if the consents are not obtained then the properties cannot be approved; no agricultural user will end up in the plan area unless they consent. Based on a request from Commissioner Smith, Mr. Waterman will forward information to the Board indicating the percentage of city vs. county property within both the east and west areas. Forced or voluntary annexations are not being incorporated into the eligibility study and to Mr. Waterman's knowledge the City of Middleton has no intent to force any annexations. In response to a question from Commissioner Van Beek, Mr. Waterman spoke to the values of the properties being considered and deductions that will need to be taken for an existing URA.

Mr. Wesley confirmed that today's documents are phase one in the process; once this moves forward the Middleton URA would be back before the Board with additional documentation such as landowner consent with final figures. Today's documents just initiate the process and does not bind the county to the final result.

Commissioner Van Beek made a motion to approve the request by Middleton Urban Renewal Agency of two resolutions accepting the MURA East and MURA West eligibly reports as presented.

The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners Van Beek and Smith voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote. See resolution 22-144 (MURA East) and 22-145 (MURA West).

The meeting concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO THE BOARD OF EQUALIZATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:03 p.m. to consider matters related to the Board of Equalization. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Business Manager Jennifer Loutzenhiser, Residential Supervisor Holly Hopkins, Residential Appraiser Autumn Wall, Residential Appraiser Kathy Kinney, Residential Appraiser Tyler VanWarmerdam, Patricia Jordan, Greenleaf Mayor Brad Holton, Other Assessor Office staff and Deputy Clerk Jenen Ross. Due to no evidence presented and lack of appearance by the applicants on protest nos. 22018 for Donald Lawrence Davis and 22097 for Emilia Claudia Stoica, the Board chose to dismiss the cases. The meeting concluded at 2:05 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR PATRICIA JORDAN

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:03 p.m. to conduct a property tax assessment protest hearing for Patricia Jordan, protest no. 22058/PIN 09173586 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Business Manager Jennifer Loutzenhiser, Residential Supervisor Holly Hopkins, Residential Appraiser Autumn Wall, Residential Appraiser Kathy Kinney, Residential Appraiser Tyler VanWarmerdam, Patricia Jordan, Greenleaf Mayor Brad Holton, Other Assessor Office staff and Deputy Clerk Jenen Ross. Patricia Jordan offered testimony in support of her protest application. Tyler VanWarmerdam and Greg Himes offered testimony on behalf of the Assessor's Office. After Board comments and deliberation Commissioner Van Beek made a motion to uphold the assessed value. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO THE BOARD OF EQUALIZATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:02 p.m. to consider matters related to the Board of Equalization. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Rural Appraisal Supervisor Roger Craig, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Greenleaf Mayor Brad Holton, Other Assessor's Office staff and Deputy Clerk Jenen Ross. Due to no evidence presented and lack of appearance by the applicant on protest no. 22036 for James Lawrence and

protest no. 22042 for Richard William Sims, the Board chose to dismiss the cases. The applicant did not appear but written evidence was provided on case no. 22059 for Jesse Ray Prather so Commissioner Van Beek made a motion to uphold the assessed value. The motion was seconded by Commissioner White and carried unanimously. Evidence was also presented for case no. 22006 for William W. Petersen although the applicant did not appear. Upon the motion by Commissioner Van Beek and second by Commissioner White the Board voted unanimously to uphold the assessed value. The meeting concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 30, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - OUT
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2220

- The Board of Commissioners approved payment of County claims in the amount of \$1,997,256.59 for a County payroll (approved electronically)

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Timberlake Construction in the amount of \$76,322.40 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Daniel Patterson, Deputy Sheriff; John Mueller, Housekeeper; Tristan Hafer, Interpretive Specialist; Vanessa Mondragon, Legal Assistant I; Jeremiah Mollat; Grant Horlocher, Deputy Sheriff; Elizabeth Hayes, Marine Deputy; and William Hopkins, Deputy Sheriff

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 7/16/22, 7/22/22 and 7/30/22; County Line Wine Co., to be used 7/8/22, 7/23/22, and 8/6/22; Treasure Valley Road Runners, LLC, to be used 7/2/22, 7/17/22, and 9/24/22; 1918 Lounge to be used 7/8/22, 7/16/22, and 7/22/22

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 8:39 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, ADJ Davis Vander Velde and TCA Jamie Robb. The Executive Session concluded at 8:53 a.m. with no decision being called for in open session.

SIGN THE FCOS, DEVELOPMENT AGREEMENT AND ORDINANCE FOR RZ2022-0003 (FRANKS CONDITIONAL REZONE CASE)

The Board met today at 8:53 a.m. to sign the FCOs, development agreement and ordinance for RZ2022-0003 (Franks conditional rezone). Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister and Deputy Clerk Jenen Ross.

Mr. Lister indicated that at the time of the hearing the owners were not in attendance for signing so the documents have been brought back today for signatures. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FCOs, development agreement (see agreement no. 22-058) and ordinance (see ordinance no. 22-012). The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz (left at 9:15 a.m.), Planner Elizabeth Allen (left at 9:15 a.m.), Planner Julie McCoy (left at 9:20 a.m.), Sgt. Jason Roberts (left at 9:20 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing legal notice of public hearing regarding Canyon County Highway District No. 4 impact fee proposal: Mr. Wesley said that P&Z held their hearing yesterday regarding adoption of Canyon Highway District no. 4 CIP into the comprehensive plan. P&Z is recommending adoption by the Board so all the pieces are now in place to hold a combined hearing to address the comprehensive plan components, the ordinance and the actual finding and imposition of the highway district impact fees. The hearing is scheduled for July 20th at 10:00 a.m. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the legal notice of public hearing regarding Canyon County Highway District No. 4 impact fee proposal.

Consider signing a memorandum of understanding between Canyon County and the City of Parma for rural community planning comprehensive plan update: Ms. Allen explained this MOU has already been signed by the City of Parma to finish updating their comprehensive plan. Mr. Fultz said this commitment was made several years ago and feels it needs to be fulfilled. Ms. Allen spoke about what has been done so far for this project. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the memorandum of understanding between Canyon County and the City of Parma for rural community planning comprehensive plan update (see agreement no. 22-057).

Consider signing grant agreement form with Idaho Department of Parks and Recreation for Celebration Park Boat: This grant will be used to purchase a new patrol boat at Celebration Park. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the grant agreement form with Idaho Department of Parks and Recreation for Celebration Park Boat (see agreement no. 22-059)

At the request of Commissioner Van Beek, Sgt. Roberts gave an update on some of the things going on at the Deer Flat Wildlife Refuge.

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:33 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR SUSAN AND DAVID WISHNEY FAMILY TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:37 a.m. to conduct a property tax assessment protest hearing for Susan and David Wishney Family Trust, Protest no. 22031/PIN 04580000 0. Present were: Commissioners Keri Smith and Leslie Van Beek,

Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, David Wishney, Other Assessor Office staff and Deputy Clerk Jenen Ross. Mr. Wishney offered testimony in support of his protest application. Mike Cowan, Darryl Spieser and Greg Himes offered testimony on behalf of the Assessor's Office. After Board discussion and deliberation, the Board requested that the Assessor's Office and Mr. Wishney work together to determine numbers based on the income approach using specific rental rates. Once there is some additional information established the Assessor's Office will contact Commissioners' staff to reschedule the hearing. The hearing concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CALDWELL HEALTHCARE DEV LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:41a.m. to conduct a property tax assessment protest hearing for Caldwell Healthcare Dev, protest no. 22145/PIN 00691101 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Other Assessor Office staff and Deputy Clerk Jenen Ross. The applicant did not appear for the hearing but documentation was provided with the protest application. Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

JULY 2022 TERM

CALDWELL, IDAHO JULY 5, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Avaya Training in the amount of \$3,590.00 for the IT Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Family Dollar, Inc., dba Family Dollar Store #30004 (Resolution no. 22-146)

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for McKayla Davila, Juvenile Detention Officer; and Cortney Bravo, Customer Service Specialist

EXECUTIVE SESSION – PERSONNEL MATTER

Note for the record: As properly noticed the Board met today at 10:01 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter. The Executive Session was held as follows:

Commissioner Van Beek made a motion to go into Executive Session at 10:02 a.m. pursuant to Idaho Code, Section 74-206(1) (b). The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Alex Klempel, Deputy PA Zach Wesley, HR Director Kate Rice, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:22 a.m. While in open session, Commissioner Van Beek made a motion to continue the Executive Session to this afternoon at 1:30 p.m.

CONSIDER JULY 5, 2022 ACTION ITEMS

The Board met today at 10:23 a.m. to consider the July 5, 2022 action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Lt. Ray Talbot, Solid Waste Director David Loper, Fair Director Diana Sinner, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing Agreement to Provide School Resource Officer Services to Vallivue School District; Law Enforcement Services Agreement with Melba Joint School District; and an Agreement to Provide School Resource Officer Services to Notus School District: Lt. Talbot noted there is an increase of 5% per contract so the Sheriff's Office and recoup some of their costs. Upon the motion of

Commissioner Van Beek and the second Commissioner Smith, the Board voted unanimously to sign the agreements as presented. (Agreement Nos. 22-060, 22-061, and 22-062.)

Consider Signing Resolution Increasing the Credit Card Pre-Paid Expense Account for the Pickles Butte Sanitary Landfill – Director Loper is requesting to increase the credit card pre-paid expense account for the landfill from \$10,000 to \$15,000 for credit card fee swipes; our fees are getting too high and the limit is not large enough. With the current \$1 charge they are behind a bit for FY2022 so for FY2023 he will need to increase it slightly. Upon the motion of Commissioner Van Beek and the second Commissioner Smith, the Board voted unanimously to sign the resolution. (No. 22-147.)

Consider signing Real Estate Appraisal and Authorization Agreement with Jess Payne Appraisal Service – The Board wants the Facilities Director to obtain an additional quote. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the matter to July 7, 2022 at 9:00 a.m.

Consider signing Legal Notice of Public Hearing regarding amended proposed admission fees to be charged by the Canyon County Fair – Director Sinner said a resolution was done earlier that outlined the admission fees and some entry fees and this will add the reserved concert ticket seating fees. The language will be updated to include the pricing information, to include concert reserved seating fees as well as to note the specific prices on Thursday, Friday and Saturday for advance and day of prices. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the notice as amended.

The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR SPRING HILL RANCH, CASE NO. SD2021-0044

The Board met today at 11:05 a.m. to consider approving the final plat for Spring Hill Ranch, Case No. SD2021-0044. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The applicant's representative, Darin Taylor, thought the meeting was scheduled for 11:30 a.m. and was not present with the mylar; however, he indicated he would be present within 15 minutes. Dan Lister reported the preliminary plat for Spring Hill Ranch Subdivision was approved by the Board of Commissioners on December 7, 2020 and amended on June 23, 2022 with 10 conditions of approval. All conditions of approval have been met. Commissioner Van Beek had questions for staff regarding the conditions. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the final plat for Spring Hill Ranch. The meeting concluded at 11:09 a.m. (Commissioner Smith will sign the plat in a few minutes when Mr. Taylor arrives.)

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 1:31 p.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 1:32 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice and Facilities Director Rick Britton. Directors Rice and Britton left the meeting at 1:46 p.m. The Executive Session concluded at 2:22 p.m. with no decision being called for in open session.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR MICHAEL AND SILVIA PENA

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:36 p.m. to conduct a property tax assessment protest hearing for Michael and Silvia Pena, protest no. 22130/PIN: 30126117 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Rural Supervisor Roger Craig, Appraiser Gerri Tallabas, Appraiser Joni Irby, Appraiser Katrina Ponce, Appraiser Tracy Golder, Michael and Silvia Pena, David and Cindy Custenborder, Ancil Irminger, David Williams, Other Assessor's Office staff and Deputy Clerk Jenen Ross. Michael and Silvia Pena offered testimony in support of their protest application. Katrina Ponce and Roger Craig offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to adjust the value to \$275,000. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 3:36 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DAVID AND CINDY CUSTENBORDER

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:37 p.m. to conduct a property tax assessment protest hearing for David and Cindy Custenborder, protest no. 22019/PIN: 36544150 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Rural Supervisor Roger Craig, Appraiser Gerri Tallabas, Appraiser Joni Irby, Appraiser Katrina Ponce, Appraiser Tracy Golder, David and Cindy Custenborder, Ancil Irminger, David Williams, Other Assessor's Office staff and

Deputy Clerk Jenen Ross. David and Cindy Custenborder offered testimony in support of their protest application. Tracy Golder and Roger Craig offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 4:36 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR ANCIL IRMINGER LIVING TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 4:44 p.m. to conduct a property tax assessment protest hearing for Ancil Irminger Living Trust, protest no. 22071/PIN: 33789011 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Rural Supervisor Roger Craig, Appraiser Gerri Tallabas, Appraiser Joni Irby, Appraiser Katrina Ponce, Appraiser Tracy Golder, Ancil Irminger, David Williams, Other Assessor's Office staff and Deputy Clerk Jenen Ross. Ancil Irminger offered testimony in support of his protest application. Gerri Tallabas, Roger Craig and Holly Hopkins offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 5:34 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DAVID AND VICTORIA WILLIAMS FAMILY TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 5:35 p.m. to conduct a property tax assessment protest hearing for David and Victoria Williams Family Trust, protest no. 22138/PIN: 36555102 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Rural Supervisor Roger Craig, Appraiser Joni Irby, Appraiser Tracy Golder, David Williams and Deputy Clerk Jenen Ross. David Williams offered testimony in support of his protest application. Tracy Golder and Roger Craig offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Smith made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 6:04 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO BOARD OF EQUALIZATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 6:04 p.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Rural Supervisor Roger Craig, Appraiser Joni Irby,

Appraiser Tracy Golder and Deputy Clerk Jenen Ross. No applicants appeared for the below cases, the Board took the following actions:

Davis Peterson and Living Trust (Protest #22152/PIN: 22947000 0): Some information was provided and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to uphold the Assessor's value.

Michael & Patricia Sigloh (Protest #22037/PIN: 33878010 0): Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously.

Knapp (Protest #22100/PIN: 28325010 0): Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to continue the hearing to July 7, 2022 at 10:00 a.m.

The meeting concluded at 6:11 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 6, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - OUT
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Mountain Home Auto Ranch in the amount of \$105,072.00 for the Fleet Department

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR ROBERT AND MARI SWANSON

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:05 a.m. to conduct a property tax assessment protest hearing for Robert and Mari Swanson, Account No. 320879030. Present were: Commissioners Keri Smith and Leslie Van Beek, Certified Property Appraisal Supervisor Holly Hopkins, Appraiser Tyler VanWarmerdam, Robert Swanson, Mari Swanson, Assessor's Office employees, and Deputy Clerk Monica Reeves. Robert Swanson offered

testimony in favor of the application. Tyler Van Warmerdam and Holly Hopkins offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value and allow the appellants to advance to the board of tax appeals if they choose. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR RICKY LIMOUS BELL-GARNER

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:57 a.m. to conduct a property tax assessment protest hearing for Ricky Limous Bell-Garner, Account No. 120750000 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Certified Property Appraisal Supervisor Holly Hopkins, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for the hearing but did submit a request asking for a later hearing date. Holly Hopkins offered comments on behalf of the Assessor's Office. Following comments, Commissioner Van Beek made a motion to continue the hearing to July 11, 2022 at 9:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR IDA UTA FOUNDATION TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:58 a.m. to conduct a property tax assessment protest hearing for IDA UTA Foundation Trust, Account Nos. 091360000 and 091230000. Present were: Commissioners Keri Smith and Leslie Van Beek, Certified Property Appraisal Supervisor Holly Hopkins, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for the hearing but did submit appraisals. Holly Hopkins offered comments on behalf of the Assessor's Office. Following comments, Commissioner Van Beek made a motion to uphold the Assessor's value on Account No. 091360000 and 091230000 and allow the appellant to advance to the board of tax appeals if they choose. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:59 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DAVID AND KIM TIFFANY

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:00 a.m. to conduct a property tax assessment protest hearing for David and Kim Tiffany, Account No. 35208010 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Certified Property Appraisal Supervisor Holly Hopkins, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for the hearing. Following comments, Commissioner Van Beek

made a motion to uphold the Assessor's value on Account No. 35208010 0 and allow the appellants to advance to the board of tax appeals if they choose. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JEFFREY LANTZ

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:03 a.m. to conduct a property tax assessment protest hearing for Jeffrey Lantz, Account No. 29077354 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Certified Property Appraisal Supervisor Holly Hopkins, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for the hearing. Holly Hopkins offered testimony on behalf of the Assessor's Office. Following comments, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR GRACE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:30 p.m. to conduct a property tax assessment protest hearing for Grace, LLC, Account No. 32219017 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, and Deputy Clerk Monica Reeves. The appellant was not present for the hearing; however, their representative submitted an email dated July 6, 2022 stating they have agreed to do a value uphold and to move this matter to the board of tax appeals. Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 1:31 p.m. **Note – due to a technical difficulty with the recording system there is no audio associated with this case.*

JULY 2022 TERM

CALDWELL, IDAHO JULY 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 585830 to 585856 in the amount of \$93,540.55
- The Board has approved claims 585857 to 585894 in the amount of \$72,087.34

- The Board has approved claims 585895 to 585916 in the amount of \$58,556.67
- The Board has approved claims 585943 to 585981 in the amount of \$62,978.04

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Case nos. 2022-507 and 2022-508 meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval with written decision within 30 days. The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Facilities Director Rick Britton and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing real estate appraisal and authorization agreement with Jess Payne Appraisal Service: At the previous direction of the Board, Director Britton is still working to collect additional information on appraisal services but at this time does not have any agreement for Board consideration. He will continue to collect information and at the recommendation of Mr. Wesley this item will need to be wholly re-agendized.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner White made a motion to go into Executive Session at 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Facilities Director Rick Britton. Commissioner Smith joined the meeting at 9:04 a.m. and Director Britton left the meeting at 9:13 a.m. The Executive Session concluded at 9:20 a.m. with no decision being called for in open session.

The meeting concluded at 9:21 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LARRY STEVENSON

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:02 a.m. to conduct a property tax assessment protest hearing for Larry Stevenson, Account No. 28129002 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Larry Stevenson, Assessor Brian Stender, Certified Property Appraisal Supervisor Holly Hopkins, Appraiser Roger Craig, Assessor's Office employees, Zach Brooks, and Deputy Clerk Monica Reeves. Larry Stevenson offered testimony in favor of his appeal for a reduction of \$2,100. Roger Craig and Holly Hopkins offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Smith made a motion to uphold the Assessor's value noting that they are assessing storage sheds across Canyon County. The motion was seconded by Commissioner Van Beek for discussion. She said there has to be some clarification by the Assessor's Office because of the testimony that they do not assess personal property so she suggests there be some negotiation between Mr. Stevenson and the Assessor's Office, including taking the matter to the Board of Equalization. The motion carried unanimously. The hearing concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR MERLIN AND WENDY GLANZMAN

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:29 a.m. to conduct a property tax assessment protest hearing for Merlin and Wendy Glanzman, Account No. 24257510 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Certified Property Appraisal Supervisor Holly Hopkins, Appraiser Geri Tallabas, Appraiser Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellants were not present for today's hearing. Geri Tallabas offered testimony on behalf of the Assessor's Office. Following testimony from the Assessor's Office, Commissioner Van Beek made a motion to uphold the Assessor's value and allow the appellant to proceed to the Board of Equalization if they choose. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:38 p.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

Vehicles: some vehicles will not be received in this fiscal year due to build issues at the factory; monies allocated for those vehicles will need to be rolled to fiscal year 2023. They are looking to purchase vehicles directly from lots but are waiting for inventory to build up first.

Carwash: prices have increased and some monies will need to be moved into next fiscal year's budget as the project will likely not be completed this fiscal year. Since the beginning of the project the cost has increased from \$173K to \$195K.

Discussion ensued regarding driver's license checks thru Access Idaho to be done by HR Investigator Rich Soto.

Purchase orders will be coming thru in order to get vehicles purchased as soon as the order bank opens. No vehicles will arrive prior to the start of the new fiscal year.

Commissioner Van Beek would like employees to sign a letter acknowledging the vehicle use policy has been read and understood. Director Tolman will work with HR Director Kate Rice and Mr. Soto on this and then present it to the Board.

The meeting concluded at 1:57 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO RECEIVE UPDATE ON FAIR EXPO BUILDING

The Board met today at 2:04 p.m. to receive an update on the Fair Expo building. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Fair Director Diana Sinner, Cole Koba and Ken Fisher with Paradigm and Deputy Clerk Jenen Ross.

A handout was provided which included information on the following topics:

- Project scope
- Schedule milestones (site construction milestones and building construction milestones)
- HC Construction cost summary
- URA cost summary (URA projects completed/in-progress)
- Canyon County performed work
- Accomplishments/lessons learned

A copy of the handout is on file with this day's minutes. The meeting concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White -OUT

APPROVED CLAIMS

- The Board has approved claims 585917 to 585942 in the amount of \$62,978.04
- The Board has approved claims 585983 to 586004 in the amount of \$44,679.80
- The Board has approved claims 5856005 to 586037 in the amount of \$53,704.53
- The Board has approved claims 586071 to 586117 in the amount of \$37,849.64
- The Board has approved claims 586038 to 586070 in the amount of \$41,698.27
- The Board has approved claims 586118 to 586154 in the amount of \$173,221.33
- The Board has approved claims 586190 to 586206 in the amount of \$9,863.42
- The Board has approved claims 586156 to 586176 in the amount of \$16,467.00
- The Board has approved claim 586155 in the amount of \$6,500.99
- The Board has approved claims 586207 to 586258 in the amount of \$208,431.72
- The Board has approved claims 586177 to 586189 in in the amount of \$29,070.00

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Parma Ridge Wine & Spirits Co., LLC aka Parma Ridge to be used 7/14/22

MEETING TO CONSIDER MATTERS RELATED TO BOARD OF EQUALIZATION

The Board met today at 9:02 a.m. to consider matters related to the Board of Equalization. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Other Assessor Office staff, Brigit DuBois on behalf of Amazon and Deputy Clerk Jenen Ross. The below cases were considered as follows:

- Gardner Nampa Gateway LC
 - Protest no. 22176, PIN: 31086107 0
 - Protest no. 22173, PIN: 30503013 0
 - Protest no. 22172, PIN: 30504012 0
 - Protest no. 22171, PIN: 30504000 0
 - Protest no. 22170, PIN: 31086110 0
 - Protest no. 22169, PIN: 31086109 0
 - Protest no. 22168, PIN: 31086112 0
 - Protest no. 22166, PIN: 30498010 0
 - Protest no. 22165, PIN: 30498012A0
 - Protest no. 22164, PIN: 30498011 0

- Protest no. 22163, PIN: 30498000 0

No representative was present but evidence was provided. Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously.

- Gardner Nampa Gateway East LC

- Protest no. 22167, PIN: 30501010 0

No representative was present but evidence was provided. Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR AMAZON.COM SERVICES INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:05 a.m. to conduct a property tax assessment protest hearing for Amazon.com Services Inc. protest no. 22055, PIN 62222205 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Other Assessor's Office staff and Deputy Clerk Jenen Ross. Brigit DuBois offered testimony in support of the protest application. Joe Cox offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CF HIPPOLYTA NAMPA LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:35 a.m. to conduct a property tax assessment protest hearing for CF Hippolyta Nampa LLC, protest no. 22054, PIN: 30481012 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Other Assessor's Office staff, Brigit DuBois on behalf of Brigit DuBois on behalf of CF Hippolyta Nampa LLC (Amazon) and Deputy Clerk Jenen Ross. Brigit DuBois offered testimony in support of the protest application and Joe Cox offered testimony on behalf of the Assessor's Office.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Smith made a motion to go into Executive Session at 9:57 a.m. pursuant to Idaho Code, Section 74-107 (24) to make certain Assessor and BOE records are exempt

from public disclosure and 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Residential Supervisor Holly Hopkins, Other Assessor's Office staff and Brigit DuBois on behalf of CF Hippolyta Nampa LLC (Amazon). The Executive Session concluded at 10:38 a.m.

Once the Board went back on the record Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:56 a.m. An audio recording of the open portions of the hearing are on file in the Commissioners' Office.

ASSESSOR ADJUSTMENTS

The Board met today at 1:40 p.m. to consider approving Assessor adjustments. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson, Other Assessor's Office staff and Deputy Clerk Jenen Ross. Assessor Stender explained these are adjustments made by his office which include revisions to values, corrections to assessments, and homeowner exemptions. Once approved, values will be adjusted by the Assessor's Office. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the certified values #1.

Additional discussion ensued regarding storage units being valued as part of the property.

The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY TAX EXEMPTION PROTEST HEARING FOR CHRISTOPHER AND ASPEN MORROW ON BEHALF OF TV FREE CHURCH

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:54 p.m. to conduct a property tax exemption protest hearing for Christopher and Aspen Morrow on behalf of TV Free Church, protest nos. 22182, 22183 and 22184 PINs: 01442000 0, 01443000 0 and 01647000 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson, Other Assessor's Office staff and Deputy Clerk Jenen Ross. The applicants did not appear at today's hearing. Jennifer Loutzenhiser offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to uphold the denial of the exemption. The hearing concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH HR DIRECTOR TO DISCUSS EMPLOYEE STATUS CHANGE FORM FOR AN ADJUSTMENT TO THE INFORMATION TECHNOLOGY CIO POSITION

The Board met today at 2:33 p.m. with the HR Director to discuss an employee status change form for an adjustment to the Information Technology CIO position. Present were: Commissioners Keri Smith and Leslie Van Beek, HR Director Kate Rice, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Commissioner Smith explained there was an email from Director Rast indicating that he was not paid in-line with the compensation plan. Director Rice spoke about how difficult it is to recruit IT positions and, in an effort to keep a long-term, high producing and a quality manager it would be beneficial to respond to his request for salary action. Director Rast provided a list of salaries gathered from Transparent Idaho and it does appear that his salary is out of alignment with competition although she does not have the knowledge to verify or justify where he is in the county compensation plan. In response to a question from Commissioner Van Beek, Director Rice verified that Director Rast has 26 years of Information Technology related experience that can be applied toward his 'years in position'. When Director Rast was originally hired he was given credit for 21 years of experience, he has worked for the county for 5 years which totals the now 26 years of experience credit. From the information provided by Director Rast, it appears that his peers have outpaced him in terms of compensation. Controller Wagoner spoke about how 'years in position' is accounted for in the compensation plan. Commissioner Van Beek said that in evaluating the information provided by Mr. Rast, evaluating his tenure with the county and productivity, the number of employees that he manages, and the inability to replace him at the salary he's requesting, she submits that this is a deal for the county. She said that he has been a tremendous performer and understands the compensation plan probably better than most; she is in favor of this compensation change and feels it would be a great disservice not to honor this request. Commissioner Smith said Director Rast's current compensation is \$123,416.50 and his request is to be moved to step 21 of the Canyon County Compensation Plan which would put him at \$138,620.00. Commissioner Van Beek said that would be consistent with his 26 years of experience and it is at 90% of what the Ada County CIO is paid. Discussion ensued as to whether Director Rast should actually be moved to a pay rate commiserate with 26 years of experience which would be the maximum amount as determined by the compensation plan, however, complete information for that adjustment is unknown at this time. Commissioner Van Beek suggests granting the request as presented and then reevaluate the lacking information, once that information is received the salary rate could be adjusted again for FY2023 to make is consistent. Director Rice explained that the maximum for this position is \$146,162 per the Department of Labor chart for a Computer and Information System Manager (a Director position was not available for direct comparison).

Commissioner Smith is supportive and recommends moving forward with an employee status change form. Commissioner Van Beek made a motion to approve the adjustment to the IT CIO position, approving the requested salary of \$138,620 to be effective immediately as there is

budgetary savings in the IT budget and there would be no impact to taxpayers for the remainder of FY2022 and would not exclude a COLA adjustment in FY2023. Commissioner Smith supported a motion to adjust the pay mid-year to \$138,620. Commissioner Van Beek confirmed the amended motion and Commissioner Smith seconded the amended motion which carried with a unanimous vote. A status change form will be created and submitted by the Human Resources department.

The meeting concluded at 2:46 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 11, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- BOE in the amount of \$4,004.04 for the IT Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Nicholas Talbot, Deputy Sheriff; Guadalupe Tovar, Victim Witness Coordinator; Anthony Clark, Deputy Sheriff; and Hayden Stauffer, Courts and Transports

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR RICKY LIMOUS BELL-GARNER

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:03 a.m. to conduct a property tax assessment protest hearing for Ricky Limous Bell-Garner, protest no. 22112/PIN: 120750000. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Administrative Supervisor Greg Himes, Appraisal Supervisor Mike Cowan, Appraiser Darryl Spieser, Other Assessor Office staff and Deputy Clerk Jenen Ross. Mr. Bell-Garner sent an email on July 9, 2022 indicating he would not be in attendance for today's hearing. Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DAVID AND SUSAN WISHNEY FAMILY TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:05 a.m. to conduct a property tax assessment protest hearing for David and Susan Wishney Family Trust, protest no. 22031/PIN: 04580000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Administrative Supervisor Greg Himes, Appraisal Supervisor Mike Cowan, Appraiser Darryl Spieser, Other Assessor Office staff and Deputy Clerk Jenen Ross. Mr. Wishney did not appear for today hearing although he did send an email on July 10, 2022 which included three (3) attachments/exhibits. Darryl Spieser offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Van Beek made a motion to uphold the adjusted value of \$1,075,000. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 10:03 a.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, HR Director Kate Rice, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Ms. Rice and Mr. Bazzoli left the meeting at 10:27 a.m. The agenda items were considered as follows:

Consider resolution changing the job description of the Deputy Public Defender position in the Public Defender's Department: Mr. Bazzoli provided an overview of some of the changes made and a redline version of the revisions made to the job description was provided to the Board, a copy is on file with this day's minutes. The majority of the changes were to the experience within each position class. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution changing the job description of the Deputy Public Defender position in the Public Defender's Department (see resolution no. 22-148).

Consider transfer of alcoholic beverage license for Christensen Inc dba Sage Travel Plaza: Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the transfer alcohol license for Christensen Inc. dba Sage Travel Plaza (see resolution no. 22-149).

The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 1:33 p.m. for a monthly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, DSD Director Steve Fultz (left at 2:01 p.m.), Office Manager Jennifer Almeida (left at 1:38 p.m.), HR Director Kate Rice, HR Jennifer Allen Assessor Brian Stender, HR Generalist Kendra Elgin and Deputy Clerk Jenen Ross.

Consider signing resolution changing the job description of one (1) position and the job title and job description of two (2) positions in the Development Services Department: Modifications were made to the office manager, administrative specialist and hearing specialist positions to more clearly define the job responsibilities. There is no impact to salary ranges. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution changing the job description of one (1) position and the job title and job description of two (2) positions in the Development Services Department (see resolution no. 22-150).

Director Fultz provided updates to the Board on the following topics:

- comprehensive plan hearing dates
- economic development
- staff evaluations
- overlay district for the housing authority
- June receipt totals
- A new member will need to be appointed to the URA Board with Director Fultz's resignation from his position with the county.
- City/county growing together: Commissioner Van Beek spoke about how she would like to host a meeting between the county and all cities within the county to discuss growth and future planning. Elizabeth Allen may be a good resource to help facilitate this type of meeting. Commissioner Smith asked Director Fultz to evaluate Ms. Allen's workload and determine how this would work in as a priority.
- The Board requested an updated hearing spreadsheet an open PIs and administrative splits.

Consider signing resolution to approve job title, job description and FLSA status of Compensation and Benefits Manager: Director Rice provided an overview of the responsibilities of the position. Commissioner Smith requested additional information on COLAs being provided by other area governmental agencies. Salary range for the position is \$71,870 to \$96,826. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to approve the job title, job description and FLSA status of a Compensation and Benefits Manager.

The meeting concluded at 2:10 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ASSESSOR'S ADJUSTMENTS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:35 p.m. to consider Assessor's adjustments. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Administrative Property Appraisal Supervisor Greg Himes, and Deputy Clerk Monica Reeves. Assessor Stender presented the Board with adjustments to the 2022 certified values - #2. Property owners will be notified of their adjustments. Following review, Commissioner Van Beek made a motion to approve the Assessor's adjustments to the 2022 certified values - #2. (The list containing the parcel, property owner, and value information is on file with this day's minute entry.) The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 2:42 p.m. An audio recording is on file in the Commissioners' Office.

COMMUNITY INPUT MEETING ON FY2023 BUDGET AND SPENDING PRIORITIES

The Board met this evening at 5:03 p.m. to take comments on the FY2023 budget and spending priorities. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Sr. Systems Analyst Steve Onofrei, Captain Harold Patchett, Caldwell Councilman Chuck Staddick, Colleen Schaub, Doug Peterson, Brad Jacobsen, Amy Weidner, Mark Dudley, Tom English, Kim Yanecko, Claudia Frent, Genia Watkins, Steve Burton, Hubert Osborne, Hip Delgado, Craig Sjoberg and Deputy Clerk Monica Reeves. Comments were as follows:

Colleen Schaub she attended the Sheriff's budget presentation in June and wants to know if anything is being done to increase salaries for law enforcement personnel. She was told by a lieutenant in the Sheriff's Office that there is a 50% staffing shortage within CCSO and the pay is substantially lower than surrounding precincts. She wants the County to make officer wages a priority. Additionally, she questioned why revenues from citations is going to the state, but not to Canyon County. Commissioner Smith said most offices did not include changes in pay during this step of the budget process, but the Clerk is working on a proposal for a cost of living adjustment (COLA), and today the Board signed a resolution to approve a wage and benefits manager to help with some of the issues we're seeing. The budget does not include any specific information on pay. Commissioner Van Beek said there was a salary adjustment presented by the Sheriff's Office approximately one month ago that increased the starting wages from \$20 per hour to \$23.06. It was a mid-year budget adjustment approved by Board, although it was not a unanimous decision. Controller Wagoner said the money from citations is split between the state; if it's a Canyon County infraction the County does get a share of the money, and if it's a city infraction the city will get a share of the money. Commissioner Van Beek suggested Ms. Schaub review the wage report for County employees, and she said the State Controller is trying to implement a program called *Transparent Idaho* which would evaluate salaries across the state and that information is available. Commissioner White said the County approved a 7.5% COLA last year for all employees. Clerk Yamamoto said the numbers Ms. Schaub is looking at are what was requested by offices and departments, the Board has made no decisions on it.

Doug Peterson, Brad Jacobsen, and Mark Dudley each operate skilled nursing facilities in Canyon County and they are struggling to provide care and operate the way they need to due to staffing shortages due to employees leaving for facilities in other counties and states for higher wages, and so they are interested in accessing ARPA funds to help retain staff. Commissioner Smith said Canyon County has been using all of its ARPA funds for revenue replacement and while the Board has heard from some nonprofits that have emergent needs, the County does not have a specific formal application and it is behind in fulfilling some of its own needs and struggling with employment and so she's not sure if there will be an application that opens up. Commissioner White suggested they contact the state and federal representatives about the staffing issues.

Amy Weidner was hoping tonight's meeting would provide more information in terms of budget comparative information. She had questions regarding amounts in specific line items; such as \$2M in the general fund miscellaneous line item; capital construction contracts; and what the \$22M in the ARPA funds has been used for. Commissioner Smith said the County's website has YouTube videos of the budget presentations as well as budget information. Community nonprofit organizations requested funding, one of which was a \$2M request from Jesse Tree to help with programming for rapid rehousing. Canyon County has elected to use the ARPA funds for revenue replacement funds and we have detailed how those funds were used and we are going to use remaining dollars to catch up on needs and capital projects. Controller Wagoner explained there are different pools of federal monies: ARPA is separate from Coronavirus relief funds. In 2021 we spent \$5M in coronavirus relief funds and we budgeted \$7M of ARPA in this year's budget that we are spending and we have a separate accounting fund. Ms. Weidner said the department heads should be here to explain why they requested these funds. Commissioner Smith encouraged Ms. Weidner to watch the YouTube videos which are available on the County's website because most of the directors reviewed their requests line-by-line.

Tom English wants better communication for the people who are interested in what the budget requests are for and where the monies are going. Commissioner Smith said the Board was hoping people would have watched the YouTube videos of the requests and then offered comment. The final budget hearing is in August but the Board wanted to hear comment before that time which is why it's holding tonight's meeting. The Clerk will provide a suggested budget and the Board may hold additional meetings for input, but the final budget hearing will be in August.

Kim Yanecko said it would be helpful for the Board to provide more budget information and to provide it sooner. She also said it's odd to have the input meeting before hearing the Clerk's recommendations. Commissioner Smith said the intent of the meeting was for the community to have watched the YouTube videos of the budget request workshops that are available on the County's website. Ms. Yanecko asked where will funds come from once the ARPA funds and Coronavirus relief funds are gone. She also asked what the County's annual liability insurance premium be? Commissioner White said we could be self-insured; the County's health insurance fund is self-insured so that could be an option for us. Ms. Yanecko asked where the liability line item is located in the budget? Controller Wagoner said it's been included with the ARPA monies. Ms. Yanecko asked where will the funds come from if the County cannot become insurable?

Commissioner Smith said it will go back in the general fund. Commissioner Van Beek said the goal in using the ARPA funds is to use them for one-time expenses, not ongoing. An insurance premium would be an ongoing expense and she is curious how that would work for the short-term. At some point it has to be put back in the budget which means you either forego other services or levy property taxes to cover it. Commissioner Smith added to that comment and said or, we don't have those onetime expenses again because we paid for those as part of the general fund versus the ARPA money so it's a wash. Ms. Yanecko asked if ARPA funds will be given back to the federal government if we don't use them? People are getting taxed at the county level and at the federal level and are ultimately paying for the funds that e County is using for building the Fair Expo center out of the capital improvement fund versus the COVID or ARPA money so it's still a double tax. Commissioner Van Beek said the inflation we are seeing now is a result of the federal spending and it's coming down to the local levels. She did not vote for receiving the ARPA funds; the argument for receiving them was that another county or state would receive those funds and the citizens would still pay for them. It's a philosophical argument on who's really paying. Ms. Yanecko commented on the cancellation of the monthly community input meetings. Commissioner Smith said the meetings were not being utilized in the way they were intended.

Claudia Frent said before the County gives any money to the skilled nursing facilities, she'd like to know how much their shortage is affected by the mandates they imposed on their employees versus an actual shortage of employees. Hospitals lost a lot of employees because of the mandates and they were firing people and so before her tax dollars are used for those facilities she wants to know how much of shortage has been created because of their own policies. Ms. Frent also addressed her concerns with the budget. She is self-employed and when COVID they took a 40% reduction in their business and they have not bounced back. Add to that inflation, gas prices, food prices, and they are suffering. Last year's levy was .98, and if the levy is .98 she is looking at a \$4,000 increase. If the levy is .78 like they estimated, that will be a \$2,000 increase. She doesn't want to see the County taking money and building facilities and giving raises to employees. The middle class is bearing the brunt of the taxes and she is being taxed out of her house and fears a recession is coming. Ms. Frent wants to see less spending at the County level. She wants to know what the levy rate be will and how is it determined? Commissioner Smith said we don't know the levy rate yet, but employees are working on it. The rates are calculated in mid to late September. The County is only one taxing entity and we are not the largest one so it's really important for people to stay involved with the school districts.

Genia Watkins said she watched the video on the Fair's budget presentation and asked why the director is not present to listen to the input on her budget. She asked how the expenditures exceed the revenues every year and where is the difference made up? Commissioner Smith said it's made up through property tax. Ms. Watkins said there is a lack of parking at the fairgrounds and questions if it's a good idea to bring in larger mainstage concerts and acts that will bring in more people and exacerbate the parking problem and if people can't get to the fairgrounds we're just spending more money on bigger acts but not collecting more revenue. Commissioner Smith said that's a valid point. Ms. Watkins' kids are involved in the fair but she believes the family things are being pushed out for more adult things and it's not safe sometimes for kids to be at the carnival at night. She said people are quitting the fair because they cannot afford it and due to parking

issues. Commissioner Smith said you have to show up early and walk to the venue. There is a parking problem and we have a good partnership with the City of Caldwell and they are building a parking lot across the railroad tracks. There are been discussions about expanding the fair, including new barns to get the kids away from some of the hustle and bustle and bringing back the horse kids that don't have an opportunity to come to the fairgrounds anymore. The County is having those conversations and will keep working on it. She also said part of the mainstage entertainment prices are up because the costs have gone up in terms of fuel, travel, etc. , so we saw significant increase in contract prices. Ms. Watkins had questions about the budget process. Commissioner Smith said there will not be another forum where each department comes back, but we will probably provide an opportunity after the Clerk's suggested budget is done at some other type of forum where if they have changes, such as cuts being made, we will have another meeting where they can come back and lobby to have the items put back in their budget. Commissioner Van Beek said the Fair has been increasing revenues and the goal is for them to be self-sustaining, but we're not there yet, but when we look at the allocation of property taxes we have to decide, in addition to services, how many amenities do we provide for the community as well and so this happens to be something we think the majority of the community enjoys participating in so property tax does help offset the expenses but the revenue generating has continued to go year-over-year.

Steve Burton asked where the Board is going as far as impact fee collection? What is the proposed reserve when this budget is done? And, what is the general philosophy on a balanced budget? Commissioner White said the law requires the budget to be balanced. Different municipalities have different ideas about using reserves but Canyon county has a larger reserve and that is an act of good stewardship on former Boards as well as the Clerk and the Controller. Commissioner Van Beek said impact fees are needed and a resolution is coming for the County and the Canyon Highway District. The County can collect impact fees for the Sheriff, Coroner, parks and for a jail. There are mixed feelings about impact fees because it's another level of charging people but she said it's doubtful anybody in Middleton would argue that infrastructure is needed. For the County's reserves, the last time she heard the fund balance was at 68% which is pretty high and with that reserve we have to be careful and hold the budget sacred. The County needs a plan and it's her philosophy that all of the dollars matter; there is not a threshold where we say that doesn't matter. Commissioner Smith said this Board has done a great job on addressing the needs we had over the last year and a half because of that fund balance, including funding the Center at the Canyon County Fair. We are looking at projects such as a second administration building with ARPA funds because we're outgrowing this space and we're looking at options on site for another jail. Some people have been trying to limp by and get through without asking for things but we have been actively making sure to improve our facilities for the last 18 mos. She said 60% fund balance is too high; however, the Clerk has a plan for some of those dollars. We need a new jail, and we are working with the City of Caldwell about options here and she is supportive of getting that money allocated and creating a capital construction fund and saving some money and by the end of this budget year she believes we'll have that in place. Impact fees should not just go to Canyon County residents, when it comes to the law enforcement portion of impact fees it should go countywide through all of cities and that's a big task and it's not going to be completed by the

time her term in office ends. She hopes the next Board will keep the ball rolling and make it happen. Mr. Burton said he is supportive of a financial shift that supports law enforcement.

Hubert Osborne applauded the Board for holding meetings where the community can provide input, although it's unfortunate the public seems too busy to show up. He comments dealt with the landfill budget. He appreciates the Controller providing him with information that is difficult to find; the minutes of the meetings where the landfill director meets with the Board are not available on the County website. *(Staff will check the website to make sure the minutes are available.)* In the FY2022 amended budget there is \$2.5M for a land purchase and he understands it was for a transfer station and he also understands that money cannot find a home. In talking with Timbercreek and Republic Services they want to put a transfer station on Timbercreek's property outside of Amalgamated and Mr. Osborne's is asking why the Board wants to expand County government when private enterprise is willing to do the same thing? Furthermore, why would the County want to get into the transportation business? In the suggested 2023 budget there is \$3M for a gas project. Ada County had a private company do that and he questioned if we really want the landfill director to do that when it's possible a private enterprise would do it? He wishes the County would extract that \$2.5 million for the property purchase out of the budget. Commissioner Van Beek said there is an upcoming meeting regarding the solid waste advisory committee and it will be an interesting discussion where you have members of the community in addition to people in the business advise the Board on what some of those best practices are that puts a step in between the direct contact which could potentially create a conflict with public and private business competition. Mr. Osborne said this is an enterprise fund, but if you have to raise garbage fees to pay for the additional expenditures you might as well call it a tax.

Hip Delgado expressed his support for law enforcement and spoke of his concerns with taxes going up. He asked why no one has done a Prop 13 or Jarvis Act like the California did and modify it to help the people of Idaho. Commissioner Smith said there has been a Prop 13 for Idaho on the ballot but it's been voted down. She would like to offer a homeowner's exemption where the longer you've lived here the higher your exemption. Assessor Stender said he, Clerk Yamamoto and the Controller worked together with Representative Bruce Skaug to carry an indexing homeowner's exemption bill that would have helped produce the net taxable value on all residential properties but that bill was held in committee and was not presented. It had 48 co-sponsors. Mr. Delgado said the homeowners are being taxed for development when developers should have to take some of the burden for the roadways for subdivisions. Commissioner Smith said schools are not eligible for impact fees, and impact fees will not cover new growth. She encouraged Mr. Delgado to contact his legislators.

Craig Sjoberg said the mission of collecting property taxes is balanced with our 3% cap on spending and with that mission in mind the other half of that equation is where the money comes from and so if it's coming from property tax shouldn't that also reflect approximately the amount of what is collected from the people that matches the 3% increase. He has rental properties and some went up by 14%, which is more than the state mandated limitation of 3%. Commissioner Smith said there is no way we are going to pass a budget that exceeds the statutory requirements. Clerk Yamamoto said we have a tax shift. We have out-of-state inflated money coming into Canyon

County where people from other states are selling their homes for inflated prices and coming to Canyon County where the taxes look good. The levy rate is a simple equation where you take your requested amount of tax divided by the taxable values and that division equals the levy rate. In Canyon County the levy rate has continued to go down while the taxes continue to go up. Commercial values have stayed relatively static while residential values have gone through the roof so instead of having a 50/50 equilibrium between residential, commercial and agriculture, we are seeing residential at 70% because of those values. Mr. Sjoberg asked why the spending is not reflected in the tax collected? Clerk Yamamoto said for three years in a row Canyon County's tax request has been the same, in fact, it's gone down. We have not taken the 3%, or the foregone amount, or new construction and there is no one else who can say that. In 2021 our levy rate was .002, which is really low. Mr. Sjoberg asked how we justify collecting more than the 3% increase. Clerk Yamamoto said the 3% doesn't play a role with what Mr. Sjoberg is talking about because we're not taking it; what plays a role is the escalation of the values. Mr. Sjoberg asked if the County takes much money from the federal government? He said Idaho takes a lot (49%) and he wants to know if Canyon County is in the same ratio? Commissioner Smith said the County took \$44M in ARPA money. Mr. Sjoberg said the stipulations describe how the federal government is going to control, and/or take, in exchange for this money such as things like core curriculum, CRT, "wokeism", and cultural things that make our lives a little more like Detroit and other places we don't want to become. There are a lot of things that are pretty despicable as to how our culture is getting bent and it's sometimes stipulated by federal mandates and he doesn't like that.

The meeting concluded at 6:36 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 12, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- W2W Flooring in the amount of \$1,500.00 for the Facilities Department

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Treasurer Tracie Lloyd (left at 9:20 a.m.), Chief Deputy Assessor

Joe Cox (left at 9:20 a.m.), Fleet Director Mark Tolman (left at 9:04 a.m.), Landfill Director David Loper (left at 9:34 a.m.), Controller Zach Wagoner, PIO Joe Decker, Assessor Brian Stender (left at 9:20 a.m.), Appraiser Roger Craig (left at 9:20 a.m.), Other interested citizens and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing notice of intent to sell surplus property to Wilder Police Department: Director Tolman said this is a vehicle he is getting ready to take offline but will be beneficial to the Wilder Police Department. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of intent to sell surplus property to the Wilder Police Department.

Consider signing notice of public hearing regarding proposed establishment of the Homedale Public Library District: Mr. Wesley provided details of the requirements to establish the Homedale Public Library District. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of public hearing regarding proposed establishment of the Homedale Public Library District.

Consider resolution declaring certain property as not necessary for County use, and authorizing the sale thereof - 0 Pond Lane: This property was taken for tax deed in approximately 1946. A reasonable minimum bid of \$196,400 was established with help from the Assessor's Office in order to offer the property at public auction. Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for County use, and authorizing the sale thereof - 0 Pond Lane (see resolution no. 22-152).

Consider signing notice of surplus property sale (0 Pond Lane property): Commissioner Smith made a motion to sign the notice of surplus property sale (0 Pond Lane property). The motion was seconded by Commissioner White. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote.

Meeting to discuss draft resolution and ordinance for establishment of Canyon County Solid Waste Advisory Committee: Director Loper said that bylaws, an ordinance, and resolution have been drafted with help from the Prosecutor's Office. Copies of the draft documents were provided to the Board and are on file with this day's minutes. The Board is supportive of what was presented and continuing to move forward. Director Loper will forward the documents to the stakeholders for their comments.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:35 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation, communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:54 a.m. with no decision being called for in open session.

The meeting concluded at 9:54 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

TABLE PUBLIC HEARING TO CONSIDER A REQUEST BY DARREN GOLDBERG/LGD VENTURES, LLC, FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT AND PRELIMINARY PLAT: CASE NO. RZ2021-0030/SD2021-0018

The Board met today at 9:54 a.m. to table the public hearing to consider a request by Darren Goldberg/LGD ventures, LLC, for a conditional rezone with development agreement and preliminary plat, case no. RZ2021-0030/SD2021-0018. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to table the hearing to August 16, 2022 at 9:30 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 9:55 a.m. An audio recording is on file in the Commissioners' Office.

RECEIVE CLERK'S SUGGESTED BUDGET FOR FY2023

The Board met today at 10:05 a.m. to receive the Clerk's suggested budget for FY2023. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Director of Misdemeanor Probation Jeff Breach, HR Director Kate Rice, CCSO Financial Manager David Ivers, System Analyst Steve Onofrei, CCAD Director Michael Stowell, IT Director Greg Rast, Assessor Brian Stender and Deputy Clerk Jenen Ross.

Clerk Yamamoto spoke to the public meeting that took place last night stating that he did not feel it went very well. He doesn't believe that the public, and many elected officials, understand how property tax and government finance work and due to that there is a lot of bad information that gets passed around.

Controller Wagoner reviewed a handout that was provided to the Board which is on this day's minutes. Topics reviewed include:

- Graph showing the shift from commercial to residential since 2017
- Value and exemption examples based on a conventional 3 bedroom/2 bath house and a neighborhood commercial property
- Impact in valuation of middle-class home vs. higher-end home
- Examples to show what net taxable value would look like if the homeowner exemption is indexed
- Graph showing fund balance based on core governmental funds (excludes Enterprise funds)
- Clerk's suggested budget includes zero property tax dollars and provides real property tax relief for all property taxpayers
- Graph showing how the budget is funded from other sources such as intergovernmental revenues, charges for services, other miscellaneous and fund balance: total budget suggested budget is \$126,784,262
- Detailed breakdown of budgets
- Pic chart showing expenditures by function
- Breakdown by Office or department comparing FY22 approved budget to FY23 Clerk's suggested budget
- Additional information on American Rescue Plan Act of 2021
- Human capital investment
- Strategic capital investments
- Fiscal year 2023 tentative budget and property taxes

The Clerk and Controller addressed Board questions regarding fund balance/percentage, ARPA fund usage and community group funding.

Clerk Yamamoto spoke about the amount of time and effort that was put into creating this suggested budget. Commissioner Smith requested additional information on the statutory timelines for publishing the budget.

The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MARIA AND JOSE RODRIGUEZ FOR A ZONING MAP AMENDMENT, CASE NO. RZ2021-0062

The Board met today at 2:36 p.m. to conduct a public hearing in the matter of a request by Maria and Jose Rodriguez for a zoning map amendment (rezone) of Parcel R30598 from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone. The 4.73-acre parcel is located at 7801 E. Victory Road in Nampa. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Pete Rezendez, Maria Rodriguez, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcel was created by a land division in 2014.

The application was initiated by Jerry and Samantha Nelson but the property sold and the new owners have decided to continue with the rezone. Both the P&Z Commission and staff recommend approval of the rezone request. Pete Rezendez offered testimony in support of the request on behalf of his sister, Maria Rodriguez. Their parents live on the property and they are waiting to complete this process so they can divide the acreage for the other family members to live on the property. Their goal is to have one-acre lots. Following testimony, Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner Smith and carried unanimously. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone and approve the FCO's for Case No. RZ2021-0062. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner Smith made a motion to approve the ordinance for Case No. RZ2021-0062. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 22-013.) The hearing concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 13, 2022

PRESENT: Commissioner Keri K. Smith, Chair – Participated remotely in afternoon
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Rambo Sand and Gravel in the amount of \$2,000.00 for the Facilities Department
- Norbryhn Equipment in the amount of \$4,884.00 for Facilities Department
- Command Sourcing, Inc., in the amount of \$13,825.20 for Juvenile Detention
- Salt Lake Wholesale in the amount of \$12,555.30 for the Trial Court Administrator

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Jennifer Allen, Sr. HR Generalist; and Chad Woodruff, Part-Time Juvenile Detention Officer

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Sgt. Rob Whitney (left at 9:10 a.m.), Communications Manager Roxanne Wade (left at 9:10 a.m.), Cpt. Mike Armstrong (left at 9:12 a.m.), Interpreter Coordinator Grace Almeida (left at 9:23 a.m.), Director of Court Operations Jess Urresti (left at 9:23 a.m.), Controller Zach Wagoner (left at 9:23 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Idaho Public Safety Communication Commission grant application: If the grant is awarded it will be used to enhance the 911 center; Sgt. Whitney spoke about the technology they will be upgrading. The total grant amount being applied for is \$48,317.01. Ms. Wade spoke how this upgrade will be very beneficial to the dispatchers. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Idaho Public Safety Communication Commission grant application. A copy of the application is on file with this day's minutes.

Consider signing MOU between Sheriff's Office and the Drug Enforcement Administration for LPR Data Sharing: Cpt. Armstrong gave a brief history of this program. This agreement will allow the DEA access to the new server in order to access/share information. Ms. Klempel said that legal has reviewed the MOU and is comfortable in moving forward. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the MOU between the Sheriff's Office and the Drug Enforcement Administration for LPR Data Sharing (see agreement no. 22-063).

Consider signing Independent Contractor Agreement for Interpreter Services with Ravinder Waraich, Joelynn Ball, Suzelle Aghamalian, Chuukese Interpreter LLC, Mukaddam Irgasheua, Barbara Fisher, Salome Mwangi, Samuel A. Mattix, Rogelio N. Rigor, Alberto Mendez, Mayan Interpreters LLC, Ioana Paulat: Ms. Almeida described the need for a diversity of interpreters. Discussion ensued regarding the budgetary line item for interpreters. Ms. Klempel said these are standard contracts and legal sees no reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreements for interpreter services as listed. Ravinder Waraich (agreement no. 22-064), Joelynn Ball (agreement no. 22-065), Suzelle Aghamalian (agreement no. 22-066), Chuukese Interpreter LLC (agreement no. 22-067), Mukaddam Irgasheua (agreement no. 22-068), Barbara Fisher (agreement no. 22-069), Salome Mwangi (agreement no. 22-070), Samuel A. Mattix (agreement no. 22-071), Rogelio N. Rigor (agreement no. 22-072), Alberto Mendez (agreement no. 22-073), Mayan Interpreters LLC (agreement no. 22-074), Ioana Paulat (agreement no. 22-075).

Commissioner White made a motion to continue the legal staff update to 1:00 p.m. today. The motion was seconded by Commissioner Van Beek and carried unanimously.

Discussion ensued regarding an email summary provided by Director Baker regarding an issue to be discussed during the meeting later today to consider matters related to medical indigency.

The meeting concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR LANSING LANE, CASE NO. SD2021-0046

The Board met today at 9:31 a.m. to consider approving the final plat for Lansing Lane, case no. SD2021-0046. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Representative for Lansing Lane and Deputy Clerk Jenen Ross. Mr. Lister provided a summary of the case stating that it was approved by the Board on May 19, 2022 with five (5) conditions that have been met. Staff is recommending approval of the plat. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the final plat for Lansing Lane. The meeting concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH ASSESSOR REGARDING CHANGES TO THE TITLE AND SALARY RANGE OF TWO (2) POSITIONS IN THE ASSESSOR'S OFFICE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:49 a.m. to discuss changes to the title and salary range of two (2) positions in the Assessor's Office and consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, HR Director Kate Rice, Chief Deputy Assessor Joe Cox and Deputy Clerk Jenen Ross. Discussion ensued regarding more consistency across pay bands for like positions in an effort to standardize titles and pay within departments/Offices as well as throughout the county. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve the resolution adopting changes to the title and salary range of two (2) positions in the Assessor's Office – Reappraisal department (see resolution no. 22-153). The meeting concluded at 9:59 a.m. An audio recording is on file in the Commissioners' Office.

TAX DEED HEARING

The Board met today at 10:00 a.m. to consider the issuance of tax deeds and consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, and Deputy Clerk Monica Reeves. Commissioner Van Beek opened the hearing and noted who was in attendance. Treasurer Lloyd explained the process for working on the 2018 delinquent properties and the contact they have made with people to get their delinquent taxes paid. A property sale will be held in November and property owners will have until then to redeem their property but they will be required to pay all 5 years' worth of taxes. The following properties are delinquent:

Owner(s):
Rafaela G. Reyna

PIN:
02170000 0

Total Due:
\$1,804.50

Cheryl K. Mooney	02231000 0	\$1,823.14
Terry Craig Ohrt	08419000 0	\$1,753.90
Maria A. Sandoval	19509000 0	\$ 680.14
Frank E. Palmer, Janet Palmer	24658014 0	\$ 492.46
Jerry L. Burnie, Julia A. Burnie	34528010 0	\$ 546.48
Sheila Marchbanks, George Timmons	38421013 0	<u>\$ 506.90</u>
JA Marchbanks, Velma Marchbanks		
TOTAL:		\$7,607.52

Commissioner White made a motion to sign the findings of fact and conclusions of law and to move forward with the tax deeds. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 10:07 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 10:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek and Pam White, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Director Baker said case no. 2022-509 meets the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval with written decision in 30 days. The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING NOTICE OF PUBLICATION AND PUBLIC COMMENT PERIOD REGARDING THE PROPOSED FINAL DESIGN PLANS FOR THE GAS COLLECTION AND CONTROL SYSTEM FOR THE PICKLES BUTTE SANITARY LANDFILL

The Board met today at 11:36 a.m. to consider signing a notice of publication and public comment period regarding the proposed final design plans for the gas collection and control system for the Pickles Butte Sanitary Landfill. Present were: Commissioners Leslie Van Beek and Pam White, Solid Waste Director David Loper, and Deputy Clerk Monica Reeves. Director Loper said the draft design has been submitted to the Department of Environment Quality (DEQ) and it went through a 28-day comment period; no public comment was received, but DEQ did comment and the County provided answers to those comments via a formal letter. The final design of the gas system was submitted and now we need to go through another 28-day comment period on the final design. The specifications and plans will be available for review both online and in the Commissioners' Office. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the notice of publication. The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today 1:03 p.m. for a continued meeting to consider matters related to medical indigency. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith participate via teleconference, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, HR Director Kate Rice, HR Generalist Jennifer Allen, Bebiana Evans, Other interested party and Deputy Clerk Jenen Ross. Case nos. 2006-421 and 2006-422 are approved cases with an outstanding balance of \$115,326.10. Director Baker gave a history of the situation and discussion ensued. Several documents were provided for Board review; however, the documents are confidential and not available as part of the public record.

Commissioner Smith made a motion to approve the release but to include the new acquired land on the encumbrance. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 1:18 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 1:18 p.m. for a continued meeting with county attorneys for a continued meeting with county attorneys for a legal staff update.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Smith made a motion to go into Executive Session at 1:19 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via teleconference, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, HR Director Kate Rice and HR Generalist Jennifer Allen. The Executive Session concluded at 2:08 p.m. with no decision being called for in open session.

JULY 2022 TERM
CALDWELL, IDAHO JULY 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2221

- The Board of Commissioners approved payment of County claims in the amount of \$1,834,892.29 for a County payroll (approved electronically)

No meetings were scheduled or held this day.

JULY 2022 TERM
CALDWELL, IDAHO JULY 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Timberlake Construction in the amount of \$15,143.00 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Garrett Saucedo, Housekeeping; and Greg Rast, Director of Information Technology

JULY 2022 TERM
CALDWELL, IDAHO JULY 18, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 586259 to 586294 in the amount of \$54,596.33

JULY 2022 TERM

CALDWELL, IDAHO JULY 19, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings scheduled or held this day.

JULY 2022 TERM

CALDWELL, IDAHO JULY 20, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 586322 to 586326 in the amount of \$259,272.00
- The Board has approved claims 586327 to 586366 in the amount of \$22,261.74

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. to consider several action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner (left at 9:10 a.m.), Fair Director Diana Sinner, Facilities Director Rick Britton (left at 9:14 a.m.), EOM Christine Wendelsdorf (left at 9:15 a.m.), Communications Manager Roxanne Wade (left at 9:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing builders risk insurance renewal for the Fair Expo Building: The current policy expires tomorrow and needs to be renewed. The new expiration date is December 1, 2022 by which time the building should be complete. Mr. Wesley provided a review of coverage and coverage amounts. Controller Wagoner has prepared a claim for Board signatures in order to get a check issued today since time is of the essence. Upon the motion of White and second by Commissioner Van Beek the Board voted unanimously to sign the Builders Risk Insurance Renewal for the Fair Expo Building. A copy of the renewal policy is on file with this day's minutes.

Consider signing agreement with Integra Realty Resources: This is a standard appraisal with a not to exceed amount of \$2950 for property that has been leased by the county for the past several years and is now considering purchasing. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the agreement with Integra Realty Resources (see agreement no. 22-080)

Consider authorizing Emergency Management Coordinator to submit IPAWS MOU application: Ms. Wendelsdorf and Ms. Wade said that this will provide enhancement to the emergency public notification system and offered explained how the system works. Any costs will be paid thru the E911 fund. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to authorize the Emergency Management Coordinator to submit IPAWS MOU application. A copy of the application is on file with this day's minutes.

Consider signing Fair entertainment contracts with the following: Los Rebeldes de Durango – Zolio Navarrete, FM Entertainment for Banda Renovacion and Romeo Entertainment Group, Inc. for Mark Chesnutt, Jordan Davis, Flo Rida, Matt Kozial and DJ Kronik: Mr. Wesley said that the contract with Los Rebeldes de Durango – Zolio Navarrete is a standard entertainment contract. The contracts with FM Entertainment for Banda Renovacion and Romeo Entertainment Group, Inc. for Mark Chesnutt, Jordan Davis, Flo Rida, Matt Kozial and DJ Kronik are their contracts explaining that with larger national acts the contracts are more on their terms than the county's, however, the county has done everything possible to mitigate the risk. Commissioner White made a motion to sign the fair entertainment contracts with Los Rebeldes de Durango – Zolio Navarrete (see agreement no. 22-076), FM Entertainment for Banda Renovacion (see agreement no. 22-077) and Romeo Entertainment Group, Inc. for Mark Chesnutt, Jordan Davis, Flo Rida (see agreement no. 22-078) and Romeo Entertainment Group, Inc. for Matt Kozial and DJ Kronik (see agreement no. 22-079) and authorize Director Sinner to initial changes within the contracts where necessary. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

COMBINED PUBLIC HEARINGS OF THE BOARD OF COMMISSIONERS AND THE COMMISSIONERS OF THE CANYON HIGHWAY DISTRICT NO. 4 PROPOSED AMENDMENT OF CANYON COUNTY 2020 COMPREHENSIVE PLAN, ADOPTION OF THE CANYON HIGHWAY DISTRICT NO. 4 CAPITAL IMPROVEMENTS PLAN FOR THE MID-STAR SERVICE AREA, INTERGOVERNMENTAL AGREEMENT WITH CANYON HIGHWAY DISTRICT NO. 4, ESTABLISHING A NEW CANYON HIGHWAY DISTRICT

DEVELOPMENT IMPACT FEE FOR THE MID-STAR SERVICE AREA, AND ADOPTION OF THE CANYON HIGHWAY DISTRICT NO. 4 MID-STAR DEVELOPMENT IMPACT FEE ORDINANCE

The Board met today at 10:01 a.m. to conduct a combined public hearing on the proposed amendment of the Canyon County 2020 Comprehensive Plan, Adoption of the Canyon Highway District No. 4 Capital Improvements Plan for the Mid-Star Service Area, Intergovernmental Agreement with Canyon Highway District No. 4, Establishing a new Canyon Highway District Development Impact Fee for the Mid-Star Service Area, and adoption of the Canyon Highway District No. 4 Mid-Star Development Impact Fee Ordinance. Present were: Commissioners Leslie Van Beek and Pam White; Deputy PA Zach Wesley; DSD Planner Juli McCoy; Attorney Bill Gigray who participated via conference call; Canyon Highway District Commissioners: Jay Gibbons, Rick Youngblood, and Patrick Reed; District Engineer Chris Hopper, Tim Richard, and Angela Franks from Canyon Highway District; Becky Crofts and Jennica Reynolds from the City of Middleton; Matt Wilke; Alan Mills; David Ferdinand; and Deputy Clerk Monica Reeves.

The Board was scheduled to consider the following action items:

Action Item: Consider the adoption of the *Canyon Highway District No. 4 Traffic Impact Fee Program and the Canyon Highway District No. 4 Mid-Star Service Area Capital Improvements Plan*, for the purpose of entering into the intergovernmental agreement with the Canyon Highway District No. 4 for the collection and expending of development impact fees for the Canyon Highway District No. 4's systems improvements within the Mid-Star Service Area as identified in the above referenced Capital Improvements Plans; and

Action Item: Consider a text amendment to the Canyon County 2020 Comprehensive Plan by the adoption of the *Canyon Highway District No. 4 Traffic Impact Fee Program and the Canyon Highway District No. 4 Mid-Star Service Area Capital Improvements Plan* and adding the same to the Comprehensive Plan appendix; and

Action Item: Consider the adoption of a *Canyon Highway District No. 4 Development Impact Fee Ordinance* for the purpose of imposing development impact fees for Canyon Highway District No. 4's systems improvements as identified in *Canyon Highway District No. 4 Traffic Impact Fee Program and the Canyon Highway District No. 4 Mid-Star Service Area Capital Improvements Plan*; and

Action Item: Consider the County Commissioners' and the Canyon Highway District No. 4 Commissioners' approval of new fees, the *Canyon Highway District No. 4 Development Impact Fee Ordinance* Development Impact Fees of Canyon Highway District No. 4:

The Impact Fee costs per service unit for the Canyon Highway District No. 4 Mid-Star Service Area

Zach Wesley said the Board will need to adopt an amendment to the comprehensive plan that adopts the capital improvement plan for the highway district; adopt an ordinance that creates the impact fees; enter into a joint powers agreement and intergovernmental agreement with the highway district for the collection of those fees. As part of the adoption of the fees there is also a

joint meeting with the Canyon Highway District Board of Commissioners on the adoption of those fees.

Juli McCoy gave the oral staff report. The Planning and Zoning Commission on June 29, 2022 voted in favor of the amending the 2020 Canyon County Comprehensive Plan. The language that was put in would allow the Board of Commissioners to adopt a capital improvement plan and impact fees for Canyon Highway District No. 4 Mid-Star Area. There are three jurisdictions are involved in this proposal: Canyon Highway District No. 4, the City of Middleton and the City of Star. The projects included in the capital improvement plan were selected using information from transportation plans, other capital improvements, and corridor studies in this area.

Commissioner Van Beek had questions of staff and Deputy PA Wesley. Attorney Bill Gigray provided comments on behalf of Canyon Highway District.

Chris Hopper, District Engineer for Canyon Highway District, said the project has been ongoing for a long time and the district is requesting the County consider an amendment to the comprehensive plan to adopt the Mid-Star Capital Improvement Plan, a plan which details projected population and traffic growth in the Middleton and Star area over the next 20 years and it highlights both the existing transportation system deficiencies they have identified as of 2020 that need to be corrected by means other than through impact fees as well as identifying a list of projects, 30 intersections and 17 roadway improvement projects that will be necessary to fund the anticipated growth and establishes a framework for the district utilize development impact fees to partially fund those. Also requested is an ordinance enacting development impact fees for the service area, and the adoption of an intergovernmental agreement between the County and Canyon Highway District that establishes the framework for the collection and expenditure of those fees. Also scheduled for today is a fee schedule amendment which would allow the adoption of a new series of impact fees. The capital improvement plan and impact fee programs have been adopted by the City of Star and the City of Middleton in cooperation with the CHD in September and October of 2021 respectively. The intent of the capital improvement plan is that all four agencies: Middleton, Star, Canyon Highway District No. 4 and Canyon County will work together to collect impact fees and fund the identified capital improvement needs jointly based on the proportionate share of collection of these fees.

Commissioner Van Beek had questions regarding the units of collection on revenues, the identified projects, and the capital improvement plan. She said as each city develops in its own way it would be important to have a workshop on what the vision of growth and infrastructure looks like. Mr. Hopper responded to questions about the projects and project prioritization and he explained how the district will administer the program.

The biggest concern at the P&Z Commission hearing was the failure of this plan to address the use of impact fees for funding existing deficiencies. The state impact fee law does not allow us to do so those were not included to be funded through impact fees. The ordinance allows for the collection of impact fees that were not properly collected or paid. The highway district will do the administration, holding, collection, and expenditure of impact fees. They will not be remitted to

the County. Zach Wesley said that is a change the Board asked for in the preliminary discussions about these fees. The way they operate with the fire districts currently is the County collects the fee with the building permit and we charge the fire district an administrative fee and then remit those funds to the fire district for the trust fund. This intergovernmental agreement and ordinance are drafted so that the County does not touch the money. The impact fee administrator will be a designee of the highway district. Bill Gigray provide follow up comments as the law relates to impact fees and capital improvement plans and said Canyon Highway District No. 4's capital improvement plan complies with the law. Mr. Hopper said the district met with the Snake River Valley Building Contractors Association in April of 2021 and provided draft plan and they did not have any specific objections to the structure of this impact fee program.

Matt Wilke asked if they can accrue interest on trust fund to help defer some waivers or deferrals. Chris Hopper said they plan to invest this trust fund into reasonable interest-bearing facilities. They are not getting terrific interest rate returns currently but they are seeing some in the range of 1%-2% that are safe either through certificates of deposit or the local government investment program sponsored by the state. The interest they collect do become part of the impact fee fund and are eligible for expenditure for anything they may use them for that is consistent with the capital improvement plan that would include refunds or credits. Bill Gigray said it's a separate trust fund, not funds of the district. It's held independently and by law all interest that's earned stays in the trust and cannot go in the general fund of the highway district.

David Ferdinand said he appreciates that the impact fees will only be used for specific projects.

Commissioner White asked if impact fees and the final payment can be put on a final plat. Zach Wesley said the platting phase would be used to identify as a tool to say what roadway the subdivision enters on and where they take action, but the actual fee collection for the impact fee would occur when they go for the access and are ready to build that home and they need a building permit. There is potential for more interaction, but generally separate.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the text amendment to the Canyon County 2020 Comprehensive Plan (Resolution No. 22-154).

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to adopt the Canyon Highway District No. 4 Development Impact Fee Ordinance (Ordinance No. 22-014).

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to consider the County Commissioners' and the Canyon Highway District No. 4 Commissioners' approval of new fees, the *Canyon Highway District No. 4 Development Impact Fee Ordinance* Development Impact Fees of Canyon Highway District No. 4. (Canyon Highway District Resolution No. 2022-06-01.) *The highway district board of commissioners will participate in a joint meeting with the Board regarding this topic.*

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to adopt the Canyon County/Canyon Highway District No. 4 Intergovernmental Agreement and Joint Powers Agreement for the collection and expenditure of development impact fees. (Agreement No. 22-081).

The joint hearing of the Board of County Commissioners and the Canyon Highway District No. 4 Board of Commissioners began at 11:17 a.m. Highway District Commissioners Jay Gibbons, Patrick Reed and Rick Youngblood were at the table.

Zach Wesley said public notice was given and public comments were heard and for this portion we just need to have the highway district vote on the fee. Bill Gigray said this is a joint hearing to hear comment about the proposed new development impact fees. The highway district board does not have to take any action of approval of those fees because those fees are enacted by the County ordinance and its approval of the capital improvement plan as the highway district does not have authority to impose impact fees, but Mr. Gigray has recommended the CHD board participate in a joint hearing to meet the requirements of Idaho Code. Commissioner Jay Gibbons said the CHD board is in total support of this process. Commissioner Rick Youngblood said because he also serves a state representative he wants to declare a Rule of 80 which is a declaration of any conflict of interest, which there is none.

The hearing concluded at 11:27 a.m. An audio recording is on file in the Commissioners' Office.

[JULY 2022 TERM](#)

[CALDWELL, IDAHO](#) [JULY 21, 2022](#)

PRESENT: [Commissioner Keri K. Smith, Chair - OUT](#)
 [Commissioner Leslie Van Beek, Vice Chairman](#)
 [Commissioner Pam White](#)
 [Deputy Clerks Monica Reeves/Jenen Ross](#)

APPROVED CLAIMS

- The Board has approved claims 586367 to 586406 in the amount of \$322,706.09
- The Board has approved claims 586407 to 586446 in the amount of \$61,876.24
- The Board has approved claims 586447 to 586487 in the amount of \$102,280.97
- The Board has approved claims 586607 to 586629 in the amount of \$25,128.99
- The Board has approved claims 586630 to 586647 in the amount of \$733,682.10
- The Board has approved claims 586558 to 586576 in the amount \$17,447.50
- The Board has approved claims 586521 to 586531 in the amount of \$3,767.07
- The Board has approved claims 586532 to 586557 in the amount of \$22,336.27
- The Board has approved claims 586577 to 586606 in the amount of \$88,033.49

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SHI in the amount of \$1,084.20 for the IT Department
- Data Bank in the amount of \$73,879.70 for the IT Department
- Elevate Technology Group in the amount of \$13,632.00 for the IT Department
- Timberlake Construction in the amount of \$2,880.00 for the Facilities Department
- Syman in the amount of \$1,665.00 for the Facilities Department
- Vacker, Inc., in the amount of \$9,000 for the Parks Department
- Integra Realty Resources in the amount of \$2,950.00 for the Facilities Department

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Coronar, LLC, dba Los Mariachis Mexican Rest. #2 to be used 7/23/22; the Curb Bar & Grill, LLC aka the Curb Bar & Grill to be used 7/30/22 and 8/13/22; County Line Wine Co., LLC, dba County Line Wine Co to be used 8/5/22; and Moad, LLC, dba O'Michael's Pub & Grill to be used 8/6/22

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Kellie George, Indigent Case Manager; Stephanie Hutchings, Clerk I; Melissa Salazar, Clerk I; Zachary Snively, Clerk I; Oscar Macias, Clerk I; Abby Woods, Maintenance Tech; Brian McClure, Maintenance Specialist; Margarita Rios, Customer Service Specialist; JoLynn Thweatt, Customer Service Specialist; Terena Wingle, Customer Service Specialist; Shawn Gray, Maintenance Coordinator; Linda Ellis, Fair Admissions Supervisor; and Alexander Gourley, Deputy Attorney I.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:45 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of DSD Yvonne Baker, Case Manager Kellie George, Deputy P.A. Zach Wesley (arrived at 8:48 a.m.), Deputy P.A. Alex Klempel and Chief Deputy Sheriff Marv Dashiell (arrived at 8:58 a.m.) and Deputy Clerk Jenen Ross.

Case no. 2022-510 meets the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an approval with written decision within 30 days.

In regard to case nos. 2006-421 and 2006-422 which were discussed with the Board last week, a new special lien and agreement have been instated identifying the new legal description of the property.

Discussion ensued regarding a letter sent to both the Board and Indigent Services pertaining to case no. 2006-319. This case actually dates back to 1994 and since that time consistent payments have been made. There is an outstanding balance of \$6514.85 and the son of the applicant has requested full dismissal of the outstanding balance as the applicant has passed away. Discussion ensued regarding possible options with Commissioners White and Van Beek having differing opinions. Mr. Wesley suggested that some additional information could be collected and brought back to the full Board for a decision at a later time.

The meeting concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 9:08 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. the action items were considered as follows:

Consider signing resolutions authorizing the retirement of CCSO K9s "Tequila" and "Wallace": Chief Dashiell said that K9 "Tequila" is 9-10 years old and has been with the agency since 2017. He was recently diagnosed with hip dysplasia and retirement has been recommend. "Tequila" will be retired to his handler, Deputy Pyell. K9 "Wallace" is approximately 7 years old and was brought on in 2018. Recently a tumor was discovered on his paw and retirement has been recommended. "Wallace" will be retired to his handler, Deputy Adams. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolutions authorizing the retirement of K9s "Tequila" (see resolution no. 22-155) and "Wallace" (see resolution no. 22-156).

The meeting concluded at 9:16 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER AMENDED PROPOSED ADMISSION FEES TO BE CHARGED BY THE CANYON COUNTY FAIR AND CONSIDER AN ACTION ITEM

The Board met today at 10:18 a.m. for a public hearing to consider amended proposed admission fees to be charged by the Canyon County Fair and consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Mr. Wesley provide a brief review of the reason for the public hearing and amended resolution. He explained that fees for the mainstage entertainment needed to be added to the resolution; those fees need to be based on actual costs which was unknown at the time the resolution was

originally signed. No members of the public attended today's hearing to offer comment and no comments were received. Commissioner White made a motion to sign the resolution amending resolution no. 22-138 adopting fees for the Canyon County Fair (see resolution no. 22-157).

The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

No meeting were scheduled or held this day.

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Jared Smith, Deputy Attorney I; and Kyra Venecia, Deputy Attorney I.

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permits for Blue Heron, LLC dba Bobbie Jeans to used 7/27/22; and County Line Wine Co., dba County Line Wine Co., to be used 7/26/22

JULY 2022 TERM

CALDWELL, IDAHO JULY 25, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 586650 to 586653 in the amount of \$299,000.00
- The Board has approved claims 586488 to 586520 in the amount of \$18,872.64

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Home Auto Ranch in the amount of \$222,595.00 for the Fleet Department
- Mountain Home Auto Ranch in the amount of \$48,150.00 for the Fleet Department
- Flag Store of Idaho in the amount of \$37,500.00 for the Facilities Department

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Joseph Swenson

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Moad, LLC dba O'Michael's Pub & Grill to be used 8/12/22, 8/13/22, 8/20/22 8/27/2022

MEETING TO DISCUSS APPROVING PETTY CASH ACCOUNT FOR THE CANYON COUNTY FAIR AND CONSIDER ASSOCIATED ACTION ITEM

The Board met today at 8:45 a.m. to discuss approving the petty cash account for the Canyon County Fair and to consider an associated action item. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, Controller Zach Wagoner and Deputy Clerk Jenen Ross. Director Sinner provided an overview of what the petty cash account will be used for which include entry gates, beer booths, open class premiums and other competition awards. Controller Wagoner said this is a procedure that has worked well and that Director Sinner and her team do a thorough job accounting for all the monies. Mr. Wesley explained that the increase to \$65,000 is just for the week of fair, once the fair closes the petty cash fund will return to \$2000. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving the petty cash account for the Canyon County Fair (see resolution no. 22-158). The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY GUILLERMO MARTINEZ & COLLIAS FAMILY TRUST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT: CASE NOS. OR2021-0018 & RZ2021-0023

The Board met today at 9:01 a.m. to consider a request by Guillermo Martinez & Collias Family Trust for a comprehensive plan map amendment to change the designation of the southwest portion of parcel no. R29983 from Agriculture to Residential. Also requested is a conditional rezone with a development agreement of from "A" (Agricultural) to "R-R" (Rural Residential). The average minimum lot size in the "R-R" zone is two (2) acres. The subject properties, R23591010 &

R29983 are located at the northwest corner of the intersection of Pump Road & Locust Lane in Nampa. Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, Tamara Thompson, Stephen Collias, Matt Johnson, Terry Scanlan, Manual Cavazos, Beverly Cavazos, Christine Eide, Raymond Eide, Marilyn White, Claudia Haynes, Rene Bine, Kim Yanecko, Jennifer Woodburn, Phil White, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The P&Z Commission recommended denial of the comprehensive plan map amendment and conditional rezone/development agreement request on February 3, 2022, based on the conceptual plan for 33 lots. In May, 2022, the applicant submitted a revised plan for only 19 lots with the remainder to be used as a fruit orchard. Half the property is in a residential designation on the comprehensive plan and the rest is designated for agriculture. The applicant is seeking to have the other half designated as rural residential. The subject property is adjacent to active agricultural farm ground. Mr. Lister reviewed the rural residential zoning in the area and reported there are six platted subdivisions within one mile with an average lot size of 2.77 acres. Regarding soils, only 26% is considered non-prime farmland while the rest is prime farmland. The Beranna Dairy is located within a two-mile radius of the property. The applicant submitted a water users' assessment and within that assessment they propose a centralized water system with individual septic systems. The property is not within a nitrate priority area. Mr. Lister reviewed the access and said a variance has not been approved by the highway district, but one is required for the access locations off Locust Lane. He also reviewed agency responses noting that the City of Nampa opposes this request as the property is not within the area of city impact or the expansion area. The Vallivue School District encourages sidewalks, and streetlights for safe-walking to school; the district also cited its inability to keep up with growth and potential capacity issues. Staff received a petition signed by 29 property owners as well as a number of letters in opposition to the request with the following concerns: water issues south of Lake Lowell; recharge issues; wells going dry, lack of cumulative data regarding development in the area; removing agricultural properties; lack of agricultural protection; concerns about impacts to crop dusting; inconsistencies with the comprehensive plan goals; development contributing to traffic issues; adequate fire safety/fire suppression; and impacts to local schools. Mr. Lister said the legal description that was noticed was still for the 89.74 acres, but looking at the new conceptual plan it looks like it's only for 45 acres being developed with the rest staying in agriculture, and he is concerned it does not reflect the comprehensive plan map amendment and conditional rezone the applicant is now reflecting. It is a substantial change to what the P&Z Commission considered. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the proposal:

Tamara Thompson, the applicant's representative, testified the subject property was purchased by the Collias family in the 1940's, and although Stephen Collias (the applicant) lives out of state, he has a permanent address in Idaho. The properties are zoned agriculture and are not in an area of city impact. There is one existing home along Pump Road that is under restoration. The original application was to make the entire 89.74 acres residential but now they are seeking a rezone on the 49 acres on the east side of the property. After the P&Z Commission hearing they met with

DSD staff and revised their plan to show 19 two-acre lots; they originally had 33 two-acre lots but revised it to the same land area and they reconfigured and moved it adjacent to the properties already zoned rural residential. Regarding access, the applicant will work through those issues with the highway district at the time of platting. They can make this work without meeting the Locust Lane access with the 19 lots. They are proposing individual wells and septs for the project. Ms. Thompson reviewed the platted subdivisions in the area. There will be a fruit orchard with a buffer of 1,000 feet (the length of 3 football fields) to address the concerns of the farmer to the west as well as the concerns about crop dusting. The proposed amendment will meet Canyon County's goal of maintaining personal property rights and to encourage growth in an orderly fashion. A development pattern is established in this area with residential zoning. A water use assessment report was prepared by SPF, which has merged with HDR Engineering, and Terry Scanlan did work for both firms. The applicant has worked extensively with planning staff to understand the challenges and needs of the County which has resulted in this modified plan and letters of the modified plan were sent to the neighbors. A traffic impact study has not been performed. Commissioner Van Beek spoke about traffic concerns at/near Lake Lowell due to the inability to handle traffic. Mr. Lister said the Nampa Highway District typically does not require a traffic impact study unless the development has 50 lots or 500 average daily trips. Commissioner Van Beek said the cumulative effect to hold those subdivisions right under that limit does not take into account the impact of those developments.

Matt Johnson stated he represented Stephen Collias two years ago regarding the Brumbaugh/Marchbanks rezone request which is the property directly east and they raised a number of questions and concerns at that time and so in part, he is here in the legal sense because the decision on that rezone is what got the ball rolling on the Collias application. We recognize this is a transition zone and you can see that the County has for years expected this to be the rural residential transition into agriculture and the buffer there. Mr. Collias had to take the next step and look at protecting his own property rights, looking at his development options there based on what had happened with the property to the east of him. Mr. Collias has tried to look at trying to match that to the comp plan designation of rural residential. The modified proposal is in line with the County's guidance, comprehensive plan, and it's in line with what property owners have relied on and expected over time is going to occur in this area. If the Board is going to move away from its comprehensive plan you have to be careful about designating why the line is suddenly being drawn here on the Collias property after what happened on Brumbaugh/Marchbanks property.

Neutral testimony was offered as follows:

Terry Scanlan with HDR Engineering offered neutral testimony regarding: 1 Putting water use by domestic use into perspective; and 2. The groundwater conditions south of Lake Lowell. There are a lot of concerns about subdivision development and the impact on water. Domestic/in-home use for residential uses very little water compared to irrigation. If you look at a property pre/post-development typically you don't see an increase in overall water use because as you develop you decrease the irrigated area that's offset somewhat by the domestic use, but domestic use, whether it's coming from a community system or from individual wells is only so much a day,

usually 200 or 300 gallons per day per home. That is the equivalent to about 1/10th of an acre of irrigation. He has seen a lot in the media about water concerns south of Lake Lowell, and he knows people have had trouble with their wells, but the data does not support an aquifer wide problem. IDWR monitors wells on southside of the lake, there's 3 monitoring wells in the proximity of this subdivision within 3 miles and they show stable water levels going back 20-40 years. Water levels fluctuate but they are not showing a chronic decline indicating over-appropriation of the aquifer. Further south there are problems, but it's not an over-appropriation of the aquifer but is more a well interference problem. There are 7,000 acres irrigated solely from groundwater in that area south of Lake Lowell so that's a huge pumping impact every year and we'll see interference drawdown in wells of 100-200 feet so as pumping patterns change with different operators and crops you'll see pumping volumes increase in some years and you'll see more interference which leads to some of the problems with wells seasonally dry up. Following his testimony, Mr. Scanlan responded to follow-up questions from the Board.

The Board took a break from 10:13 a.m. to 10:17 a.m.

The following people testified in opposition to the request:

Paul Haylett testified that he farms property to the west and south of the subject property. Said there was no protest to the well permit but there was no notification either and you cannot protest something you are not aware of. We have ag wells and we have water issues – IDWR has not done monitoring. He has a house well that has been lowered from 240 to 320 feet. To Ms. Thompson's reference to three football fields of distance, it is not enough sufficient. The FAA flyover rules would eliminate crop dusting in that neighbor. Locust Lane is a fast road – people speed are in the 100-mph range. Mr. Haylett believes this proposal will irreparably change the nature of the area. Support denial and do not allow the neighborhood to be fragmented. Following his testimony, Mr. Haylett responded to questions from the Board.

Beverly Cavazos testified that she attended a meeting last fall with representatives from the Idaho Department of Water Resources (IDWR), Nick Miller the regulation director and Dennis Owsley a water expert, and they had a slide showing the different levels of gravel, sand, clay, and water and showed how it works. There are too many wells on the aquifer lever therefore it dries up occasionally and affects some homes more than others. When a well goes dry it takes 2-4 days to replenish the water system and during that time you can't take a shower, wash your clothes, etc. The IDWR reps they talked about the cone of depression which affects the amount of water that flows and she said they need to talk to the Board and explain what they said to the residents. This aquifer is not substantial enough to support the homes that are on it now and every home you put it on makes it that much worse. The group fights large developments, but there are other individual homes that will affect the aquifer. Opposed to adding more homes.

Claudia Haynes represents the Canyon County Alliance for Responsible Growth and she wanted to make sure the Board had reviewed her exhibit which contains information about the news reports regarding the lack of water in this area and how the water shortage continues on. Ms. Haynes' well went dry and to date she has spent \$38,000 to drill a deeper well, and she testified that

neighbors have spent \$300,000 in a short period of time to address well issues. This development and the other four coming before the Board will affect the pocketbooks of the neighbors in the area. Ms. Haynes testified the water is not stable in this area and the monitoring well that IDWR has is not adequate and they are not checking it properly. A neighbor has allowed IDWR to use their personal well and they are hoping to have more accurate numbers. Ms. Haynes has provided the Board with information she obtained from a website that shows all of the wells in the area and there are reports from hydrologists that say the water level is at 100-200 feet, but the wells south of Lake Lowell are over 500 feet deep. If the water level is at 100 feet why are people drilling so deep? She believes IDWR is not giving the correct information. Ms. Haynes responded to questions from the Board regarding the summary of the well information she has obtained.

Rene Bine serves as the President of the Canyon County Alliance for Responsible Growth and has lived in the area for over 20 years. This is good farm ground and is not difficult to farm, and there are farmers who would gladly take on the entire property. There is already development underway on the other side of Pump Road which is east of the property. The geology and topography of the land changes at Pump Road, it's "hilly" and what was good soil at one time has been washed to the bottom portion of the property. The upper hilly portion of the property has gravel close to the surface and is poor farm ground. He understands why the properties east of Pump Road have been rezoned, but the land to the west changes and the property being considered for rezone is the first one of those, the ground is gently sloped and does not have gravel near the surface. There are major farming operations bordering this property and there is a dairy located two miles away. Added population and traffic make it difficult to perform the necessary farming activities.

Kim Yanecko stated she agrees with the testimony that's been given. She referred to a map showing IDWR's monitoring wells that show quality, quantity, and the wells that have been decommissioned. According to Ms. Yanecko there is contradictory information regarding water levels and the major declines that are occurring. She said IDWR has zero monitoring maps. They have talked about how numbers are stabilizing but if you look at the information, they stabilized at 100 feet lower than where they were originally. IDWR talks about recharging and how it's less water that's being sucked out of the ground but they failed to mention that farmers recharge the soil and the aquifer and domestic wells do not. Irrigating grass does not recharge aquifers at 500 feet, 300 feet. Ms. Yanecko said in the Taylor Jene case the Board denied the request because they were not able to provide water and they were told they could request a reconsideration if they could provide that well data. That case is scheduled to come back before the Board. Ms. Yanecko said there should be a task force formed that includes citizens and experts, not just paid hydrologists or hydrogeologists. Those who live in the area are the boots on the ground and should be on the task force. Until the Board can get better information she doesn't know how subdivisions can continue; there should be a moratorium on applications until we can make sure water can be provided to residents. Ms. Yanecko said there is a state requirement that there be water sources supplied for fighting fires, not necessarily maintaining a house, and there is supposed to be a hydrant or a tank and/or sprinkler systems. State law requires water supplied for fighting fires. Commissioner Smith said state law requires fire inspectors to enforce that, not the County. Ms. Yanecko said if the County won't allow the fire department to make those

inspections prior to drywall and the Board removes them from plat maps it presents an issue. Commissioner Smith said the Board does not have the authority to enforce that. Ms. Yanecko said they have to be allowed to do inspections. In response to a question from Commissioner Smith, Ms. Yanecko said at the IDWR community meeting they said there was plenty of water but they also said the water levels will go down as the demand increases in the summer months which is when IDWR does not provide details as to the amount of water that is available. IDWR said there are substandard wells for the area so those who already have a substandard well will absolutely be affected by not being able to withdraw water from the aquifer. Commissioner Van Beek had follow-up questions for Ms. Yanecko.

Jennifer Woodburn testified she owns the property south of the proposed site and she spoke of how the Board is in a powerful position and has a lot of facts to decipher about the water and it should be cautious about the land use decisions it makes. It's important to maintain the rural aspect of the area. *Commissioner Smith disclosed that she knows Ms. Woodburn and she had a conversation about process for a hearing although she had no idea what property it involved.*

Phil White has lived on Lakeshore Drive for 65 years and he testified about the changes that have occurred in the area in terms of traffic, water, and wells.

The Board took a recess from 11:33 a.m. to 11:44 a.m.

Rebuttal testimony was offered by Matt Johnson and Terry Scanlan. Matt Johnson submitted an updated technical memorandum from Terry Scanlan regarding the water issues in rebuttal to the testimony about concerns with the water in the area. The memo provides additional information to respond and clarify information that's been presented and to help with the analysis regarding the exhibits from Kim Yanecko. He referred to the chart (figure 2) which shows the nearest monitoring well and said Ms. Yanecko provided charts from IDWR related to wells but this is a specification from it with an analysis. He referred to the same charts with all the information provided, not selected, and as analyzed by a water expert. Terry Scanlan said the timescale extends from May 2021 to March of 2022; on figure 2 it's the same data except it extends starting from January of 1973 through March of 2022. You are seeing the last three measurements out of perhaps 50 measurements and that appears to be misleading by not showing all the data. You have to look at the entire dataset to really evaluate the situation, you cannot just take the last three measurements. The Board had follow-up questions for Mr. Scanlan.

Mr. Johnson said the Board is looking at an individual application on a comp plan amendment and conditional rezone and the applicant has taken significant steps to modify it from the original proposal to address the concerns. It's important the Board is basing its decisions based on the standards before you and on actual factual evidence, ideally coming from experts. Water is a good one, where there has been a lot of statements made and graphs have been shown and they have been shown out of context by people who do not have the expertise to fully explain what's going on but that doesn't mean their concerns aren't valid but it does mean when the Board is evaluating its standards it has to weigh the evidence appropriately and that's why Mr. Collias has invested significant money in hiring a well-respected water engineer to provide information. He did not

ask Mr. Scanlan to advocate for it, but simply to provide the accurate information and be able to answer the questions. There's been a lot of the "NIMBY" (not in my backyard) concerns about traffic, fire, and it's not that they are not valid but you have a process for those commentaries to come and there is no comment from the highway district or ITD that this application should not be approved. If this moves forward on a subdivision application, agencies will address the issues. The neighbors have expressed concerns but they have not shown justification for a denial. There was a fair amount of discussion at the P&Z hearing about crop dusting and the statement has been made that because there are three houses you cannot have crop dusters fly over, but that is an incorrect interpretation of the FAA regulations. Mr. Johnson spoke about how this is the transition zone and the County has identified it in the comprehensive plan.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said the pressure for the Board is significant to find the balance between development and the preservation of ag ground. There has to be more diligence; this plan may be a fine plan, but it does represent change. The Board has to receive information from IDWR, and it's not Terry Scanlan's job to refute information from IDWR. Because of the change and the attempt to mitigate concerns for locating homes next to agriculture the Board needs to host the ag community, developers, realtors, farmers where we identify here are places that make sense. We have no ability to evaluate without looking at the areas of impact on what the cumulative impact looks like – we need collective input from agencies on how to make intelligent decisions on growth in Canyon County. She finds the testimony regarding farming practices, wells, and the costs associated with repairing wells credible. We have a responsibility to guarantee essential services. She needs additional time to evaluate the information; we don't have enough clarification on the key and critical issues, and there has been substantive information. Commissioner White said the changes have been extensive and she wants more time to review the information. Commissioner Smith reviewed the changes she wants staff to make to the FCO's, specifically regarding the testimony received from the surrounding farmers and the businesses in the area that support agriculture who said the use is not compatible and would have negative impacts on farming operations. Staff has done a good job outlining the policies that are not in support of a change, and she does not find support for moving the case forward because it's on prime farm ground. Commissioner Van Beek has concerns about providing essential services, safe travel, water, etc. Denial would be based on these reasons: agriculture, area of impact, infrastructure, etc. Commissioner Smith said for all the reasons already stated, including the main issues with compatibility and that it's not more appropriate than the current zoning designation of prime farmland, a rezone is not more appropriate than the current zoning. Commissioner Van Beek has concerns about the road systems in the area, and the timing issue. She made a motion to deny the comprehensive plan map amendment and conditional rezone and directed staff to improve the findings for consideration of a denial. Steps the applicant could take to possibly gain approval in the future would include: additional water studies, traffic studies, and to send it back to the P&Z Commission because this is a substantial change from what they heard and to allow them to go through a new hearing process. The motion was seconded by Commissioner Smith. Commissioner White wanted more time to review the information before making a decision. The motion carried by a two-to-one split vote with Commissioner White voting

in opposition to the motion to deny. The Board will consider the FCO's at a later date. The hearing concluded at 12:46 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - APPEAL BY CALVIN WALSH OF THE P&Z COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT MODIFICATION TO MODIFY CONDITION #3 OF CU2004-68

The Board met today at 1:46 p.m. to conduct a public hearing in the matter of an appeal by Calvin Walsh of the P&Z Commission's denial of CU2022-0005, a conditional use permit modification to modify Condition #3 of CU2004-68, regarding a planned unit development allowing the development of Rosedown Subdivisions 1, 2, and 3. The request was denied to remove the 150' setback requirement. The applicant's property is located at 19266 Flora Road, within Rosedown Subdivision No. 2, in Nampa. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Jenna Petroll, Calvin Walsh, Heather Walsh, Patrick Callahan, Michael Silva, JoAnn Sevy, Bruce Sevy, Lowell Dale, Justin Fredin, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that the subject property is located in close proximity to property she owns, and, she knew the original owner of the parcel, Oscar Wick, but it will not present a problem of objectivity.

Dan Lister gave the oral staff report and gave background of the property and the request. The applicant filed for a modification to remove the 150-foot setback so they could apply for an accessory structure to be built on the back half of the property. In April of 2022, the P&Z Commission denied the application for the following reasons:

- The agricultural property along the east boundary of Rosedown Subdivisions 1, 2, and 3, is still active. There is no evidence of residential development on the farm ground or recent decisions that change the character of the area to residential. Therefore, the character of the area and conditions approved as part of CU2004-68, have not changed.
- The request is inconsistent with 5 goals and 7 policies of the 2020 comprehensive plan regarding protection of agricultural zones, designations and uses.
- The request violates the PUD and CC&R's.
- The existing PUD is considered a legal no conforming use. The removal of the setback should be with annexation or zoning map amendment to R-1 or R-2, and re-platting.

The applicant's reasons for appeal are as follows: 1. County setbacks create natural 50-foot buffer between the subdivision and the farmland making the 150-foot setback invalid. 2. The Rose Down Subdivision HOA and the farmer leasing the adjacent farm ground support the request. Staff recommends denial of the request. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the appeal:

Calvin Walsh testified he wants to use all of his property and with a 150-foot setback it cuts the available use of his property in half and in order to have full use he has to modify the CUP and then do a replat of the property. The major reasons P&Z Commission denied his request is because the conditions are to protect the agricultural ground behind him, but according to Mr. Walsh, the ground, even though it's farmed, will change and it will be developed. The property to the east was previously owned by the Christensen Trust and it was purchased by Mark Bottles Real Estate who has a history of buying ag ground and selling as developed land. Mr. Walsh spoke with the current farmer, who's been farming the adjacent land since the 1990s, and he has no problem with the request to put up a shop closer to the fence line. Most of the residents in the neighborhood support the request and at the next HOA meeting an item will be added to the docket that calls for a vote to change the CC&R's. Following his report, Mr. Walsh responded to questions from the Board.

Michael Silva lives in the neighborhood and his property also has the 150-foot setback which makes it pie-shaped and means he does not have full access to his parcel and he should be taxed accordingly. There are three homes to the west that back up to a pasture but they have no setback. On the north side there is a Brighton Home sign that's been put up and if the land is developed his view will be gone. He should not be taxed on ½ acre rather than the whole parcel. There should be changes so it meets today's standards.

Patrick Callahan, is the President of the Rosedown Subdivision, and he wrote a letter of support for this request in his individual capacity as president. According to Mr. Callahan, the HOA board is currently considering changing the CC&Rs.

Bruce Sevy testified he supports the request and he sees the benefit of not having shop directly behind the Walsh house.

The following people testified in opposition to the appeal:

Justin Fredin represents the Dales who live south of the subject property. He appreciates Dan Lister's staff report and said the appropriate vehicle is to seek a rezone and platting. The proposed use is not consistent with the comprehensive plan. All existing uses are ag currently, and no changes have occurred since the PUD was approved. The request would violate 12 different policies or goals, and it will be injurious or change the essential character of the area. Additionally, there are six property owners within the subdivision, including those most adjacent, who are opposed to the removal of the setback. People have purchased lots and made investments and designed their properties in reliance of the 150-foot setback.

Lowell Dale lives adjacent to the subject property and he is opposed to the request. There is no easement other than the setback that protects his property; he does not want his view blocked and he has concerns about a structure being built near the irrigation canal. He believes there is a way for Mr. Walsh to make this work within the confines of the 150-foot setback. If it's removed there are no restrictions in CC&R's to protect against the size of the building that can be built, which is concerning to him.

Calvin Walsh offered rebuttal testimony. He understands the opposition of Mr. Dale and he believes if the land behind them is developed everyone will lose their view. Yes, it is possible to put a shop on the backside of his property and remain within the 150 feet; however, in doing so it limits the use of his backyard and would require the shop to be 20 feet from his back door. The irrigation line does need to be protected and he would take that into consideration and not build directly on top of a service line.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith supports the staff report as presented, she agrees with the findings and does not propose any changes. Commissioner Van Beek also agrees with the staff report. The timing on the loss of the view is subjective and is subject to the current economic climate. People purchased their properties under a PUD that allowed them to have a view, and it's how the original owner set it up and we should honor that. She agrees that it's an inefficient use of land that was done by a previous Board, but in the interest of fairness and a lack of bias the process has to be upheld that makes it fair for everyone. Commissioner Smith said the current Board has also been doing things for conditional rezones to protect agriculture and when considering this was a PUD to create open space areas not just for ag but to have an open area, that was their intent and this process to change the condition would circumvent that approval. The timing is not correct. Commissioner White does not support the request and she encouraged Mr. Walsh to look at how he can enhance it so he can use the property and maintain the 150-foot setback. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the P&Z Commission's denial of a conditional use permit modification, and to update the FCO's to include the actions the applicant can take for approval in the future. Staff will bring back the FCO's for consideration at a later date. The hearing concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

BOARD AND ELECTED OFFICIALS' DISCUSSION REGARDING THE FY2023 TENTATIVE BUDGET

The Board met today at 3:21 p.m. with elected officials for a discussion regarding the FY2023 tentative budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Assessor Brian Stender, Sheriff Kieran Donahue, Coroner Jennifer Crawford, Prosecutor Bryan Taylor, PIO Joe Decker, CCAD Director Michael Stowell, Parks Director Nicki Schwend, Lt. Martin Flores, Cpt. Mike Armstrong, Cpt. Harold Patchett, TCA Jamie Robb, Assistant TCA Benita Miller, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano (arrived at 3:25 p.m.), Greenleaf Mayor Brad Holton, David Ferdinand, Facilities Director Rick Britton (arrived at 4:02 p.m.), Sr. System Analyst Steve Onofrei (arrived at 4:04 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith explained the reason for today's meeting is to discuss the Clerk's suggested budget.

Sheriff Donahue expressed his concerns which include the ability to provide services and being able to take care of the human capital in regard to retention and recruitment. He is concerned that by taking no property taxes it would essentially be de-funding his office; he spoke about what he feels are the short and long-term affects believing that it may offer short-term relief but may also offer the legislature another reason not to do anything with property tax relief and just letting the counties address it.

Commissioner Van Beek spoke about the need for a Wage and Compensation analyst. She feels that the budget needs to be revenue-based, not expense-based.

In response to a question from Commissioner White, Sheriff Donahue said the county needs to stay with step plan as outlined in the compensation plan and COLAs, whatever variation that may look like. He thinks the compensation plan needs to be evaluated but for the time being the people need to be taken care of and doesn't think a 10% COLA is out of the question. The elected officials are the management of the county and it is their responsibility to plan for the best or the worst. He feels that entry-level positions need at least a 10% increase + a flat hourly wage increase or perhaps 20% across the Board. Assessor Stender said that for some of his entry-level employees, if they're old enough, would qualify for the circuit breaker.

In response to a comment by Commissioner Van Beek, discussion ensued regard how a zero-property tax budget would impact urban renewal.

Assessor Stender said he would be more interested in taking a smaller reduction as people are concerned about how a zero-property tax budget would affect their escrow accounts.

Prosecutor Taylor explained that his number one concern is the recruitment and retention of employees. The current salary rate is making recruitment very difficult. He does not feel that the county is not keeping up and that COLAs need to be commensurate with the inflation rate. He agrees with much of what was said by Sheriff Donahue. Commissioner Smith concurred that the county is behind on capital and human capital.

Treasurer Lloyd said Canyon County has been very conservative over the years but is concerned this is unprecedented. She agrees with Assessor Stender, if you cut property taxes one year it will have to be caught up another year. She wants to make sure there is always a little bit of savings, that there is a "rainy day fund" for unforeseen events.

Coroner Crawford doesn't have any comments on the budget at this time as she hasn't had an opportunity to review the presentation.

Clerk Yamamoto said there are many people out there who are struggling, he has talked to many who are worried about losing their home. His number one priority is the taxpayers. The suggested \$3000 increase to employees' salaries was just a starting number, on the lower end of the pay scale it's a 10% increase and decreases as you move up the pay scale. He too is continuing to lose employees for higher wages. A \$3000 increase would equate to a \$4M increase to the budget. At a 10% increase across the board, it would be a \$7-\$10M increase. The 7.5% increase given last year was to help get Canyon County caught up because it was so far behind in wages.

Commissioner Smith said it costs the same to live in Canyon County as it does anywhere else. She is tired of the conversation that Canyon County should be lower than other entities and one way or another the taxpayers are paying; taxpayer money is wasted each time Canyon County pays to train employees only to have them leave for better paying jobs in Ada County. Commissioner Van Beek spoke about how she feels there are other factors at play in retaining employees such as culture because no one is going to win the 'wage war'. Sheriff Donahue concurred with Commissioner Smith's point.

Clerk Yamamoto said the people hurting the most are older couples on a fixed income but also young couples who've just bought a starter home. He feels that at the legislative level nothing will be done in regard to property taxes.

Controller Wagoner explained part of the reason a budget like this can be done is because everyone is under budget every year and have made great use of the taxpayer money. This has been a discussion between the Clerk and Controller for many years and was not a decision that was made lightly. The people that will be most impacted are starter, entry level homes, they are looking at 20-30% increase in taxes while large corporations see theirs go down. In looking at the county's position with existing cash and cash from other sources besides property taxes, he feels that this is financially feasible and it is the right thing to do for the people of Canyon County. Clerk Yamamoto said that the projected fund balance at the end of FY2022 is over \$92M and the projected non-property tax revenue for FY2023 is over \$72M and if the county went with the suggested zero property tax that would leave a projected fund balance of a little over \$38M at the end of FY2023; this does not include ARPA monies.

Prosecutor Taylor concurred with the Clerk and Controller in regard to the taxes hitting young families, but pointed out that those are also the ones leaving for higher paying jobs. It's the vicious cycle.

Commissioner White spoke about lack of follow thru in regard to the compensation plan. She feels it needs to be caught up to adequate and then maintained regularly. Capital needs to be infused into the human capital. She appreciates the Clerk protecting the taxpayers.

Clerk Yamamoto doesn't know what the 'magic' number is to increase compensation but he won't do a percentage again because that makes the plan top-heavy. Commissioner White suggested working with the department administrators as they are most familiar with their employees and the work they're doing.

Commissioner Van Beek spoke about how a Wage and Compensation Analyst removes the subjectivity of setting wages. She said there needs to be consideration for the taxpayers funding this as wages make up the majority of the budget. There needs to be a qualified person to analyze wages and nobody in the room is qualified to do that; for her it is just a waste of time since no one is qualified. She explained she has called for budgets for the 5 largest counties in the state. She feels the county would benefit by providing a 5-year budget to actual and highlight where the revenues come from, it is very difficult to read thru the documents provided and would like the taxpayer to provide analysis on that. She noted that by state statute the county can take excess revenues. She suggested that taking a percentage of that fund balance, reducing the property tax levy and putting the rest of it in an account for salaries, long-term capital needs, on-going maintenance, purchase of property, or funding a jail - those things have been identified by taxpayers and that the county need to get their input. For her there are some missing pieces with a lot of work to do because of deadlines that need to be met. She spoke about how she proposed a flat fee last year that did not gain traction, but appreciates that it was done that way in the suggested budgeted this year as it provides a weighted average for people, meeting the needs of the people most in need.

Commissioner Smith encouraged the public to submit comments to the Board.

Commissioner White said she would like input from the department administrators on what increases would look like.

Commissioner Van Beek feels there is missing information on the community groups that were funded and she would like to see itemization within budgets. Clerk Yamamoto feels he and the Controller have done everything that has been requested by the Board. Commissioner Van Beek

would like a list of the community groups that requested funding, what they requested and what is being included in the budget.

The meeting concluded at 4:51 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDWG in the amount of \$4,812.09 for the Facilities Department and the IT Department
- Right! Systems, Inc., in the amount of \$24,429.00 for the Facilities Department and IT Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Erin Lancaster, Legal Support Specialist I; and Thomas Rojas, Deputy Public Defender

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Consider signing a Resolution Authorizing the Acceptance of State Criminal Alien Assistance Program Grant Funds: Chief Dashiell provided an overview of the program. Today's resolution is to accept monies from FY2020 which is about \$28,000. Ms. Klempel said this is an annual agreement and there is no reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing the acceptance of State Criminal Alien Assistance Program grant funds (see resolution no. 22-159).

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY DESIGNHAUS ARCHITECTURE, REPRESENTING TJM PROPERTIES, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2021-0011

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a Public hearing to consider a request by Designhaus Architecture representing TJM Properties, LLC, for a conditional rezone, Case No. CR2021-0011. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, Tory Martin, Steve Wensel, Angie Wensel, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that the subject property is located near her home and she knows some of the neighbors who are here today, but she has not discussed the case with them nor does she have a financial interest in this case.

Elizabeth Allen gave the oral staff report. The applicant, Designhaus Architecture representing TJM Properties, LLC., is requesting a conditional rezone to change the zoning designation of parcel R34194, approximately 9.99 acres, from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone - Service Commercial) zone. The request includes a development agreement to limit development to a self-storage facility. The subject property is located at 7832 Highway 20 in Nampa. The parcel has a home and has been utilized for farming for many years. A portion of the site is located within a nitrate priority area. Ms. Allen reviewed the zoning information, soils information as well as agency comments and citizen comments. Individual septic and wells are proposed. The City of Nampa recommends denial of the request. On April 21st, 2022, the Planning and Zoning Commission recommended denial of the request. Staff recommends denial of the request as well. Following her report, Ms. Allen responded to questions from the Board. Commissioner Smith asked staff to update the FCO's to address the joint exercise of powers agreement as well as the references to public hearings.

Tory Martin, who is the property owner, testified in support of his application and said the architecture firm he had been working with has experienced a high rate of turnover and therefore they are not here to represent him today. He is working with Jacobs Engineering on the irrigation plans and they've worked on piping and plans to relocate the ditch. He will work on the accesses with ITD. The land is currently being farmed and he is rebuilding the house for a family friend and he plans to hold the property as long as he can. Commissioner Smith said she has concerns about compatibility and asked how the proposal fits with the agricultural character of the area. Mr. Martin said it does not fit with the existing agriculture, but he has worked with the owner of the Berry Ranch. The whole area is agriculture and he's assuming it will remain that way until the city comes out there.

Steve Wensel offered testimony in opposition to the request. He owns a 100-acre farm to the north, and his home is located on a separate 12-acre parcel in the area. The project was contemplated a year ago with a community meeting and the messages were confusing and questions went unanswered. The top soil is some of the best in the County and we have to be careful with how we give up that soil. There is no water available for fighting fires. Mr. Wensel

said the project is premature and lacks the submittals from the highway district, and the non-compatibility would confirm the denials that have happened on this request.

Rebuttal testimony was offered by Mr. Martin who said at the P&Z Commission hearing a representative from Designhaus said they would store farm implements at the storage units, however, that was not an intelligent thing to say.

Commissioner Van Beek made a motion to close the public testimony. The motion was seconded by Commissioner White and carried unanimously. Commissioner White believes the request should be denied due to timing issues as well as compatibility and access issues. It's a beautiful piece of property that should be preserved for agriculture. Commissioner Van Beek said this is a pristine area with some of the best farm ground in the valley and there is no need at this point for RV. It would be a disservice to the County and the area to approve this request. She supports the City of Nampa's request that we wait until services are closer. Commissioner Smith agrees with upholding the denial of the request and she asked staff to update the FCO's with a full analysis of supporting the recommendation of the City of Nampa. Her reasons for denial area: it is an agricultural area and even as the applicant stated, it is not characteristic of the area. The actions the applicant could take for future approval would be: It's a timing issue and there needs to be changes to the County's comprehensive plan and the City of Nampa plan before approval could be given, or that the character of the area changes substantially to where it would support a storage unit facility. Commissioner Van Beek said the Syngenta location has test plots next to it and have invested \$60 million in the last 5 years so that proximity needs to be looked at and should be included in future reports with agency comments. Commissioner Smith said with that being said we should talk with Nampa about changing their comprehensive plan to support agriculture in that area.

Following the Board's deliberation Commissioner Van Beek made a motion to uphold the P&Z Commission decision to deny the request Designhaus Architecture representing TJM Properties, LLC, for a conditional rezone, Case No. CR2021-0011, and to direct staff to include changes in the FCO's as proposed by Commissioner Smith. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

REVIEW FISCAL YEAR 2023 TENTATIVE BUDGET

The Board met today at 3:34 p.m. for a review of the fiscal year 2023 tentative budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Treasurer Tracie Lloyd, Assessor Brian Stender, Director of Juvenile Probation Elda Catalano, CCAD Director Michael Stowell, Director of Misdemeanor Probation Jeff Breach, Facilities Director Rick Britton, PIO Joe Decker, Lt. Travis Engel, ADJ Davis Vander Velde, Assistant TCA Benita Miller, TCA Jamie Robb, Cpt. Harold Patchett, CCSO Financial Manager David Ivers, David Ferdinand (arrived at 3:55 p.m.) and Deputy Clerk Jenen Ross.

An email outlining several budget related questions was sent out yesterday by Commissioner Van Beek. Controller Wagoner said he has seen email but not had time to go thru it line by line. He did address indigent medical stating that the county no longer has authority to levy monies for the indigent fund but there are still indigent medical responsibilities that must be addressed by the county. Commissioner Van Beek said she understood that but that there is \$20,000 budgeted and in 2020 only \$11,360 was spent and in 2021 \$12,590 was spent. She would like to see the budget to actual number be closer. She explained her frustration is that when there are contingency funds they end up being spent on items that weren't budgeted for or that the Board is told by other EOs that they can use the money as they best see fit.

Sheriff Donahue spoke about how he would rather have the money available vs. having to borrow from another line item. He would much rather have a plan that has a buffer in case it is needed and if the money isn't used it is either turned back or could potentially be used for some other need. Additionally, he addressed the increase they've seen in travel costs and how that is a fluctuating market.

Controller Wagoner explained the budget is a plan; what matters is what gets spent. If the money is not spent it can possibly be used for another project, added to fund balance, could possibly offer property tax relief or investment in human capital. He does not want to create a 'use it or lose it' mindset and that elected officials and department administrators are consistently coming in under budget. Commissioner Van Beek feels this may be a sign that overbudgeting is happening. She thinks that if there are anomalies then those should be brought to the Board for consideration. She would also like to see the elected officials and department administrators provide comprehensive notes within their budgeting. For example, in travel, she would like to see exactly who will be attending which trainings and with that information a more comprehensive budget number could be achieved. Commissioner Van Beek spoke about how she feels some of the Sheriff's Office projected revenues are underestimated, and considering non-property tax dollars are spent first, that would indicate that the county is potentially overtaxing. She feels that she has been disrespected for her position on the capital improvements plan but without a plan that identifies the need in terms of maintenance or capital improvement projects it becomes subject to "pet-project" that have not been planned or budgeted for.

Sheriff Donahue said he agrees with the both the Clerk and Controller and Commissioner Van Beek - there should be a plan for capital improvement projects and a new administration building is a good place to start. When excess revenue is turned back, that money is rerouted to potential capital investment or human capital investment. He thinks that is smart/good management and that the taxpayer isn't getting hurt there. As part of county management, they are looking out for the taxpayer.

Commissioner Van Beek stated that in regard to human capital, over the past 5-6 years it has been over \$30M that has been dedicated to improving the salaries and wages. When the county is in a position of excess revenue there is provision in statute for the BOCC to direct that revenue to a

dedicated source but that is not happening. She has been a big supporter of a new jail but without funds being infused into a dedicated account that won't happen.

Sheriff Donahue agrees the jail needs to be replaced. He spoke to the \$30M for salaries and how it is not enough because the county is woefully behind everyone else. He argued that increasing salaries to retain employees is taking care of the taxpayer, investing their money into our people. When money is invested into employees and then they walk out the door, that is a slight to the taxpayer. Commissioner Van Beek doesn't think it will ever be enough if there is pressure from outside forces to do non-conforming increases in the middle of a budget year. The time to look at that is now, with a qualified person, without that kind of pressure.

Clerk Yamamoto explained the budget is generally 10% unfunded. In other words, the budget is more than what is taken from the taxpayers. He provided an explanation of how that is done. Money not spent is rolled over and for 3 years in a row the tax request has remained the same and even gone down a bit. He said that due to the severe underemployment within the county, expenses being down and the sales tax being more than anticipated that the county is in a great place.

Discussion ensued regarding options for funding a new jail facility.

In response to Board questions and comments, Controller Wagoner explained that the budget is balanced. It is 100% funded with 10% of the funding normally being derived from fund balance.

Commissioner Smith said she would like to see each of the offices and departments look at tightening up some of their budgets to bring numbers closer to actual. Human capital is the largest expense and during budget meetings she tried to address some of the positions that have been open for years, she would like for those positions to either be removed, revised or funded at a level to be filled. She cannot wrap her head around zero property tax; she is concerned about how it will affect escrow accounts and that there are very specific needs in the community that need to be met related to capital. She would be much more inclined to allocate those funds for capital improvements and to see the 'B' budget tightened up so that the property tax request can be reduced but not eliminated.

Sheriff Donahue understands the concern on unfilled positions but for his office, he needs every one of those positions filled. Commissioner Smith clarified, stating that she wants to see those positions funded at a level that can be filled. The way to fill those positions is to pay adequate/competitive wages.

Clerk Yamamoto said tax requests have not been completely out of line; other non-property tax revenues have come in higher than projected but he thinks that is going to change. He said a lot of time could be spent going back thru every 'B' budget line item but isn't sure at the end of the day that it will make much of a difference. Commissioner Smith said it makes a difference because she would like to increase the 'A' budget to take care of employment issues so there needs to be a give and take somewhere.

Commissioner Van Beek reiterated that she wants to see budgets created where expenses meet revenues not where revenue has to meet expenses. Sheriff Donahue believes this is already done and feels that a pretty good job is done. Commissioner Van Beek wants to see every department and office know their historical trends and build their budget to meet their level of revenue because it's known historically what the property and non-property tax revenue is going to be.

Commissioner Smith said she thinks the best way to move forward is to ask all the elected officials to tighten up their 'B' budget and get their 'A' budget as accurate as possible.

Commissioner Van Beek noted there was a suggestion by this Board to add a COO position which needs to be added back into the budget. Commissioners Van Beek and Smith are in support of this being added back in. She also feels that this Board needs a financial advisor as allowed by statute. She has asked every year to have a budget that is reflective of the county being the second largest county in the state of Idaho and thinks there is room for transparency and explanation. She thinks the financial officer position could be incorporated into the COO position. She would also submit that this Board needs independent conflict counsel so a business administrator with a legal degree that was independent could manage some of the issues the Prosecutor's Office can't get to; in order to create the position, she would take a PCN from the Prosecutor's Office. Commissioner Van Beek said she has heard from other offices and departments regarding the level of service and thinks if the county had experts in some of those subfields legally it could relieve pressure on the PA and it would reduce PERSI.

Commissioners Smith and Van Beek both clarified they are not in favor of a County Manager but a COO who would report to the Board but have no authority. They would have a direct relationship with all the DAs, work on projects or priorities of the Board, policies or budget items.

Commissioner Smith clarified that it is Commissioner Van Beek who is in support of a financial manager, she can possibly see the benefit of that position in the future but she is not supportive of it at this time.

Discussion ensued regarding the Board's authority to retain outside legal counsel. Commissioner Van Beek quoted the statute caveat that would allow the Board to hire outside counsel and where precedent has already been set within Idaho.

Commissioner Smith said the payroll needs adjustment, more than the \$3000 originally suggested and she wants to see the 'B' budget reduced in order to invest in the 'A' budget.

Commissioner White expressed her concerns about reducing the 'B' budget with inflation being the way it is right now and the need to be prepared for the unexpected.

Commissioner White made a motion to continue the meeting to Thursday at 2:30 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 4:44 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM

CALDWELL, IDAHO JULY 27, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 586295 to 586321 in the amount of \$48,324.72

APPROVED CLAIMS ORDER NO. 2222

- The Board approved payment of County claims in the amount of \$1,959,860.67 for a County payroll

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Nicole Haney, Recorder/Passport Specialist

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 8/5/22, 8/6/22, 8/7/22, 8/13/22, 8/14/22, 8/15/22, 8/20/22, 8/21/22, 8/27/22, & 8/28/22; and Serve It Up, Inc., aka Legends Sports Pub & Grill to be used 8/13/22

MEETING TO DISCUSS EMPLOYEE COMPENSATION ADJUSTMENTS IN THE CANYON COUNTY PROSECUTOR'S OFFICE

The Board met today at 9:05 a.m. to discuss employee compensation adjustments in the Canyon County's Prosecutor's Office regarding two attorneys for the Civil Division and one for the Criminal Division. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner White made a motion to sign the resolutions authorizing specific compensation adjustments regarding two attorneys for the Civil Division and 1 for the Criminal Division of the Canyon County Prosecutor's Office. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion as she believes the adjustments should be made during budget time. The motion carried by a two-to-one split vote. (Resolutions

Nos. 22-160 and 22-161.) The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DEPARTMENT ADMINISTRATORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:06 a.m. with department administrators to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, DSD Staff Dan Lister, Dave Curl, Kate Dahl and Jennifer Almeida, Code Enforcement Supervisor Eric Arthur, Sr. Weed & Pest GIS Coordinator Richard Friddle, Facilities Director Rick Britton, IT Director Greg Rast and Assistant Director Eric Jensen and Deputy Clerk Jenen Ross. Board directors provided the following updates:

PIO

- The Board would like to see more promotion of the Fair. Mr. Decker said they do most of their own social media he would be happy to help if assistance is needed.
- Discussion regarding coverage of the P&Z comprehensive plan meeting scheduled for August 10th.
- Parks master plan survey has been translated into Spanish and added to the website.
- CGI was here in June; Mr. Decker will meet with Dee Sartor this week for voiceover work on videos.
- Spoke with Sgt. Roberts - the Coast Guard will be here August 2nd to meet with him regarding rescue they assisted with in the spring. Mr. Decker will attend that meeting.
- The Board will be holding a joint meeting with Deer Flat to discuss partnership.
- Poll worker recruitment will be happening soon for the August 30th election.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 10:17 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Public Information Officer Joe Decker. The Executive Session concluded at 10:25 a.m. with no decision being called for in open session.

DSD

- Commissioner Smith spoke about how Mr. Lister, Mr. Curl, Ms. Almeida, Mr. Arthur and Ms. Dahl should continue leading their areas while the department is without a director.
- The Board would like a progress report from each area by the end of the week.

- Commissioner Smith will be point of contact while there is no Director in place.
- Staff is okay to continue moving forward in interviewing/hiring of new planners.

Weed and Gopher

- Department is currently short a staff person on the gopher side; Commissioner Smith will work with JC Nissen on filling that position.

Code Enforcement

- Provided an update on case numbers; a spreadsheet will be forwarded to the Board with the Friday update; currently 175 open cases but anticipate it will be closer to 180 by the end of the week.
- Commissioner White lodged a code enforcement complaint on the record.
- Discussion regarding the Weed and Gopher complaint process following the Code Enforcement complaint process. Mr. Arthur will assist them with process where he's able. The Board would also like the Weed and Gopher department to have an online complaint form. Director Rast thinks limited access to the CAPS program could be granted.

Action item: Consider approval/denial of abatement request: Mr. Arthur showed the Board pictures of the property to be abated. The property has been posted and notification has been provided to the property owner via USPS. The trash will be removed but he is unsure of how the RV will be handled. Commissioner Smith asked Mr. Arthur to reach out to SWDH regarding the human waste being properly handled. The estimate from Northwest Land Services is \$8700 and Mr. Arthur doesn't anticipate the cost changing. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve moving forward with abatement at 5319 Lake Ave. Caldwell.

- Currently there are 15-19 cases with legal. Mr. Arthur would like to talk more with Commissioner Smith regarding the certificate of non-compliance process.
- Before and after photos of code enforcement issues were shown to the Board.

IT

- Director Rast provided a handout to the Board which included information on CCIT staffing organization; scanning update; animal shelter technology; backup status (changed from tapes to disk); project status report; update on BOCC recording equipment; draft of org charts.
- The Board likes the chart that was created and would like it sent to other EOs for informational purposes; The Board would also like EO names and terms included.
- The Board asked for an update on the timeline to the Weed and Gopher form and CAPS program.

At the conclusion of the update from the IT department, a request was made to go into Executive Session as follows with the Facilities department:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 11:31 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Facilities Director Rick Britton. The Executive Session concluded at 12:00 p.m. with no decision being called for in open session.

Facilities

- Looking for the best way to seal girts at the new expo building and presented 3 options to the Board. Director Britton will get pricing on each option for Board consideration; his preference is the metal soffit for durability and maintenance. He feels this was missed by Cole Architects when this portion of the plan was revised.
- Flagpole is going to be 80' and was ordered today.
- Commissioner Smith noted that she recently received a phone call from Director Sinner expressing her appreciation of Director Britton's team and leadership.

The meeting concluded at 12:13 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TRIAL COURT ADMINISTRATOR TO DISCUSS GENERAL ISSUES

The Board met today at 1:33 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ David Vander Velde (left at 1:45 p.m.), TCA Jamie Robb, Patrick Momont with U of I Extension office and Deputy Clerk Jenen Ross.

Judge Vander Velde and Ms. Robb discussed the following with the Board:

- They are in the process of hiring a Deputy Trial Court Administrator with funds allocated by the State; this is considered a supplemental position to the county Deputy Trial Court Administrator. The State position would cover the district, whereas the county position will cover just Canyon County.
- Ms. Robb is working to revise budget numbers as requested in recent meetings. She is still concerned with salaries of court employees who are not Clerks although she has not yet had a chance to see the compensation plan.
- Ms. Robb would like to be included on discussions involving the new administration building.
- A remodel request was included in the TCA budget, she is hoping it remains in the budget; it is in the courts budget vs. facilities.

The meeting concluded at 1:47 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DEPARTMENT ADMINISTRATORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:47 p.m. for a monthly meeting with department administrators to discuss general issues, set policy and give direction. Present were: Patrick Momont with the U of I Extension office, Director of Misdemeanor Probation Jeff Breach, Parks staff Nicki Schwend and Laura Barbour (arrived at 2:27 p.m.), Director of Juvenile Probation Elda Catalano (arrived at 2:34 p.m.), Assistant Director of Juvenile Detention Sean Anderson (arrived at 2:55 p.m.) and Deputy Clerk Jenen Ross.

County Agent

Discussion topics with Mr. Momont were as follows:

- Two new educators have been hired; one of the new hires, Tasha Howard, will be taking on the county chair position on an interim basis.
- Addition to building in Parma.
- \$900K in grants have been received by the Canyon County office.
- Jerry Neufeld has 4 field trials happening right now
- Mr. Momont expressed his appreciation to the Facilities department for their responsiveness on building maintenance.
- The 4-H Program Coordinator position is still being advertised and they are actively recruiting.
- The Board requested an updated org. chart for the extension office.

Misdemeanor Probation

Discussion topics with Director Breach were as follows:

- Statistical numbers were provided; overall numbers are down.
- The department has one open position that hasn't been filled yet which they will reassess in August.
- Director Breach recently attended a Domestic Violence court training and feels that if it comes to fruition his department is well positioned to help cover it.
- Employee evaluations are in process.
- A job reclassification is being worked on and has been budgeted for; a revised resolution will be prepared after the start of the new fiscal year.
- PO appreciation week was a couple weeks ago.
- Commissioner Van Beek provided explanation of what she's looking to see in the budget details and discussion ensued regarding the compensation plan and employee wages.

Parks, Cultural and Natural Resources

Discussion topics with Director Schwend and Ms. Barbour were as follows:

(Handouts were provided to the Board and are on file with this day's minutes)

- Staffing update
- Lake Lowell septic project
- Possible interest in the mezzanine project
- Parks master plan survey
- Campfire ban at Celebration Park began July 26th
- Deer Flat National Wildlife Refuge Directorate meeting happened recently
- A tree on a neighboring property fell causing damage to the shop at Lake Lowell
- A brief history of Deer Flat National Wildlife Refuge was provided, a more formal agreement may be needed.

Juvenile Probation

- PO appreciation celebration is today
- Statistical numbers were provided
- 3 new employees will be going to POST academy in August.
- Truancy event will be taking place on August 13th at Griffiths Park; more partnerships this year than ever before and \$9000 has been raised with community partners
- 25 bikes were delivered to Farmway Village today
- Workload continues to be busy

Juvenile Detention

- Population numbers for the past month has been between 20-25 juveniles
- Summer school is continuing; regular school schedule will start in August
- AAFV is providing programming for the youth
- The garden is going well
- Floors in the behavior rooms were recently refinished
- Several staff recently travelled to Kootenai County to look at their behavioral program
- Department currently has 3 open positions; mental health clinician has resigned and position is open; one person will be retiring in August
- For several years Mr. Brown and Mr. Anderson have been part of the Juvenile Training Council and have been working on a new defensive tactics class; Both Juvenile Probation and Juvenile Detention will be switching to the program that will be used by most of the state.

The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:51 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Chief Deputy Sheriff Marv Dashiell and Lt. Ray Talbot (arrived at 8:55 a.m.), Clerk Chris Yamamoto (arrived at 8:57 a.m.), Elections staff Haley Hicks and Aidan Lorenz (arrived at 8:57 a.m.), Treasurer Tracie Lloyd (arrived at 8:58 a.m.) and Deputy Clerk Jenen Ross.

Case nos. 2022-511 and 2022-512 meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue approvals with written decisions to be issued within 30 days.

Director Baker spoke about case no. 2008-892 in which the applicant has requested to have the outstanding amount of \$31,873.17 reduced. In 2018, one payment of \$25 was received; no other payments have been received and the case. The case has been turned over to collections and that fee is \$10,509.90. The applicant owns property in Parma, although the home caught fire approximately 3 years ago and due to a lapse in insurance there was no coverage or payout. The applicant is now looking to sell the property which is assessed at \$199,300 with a sale price of \$190,000. Subtracting closing costs and the county lien, the applicant would receive \$130,000 from the sale. However, he would like to purchase another home for \$157,000 in cash. For that reason and the additional costs to move and furnish the home he has asked for a reduction of the amount owed to the county. The applicant has offered \$21,000 as a payoff amount, however the \$10,509.90 owed to Advantage Financial collection agency would need to be paid first as they have denied the request for a reduction; the remaining amount would be split between the county and the CAT fund (the CAT Board would also need to approve the reduction). Discussion ensued as to whether this is considered a hardship and if there would be any opportunities available there. Director Baker doesn't feel this is a hardship as he has resources available in the sale of the property. Commissioner Van Beek would like to see the applicant offered information so that he may apply for a hardship, after that point the Board could reconsider this case; she feels there are some circumstances that could be taken into consideration. Commissioner White stated she is not in favor of the offer that has been made and would rather provide a counteroffer. Commissioner Van Beek made a motion to decline the request for reduction in reimbursement amount from Jeff Keeter [*spelling unknown*] on case no. 2008-892 and provide the option for him to apply with hardship. The motion was seconded by Commissioner White and carried unanimously.

In regard to the Perry case that was discussed last week and Board direction given, Director Baker spoke with the family who has agreed to pay 10% of the outstanding balance, which would be

\$651.49, as a full and final payment. A copy of all the probate documents, including the last will and testament, have been received – those documents state that all debts be settled with the applicant's assets. There was liquidity thru the probate process of the sale of the home and a vehicle, however, those proceeds were paid to the heirs and the debt remained. Commissioner White would like this debt to be gone as the applicant never missed a payment while she was alive. She did everything she was expected and asked to do, Commissioner White would expect the family to honor her wishes and to finish taking care of this since there were assets. Commissioner Van Beek feels that legal would need to be consulted as there has been a good-faith offer and she is unsure how binding that offer is. She asked that Ms. Baker confer with legal to discuss options. The meeting concluded at 9:09 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 9:10 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith (joined the meeting at 9:15 a.m.), Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell (left at 9:16 a.m.), Lt. Ray Talbot (left at 9:16 a.m.), Clerk Chris Yamamoto (left at 9:21 a.m.), Election Supervisor Haley Hicks and Election specialist Aiden Lorenz (left at 9:21 a.m.), Treasurer Tracie Lloyd (left at 9:28 a.m.), Deputy P.A. Zach Wesley (arrived at 9:28 a.m.), HR Director Kate Rice and HR Generalist Jennifer Allen (joined the meeting at 10:00 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving award of officer's badge and duty weapon to Deputy Roy Walthall: Chief Dashiell provided a brief history of Deputy Walthall's service stating that he's been in law enforcement for 46 years - 32 with the county and 14 with the DEA. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving award of Officer's badge and duty weapon to Deputy Roy Walthall (see resolution no. 22-162).

Consider signing Memorandum of Understanding between the City of Nampa, City of Caldwell, and Canyon County 2022 Byrne Justice Assistance Grant (JAG) Program CFDA #16.738: This is a historical grant that has been received for several years which will be managed by the City of Nampa. Canyon County will receive approximately \$22,000 and the funds will be mainly used for body cams. Ms. Klempel said this is a very similar agreement to last year. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Memorandum of Understanding between the City of Nampa, City of Caldwell, and Canyon County 2022 Byrne Justice Assistance Grant (JAG) Program CFDA #16.738 (see agreement no. 22-082).

Consider signing a resolution designating polling locations for the August 30, 2022 election: Ms. Hicks explained most locations being used have been previously used although they were able to obtain a few more locations, mainly in Middleton area. A review of the locations that have been secured was provided. Upon the motion of Commissioner Van Beek and second by Commissioner White

the Board voted unanimously to sign the resolution designating polling locations for the August 30, 2022 election (see resolution no. 22-163).

Ms. Hicks noted for the record that Celebration Church cannot be used for early voting in November.

Treasurer Lloyd spoke about the upcoming tax deed auction stating that in years past a list of the properties being taken has been provided to both the Nampa and Caldwell housing authorities in order for them to conduct their due diligence and determine if they'd like the property as allowed in a 2015 MOU. Last year there was discussion about transferring these properties to the housing authorities as it provides no financial outcome for the previous property owner. Treasurer Lloyd suggested sending the list the housing authorities, allow them to do their research and if there are any properties they are interested in that would be brought to the Board to decide how they would like to move forward before a notice is published in the newspaper.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:28 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. HR Director Kate Rice and HR Generalist Jennifer Allen joined the meeting at 10:00 a.m. The Executive Session concluded at 10:44 a.m. with no decision being called for in open session.

Commissioner Smith noted that an executive session meeting with the Weed and Gopher Superintendent will need to be scheduled for Monday, August 1st at 8:30 a.m.

The meeting concluded at 10:44 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MASON & ASSOCIATES INC FOR A PRELIMINARY PLAT, FINAL PLAT AND IRRIGATION PLAN FOR WINDMILL RANCH SUBDIVISION, CASE NO. SD2021-0024

The Board met today at 10:49 a.m. to conduct a public hearing in the matter of a request by Mason & Associates Inc., representing Matt and Christine Travis, for approval of a preliminary plat, final plat and irrigation plan for Windmill Ranch Subdivision, Case No. SD2021-0024. Present were:

Commissioners Leslie Van Beek and Pam White, DSD Planner Elizabeth Allen, Angie Cuellar, Matt and Christine Travis, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The six-lot subdivision is located on a 10.69-acre parcel (R30600011) and is located in an “R-1” residential zone. The subject property is located on the west side of McDermott Rd., approximately 867 ft. south of the intersection of E. Victory Rd. and McDermott Rd., Nampa. On March 3, 2022 the Planning and Zoning Commission recommended approval of the Preliminary Plat, and staff is recommending approval subject to conditions. Angie Cuellar from Mason & Associates offered testimony in support of the request. Matt Travis testified that he and his wife purchased the property to build their dream home. In response to questions about subdivision improvements, he said there are no sidewalks or streetlights in that area. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve approval of a preliminary plat, final plat and irrigation plan for Windmill Ranch Subdivision, and to approve the FCO’s for Case No. SD2021-0024. The hearing concluded at 11:10 a.m. An audio recording is on file in the Commissioners’ Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY WESTERN CONSULTING REPRESENTING CORY AND CRISTINE CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Western Consulting representing Cory and Cristine Codr, for a conditional rezone of Parcel R37431017A from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2021-0055. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Cory Codr, Jody Codr, Julie DeForest, Dennis Codr, Matthew Parks, Brian Fisher, Mark Rich, Lisa Trexler, Joanne Lee, Zach Damron, Bud Reberry, Laura Reberry, Sheena Colton, Kelly Lucas, Rocky Yoneda, Bobbi Yoneda, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she was contacted by Lisa Trexler, who lives near the subject property, regarding concerns she has with access issues. The women have developed a friendship and they have a professional relationship, but Commissioner Van Beek has no financial interest in this case. Commissioner Smith asked Commissioner Van Beek if she provided feedback on the testimony she heard from Ms. Trexler, and Commissioner Van Beek said she did not.

Elizabeth Allen gave the oral staff report. The request includes a development agreement limiting future development to no more than six lots. The property is located approximately 802 feet west of the Eric Lane and Gilbert Road intersection and approximately 540 feet north of Gloria Road in Middleton. On May 5, 2022, the Planning and Zoning Commission recommended denial of the request. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in support of the request:

Cory Codr read a letter of support from Melinda Moore, who cited concerns with fires in the area and believes the proposal would decrease the risk of fire. Mr. Codr testified about issues related to the access which has been approved by the Canyon Highway District and stated he will begin

construction on the road. He is willing to consider enlarging the lots if the Board prefers. Following his testimony, the Board had follow-up questions for Mr. Codr. Commissioner Van Beek had questions of Mr. Codr regarding access, the proposed road improvement, and the structures that are built on the line where there is no road, and setback distance. Commissioner Smith asked if some of the questions are coming from ex parte communication because it seems Commissioner Van Beek knows things the Board doesn't know. Commissioner Van Beek said the concerns she heard dealt with proximity to their home. Commissioner Smith said it sounds like Commissioner Van Beek she is advocating for the neighbors and she needs to be unbiased and look at the information/evidence the applicant has provided and let the neighbors make their pitch to the Board. Further discussion with the applicant ensued.

The Board took a recess from 2:48 p.m. to 2:52 p.m.

Julie DeForest, the applicant's sister, testified that she and her husband want acreage property so they can build a home and raise horses, chickens, etc. They have looked at a lot of properties but they do not allow the owners to have large animals on the lots.

Dennis Codr, the applicant's father, testified that he sold his farm in New Plymouth and has been looking for a home for over a year and he believed this property would be the perfect place and would allow him to live near his children. He approached Mr. Lippert who owns the property to the east and asked to purchase an easement but he declined to sell it to Mr. Codr.

The following people testified in opposition to the request:

Matthew Parks, who represents several homeowners in the vicinity of the subject property, gave testimony in opposition to the request and stated there has been a faulty assumption by Canyon Highway District and by the property owner that impacts this process and that availability of legal access through another route. He provided deeds that he says show there are recorded easements providing access to this property over the adjoining Lippert property to the east. With that other access he questioned why they need to reopen Gilbert Lane to provide access to the property. The perimeter of both properties for Codr and Lippert has a 28-foot easement encompassing the north, south, east and west. Breezy Lane is the most appropriate access for the property, it's the easiest one to get to and has the least impact on adjacent property owners and provides for the same development the Codrs are seeking. Mr. Parks said the highway district's letter stating there are no recorded easements is incorrect. Gilbert Road is, in many areas, only 40-feet wide and the portion of Gilbert Road they want to use has never been built or used as public road. The right-of-way needs to be at least 56 feet wide. He asked the Board not to grant a conditional rezone allowing the use of Gilbert Lane when it would be defacto granting of a variance on the plat application later without going through specific findings. The applicant should determine if there is legal access that meets the requirements of the highway district. Discussion ensued with Mr. Parks and the Board regarding the highway district's process regarding the right-of-way. Staff was asked to obtain mapping information regarding the deeds Mr. Parks submitted. Lisa Trexler testified about her concerns with access and the proximity of the proposed road to her home. She purchased her road property in April and the right-of-way was closed, but it

recently reopened. She didn't know there would be a road 17 feet from her back door. There are three potential access points; Merlin through Gilbert, and also going up Eric Lane to Gilbert; or following Breezy Lane. She talked to the adjoining neighbor, Mr. Lippert, who is trying to get a single split of five acres and sell that piece off, and she asked the Codrs if they could potentially purchase that acreage, but they said they could not afford to pay \$400,000 for the property.

Brian Fisher testified there was comment that this subdivision would bring higher quality homes, but he is concerned it will change the lifestyle of the residents around it. He also is concerned about traffic and those who travel at excessive speeds in the area.

Mark Rich testified that Merlin Lane was already a county lane and it was widened to 60 feet for two houses. He has concerns regarding traffic, safety, the water table, residents not receiving hearing notice, inconsistency with the process, and setback issues.

Joanne Lee testified about her concerns with the road and the potential of setting a precedent for hundreds of homes to use this road. She believes the whole process had been rushed.

Zach Damron testified that he recently purchased property and he will be significantly impacted by the road expansion. They already have low water pressure in the area and he is concerned about what impact this proposal will have.

Bud Reberry testified that he bought his home 22 years ago so he could live in a peaceful area and he is concerned about the impacts this development will have on his quality of life as well as the water table in the area.

Sheena Colton testified she was born and raised in Middleton and comes from a farming family and she believes the development will change their lifestyle. She said it makes more sense to go down Eric Lane and Breezy Lane. She has concerns with water and with the taking of her 20 feet of her property.

Kelly Lucas testified about concerns regarding traffic on the road which has only been used for neighborhood access; speeders; people who run the stop sign; the use of Gloria Road as the main route; the water table; and drainage concerns because her property has been washed out during heavy rains.

Rebuttal testimony was offered by Cory Codr who stated believes he did his due diligence with staff and with the highway district and they discussed all the scenarios and whether there were encroachments on the right-of-way and felt that through the communication there was an opportunity for this property. Access has been the key topic and he has worked with the highway district and there were six options put forth to determine the best access and the access that was approved is the access that met the criteria for highway district public safety standards. There is precedence for a 40-foot easement and a 20-foot road that exists already within the area. Mr. Codr said they discussed the easement issues and realized those were not feasible for the applicant to gain access at the time. There was a preference for the applicant to find any other

way to access property before they do a closed right-of-way to get an open right-of-way. They approached Mr. Lippert about purchasing an easement but that did not work out and this was determined to be the best reasonably way possible. There is opposition to any direction they go to access the property. We have followed the protocol to get access and went through every legal requirement asked of them to get access and he was told he could begin the process of constructing the road. Regarding water, the wells in the area range in depth from 125 feet to 300 feet; most are 30-gallons-per-minute wells.

Commissioner Smith asked Mr. Codr if he would change his plans and with access on Eric Lane to Gilbert Road given the warranty deed information that Mr. Parks says are legal recorded easements for 28 feet on every boundary of the property. Mr. Codr said they cannot get sufficient grading and drainage to build a suitable road. Discussion ensued regarding the variance process. Commissioner Smith wants to provide the deeds to Canyon Highway District and ask for verification on the grading on the road, and reach out to emergency services and ask them about the single road in. She also wants a water report showing the historic trends. Commissioner Van Beek wants the applicant to seek a variance from Gilbert Road and the line up north. Commissioner Smith wants an interpretation from the highway district if that grants Mr. Codr adequate easement access across Gilbert Road on the Lippert property as well, and if that is the case and he does have access, what would the options be for Codr to build across the Lippert property to the Codr property. Evaluate if there is a path forward, which might include a variance. DSD staff will contact EMS and get clarification on the access. Commissioner Van Beek wants the applicant to ask if 30 gallons per minute will suffice for fire flow, and she said there should be some type of dry-scape plan. Commissioners Smith and White do not want the applicant to do that. Commissioner Van Beek wants the applicant to pursue a variance to go north on Breezy Lane up and around the properties. Commissioner Smith said that route is impossible and it's wrong to ask MR. Codr to build all of that road for the Lipperts and the other houses. She asked the applicant to look for extending Gilbert Road to the property south of the Lippert property on the south edge; she is not asking the applicant to get variance, she is asking to look at Exhibit 5E (warranty deeds that grant 28 feet of right of way easement) and if it's true that it's for the Lippert property that would grant 28 feet along the southern border of Lippert which would match Codr's original site plan. See if it's a legitimate access. Commissioner Van Beek made a motion to continue Case No. RZ2021-0055 to August 16, 2022 at 10:00 a.m. to receive additional information. The motion was seconded by Commissioner White. Commissioner Smith asked if the motion is to reopen testimony totally or to leave it open just for specific items from Canyon Highway District, the Idaho Department of Water Resources and emergency services? Commissioner Van Beek said she would accept additional information that is relevant to making a good decision. Commissioners Smith and White only want to receive information from the highway district, IDWR and emergency services. When the vote was called for the motion failed. Commissioner Smith made a motion to continue the case to August 16, 2022 at 10:00 a.m., with testimony being limited specifically to Canyon Highway District, IDWR, and emergency services related to access. The motion was seconded by Commissioner White. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 5:04 p.m. An audio recording is on file in the Commissioners' Office.

REVIEW FY2023 TENTATIVE BUDGET

The Board met today at 5:11 p.m. to go on the record to continue the meeting regarding the FY2023 tentative budget to tomorrow at 1:30 p.m. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The budget meeting was supposed to start at 2:30 p.m. today but a land use hearing lasted until 5:04 p.m., and so the Board went on the record to continue the meeting to Friday, July 29, 2022 at 1:30 p.m., but first it wanted to have a brief discussion for comments. Commissioner Van Beek referenced an email she sent and she spoke about how some offices and/or departments use some of the 577100-line items to pad their budgets. The IT Director already builds contingency in for that amount in the event they have an issue so it made some people wonder if they were doing something wrong, but that's not necessarily true, she just didn't want to target any one office. In the DSD budget there is a significant amount dedicated marketing but that line has a zero history of usage so there is a question there. Commissioner Smith said it's a brand-new line item and the DSD Director was going to use it for economic development but they have not had enough time to utilize it. Commissioner White questioned why money was added to the line item for marketing when we've hired economic development person to perform those duties. Commissioner Smith said it's to pay someone else to help produce marketing materials that would market Canyon County as a desirable place to locate a business. Commissioner Van Beek referenced the fleet car wash, and said she wants to address the salary for the Assistant Fleet Director. She also spoke about how the Board wanted certain community groups funded at one level but the Clerk funded them at a different level. Commissioner Smith said the funding levels are what the Clerk suggested and he has the statutory authority to create his own budget and then it's the Board's job to make its changes. Commissioner Van Beek will send an email about what the Board direction was related to those funding amounts. She noted that the HR Department has funds for education and training, but she said there needs to be training for the HR Generalists. Commissioner Smith said if the HRD has a plan and needs more money she needs to request it. Commissioner Van Beek wants a meeting scheduled with the Prosecuting Attorney because he said he would do whatever Director Rast believes is best related to cybersecurity. She does not want the PA to purchase anymore Chromebooks. Commissioner Smith noted that it's getting corrected in the FY2023 budget. Commissioner Van Beek said the Sheriff's Office affirmed that some of those lines needed adjusted because of trends and they provided explanations for the items they wanted to leave and why, but the Board has not received any information from the Prosecutor and she believes with the lack of the response the Board should make the best and most informed decisions it can. She said the Board needs to have a discussion on the Clerk's statement of leaving the \$175,000 in place. What we've heard is that the unspent portion goes into fund balance and if he were able to find a place, nobody on this Board would say no don't do that. Commissioner Smith is okay with that. Commissioner Van Beek will formulate an email. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the budget meeting to tomorrow, July 29th at 1:30 p.m. The meeting concluded at 5:23 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2022 TERM
CALDWELL, IDAHO JULY 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **OUT IN THE MORNING**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Micromain in the amount of \$3,937.50 for the IT Department
- LanShack in the amount of \$1,527.30 for the IT Department
- Henrickson Butler Design Group in the amount of \$2,708.00 for the Prosecutor's Office

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Blue Heron, LLC, dba Bobbie Jeans to be used 8/3/22, 8/6/22, 8/10/22, 8/13/22, 8/17/22, 8/20/22, 8/24/22, and 8/27/22

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved employee status change forms for Shawn Gray, Maintenance Coordinator; Alexis Klempel, Associate County Attorney; Stephanie Morse, Deputy Attorney II; and Oscar Klaas, Associate County Attorney

APPROVED APRIL 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of April 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.

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures. **Note - Commissioner Leslie*

Van Beek and Commissioner Pam White went on separate tours of the detention center campus with Sheriff's Office personnel.

CONSIDER FINAL PLAT FOR THE MINOR REPLAT FOR LOT 1, BLOCK 2 OF THE SUMMERWIND AT ORCHARD HILLS SUBDIVISION PHASE 1, CASE NO. SD2021-0050

The Board met today at 10:20 a.m. to 10:20 a.m. to consider a final plat for the minor replat for Lots 1, Block 2 of the Summerwind at Orchard Hills Subdivision Phase 1, Case No. SD2021-0050. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, other interested persons, and Deputy Clerk Monica Reeves. The final plat is based off a minor replat the Director has approved, and it was to amend an easement to reduce it on one side. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the final plat for the minor replat for Lots 1, Block 2 of the Summerwind at Orchard Hills Subdivision Phase 1, Case No. SD2021-0050. The meeting concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.

COMMUNITY INPUT MEETING REGARDING FY2023 TENTATIVE BUDGET AND REVIEW FISCAL YEAR 2023 TENTATIVE BUDGET

The Board met today at 1:35 p.m. for a community input meeting regarding FY2023 tentative budget and review fiscal year 2023 tentative budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Judge David Vander Velde, TCA Jamie Robb (left at 3:24 p.m.), PIO Joe Decker, Cpt. Harold Patchett (left at 3:00 p.m.), Lt. Travis Engel (left at 3:00 p.m.), Lt. Martin Flores (left at 3:00 p.m.), HR Director Kate Rice, Sr. System Analyst Steve Onofrei, David Ferdinand, Sheriff Kieran Donahue, CCSO Financial Manager David Ivers, Treasurer Tracie Lloyd, Cpt. Mike Armstrong (left at 3:00 p.m.), Cpl. Lilly Heiser (left at 3:00 p.m.), Prosecutor Bryan Taylor (arrived at 1:47 p.m.), Director Jeff Breach (arrived at 1:53 p.m. and left at 3:18 p.m.), IT Director Greg Rast (arrived at 1:59 p.m. and left at 3:24 p.m.), Assessor Brian Stender (arrived at 1:59 p.m.) and Deputy Clerk Jenen Ross.

David Ferdinand spoke about what it was to plan a budget during his time as Commissioner vs. the challenge the current Board faces. He thinks citizens know it is going to cost something for the county to provide the services, but there still needs to be money left in people's pockets or they won't pay the bill. His opinion is that the budget needs to be as low as possible and that there are some services the cities and county could work cooperatively on to save money. He feels the focus should be on the full-time positions, there needs to be people to make the county work. He doesn't agree with zero property tax as the individual taxpayer really won't see that big a difference.

The community input portion of the meeting concluded at 1:51 p.m.

Prosecutor Taylor spoke about the email he sent in response to Commissioner Van Beek's emailed questions stating that he tried to summarize the majority of them. He said he has been working

with the HR Director trying to determine what cost of living increases look like. If it's really the non-exempt employees that wages need to be increased for, he thinks the county really needs to look at a \$2.00 to \$3.00 hourly increase along with COLAs, this is what the City of Nampa did and where he took inspiration from. His suggestion is a 10% COLA + step increases for exempt employees.

Commissioner Van Beek asked Sheriff Donahue how 'years in place' is credited for new hires. Sheriff Donahue offered explanation of how Canyon County accounts for YIP vs. other area agencies. He is open to looking at any options to attract candidates. Lieutenants are terribly underpaid and need to be brought up because they are extremely qualified and other agencies will hire them for greater pay.

Director Rice spoke about the quality of employees at Canyon County. She feels it's a real disservice to the employees to not bring up salaries to be commensurate with inflation and the cost of living. She feels that the county needs to pay the employees so that they offer the quality of service the citizens of Canyon County deserve. In response to a question from Commissioner Van Beek, Ms. Rice spoke about where she is at in the process of bringing on a wage and compensation analyst. Sheriff Donahue expressed his desire for the elected officials to have input on that position but due to the timing of someone starting it still won't be beneficial to this budget cycle.

Assessor Stender wants to see the min., mid. and max of his customer service positions at the DMV brought up to match the Treasurer's Office customer services positions. This would be in addition to what is done with all other positions and is part of the lump sum he has asked to be added back into his budget.

Sheriff Donahue pointed out that at the \$3000 increase previously suggested, that is only a \$1.45/hourly increase, which is too low, it doesn't bring employees to what other entry level customer service positions in the area pay. At a \$6000 increase, that would be a \$2.88/hourly increase taking those same employees from \$14.83/hour to \$17.71/hour; at a \$9000 increase it would be a \$4.33/hourly increase making salaries to \$19.16/hour.

Director Rice spoke about how some entry level, full-time employees qualify for public assistance at the current wages.

Controller Wagoner said that a 10% COLA + step increases would be around \$7M; he isn't sure what the impact would look like if \$4.00/hourly increases were added in for non-exempt employees.

In response to a question from Assessor Stender asking if the Board had come up with any suggestions, Commissioner Smith likes the idea of a percentage increase + step increases implemented now with a reserved amount being set aside for use once a wage and compensation analyst has had a chance to review salaries.

Clerk Yamamoto provided an explanation of how he and the Controller arrived at the \$3000 recommendation. He feels that it is imperative that something is done based on the current retention and hiring climate.

Currently housekeepers start at \$12.00 to \$13.00 an hour although Director Rice doesn't believe anyone is currently working at that level. Customer Service positions start at \$14.83/hour or \$30,800 annually.

Commissioner Smith suggested increasing anyone making under \$40,000/year by \$7000, anyone making over \$40,000 would be increased by \$5000. Commissioner Van Beek feels that the weighted approach is the right approach. Prosecutor Taylor also agrees with this and is concerned that even with a wage and compensation analyst starting it is going to take some time for them to fully review the compensation plan which could put the county behind by another year again.

Sheriff Donahue provided information on what other area law enforcement agencies are providing for salary increases. He concurs with Prosecutor Taylor that county will continue to fall behind which will continue impacting recruitment and retention.

Discussion ensued regarding the necessity of the wage and compensation analyst position and the labor shortage that all businesses are facing today.

Prosecutor Taylor and Sheriff Donahue spoke about how government is mandated to provide services and the possibility of having to look at other cost saving measures.

Treasurer Lloyd addressed how the people who are working are having to assume additional responsibilities to cover the vacant positions and need to be compensated. Sheriff Donahue fully agrees with Treasurer Lloyd, noting that mandatory overtime has been implemented with jail staff. And although those employees are compensated monetarily with time and a half pay he has concerns about employee burnout and if it's really in the best interest of the employees.

Commissioner Van Beek would like more information on the Sheriff's pay scale vs. other area agencies.

Commissioner Smith would like more information on what Prosecutor Taylor's proposal would look like if it were incorporated into the budget.

Sheriff Donahue agrees with Commissioner Van Beek in that there is a lot of information to be considered and proposed possibly meeting again early next week.

Commissioner White asked if a starting wage for the customer service/entry-level positions can be settled on. Director Rice said it appears that within the community \$17.00 to \$18.00 an hour is the minimum starting wage. Commissioner Van Beek suggested that Ms. Rice needs time to run the numbers and Ms. Rice said she would like to run a hybrid proposal; there are other options than flat across the board. Commissioner Van Beek feels there are some inherent flaws with the

compensation plan that don't need to be kept. Commissioner Smith suggested Ms. Rice work with Controller Wagoner but believes everyone can agree on a tiered approach.

Commissioner Van Beek believes that taking some tax is the right thing to do and that there is an understanding by taxpayers that there is some cost for services. She is concerned that the boomerang affect will be less favorable than not paying anything this year. She thought possibly a staged approach is one way to look at that.

Discussion ensued regarding questions posed and sent via email by Commissioner Van Beek.

Commissioner Smith said there has been a lot of discussion surrounding a capital improvement fund, specifically identifying a fund for the jail. She feels that the current group of elected officials would like to use the ARPA money for the admin building. She thinks there is reason to secure funding for those items and the best way to do that is to put it in a fund that can't be used for anything else. Sheriff Donahue doesn't disagree with Commissioner Smith, but he would like to see some fund balance used to acquire properties surrounding the courthouse campus. At this point, about \$8M of the \$44M in ARPA monies have been used leaving about \$36M for a new building. Controller Wagoner said that some of the items included for ARPA monies were the warehouse building, animal shelter roof and a lease payment on pod 6. If the Board wanted to continue with those significant capital projects there would need to be a funding source which would likely be property tax or fund balance; that would reserve the ARPA funds for the new administration building. Controller Wagoner said that technically the ARPA monies could be excluded from the 2023 budget. He also reminded everyone that ARPA monies need to either be spent by December 31, 2024 or encumbered by December 31, 2024 and spent by December 31, 2026. It is estimated that the county will have lost \$32M by the end of fiscal year 2022. Commissioner Smith's recommendation in working toward funding a jail is to allocate a portion of fund balance and continuing with property tax this year. Commissioner Van Beek said she agrees with Commissioner Smith's recommendation. Commissioner Smith said the Board just needs to decide what the number is to take from fund balance.

Commissioner Van Beek asked Sheriff Donahue if he had given any additional thought to the value of the property at Pond Lane, she said there has been some discussion on moving that here and creating a district right here. She likes the idea of creating an account for property purchase not just for the courthouse campus but other areas such as Parks as the county grows. Sheriff Donahue said that in regard to property values he really doesn't have a thought on that but he has always been hesitant to let that property go because he's always felt that it's a good spot for a jail. Theoretically, a jail could be built where it's currently located but an awful lot of things would have to happen to make that work and a lot of years. He feels that right now the cost to build a jail would probably be \$400M. The Clerk's suggestion is to hold on to the property until there is a decision on what to do with it.

Commissioner White asked what the worst-case scenario of zero property tax this year. Controller Wagoner said that in his opinion it is fantastic because it will save the most vulnerable property tax payers around \$500 next year. It is a unique moment in time, values have increased

substantially, the homeowner's exemption has not increased with values. Individuals in starter homes are looking at 20-30% increases in their property tax, that is his biggest concern. Clerk Yamamoto feels that if ever there was a time to do something for the citizens of Canyon County, now is the time.

Discussion ensued on educating the public that even though Canyon County may take no property taxes that they still will receive a tax bill; that Canyon county is not the only taxing entity.

At the request of Clerk Yamamoto, Controller Wagoner spoke to how the legislative changes to medical indigency and public defense have impacted the budget.

Treasurer Lloyd would love to give the residents the tax break, however, she doesn't think it's fair that the large corporations that have seen their taxes go down for years will also receive the same tax break as residents.

In regard to the questions that Commissioner Van Beek sent out, requesting that FY2020 and FY2021 actuals be used for historical purposes, Treasurer Lloyd completely disagrees as those were both unprecedented years. Commissioner Van Beek addressed this speaking to contingencies she felt were added unnecessarily. Prosecutor Taylor expressed his agreement with Treasurer Lloyd, in the time he's been the elected prosecutor to his knowledge every EO has always come in under budget. He said you can't foresee what is going to happen in 2023 and when they are being hyper-managed it almost incentivizes to maximize and spend everything in their budget otherwise they are penalized. Furthermore, they have constitutional duties, the Board is obligated to ensure he is provided with the necessary resources to preform his duty.

Another meeting will be scheduled for Tuesday for further discussion.

The meeting concluded at 3:52 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- RR Donnelley in the amount of \$2,618.11 for the Assessor's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Mihaela Karst, Deputy Public Defender I – limited license; Burke Romans, Sr. Certified Appraiser; John (Pete) Madison, Deputy Sheriff; Stacie Woods, Comm. Officer – Dispatch

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206 (1) (B) AND (D) REGARDING PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 8:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and other county personnel. Commissioner Pam White arrived at 8:40 a.m. The Executive Session concluded at 9:30 a.m. with no decision being called for in open session.

PUBLIC HEARING – REQUEST BY SAMUEL AND MARIA GARCIA, GISELLE GARCIA AND LYNETTE GARCIA FOR A REZONE AND A SHORT PLAT FOR LAKHOTA SUBDIVISION, CASE NO. RZ2021-0025 AND SD2021-0014

The Board met today at 9:38 a.m. to conduct a public hearing in the matter of a request by Samuel and Maria Garcia, Giselle Garcia and Lynette Garcia for a rezone of approximately 2.71 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. Also requested is a short plat for Lakhota Subdivision. The subject property, R33430014, is located on the west side of Lakhota Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Lynette Garcia, Giselle Garcia, Samuel Garcia, Maria Garcia, Robert Almanza, Rachel Johnson, Zac Mathews, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcel was created through a conditional use permit so it does have a building permit available. The applicant is seeking two lots and therefore rezoning and platting is required. Mr. Lister reviewed the potential impacts noting this will be the only R-1 zone in the area. The plat contains two residential lots with a 1.35-acre average lot size. A domestic well will be used to irrigate up to ½ acre. Stormwater will be retained on site in barrow ditches and swales. The shared driveway will be constructed to allow stormwater to run off into adjacent roadside swales. Staff found the cul de sac doesn’t meet current requirements so they have to go through an easement reduction process. The applicant needs to work with the irrigation district regarding the use relinquishment or agreement regarding existing surface water rights. The Hearing Examiner recommended approval of the rezone and short plat on May 18, 2022. The final plat will have to be considered at a later date because the conditions have not been met. Following his report, Mr. Lister responded to questions from the Board. Lynette Garcia testified that she and her sister work from home and their parents are retired and they are looking for a quiet neighborhood. They met

with their future neighbors about their plans and they look forward to integrating into the neighborhood. They want to build two homes next to each other on acreage property; one house will be built for their parents and Ms. Garcia and her sister will live in the other house. They are working on the construction drawings as well as the shared road users' and maintenance agreement for Lakhota Lane and the shared driveway. They have addressed some of the conditions related to ensuring that Lakhota Lane is in compliance with the County code. The engineer has done an assessment and is in the process of writing a letter stating the road is built to requirements. Ms. Garcia discussed the issues with the easement for the cul de sac and they are hoping it can stay as-is. They have a water right but they do not have an easement to get their water to the property from the access point. They are in discussions with Boise Project Board of Control to move the water allotment to the adjoining Watson Lateral, and they hope to have it resolved this winter. Commissioner Smith does not believe the request is consistent with the other splits in the area. Ms. Garcia said her lot was parceled out in the 1990's before the current code. There are one-acre parcels in the neighborhood and they don't think their request to have 2 one-acre lots is unreasonable or create an unusual precedent. Also, the land is not prime agricultural ground. Further discussion ensued. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner White said believes the request is compatible when you look at the area and she supports approval. Commissioner Van Beek said she struggles not to approve this for the reasons Commission White stated; however, she does not have a desire to spot zone. In looking at the size and soils she wants to know what the process would look like for a conditional rezone. Mr. Lister said it would be re-noticed and the applicant would pay the development agreement fee and we would consider the conditions. It would lock down the development to what is being requested. Commissioner Smith said the request is not consistent with the area, it's a rural residential area. To introduce a predominately single-family zone next to agriculture is not compatible. Maybe the entire subdivision should have a joint application rather than this piece meal spot approach. Commissioner Van Beek likes the proposal but it would have to be presented in a different format. She then made a motion to reverse the Hearing Examiner's decision and deny the request for an R-1 zone and subdivision for Case No. RZ2021-0025 and SD2021-0014. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to deny. The motion carried by a two-to-one split vote. The FCO's will be brought back at a later date and notify the Garcias of a new hearing date and it will come back for another hearing. The hearing concluded at 10:51 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 2, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

There were no Board of Equalization matters that came before the Board.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Kyle Strempe, Maintenance Technician; and Kelly Gardner, Maintenance Specialist.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/20/22.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Thomson Reuters West Publishing Corporation's Subscription Order Form for the Canyon County Prosecuting Attorney's Office: Prosecutor Taylor explained this is the legal research tool used regularly in their office. The previous version and contract were for the Classic version, however that is no longer supported and the contract will be updated to the Edge version. This renewal will be a 3-year contract as it is more cost effective than a year-by-year contract; contract has been budgeted for in fiscal years 2022 and 2023. Prosecutor Taylor did note that the contract for his office will be slightly more than the Public Defender's as there are more attorneys in his office and the program includes a specialized civil component. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Thomson Reuters West Publishing Corporation's Subscription Order Form for the Canyon County Prosecuting Attorney's Office (see agreement no. 22-083).

The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER CERTAIN AGENDA ITEMS

The Board met today at 9:17 a.m. to consider certain agenda items. Present were: Commissioners Keri Smith and Pam White and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider approving Tax Charge Adjustments by PIN for June 2022: The total adjustment being made is \$(23,172.72) and there were no Board questions. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to approve the tax charge

adjustments by PIN for June 2022. The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY GUNNER & THERESA BRADFORD FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. CR2021-0007 & SD2021-0036

The Board went on the record today at 10:03 a.m. to table the public hearing in the matter of a request by Gunner and Theresa Bradford for a conditional rezone and preliminary plat, Case Nos. CR2021-0007 and SD2021-0036. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. DSD Staff had requested a later hearing date, and when factoring in the Board's schedule the soonest available date was September 14, 2022. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing to September 14, 2022 at 9:00 a.m. The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS PUBLIC NUISANCE VIOLATIONS

The Board met today at 10:04 a.m. to discussion public nuisance violations and to sign a certificate of noncompliance for public nuisance violations for properties located at 9045 Owyhee Drive (Parcel R25979) and 0 Owyhee Drive (Parcel No. R25978) in Caldwell. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Code Enforcement Officer Eric Arthur, Administrative Specialist Kathy Husted, and Deputy Clerk Monica Reeves. The code enforcement case (CDEF2021-0114) on the subject property was referred to the Prosecutor on or about June 7, 2022. The public nuisance violations on this property include non-operational vehicle(s) and/or parts, tires, junk, trash and debris including but not limited to scrap metal and scrap wood that are stacked and openly stored. On July 9, 2022, code enforcement was advised by P.A. James Haws that the case would not be filed "in the interest of justice." The property continues to be in violation and Officer Arthur believes the best course of action is to record a Certificate of Noncompliance, which requires approval and signature by the Board. The Board wants to speak with the Chief Criminal Deputy PA about why the PA's Office chose not to file a prosecution case on this matter. Commissioner Smith is supportive of signing a certificate of noncompliance but doesn't want to close the meeting until the Board can discuss the matter with PA and Chief Criminal Deputy. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the certificate of noncompliance for public nuisance violations on properties located at 9045 Owyhee Drive and 0 Owyhee Drive in Caldwell. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the discussion to August 3, 2022 at 9:00 a.m. There was follow-up discussion regarding other nuisance cases but no Board action was taken. The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CANYON COUNTY SHERIFF AND NAMPA AND CALDWELL POLICE CHIEFS REGARDING LAW ENFORCEMENT OPERATIONS

The Board met today at 10:39 a.m. with Sheriff Kieran Donahue and the Nampa and Caldwell Police Chiefs regarding law enforcement operations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Nampa Police Chief Joe Huff, Caldwell Police Chief Rex Ingram, Chief Deputy Sheriff Marv Dashiell, Captain Mike Armstrong, Lt. Martin Flores, Lt. Travis Engle, Clerk Chris Yamamoto, PIO Joe Decker, Kim Deugan from the Advocates Against Family Violence, and Deputy Clerk Monica Reeves. Sheriff Donahue spoke of how Caldwell Police Department, Nampa Police Department and the Sheriff's Office work together and keep the lines of communication open on the issues facing law enforcement. Chief Huff talked said it's a concern that officers have been told to try not to arrest people because there is no available space in the jail. The vast majority of those who are arrested are repeat offenders, and violent crime is on an upward trend, and as of this morning violent crime in Nampa is up 7.3%. The agencies do a great job across the county of partnering but it's the same criminals all agencies are dealing with. He said the City of Nampa cherry picks a lot of Canyon County officers (road deputies, jail deputies, and a substantial number of dispatchers) and the vast majority have said it's for the pay and the working environment/culture. The training cost for officers is \$140,000 and so it's expensive to lose them. Chief Huff said NPD does not follow Canyon County's pay scales, they follow the City of Meridian, Ada County and Boise City pay scales. NPD is in the ballpark with them, but they are on the far leftfield, they cannot keep up with what's going on in Ada County. NPD loses officers to Ada County for \$22,000 a year more. Ada County offers one-for-one credit while NPD does a one-for-two credit, but the Chief is talking to the city council about making it a one-for-one credit. There was further discussion regarding the process the City of Nampa has for salaries. The NPD budget is roughly \$31.3M and \$29M of that is wages and benefits. Chief Ingram said CPD's budget is \$13M, with \$10M for wages and benefits. When looking at a professional organization like the CPD if you treat employees like blue collar workers you get blue collar work, not professional work and it starts with the wages. CPD employees, prior to the 10% raise they were just given, were at a starting salary of \$19 an hour. The department store Target pays \$20 per hour. The entry level wages are now \$23 an hour which is still lower than it needs to be because we have to hire professionals. CPD officers make \$33,000 a year less than the Ada County Sheriff's Office. The criminal justice system is severely broken in California where district attorneys are letting people out on the street and the recidivism rate is extremely high and there is no accountability, and Chief Ingram does not want to see that here. We are asking officers to risk their life for pennies on the dollars and then are told the jails are overcrowded and so it seems counterproductive and contrary to what we stand for in public safety. It is heartbreaking for him to see Sheriff Donahue making \$28,000 a year less than himself when he has a span of control of 60% more personnel than Chief Ingram has to deal with. It's ludicrous. Criminals do not see borders and all agencies are involved in the partnership because they're each investigating crimes. We will not be where Ada County or Boise City are because the tax base is not there yet, however, we have to be in the same ballpark because we are losing people. People are loyal to this county and they don't want to leave their agency because they were born and raised and they love the community and despite the rhetoric in the country they choose to be a law enforcement officer and they should be paid the salary of a professional. Commissioner Van Beek talked about importance of identifying a capital fund

project for a jail. Sheriff Donahue said it's difficult to ask his colleagues not to bring people to the jail; it's counterproductive and hopefully someday the citizens may understand the need for a new jail. The Sheriff said his salary is woefully below what his executive colleagues throughout the valley make and that trickles down to the chief deputy, captains, and lieutenants. His staff are being approached by other agencies for considerably more money and that's a travesty. Employees need to be paid competitively otherwise we won't have anyone working here. CCSO is down 16 employees, that's an entire team. Employees are working mandatory overtime and are being asked to do more but we're not paying them. The answer is in budgeting. Commissioner Smith said everyone has talked about the catch and release program and the impact it has and she challenged both police chiefs to talk to their city councils about their approval rates for development. She believes the councils are not looking at the whole community and the impact their approvals are having. It's putting the Sheriff in a bad situation by not having available bed space. Developments help get city officers on the street, but there is no funding mechanism in place to help the County get the jail beds the cities need. Commissioner Van Beek said the County can collect impact fees for jails and it could turn into a viable funding source. Chief Huff said there needs to be a strategic plan with a game plan in place. The vast majority of citizens want a jail, but growth needs to pay for itself. Chief Huff said Canyon County has great deputies and he asked the Board to consider keeping their salaries in the ballpark with the other agencies. Chief Ingram said CPD has lost 53 employees in the last two years to ISP and Ada County. The officers and professional staff are the most overworked and underpaid staff in the entire state, and they are dealing with the worst part of society: the most gangs, the most violence, and the most shootings. Those in Ada County and City of Eagle do not do half as much of the violent crime suppression that our deputies and police officers do. Employees cannot survive on these salaries, and we have to do a better job retaining our people. Commissioner Smith appreciates the efforts for collaboration and said we all have identified needs and we will work on solving those needs as well as the jail problem. No Board action was required or taken. The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

FY23 TENTATIVE BUDGET MEETING WITH ELECTED OFFICIALS

The Board met today at 12:01 p.m. with the elected officials for a discussion regarding the FY23 tentative budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Cpt. Mike Armstrong, Lt. Martin Flores, Lt. Travis Engel, Chief Deputy Sheriff Marv Dashiell, ADJ Davis Vander Velde, TCA Jamie Robb, HR Director Kate Rice, HR Generalist Jennifer Allen, PIO Joe Decker, Director of Juvenile Probation Elda Catalano, Facilities Director Rick Britton (arrived at 12:19 a.m.) and Deputy Clerk Jenen Ross. Commissioner Smith explained she would like to see today's meeting focus on compensation and the tax request. HR Director Kate Rice compiled a worksheet outlining three scenarios for compensation suggested by PA Taylor, Controller Wagoner and herself. A brief review of each option is as follows and a copy of the worksheet is on file with this day's minutes.

- Suggestion 1: includes a 10% COLA for each employee/position + \$3.00/hourly increase + steps for all non-exempt employees. When adding in benefits the total cost would be approximately \$15M.
- Suggestion 2: \$12,000 annual increase (\$5.77/hourly increase), does not include step increases. When adding in benefits the total cost would be approximately \$12M.
- Suggestion 3: 10% COLA + step increases + \$1.25/hourly increase. When including benefits the total cost would be approximately \$9.8M.

Ms. Rice explained that the county currently has 64 vacant positions with people continuing to give notice daily. The county needs to find ways to attract, retain and engage the younger workforce as the baby-boomer generation continues to retire.

Discussion ensued on the following topics:

- The need to retain current employees and attract new ones.
- The draw on taxpayers to fund salary increases and the counterweight of the need to provide services to the community.
- Concern regarding the compensation plan evaluation/updating, the timeframe it may take for that to be completed and what it will do to salaries if they are not caught up in a timely manner and/or continue to fall behind.
- A spreadsheet was created and provided via email by Assessor Stender giving an example of what it would look like for taxpayers if the county were to levy \$10M.

After evaluation of each option the most favorable is option no. 2, a \$12,000 increase for every employee/position, however, several elected officials expressed their desire to see the step program continue as they are concerned that without that in place the compensation plan will continue to fall behind. This increase will have the largest impact on the entry-level/customer service type positions and should bring all county employees above the poverty line. Treasurer Lloyd spoke about how oftentimes the entry-level/customer service positions are the frontline workers and the face of their offices – the county needs to be able to hire the caliber of people to properly represent the county. The Board requested Ms. Rice to provide numbers for option no. 2 that include benefits and part-time employees that can be evaluated at the next meeting.

Commissioner Smith also indicated she would like to see a dedicated capital improvements line created for a new administration building and jail and to remove on-going costs from the ARPA monies.

The meeting concluded at 1:03 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(B), (D), (F), AND (I) REGARDING PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Smith made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code section 74-206 (1)(b), (d), (f), and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Assessor Brian Stender, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laughed, Deputy P.A. Alex Klempel, Representatives for the Hartwell Corporation and Representatives from ICRMP (arrived at 1:30 p.m. and left at 2:20 p.m.). The Executive Session concluded at 2:41 p.m. with no decision being called for in open session.

This was an informational meeting between Elected Officials, Hartwell Corporation, and ICRMP, as to confidential insurance policy matters, including specific claims involving named personnel and pending or imminently likely litigation, as well as proprietary information not subject to public disclosure pursuant to 74-107(11). There were no action items for consideration.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 3, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Northwest Land Services, LLC., in the amount of \$8,700.00 for Development Services Dept.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for B&N Legacy, LLC., dba Cowgirls to be used 8/16/22.

TAX DEED AUCTION - PIN 34980000 0 / POND LANE

The Board met today at 9:01 a.m. for a tax deed auction for PIN 34980000 0, Pond Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley, Chief Deputy Joe Cox, Rural Supervisor Roger Craig, Code Enforcement Supervisor Eric Arthur, Code Enforcement Officers Gary Westerfield and Katie Phillips, Other interested citizens and Deputy Clerk Jenen Ross.

Commissioner Smith opened the auction noting that the minimum bid is \$194,400. No bids were received on the property. Discussion ensued as to what the next options would be including putting it up for auction again in November, revise the minimum bid or allowing it for regular sale. The main issue with this property is that there is no access. Commissioner Smith would like to see the county work to acquire access which may make the property more attractive to a potential buyer. Commissioners Van Beek and White are not as supportive of this idea. Mr. Wesley suggested that perhaps DSD or the Assessor's Office could provide legal document to him in order to review potential access and possible estimated costs. Additionally, he suggested that Director Schwend could also evaluate the property to determine if there are any options for recreational use. The Board is supportive of both these suggestions.

The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 9:20 a.m. for a meeting to discuss public nuisance violations. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Chief Deputy Criminal P.A. Doug Robertson, Code Enforcement Supervisor Eric Arthur and Code Enforcement Officers Katie Phillips and Gary Westerfield. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER COMMENT REGARDING THE PROPOSED ESTABLISHMENT OF THE HOMEDALE PUBLIC LIBRARY TAXING DISTRICT

The Board met today at 10:08 a.m. to consider public comment regarding the proposed establishment of the Homedale Public Library Taxing District. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Elections Supervisor Haley Hicks,

Elections Specialist Brandi Long, Pam Gibbens, Nancy Belknap, Sharla Jensen, Clay Ritter, and Deputy Clerk Monica Reeves. Pam Gibbens serves on the board for the Gypsy Jackson Memorial Library and said they are requesting to be placed on the ballot for November 2022 to become a library district. Their boundaries will follow the Homedale School District which abuts the Marsing Library District and the Wilder Library District. They hope to be able to offer more classes and programs as they have a large population they believe would benefit from GED classes and ESL classes. They also plan to expand their hours into the evenings. The formation of a district will allow those outside the city proper to use the library. Currently they are under the city's jurisdiction so the fee is built into the city taxes and rural residents pay a fee. Sharla Jensen, the library director, said they have an agreement with the Lizard Butte Library District and with the Wilder Library in that if a person has a current library card they can get a card at the Gypsy Jackson Library, but it's a cumbersome process. They have a lot of people who are not in any library district but want to be in one. Following questions from the Board, Commissioner Van Beek made a motion to approve the petition to establish the Homedale Library District. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 10:18 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY FREEDOM ACRES LLC FOR A CONDITIONAL REZONE:
CASE NO. RZ2022-0005

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Freedom Acres, LLC, for a conditional rezone, Case No. RZ2022-0005. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Michael Bodenbender, Curtis Bodenbender, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she is familiar with the area/property and the road conditions. Commissioner Van Beek disclosed that she is familiar with the area. Dan Lister gave the oral staff report. The applicant is requesting a conditional rezone of Parcel R37627102 from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The request includes a development agreement to limit development to six residential lots. The property is located as 24082 Blessinger Road, Star (Lot 3, Block 1 of Rustic Acres Subdivision) and consists of 18.56 acres. The parcel is located within the Rustic Acres Subdivision. The property is designated as residential on the future land use map, and was included in the City of Star's Impact Area. There was a review of agency comments. On May 5, 2022, the P&Z Commission recommended approval of the request subject to conditions. Staff is recommending as well. Following his report, Mr. Lister responded to questions from the Board. Michael Bodenbender testified it has been his family's dream to purchase property that could be split so they could build their forever homes. He said parcel is not good for farming any longer due to the configuration and hillside slopes, and furthermore, the surrounding area is becoming residential. There was discussion regarding the impacts to the horse operation to the east of the subject property, shared road maintenance and requirements, and access. **There was a technical error with the recording system where it was momentarily taken off line due to the media card being full. A backup recorder was used during the time IT dealt with the issue. Staff estimates 1-2 minutes of testimony was*

offline. The testimony and discussion during that time dealt with access issues. Mr. Bodenbender testified they are a general contractor and they store trucks and trailers there between jobs. There are three RV's on the property, two of which are occupied. Commissioner Smith said a contractor shop is not allowed in a rural residential zone and so storing material and staging equipment would not be allowed if the property is rezoned. Curtis Bodenbender testified he is the primary owner of Pro Craft Construction and his brothers work with him and drive a company vehicle to the property. There are trailers on the property including his personal camp trailer, a horse trailer, and a boat. Some of the trailers are leaving this week for sites the company is building on in Valley County. He has a shop in Star where he stores most of his equipment. The intent is for all lots to be assumed by family members. Commissioner Smith said a better option might be leaving the property as agriculture which allows for a contractor's shop, but if they switch to rural residential it won't be allowed. Mr. Bodenbender said that's not their intent, the plan is to keep the barn and arena and they will develop around what is there and maintain the agricultural character of the area. Most of outbuildings in the middle of the property will go away because they are an eyesore, but they are being used until they obtain further approval in this process. There will be a roundabout developed for the property on one lot. Dan Lister said on some of the proposed roads there are structures that won't meet setbacks so they will have to reconfigure some of that or some of the structures will have to go away. According to Mr. Bodenbender, the shop is 10 feet too close and so it will likely be removed and something nice will be put up. There was discussion about the conceptual plan, privacy fencing and Willis Road improvements to the site. Mr. Lister said the case could be tabled with information brought back or they could develop conditions that mitigate the concerns and provide evidence at the time of platting. Commissioner Smith agreed and said she wants staff to work with the applicant on conditions of approval that match that, including general compliance with the ordinance on the contractor piece of it, and the condition of the property. The zoning map needs updated as it doesn't reflect the case map and what's been approved. Update the case summary, and the staff report to note the property is in the Star Impact Area but since the application was received prior to the adoption of the area of city impact staff is only applying the fair standards which they applied under. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to August 17, 2022 at 10:00 a.m., to pursue additional information on the part of staff and the applicant. The hearing concluded at 2:57 p.m. An audio recording is on file in the Commissioners' Office.

FY23 BUDGET WORKSHOP FOR COMMISSION REVIEW AND RECOMMENDED CHANGES

The Board met today at 3:09 p.m. for a FY23 budget workshop for commission review and recommended changes. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek Sheriff Kieran Donahue (arrived at 3:12 p.m.), Chief Deputy Sheriff Marv Dashiell, Cpt. Mike Armstrong, Lt. Martin Flores, Lt. Travis Engle, Facilities Director Rick Britton, System Analyst Steve Onofrei, PIO Joe Decker, ADJ Davis Vander Velde, TCA Jamie Robb, Assistant TCA Benita Miller, CCAD Chief Michael Stowell, Clerk Chris Yamamoto (arrived at 3:17 p.m.), Controller Zach Wagoner (arrived at 3:19 p.m.), Chief Deputy Treasurer Jennifer Mercado (arrived at 3:31 p.m.), HR Director Kate Rice (arrived at 3:45 p.m.) and Deputy Clerk Jenen Ross.

A discussion was had regarding the deadline for publishing the budget; it needs to be published 10 days prior to the hearing. Commissioner Smith said the budget hearing could be continued if need be but feels that state statutes can be met, just not the deadline as lined out by the county. The goal is still to meet the Friday deadline.

Commissioner Van Beek spoke about a presentation that was given yesterday by Assessor Stender regarding different property tax budgeting amounts. From a high-level overview, to do a no property tax request, with the proposed increased salaries which she feels are unsustainable, will exhaust the county fund balance in a very short period of time.

The Clerk's suggested budget includes \$9,891,114, allocated out of that fund. Commissioner Smith would like to change that to \$5,180,000 which would provide funding for the animal shelter roof, the county warehouse and the architectural and engineering fees for a potential county administration building. The remaining \$4,711,114 would need to be moved back into another funding source, likely the general fund. Funding for the pod 6 lease payment can be taken from the Justice Fund and the contribution to SWDH and the county insurance would both come out of the general fund.

Commissioner White asked Commissioners Van Beek and Smith what their priorities are with the budget noting that her number one priority is taking care of the employees and ensuring that salaries are competitive within the marketplace.

In response to comments and questions from the Board regarding getting budget and actual numbers closer together, Controller Wagoner explained that with way the budget currently works there is a not a *use it or lose it* mentality. Both elected officials and department administrators make efficient use of public monies. He is concerned that by moving the numbers closer together there is the risk of developing the *use it or lose it* mindset. Commissioner Van Beek said she is not suggesting moving to this model, she feels that you could take the opposing side and it could be argued that expenses are inflated or that the county is over budgeting. She wants to see anticipated expenses and allocated revenue as close together as possible.

Commissioner Smith's understanding is that since Clerk Yamamoto and Controller Wagoner have been overseeing the budget they allow for an additional amount to be added in. The elected officials have been working together to know that the need is there but that they won't lose that money. Additionally, the full property tax amount is never requested, they assume the savings in the fund balance. Controller Wagoner said that for the past 11 years they have not made the full property tax requests with the savings to taxpayers being \$140M over those years. Commissioner Smith thinks that if the budget was switched to Commissioner Van Beek's mentality that people would start switching to the *use it or lose it* mindset. Commissioner Van Beek said she understands what Commissioner Smith is saying but that there are known on-going hard costs that are built into the budget, the Board should also know what capital projects, hiring needs, planned trips – she feels that it could be more fine-tuned with a greater level of detail.

Clerk Yamamoto spoke about how his office goes to special lengths to protect the current expense fund so that it gives the Commissioners' the financial freedom to make decisions when a situation arises. Due to expenses in the 'A' budget being less than expected and revenues being more than expected that the county is sitting in better financial shape than it ever has. The county has a track record that works and he feels it needs to be maintained.

Controller Wagoner explained the county's goal is not to maximize owner wealth, that is a goal of private enterprise, however the county does on an annual basis receive cash/revenue and pay bills. The county's cash position is constantly changing. There may be a balanced budget but the fund balance is in constant movement. A document was presented to the Board showing governmental funds revenues, expenditures and changes for 2018 thru estimated 2023. This document shows end numbers for revenues and expenditures. When looking at actuals over the past 4 fiscal years, for governmental funds there was an increase of approximately \$40M in fund balance. The Clerk's suggested budget included utilizing \$40M in fund balance to fund operations for FY2023. The secondary yellow column within the document factors in a property tax levy of \$20M, not using all of the ARPA monies, the compensation line was increased \$11M to factor in costs associated with a \$12,000 salary increase + benefits per employee. These numbers are based on current employment and does not account for new positions that were created throughout the year or if positions that are currently vacant are filled. Mr. Wagoner spoke about how there are certain county functions that are fee based and if salaries are increased \$12,000 per position he feels there would need to be an evaluation of those fees to cover the increased costs. His opinion is that there are revenue streams that would need to be adjusted based on changes in compensation.

Further discussion ensued in regard to calculations of budget numbers and salaries. Mr. Wagoner explained that if the requested property tax is changed from \$20M to \$44M, that'd be an increase of \$24M, reallocate some of the ARPA money, roughly \$5M, which brings the total to \$29M, added to the \$31M you get an estimated fund balance of \$60M at the end of 2023. Roughly \$10M of fund balance would be used in 2023. Commissioners Smith and Van Beek discussed the increase to salaries. Although Commissioner Smith is not entirely comfortable with 20-25% increase she recognizes the county is deficient in regard to competitive wages. Commissioner Van Beek is concerned about the long-term effect of this kind of significant increase and doesn't feel it is sustainable; she is more favorable to the Clerk's suggestion of \$3000 per employee which would be a more weighted approach providing a greater percentage increase to the entry level positions. Commissioner Smith said that based on the information provided by Assessor Stender evaluating the impact to constituents, she feels that assessing a total property tax value of about \$40M could help in establishing a healthy down payment on the jail plus the administration building with the administration suite.

Consensus instruction to the Clerk and Control in preparation of tomorrow's meeting are as follows:

- ARPA – remove specific items as previously discussed
- Tax request – \$40,000,000

- New positions:
 - Buildings and grounds: support was provided during the hearings
 - Landfill: 1 new position
 - TCA: 3 new FT, 2 new PT
 - Fleet: 1 new FT, one PT
 - HR: wage and compensation position (position has been opened)
 - CCSO: 1 new position, fully fund all open positions
 - Juvenile Detention: 1 new position
 - Emergency Management: 1 new position
 - Coroner: 1 new PT
 - Add in funding for the COO position – this is supported by Commissioners Smith and Van Beek, Commissioner White is not in favor of this position. Commissioner White doesn't feel there is a need for both a Wage and Compensation Analyst and a COO position.
 - Commissioner Smith said for the time being to add in \$13,367,000 to account for all salaries, \$12,000 increase, and benefits.

The meeting concluded at 4:53 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 4, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

The Board has approved claims 586654 to 586696 in the amount of \$87,821.75.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Titan HQ in the amount of \$12,870.00 for the IT Department
- Titan HQ in the amount of \$15,592.00 for the IT Department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Sam's Smokehouse & Saloon, LLC, dba Sam's Place to be used on 8/13/22; and Sportsman's Hideout to be used on 8/12/22 and 8/13/22.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Case Manager Kellie George and Deputy Clerk Jenen Ross.

The hospital has withdrawn on case no. 2022-176 and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue a final denial with written decision within 30 days.

Director Baker explained that the August 25, 2022 hearing date needs to be vacated so those cases will need to be continued to September 8 and 22, 2022.

Case nos. 2022-494, 2022-499, 2022-502 and 2022-381 will be continued to September 22, 2022. Case nos. 2022-497, 2022-128 and 2022-501 will be continued to September 8, 2022. Commissioner Van Beek made a motion to continue the cases as stated. The motion was seconded by Commissioner Smith and carried unanimously.

Continuance and lien releases were presented for Board signatures.

Director Baker spoke about case no. 2006-319 which has been discussed with the Board the past few weeks. The total remaining amount due on the case at this time is \$6514.85. Discussion ensued regarding options that have been presented and how the Board would like to move forward. At the suggestion of Ms. Klempel and Board consensus, Director Baker will contact the family letting them know that the Board is unwilling to accept the 10% full and final offer previously presented.

The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:07 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Coroner Jennifer Crawford (left at 9:11 a.m.), DSD Office Manager Jennifer Almeida (left at 9:15 a.m.), Building Official Dave Curl (left at 9:15 a.m.), Fleet Director Mark Tolman (left at 9:13 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing agreement for pathology services between Canyon County and Ada County: Coroner Crawford explained this is an updated agreement in order to provide coverage in the event the county pathologist is unavailable. A brief review of costs was provided which are the

same costs Canyon County charges to other counties for pathology services. Ms. Klempel stated the agreement has been reviewed and there are no legal reasons not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement for pathology services between Canyon County and Ada County (see agreement no. 22-084).

Consider signing resolution consenting to sale of surplus county property to Wilder Police Department: This vehicle will be sold to the Wilder Police Department for market value. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign a resolution consenting to the sale of surplus county property to Wilder Police Department (see resolution no. 22-164).

Consider signing a resolution issuing a refund to Optimum Electric for a withdrawn building permit: Ms. Almeida explained the customer cancelled the job and the permit was unneeded. No work was done by the Development Services staff and the Building Official can authorize up to an 80% refund. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution issuing a refund to Optimum Electric for a withdrawn building permit (see resolution no. 22-165).

Consider new alcoholic beverage license for Yogi Farms, LLC dba H&M Meats and Catering: Commissioner Smith said this business is already in downtown Nampa and there is nothing of concern in the application. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the new alcoholic beverage license for Yogi Farms, LLC dba H&M Meats and Catering (see resolution no. 22-166).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 9:18 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE TERMINATION OF A DEVELOPMENT AGREEMENT FOR TREASURE VALLEY RENEWABLES, LLC., CASE NOS. PH2016-56 & PH2016-71

The Board met today at 10:12 a.m. to conduct a public hearing to consider the termination of a development agreement for Treasure Valley Renewables, LLC, Case Nos. PH2016-56 & PH2016-71. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, Jan Phillips, Diana Sitts, Karen Winkle, Hugh Phillips, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that on August 4, 2021 she was contacted by Diana Sitts and there was communication regarding concerns with the proposed plans for this case. There was a request to schedule a meeting and a follow-up meeting was held to talk about starting the process of revoking the agreement and returning the property to an agricultural designation because of a failure to meet the conditions of approval for the project. Commissioner White disclosed that she has had communication on the subject as well. Dan Lister summarized the staff report and findings. DSD is requesting the reversion of a development agreement for Treasure Valley Renewables, LLC, for property located at 27349 Shelton Road in Parma. The site was approved in 2017 for a sorghum fiber facility with anaerobic digestors for the production of biogas and biogas distribution. The Board of Commissioners approved a conditional rezone to a CR - Light Industrial Zone on April 4, 2017 and it included a planned unit development that was approved on June 5, 2017. In 2019, the development agreement was modified and recorded to include 42 conditions of approval. The applicant was required to supply annual progress reports which began October 2, 2020, and to submit a building permit for an enclosed structure within two years of the date of signature of the amended agreement. To date there has not been a building permit for an enclosed structure submitted to DSD and as a result the applicant has defaulted on the agreement. DSD gave a notice of default to the applicant on February 14, 2022 and gave them 30 days to cure the default by submitting a building permit for the enclosed structure. The 30 days passed without any permits being submitted and therefore staff is proceeding with the revocation/termination of the agreement and the property reverting from an M-1 zone to an agricultural zone. On May 19, 2022 the P&Z Commission recommended the agreement be terminated and the zoning reverted back to agriculture as it is not in compliance with the current development agreement and development proposal and because no plan was provided by the applicant demonstrating they could complete this within the granted timeframe.

Testimony in favor of the termination of the development agreement was as follows:

Jan Phillips testified farmland is precious and should not be taken away without great consideration. Because of its proximity of adjacent farmers are limited to which fungicides and pesticides can be used within 300 feet of the proposed site. The applicant has not proved they have funding in place for the project and more than enough time has been granted to this project and it's time to return the zoning to agriculture. The proposed project would diminish the lifestyle and property of this rural agricultural neighborhood.

Diana Sitts testified about concerns to her property and property value. The applicant has had several years to obtain financing but they have failed.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek is in favor of terminating the development agreement and allowing the property to revert back to the agricultural

designation. Commissioner Smith agrees with the P&Z Commission's recommendation. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the FCOs which would terminate the development agreement and put the property back to its original zoning designation of agriculture. The signed FCOs for Case No. PH2016-56, PH2016-71 and DA2019-0006, as well as the ordinance directing amendments to the zoning map, (Ordinance No. 22-105) are on file with this day's minute entry. The hearing concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION WAIVING LANDFILL FEES FOR PROPERTIES LOCATED AT 22504 EEL LANE AND 22558 EEL LANE; AND CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MESQUITE CREEK OUTFITTERS

The Board met today at 2:22 p.m. to consider resolution waiving landfill fees for properties located at 22504 Eel Lane and 22558 Eel Lane in Middleton, Idaho, and to consider a new alcoholic beverage license for Mesquite Creek Outfitters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Code Enforcement Officer Gary Westerfield, and Deputy Clerk Monica Reeves. The properties located on Eel Lane are longtime code enforcement cases and there is a neighboring constituent who has received permission to clean up the property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution waiving landfill fees for properties located at 22504 Eel Lane and 22558 Eel Lane in Middleton. (Resolution No. 22-167.) The Board also considered a new alcoholic beverage license for MCO Idaho, LLC dba Mesquite Creek Outfitters, a new business at Indian Creek Plaza. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the new license. (Resolution No. 22-168.) The meeting concluded at 2:24 p.m. An audio recording is on file in the Commissioners' Office.

FY23 BUDGET WORKSHOP FOR COMMISSION REVIEW AND RECOMMENDED CHANGES

The Board met today at 2:34 p.m. for a FY23 budget workshop for commissioner review and recommended changes. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue (left at 2:47 p.m.), Treasurer Tracie Lloyd, Assessor Brian Stender, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kate Rice, Cpt. Harold Patchett, Lt. Travis Engle (left at 3:01 p.m.), Cpt. Mike Armstrong (left at 2:45 p.m.), Facilities Director Rick Britton, CCAD Chief Michael Stowell, PIO Joe Decker, Judge Davis Vander Velde (left at 3:08 p.m.), TCA Jamie Robb, Assistant TCA Benita Miller, IT Director Greg Rast, Zach Brooks and Deputy Clerk Jenen Ross.

Commissioner Smith said there has been lots of conversation about salaries and she doesn't want to focus today's conversation on that portion. Controller Wagoner clarified with the Board that, based on the meeting yesterday, they would like \$12,000 added to every full and part time employee salary to see what those numbers would look like in the budget. Commissioner Smith suggested that perhaps elected officials and possibly even chief deputies could forego raises this

year in order to put that money toward the employees. Commissioner Van Beek said she would not be able to vote in favor of this kind of increase as she feels it is not sustainable. Sheriff Donahue reiterated the lack of manpower and how far behind the county is in regard to salaries; manpower is down is down and it is putting a strain on operations. He feels that salaries need to be competitive and takes offense at the suggestion that elected officials and chief deputies should forego increases, everyone is working hard and have earned raises. Commissioner Van Beek spoke about the lack of parity and standard in salaries due to the requests to change/increase salaries by resolution that have happened throughout the year. In response to a question from Commissioner Smith, both the Clerk and Controller feel that the increased salaries are sustainable. Clerk Yamamoto did note that he isn't supportive of this suggested increase and that there are some employees that are under paid, some paid at the right rate and some that are overpaid. Controller Wagoner spoke about how the county needs to decide what it values and what it wants to invest in; this is a service-oriented business. Further discussion ensued about the sustainability of increase and the effect of across the board increases.

Commissioner Smith would like to see the \$40M that was discussed yesterday kept in the budget. She thinks there needs to be continued conversation, money should be included in a line item for transparency and conversational purposes. Due to this being such a big decision she is trying to find a way to invest more time into the discussion but to make sure money is allocated before the final budget. Clerk Yamamoto said he wants to see the Board set a budget, setting aside money is not a budget; the other elected officials don't know what will happen and it starts to feel like a control issue to control the budgets of all the other elected officials.

Commissioner White asked questions about the document that was provided to the Board at yesterday's meeting outlining 3 options for salaries. Controller Wagoner confirmed the numbers, stating that the 10% is inflationary based, plus there would be a step increase (if applicable), once that amount is calculated, \$2600 would be added to it. The \$2600 helps the entry level/customer service positions.

Commissioner Smith said to continue with the direction from yesterday's meeting regarding salaries as there is still Board consensus.

After a discussion regarding the community group funding, the following are the suggested amounts:

- Veterans Council: \$32,000
- Canyon County Soil Conservation District: \$15,000
- COMAPSS: \$122,000
- Genesis: \$75,000
- Jannus: \$18,000
- Metro Community Services: \$100,000 – Commissioner Smith noted that she would like to see evidence that they are providing \$100,000 in services otherwise this number will be reduced at the budget hearing.
- Nampa Family Justice: \$20,000

- SWDH: as required by statute
- TVP: \$5,580
- VRT: \$50,000
- West Valley Humane Society: \$200,000, however the maintenance portion will be reduced to \$60,000 due to the roof replacement already being included in the budget.
- WICAP: \$55,000
- Youth Court: \$10,000

Commissioner Van Beek asked about the prosecution contracts accurately reflecting what is paid by each city. In response, Mr. Wagoner said that the numbers reflected in the FY2023 budget for the cities of Nampa and Caldwell include 3% COLA increases as outlined in the contracts.

Discussion ensued regarding the \$175,000 placeholder in the budget for an elections building. Commissioner White said that elections are ongoing and everyone is very aware of the need. Commissioner Smith suggested leaving it for now as it can't be added back in later but it can be cut out later.

Controller Wagoner stated that at the request of Director Sinner, the Fair revenue numbers have been pulled back. Additionally, he stated that since July 12th when the suggested budget was originally presented there have been some salary adjustments that have been approved so the numbers may not match to the penny as it was presented in July. There is also some circumstance beyond the county's control related to vehicles, there were vehicles budgeted in 2022 but there are some that will not be received until 2023 and adjustments have been made accordingly.

TCA Jamie Robb provided information on salary requests for her department.

Further discussion ensued regarding evaluation of the DSD revenue with possible reduction and potentially a reduction to the expenditure side.

The meeting concluded at 3:55 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 5, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$3,995.00 for the IT Department
- BOE in the amount of \$1,725.00 for the IT Department
- Canon in the amount of \$1,207.99 for the IT Department
- PluralSight, LLC in the amount of \$9,264.00 for the IT Department
- 1,000 Bulbs in the amount of \$2,064.90 for the Facilities Department
- KIE Supply in the amount of \$2,932.80 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jaycob Rush, Deputy Sheriff; and Randy Pyell, Deputy Sheriff.

PUBLIC HEARING - APPEAL BY BOBBI BICANDI OF THE PLANNING AND ZONING COMMISSION'S APPROVAL OF A C.U.P. FOR A DOG KENNEL, CASE NO. CU2022-0010-APL

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of an appeal by Bobbi Bicandi of the Planning and Zoning Commission's decision regarding the approval of Case CU2022-0010, a conditional use permit (CUP) to allow a dog kennel use within an "A" (Agricultural) Zoning District. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Jenna Petroll, Bobbi Bicandi, Mitch Bicandi, Gene Shaffer, Patti Burdick, Walter Burdick, Greg Asbury, Blaine Nabors, Warna Sears, Lyman Belnap, Joyce Crawford, Cheryl Bloom, Teagan Sears, NaDonna Stanley, Stan Sears, James Robison, Harold Viola, Chris Middleton-Luckman, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she knows Bobbi Bicandi and had a conversation with her where she described the process of a CUP and pointed Ms. Bicandi to the zoning ordinance. Commissioner Van Beek disclosed that she knows the Bicandi Family.

Jenna Petroll gave the oral staff report. The subject property is located at 0 Polk Street in Caldwell (Parcel R34800010), just north of 2715 Polk Street in Caldwell. Blaine and Kailynn Nabors are allowed up to five dogs on their property without an approval of any kind. They currently own two adjoining parcels and would be able to have up to five adult dogs on each of those parcels totaling 10 adult dogs. Between the two properties they can have 10 dogs and with the CUP they are seeking 12 dogs. They plan to build a house on the north parcel and once that is built they can put the kennel structure on the property. The reasons for Bobbi Bicandi's appeal are: dust control, commercial traffic, inappropriate location, and noise concerns. There was a review of agency comments. Following Ms. Petroll's staff report, she responded to questions from the Board. Dan Lister also provided follow-up information in response to questions from the Board. Commissioner Smith said this case was specifically noticed for the property on the north and they would get 12 dogs there and 5 dogs at their residence. Ms. Petroll said that's why condition #7 was added which states prior to the certificate of occupancy to the kennel structure, the existing kennel on the lower

parcel will cease within 30 days. Commissioner Smith said they can still have 5 dogs at their home. Mr. Lister said they could have this kennel and have a new house; the house on the other parcel is not subject to that so they could sell it off and they could have up to 5 dogs before asking for a kennel. It's their right in an agricultural zone. Commissioner Smith said that is correct, and it is a 12-dog request on the north property. It's asking for 7 more dogs than what you would normally be allowed. Mr. Lister said that is correct, unless conditioned otherwise. Commissioner Van Beek said if there is a facility built for 20 animals she anticipates they would put 20 animals there at some point in time. Mr. Lister said they are agreeing to a condition limiting it to 12 dogs.

The following people testified in support of the appeal:

Bobbi Bicandi, whose property is located 800 feet from where the dogs are located, is opposed to the CUP that would allow for a dog kennel for the following reasons: noise, traffic, and because the location of the new facility will upset her normal livelihood. She provided audio clips of barking sounds that can be heard from her front porch. If the kennel is approved there needs to be enforcement because it will impact the peacefulness of her property. She spoke about Polk Street, which is a gravel road, and how there has been an increase in traffic because of the current facility on the subject property, and when people park on the street it goes from a two-lane road to a one-lane road. Ms. Bicandi said at the application meeting it was stated the Nabors had 20 dogs on site at that time so they were over the amount they were requesting. She acknowledged it's a beautiful facility and the animals are well cared for, but her concerns deal with noise, traffic, and the location of the new facility because it will affect her normal livelihood. She is trying to acquire an adjacent farm and she is concerned about how a kennel will affect her ability to farm, crop dust and apply pesticides. She said the people in favor of the kennel either work for the Nabors, are going to build the kennel, or have been promised a service dog from the Nabors. She believes the proposed facility would be a better fit someplace else. Ms. Bicandi testified there is no subdivision going in next to her house; they have withdrawn their application and the land will stay in active agriculture. Following Ms. Bicandi's testimony, she responded to questions from the Board. (The Board took a brief recess from 10:00 a.m. to 10:02 a.m.)

Gene Shaffer lives in the area and is a licensed architect, former member of the Caldwell P&Z Commission, and was a member of Caldwell's economic development team and it's obvious by his service he is not against development or change. He spoke of the importance of proper planning and the application of the findings of facts and how it affects the community. His parents owned all of the property in the area and he knows the topography and how the rock formations impact sound, and with external dog runs the sound will rise and amplify. A soundproof dog kennel will not stop the barking from the exterior dog runs that are incorporated in that design. The roadway has historically been a private road but because it's covered by a perpetual easement they have placed that on all of the properties and in doing such they have taken on the responsibility of maintaining that roadway (grading to improve the surface).

Patti Burdick testified she is opposed to the kennel due to the following concerns: impacts to her quality of life, road issues, and noise. She expressed concern with people who are behaving badly with threatening behavior when neighbors interact with each other.

Walter Burdick is opposed to a kennel in his neighborhood. He stated the property owner is not in compliance with the number of dogs that are on the property right now nor does he have a permit to have that many dogs on the property. He also has concerns with the road and access issues.

Mitch Bicandi testified that he grew up in the area and he agrees with the testimony that's been given. Over the years he has seen water on the Burdick property and at times it has reached as far as the area where the kennels are proposed.

Chris Middleton-Luckman lives above the current kennel and she is opposed to the proposal due to concerns with the noise from the barking dogs. She filed a noise complaint with animal control. She spoke to her neighbors about her concerns to get community input, not to slander the Nabors. She told there was breeding and training occurring on site and that the puppies would be sent to California to be sold and eventually the Nabors will train, sell, and give the dogs away under their nonprofit operation.

The following people offered neutral testimony:

James Robison testified that most of his concerns have been addressed. His main concern deals with barking dogs.

Harold Viola testified about his concerns regarding speed, traffic, and dust.

The following people testified in support of the appeal:

Blaine Nabors, who is the applicant, testified he is one of the owners of Cuttin Blue Farms and he spoke about the service dogs that are offered through their nonprofit organization. Mr. Teagan Sears will receive the first service dog in Idaho that will be trained to do several different tasks including retrieval, getting help, bracing, and traffic awareness. Mr. Nabors purchased his property in 2017 from the Shaffers and he did extensive remodeling on the house for a couple years. In 2019 he learned that the County does not have a kennel licensing program so he registered Cuttin Blue Farms as an LLC with the State of Idaho as a registered stable and breeding farm. The existing kennel has been on the site for many years. He is seeking a CUP so they can stay compliant and do things the right way. They have 12 dogs at the facility and the breeding program is their own personal dogs. It's not a public facility for people to bring in boarding dogs or outside training for other people. They are in the cutting horse business and they show locally and plan to do breeding in the next year or two. The Nabors are avocado farmers in San Diego and they produce exotic flowers as well so they have knowledge about farming. He has spoken to some of the neighbors and explained how the facility will help eliminate noise. Dogs are going to bark and when that happens they address the problem immediately so that it's not consistent barking. He spoke about the plans for the facility and how it's designed to help with the noise levels and he discussed his plans to help with dust control at his own cost. He has requested the speed limit of 20 mph be reduced to 10 mph and is expecting a decision from the City of Caldwell soon. Mr. Nabors said it was previously stated that his facility is a puppy mill, but that is not true.

and the reference is slanderous. Animal control officers have performed wellness checks and found it to be a nice, clean facility. A technical trainer from the Assistance Consultant of the ADA of Idaho did a review of the kennel and program and agreed it was not a puppy mill and said this service will be a benefit for Idaho because there is not currently a training facility for the service dog industry in the state. There are dog training facilities for hunting, but not for a true ADA-compliant type of training facility. Commissioner Smith asked how often the family travels to California to their second location. Mr. Nabors said they are in Idaho permanently but they will travel to California during the summer for a few weeks a year. He has 4 employees and there is 1 employee per shift, sometimes 2 a day. He has surveillance cameras onsite and if barking is detected the facility manager will be called to handle the situation. The downtime of when someone is not constantly on site is two weeks per year. The size of the building is between 1200-1800 square feet. He will put in fewer kennels but the size will remain the same. He will keep 10 kennels on top and 2 horse stables so he doesn't have to also build a horse facility. He can utilize the building for two purposes. Mr. Nabors said he will agree to a quarterly review of the facility. He has 12 adult dogs and the puppies stay on site until they are 3 months old. With this facility there will be 1 or 2 litters in this location; they will do the mating portion of it and then they are transferred to San Diego where they have employees who will do the birthing. This kennel will mostly be a training facility. Once the new kennel is built they will shut that portion of the current facility and he will use it for storage for tractors, implements, etc. The Board had follow-up questions regarding the following: why did the applicant not apply for a CUP on both parcels; the nonprofit organization and the commercial breeding facility; design plans for the facility; parking for events on the property; potential uses on the property; and training of horses on the property; accessory uses; and staffing of the facility.

A recess was taken from 11:16 a.m. to 11:20 a.m.

Greg Asbury lives directly above the Nabors' home on the corner of the dirt road that's been discussed. He has no concerns for the Nabors' proposal, and he said the road is a dusty road but he doesn't feel it's the Nabors who are creating the issue, there are trucks using the road all the time. He's heard the dogs bark and they are quick to quiet them down. He believes the Nabors have a good plan and for providing service dogs to people in need.

Lyman Belnap is the attorney for the Nabors and he said the question has come up as to how they operate their business. They have a for-profit operation that sells competition/show dogs and a nonprofit operation that places the dogs that being primarily bred at this facility and that fact should not be a concern to the Board or have any impact at all on the CUP application. If they are violating the terms of their 501 (c)(3) that's between the Nabors and the IRS and the fact that they operate a very legitimate business and have a nonprofit dimension - they should be congratulated for thinking ahead and using the nonprofit for the purposes that it was set up. The Nabors had a wedding on the property and they have explained they are not operating a bed and breakfast. Regarding the road situation, it's a gravel road and it's dusty but the Nabors are not the primary or the only cause of the dust but they are stepping up to try to control the dust for the benefit of themselves and their neighbors.

Cheryl Bloom owns Idaho Service Dog Advocates and is a certified ADA coordinator who volunteers for several agencies in Idaho. She is the author of the Idaho Service Dog bill that was passed unanimously by the Idaho Legislature in 2019 and she volunteers for the Northwest ADA Center Idaho. She toured the facility and he is to be commended for what he's doing. It's a unique one-of-a-kind facility, if approved. There are no service dog training facilities in Idaho. This is a needed facility as Idaho is lacking in well trained service dogs as many people in need of service dogs have to go to other states and parts of the country to get service dogs. Ms. Bloom has a lot of experience and she was dismayed when those in opposition referred to the opposition as a puppy mill – it is not a puppy mill.

NaDonna Stanley works for Cuttin Blue Farms and is the manager of the existing area where they raise dogs and she gave testimony about the kennel operation, employee management, and health of the dogs, etc. She is not there 24/7 but she is there very regularly and is in constant communication with Mr. Nabors about the facility. Employees are instructed to drive below the posted speed limit of 15 mph to minimize dust. Dogs bark at stimulation and it takes employees five minutes to get the dogs outside stop the barking. Neighbor dogs come to the property in turn causing kennel dogs to bark. Mr. Stanley takes some dogs to her home to breed and once they are bred they are returned to the kennel. She is a retired law enforcement officer and she chooses to work at this facility because she likes the operation, it's one of the best she has seen in her career. When the boss vacations a couple times a year she and the employees manage the facility. Ms. Stanley answered questions about the whelping process.

Blaine Nabors answered additional questions about whelping and the sale of dogs. He has no plans to sell service dogs at this site, all sales are done through San Diego. This facility will be a training facility. Selling a dog and donating a dog are two different things. If he chooses to donate a dog people will pick them up from this site. Commissioner Van Beek had questions regarding a commercial breeding facility, and Commissioner Smith said the only definition that is relevant to this line of questioning is the County ordinance.

Rebuttal testimony was given by Bobbi Bicandi. She had questions about the road name change from Polk Road to Polk Lane, and has concerns that the applicants have not provided a correct schematic of the proposed kennel design. She said the Nabors' nonprofit operation has nothing to do with the CUP. Her concerns are noise, dust, the inconsistencies, and enforcement of barking dog complaints.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek has concerns about the following: there should be consideration for the surrounding neighbors on their property rights and longtime farming practices; negative impacts to surrounding properties; there is a volume of conflicting testimony; the City of Caldwell has stated opposition to the proposal; there will be a change in the nature and character of the area by allowing a commercial operation or a 501 (c) (3) organization to sell from this site by increasing traffic; the road is substandard; and there are no conditions that would mitigate concerns or the existing conflict. She does not support the application as presented. Commissioner Smith said the Board's answers need to be tied to

the application in front of it and it should not speculate on potential uses. She relies on City of Caldwell's planning experience. DSD staff has said it's only a couple more dogs than would be allowed, but that's not the case. It's an entire property and she would have encouraged a full application of an entire property. In looking at 12 dogs on a single parcel with no caretaker residence tied to that parcel it could be sold and it could be treated on its own merits as a single-use building. She understands that's not the intention but when the application was applied under a single parcel that is a worst-case scenario and it would be allowed by law and so a finding for a dog kennel on a single parcel on its own adjacent to a residential subdivision and single-family residential zoning that will come is not compatible with the area. She recommends denial with a change to the findings of fact and conclusions of law to support that denial based on deliberation. Commissioner White said the need for service dogs is tremendous and she supports the Nabors' proposal, but she said the dust problem needs to be mitigated. In regards to what the applicant can do to gain approval, Commissioner Smith said they should submit a full site plan showing all uses and including correct building plans with identified kennels and other proposed uses clearly listed; conditions of approval that address all of the concerns to very clearly identify mitigation measures; a condition for when code enforcement cases are brought to their attention there is compliance with site reviews as well as quick remediation; and the application should include both parcels - the entire property - so that if either parcel is sold the use would cease. Commissioner White is not opposed to that. Commissioner Van Beek made a motion to approve the appeal and overturn the P&Z Commission's decision with the changes Commissioner Smith directed staff to make. The motion was seconded by Commissioner Smith. The motion carried by a two-to-one split vote with Commissioner White voting against the motion to approve the appeal and overturn the P&Z Commission's decision. The FCO's will be brought back at a later date. The hearing concluded at 12:26 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER RE: CALVIN WALSH'S APPEAL FOR A CUP MODIFICATION, CASE NO. CU2022-0005-APL

The Board met today at 12:27 p.m. to consider the FCO's regarding Case No. CU2022-0005-APL in the matter of Calvin Walsh's appeal for a conditional use permit modification. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The Board needed time to review the document and decided to take the matter up again at 1:15 p.m. The meeting concluded at 12:28 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER RE: CALVIN WALSH'S APPEAL FOR A CUP MODIFICATION, CASE NO. CU2022-0005-APL

The Board met today at 1:33 p.m. to consider signing the finding of fact, conclusions of law and order regarding Calvin Walsh's appeal for a CUP modification, case no. CU2022-0005-APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. The Board stated that they had reviewed and are satisfied with the FCOs. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the findings of fact, conclusions of

law & order in regard to Calvin Walsh's appeal for a CUP modification on case no. CU2022-0005-APL. The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER APPROVING THE FY2023 TENTATIVE BUDGET FOR PUBLICATION

The Board met today at 1:37 p.m. to consider approving the FY2023 tentative budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Assessor Brian Stender, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kate Rice, Facilities Director Rick Britton, CCAD Chief Michael Stowell, PIO Joe Decker, TCA Jamie Robb, IT Director Greg Rast, Fleet Director Mark Tolman, Director of Juvenile Detention Sean Brown, Assistant Director of Misdemeanor Probation Mary Gomez, Other CCSO employees and Deputy Clerk Jenen Ross.

Commissioner Smith expressed her appreciation to everyone who has contributed in working to create this budget.

Clerk Yamamoto stated that their proposal is to use one-time money to off-set property taxes one time. In regard to compensation he noted that this current Board has had nearly two years to address the compensation concerns in regard to the outdated compensation plan and it is only now being addressed at the last minute. He addressed an email recently received from the Haverfield's (Mr. Haverfield sits on the Nampa City Council) and their dislike of Commissioners Smith and White even considering the \$12,000 salary increases. He noted that this increase is similar to ones the City of Nampa has put thru and spoke to a recent meeting with Chief Huff who said they often hire Canyon County employees because the pay is better. Although he is not fully in favor of the \$12,000 increase he does acknowledge that it is sustainable. He is frustrated by the scrutinization of Canyon County while places like the City of Nampa go un-scrutinized. Canyon County is behind other entities in regard to compensation and will continue to lose good people.

Mr. Wagoner spoke about the budget process to this point which has included individual meetings with Offices and departments, meetings with the Board and community input meetings. He reviewed some of the key highlights as follows:

- Property tax levied: \$40M – this represents a \$14M decrease from the current fiscal year levy. Additionally, if you factor in the 3%, plus new construction, the county has the authority to levy \$57M so the county is \$17M below what could be levied.
- \$12,000 per employee and a \$5.77 increase for PT, temporary and seasonal employees have been included.
- The grand total for the expenditure budget is \$137,454,141.
- Total anticipated revenue from sources other than current property tax is \$66.7M, \$40M from property tax and budgetarily that is a use of \$30M of fund balance which leaves a calculated ending fund balance of over \$62M at the end of 2023. A little over \$5M in ARPA monies has been included for those identified capital investment projects.

Commissioner Van Beek spoke about how, by statute, the Board are the only ones that can set salaries and how she works with a group of advisors as there is no way this Board can know all the areas of expertise they are charged with without the use of advisors. She has reached out to people to ask for input and she is part of working group to look at some different issues on property tax. She would propose a working group so that commissioners can discharge their duties under the statute and work with the HR Director to look at the pay-bands.

Commissioner White did not have any additional comments to add.

Commissioner Van Beek said she will not be able to support this as presented as there is not enough evaluation. Commissioner Smith explained that the published deadlines needed to be met, the budget can't go up but it can go down. The Clerk put on the record that the first public meeting will be held on August 17th at 5:00 p.m. and if work or testimony has not been completed the hearing can be continued.

Commissioner White made a motion to approve the FY2023 tentative budget for publication. The motion was seconded by Commissioner Smith. Commissioners White and Smith voted in favor of the motion and Commissioner Van Beek voted in opposition. The motion carried in a 2-to-1 split vote. The meeting concluded at 1:58 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerk Monica Reeves

No meetings were scheduled or held this day.

APPROVED CLAIMS

- The Board approved claims 586697 to 586729 in the amount of \$103,385.75
- The Board approved claims 586730 to 586756 in the amount of \$8,120.20
- The Board approved claims 586757 to 586791 in the amount of \$75,317.64
- The Board approved claims 586792 to 586832 in the amount of \$406,523.18
- The Board approved claims 586833 to 586860 in the amount of \$74,244.62
- The Board approved claims 586861 to 586898 in the amount of \$47,079.83
- The Board approved claims 586899 to 586934 in the amount of \$40,493.21
- The Board approved claims 486935-ADV in the amount of \$762.36
- The Board approved claims 587035 to 587070 in the amount of \$39,756.26

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 9, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Monica Reeves

APPROVED CLAIMS

- The Board approved claims 586936 to 586965 in the amount of \$56,718.08
- The Board approved claim 587071 in the amount of \$36,400.00
- The Board approved claims 586982 to 587008 in the amount of \$18,977.73
- The Board approved claims 586966 to 586981 in the amount of \$9,100.00
- The Board approved the May jury claim in the amount of \$5,643.64
- The Board approved claims 587009 to 587034 in the amount of \$26,760.45
- The Board approved claim 587072 in the amount of \$5,202.98

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:04 a.m. with County attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing Amendment No. 3 to Agreement for Inmate Health Care Services between Canyon County, Idaho and VitalCore Health Strategies, LLC - Chief Dashiell reported that the vendor advised the County in May of this year that there would be a substantial rate increase around \$400,000 to \$430,000 on the jail medical side, largely due to increased employee costs. However, the initial increase was in excess of the amount they were told and so the Sheriff's Office advised the vendor that the amount would not work and so they reduced it to the expected and budgeted amount. The contract amount is now \$2.18 million for 2023 jail services. The amendment includes a section for the jail and a section for the juvenile detention center. Deputy PA Wesley noted that the juvenile detention amount increased from \$124,652 to \$147,117. The remainder of the contract is the same. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve Amendment No. 3 to Agreement for Inmate Health Care Services between Canyon County, Idaho and VitalCore Health Strategies, LLC. (Agreement No. 22-085.)

Consider signing a Resolution to Accept the Donation of A K9 from Breakaway Retrievers LLC - Breakaway Retrievers, LLC, wants to donate a yellow Labrador retriever by the name of "Tampa" for the retail value of \$7,000. The County will not pay any fees but will accept responsibility upon donation. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution to accept the donation of a K9 from Breakaway Retrievers, LLC. (Resolution No. 22-169.)

As part of the legal staff update, a request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy PA Zach Wesley. The Executive Session concluded at 10:01 a.m. While in open session, Deputy PA Wesley said there was discussion about making sure that it was clear who would sign off on the director's administrative decision without a director in DSD, which would be the Planning Official. He will prepare a letter for the Board to that effect.

Consider Alcoholic Beverage Transfer License for ADI Capital, LLC dba Nampa-ADI - Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the alcoholic beverage transfer license for ADI Capital, LLC, dba Nampa-ADI. (Resolution No. 22-170.)

The meeting concluded at 10:03 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING – CONSIDER AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 17 AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES, CASE NO. OR2021-0029

The Board met today at 10:09 a.m. to conduct a public hearing to consider an ordinance amending Chapter 7, Articles 17 and 18, Zoning Regulations of the Canyon County Code of Ordinances, Case No. OR2021-0029. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen, George Crookham, Claudia Haynes, Deputy Clerk Monica Reeves. The amendment includes the following:

- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F).
- CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE AS SECTION 07-18-07, APPLICABILITY AS 07-18-03 AND APPLICATION AS 07-18-05, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES TO CHANGE FROM SECTION 07-18-01 TO 07-18-07, AMEND SECTION 07-18-03 ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-09 AND CORRECT A FORMATTING ERROR, AMEND 07-18-05 ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-11 AND REMOVE THE REQUIREMENT 100% OWNERSHIP IN BOTH THE ORIGINATING PARCELS AND DESTINATION PARCEL, ADD SECTION 07-18-13 AS ADMINISTRATIVE LAND DIVISIONS IN ALL OTHER ZONES, AND REMOVAL OF SECTION 07-18-07 LAND DIVISIONS BY JUDICIAL DIVISION (COURT ORDER)

Elizabeth Allen prepared an addendum that supersedes the staff reported previously presented to the Board at its first hearing in March, 2022. She reviewed the summaries and draft amendments based on the feedback received during the May 13, 2022 continuance of the May 6, 2022 public hearing. The addendum, which details the revised amendments, is on file with this day's minute entry. Ms. Allen noted that when this matter first came to the Board the biggest item was changing the originality date to 2004, but that has been completely removed based on discussions leading up to today's hearing.

George Crookham said he wanted to make sure the date of originality portion did not "sneak back in" to the document. Commissioner Smith confirmed that it is not in the ordinance.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Ms. Allen noted that Page 2 of the ordinance, under Section E., the word *parcels* is missing. The sentence should read as follows: "Land that is divided into no more than four (4) parcels from the original parcel is in accordance with Article 18 of this chapter." Commissioner Smith said staff has captured what the will was for this amendment and it makes some improvements especially in process and kind of the beginning of the transfer of development rights, but that's manageable so she's really supportive of that part. She supports the amendment with the change to Page 2, Section 07-17-03 (3) E. to add in the words no more than four parcels, and to accept all other changes. To change Page 5 of the proposed ordinance, Section 07-18-05 (1) C. to specifically change the word *lots* to *proposed divisions*. It will read "Site plans showing all proposed divisions and access locations." In Section 07-18-07 (2) B. delete the words *subject regulations in accordance with*. The line will only read: "An additional parcel designated as agriculture only and at least five acres in size may be created in accordance with this article and Article 10 of this chapter." Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the ordinance amending Chapter 7, Articles 17 and 18 of the Canyon County Code of Ordinances as presented with the

changes noted. The FCOs as well as the ordinance and summary will be signed later. The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 10, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Monica Reeves

APPROVED CLAIMS ORDER NO. 2223

- The Board of Commissioners approved payment of County claims in the amount of \$1,817,758.16 for a County payroll

PUBLIC HEARING TO CONSIDER A REQUEST BY CHRISTOPHER AND KATHRYN PHOENIX, REPRESENTED BY SKINNER LAND SURVEY FOR A CONDITIONAL REZONE, CASE NO. RZ2022-0006

The Board met today at 10:11 a.m. to conduct a public hearing in the matter of a request by Christopher and Kathryn Phoenix, represented by Skinner Land Survey, for a conditional rezone, Case No. RZ2022-0006. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Chris Phoenix, Kathryn Phoenix, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for a conditional rezone of Parcel R34484104, consisting of 2.72 acres, from an "A" (Agricultural) Zone to a "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. The request includes a development agreement and it would create one division on the property creating an average lot size of 1.36 acres. The property is located at 23117 White Oak Drive in Caldwell within the Sleepy Hollow Subdivision. There are approximately 30 subdivisions within a one-mile radius of the property. The comprehensive plan designates this property as residential, and it is located within the Middleton Impact Area. If approved, private road and shared access requirements would have to be met. Canyon Highway District has no objection to the request. On May 19, 2022, the Planning and Zoning Commission recommended approval of the request subject to the conditions of the development agreement. Staff is recommending approval as well. The applicants have a shared access on the property that provides access to an accessory structure to the property to south; they do not use it for a main access. As part of the request they will use the existing access road to access Parcel 2. The conditions will limit the construction on Parcel 2 to one dwelling with no secondary dwellings. They have no interest in making that a private road so they agreed to lock it down to one primary dwelling in the back and they wish to retain their secondary dwelling rights on Parcel 1 so they can have the ability to have a secondary dwelling for their elderly parents. Kathryn Phoenix testified she has lived on the property since 2016 and they want to split the parcel and to give family

members the option to live on site. Her request is consistent with the other properties in the area. The Board had follow-up questions for Mr. Lister and Ms. Phoenix regarding access. Chris Phoenix testified the initial impetus came from the neighbor, Dee Bowen, who suggested splitting the property. The other neighbors are supportive of it as well. He offered comments regarding access and an existing shared maintenance agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the recommendation from the P&Z Commission and she supports the request. She then made a motion to approve Case No. RZ2022-0006 for Christopher and Kathryn Phoenix for a rezone, development agreement, and FCO's. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the ordinance directing amendments to the map. (Ordinance No. 22-016 and Agreement No. 22-086.) The hearing concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING FOR BORTON-LAKEY LAW AND POLICY, REPRESENTING NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board met today at 2:05 p.m. for a continuation of the public hearing in the matter of a request by Borton-Lakey Law and Policy, representing Nick and Hailey Bland, for a conditional rezone of Parcel R29600012, approximately 1.27 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single Family Residential) zone. The request includes a development agreement limiting residential development to a primary dwelling on the site. The property is located at 9762 Deer Flat Road in Nampa. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Carey Cook, Hailey Bland, Nick Bland, Scott Bullock, Kelly Rhinehart, Louis Spiker, Diana Stanford, Valerie Duke, Von Duke, Grace Blaylock, Kathy Purvis, and other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from June 27, 2022, so more information could be obtained from the applicant on whether they were able to find another means for approval which would include a potential purchase of a building permit. Commissioner Van Beek disclosed that subsequent to the hearing a constituent was talking about a house, and she realized after the fact that it was related to this case and that information caused her to look at the staff report in depth as far as dates of application, building permits, etc. There was some indication that the realtor or the applicant had knowledge of that so she has looked at this case in light of that information. Commissioner White disclosed that she met with Todd Lakey and they talked about the comprehensive plan but it had nothing to do with this case.

Dan Lister gave a summary on how we got to today's hearing. At the hearing held on June 27, 2022 the Board tabled the case to see if there were other options the applicant could take to get a building permit for the site. The parcel to the east was an original lot and if they worked with that applicant, subject to the new ordinance being adopted allowing a building permit relocation without the same ownership to go through, then perhaps there is an option there. To date staff has not received any updates on that option. No matter what decision the Board makes today, the case needs to be re-noticed because it is a material change from the original application heard by the P&Z Commission and even though they recommended approval, the application has

changed since the approval. It was the full three acres with two parcels and now it's be amended to only impact one parcel. The Board had questions of Mr. Lister regarding the property history, application process, secondary dwelling and building permit requirements, etc.

Testimony in support of the request was offered as follows:

Todd Lakey, the attorney representing the Blands, said his clients were clear about their intention for the property and did not represent that they lived on the site, that their desire was to split to it and have a home for Nick and Hailey Bland. Had they known what would have brought them here today they would not have proceeded, they would have looked for a different property. It was not clear that the secondary resident permit required them to live on site, in fact, they didn't understand that to be the fact and as was noted they disclosed Carey Cook's address was not on site, it was not the parcel itself. They have been clear about that and they did not do anything intentional or nefarious – they didn't understand that a secondary residence permit required that nor was that explained. There was discussion about a potential split afterwards, but that could provide for division but it would not be a recognized division. The Board continued the case to see if the Blands to could find some kind of mutually agreeable resolution, and they have talked to their adjoining property owners but they do not have a desire to sell any building permits so they cannot obtain building permits from their neighbors. They reached out to the Dukes to try to discuss a resolution, but ultimately, they were not able to meet, but they did receive a letter from the Dukes' attorney regarding this case. Mr. Lakey said this application does exactly what the Dukes expected going in, it would allow for the division of the parcel and the Dukes would own their property with the existing house on it and the Blands own their property and build a house on that parcel. The Blands' home is one-half to three-quarters of the way constructed. The Dukes retain the agricultural zoning on their property and they will retain their zoning. The Blands had no intent to harm the Dukes or limit their uses and ultimately, they were removed from the application and the Blands are pursuing just the application on the subject parcel. The Dukes paid \$600,000 for their home and parcel. The letter from the Dukes' legal counsel wanted the Blands to buy the property back for \$875,000 if they agreed to it before the hearing, or \$975,000 if they decide after the hearing. The Blands cannot do that. The application meets the comprehensive plan. The conditional rezone harms no one, the development agreement limits further divisions on the property – there will be no secondary residences. It creates one parcel and is consistent with the area. Commissioner Smith said it was very clearly stated in the building conditions on the zoning compliance that the owner must live on site. They were told multiple times and she questioned how they cannot know what they were doing. Mr. Lakey said they are not attorneys and were following what they felt they needed to do based on their communications. They did not say they were the occupant. They were honest in their application and were clear in their intent, they did own the property and did not understand it was required to live on site. There was no knowledge or intent to be unclear or dishonest. There was discussion regarding building permits, secondary residence, application process, etc.

Nick Bland testified there was no ill intention on their part, nor they were not trying to be deceitful. They would not have risked hundreds of thousands of dollars if they thought there was a chance they would be in this situation today. There was a comment that when Carey Cook signed the

paperwork saying he was living the house, it was not clear to him. Nick Bland has reached out to the Dukes multiple times but they have no interest in working with the Blands and now they are threatening to take legal action against them. Mr. Bland does not know what else to do. He understood from his father-in-law, Mr. Cook, that a building permit was available. There was a misunderstanding and now they are stuck.

Scott Bullock testified he was the listing agent and helped the Blands buy the land from Mr. Cook. He communicated with the County in regards to the applications, options to build, and any information that was given to him he provided to the owner. They tried to go through all four steps that were given and now today they are on the final step. He wishes he had had known Mr. Cook had to live in the house to get a secondary building permit because if he had known it would have stopped at that point. He feels horrible they are in the position but is grateful there is a way to resolve it. He said the Dukes did know by way of the real estate transaction that a home would be built next to them and that the property was being split. There has not been any harm. The Dukes are still getting the property that was sold to them with the understanding that a new home would be built next to them. It was a shock to find there was a problem with a building permit. Following his testimony, Mr. Bullock responded to questions from the Board regarding the parcel inquiry, communications with DSD staff about the options they had: 1. Ask the adjoining landowner if they would be willing to sell his building permit; 2. Obtain a secondary building permit; and 3. Request a zone change. The second option fell apart, so they went with the third option which has fallen apart and today's hearing is the fourth option. The intent from day one was to get a separate building. He wishes he was never given the option of a secondary residence permit. The Board had follow-up questions regarding Mr. Bullock's communication with staff regarding process.

Kelly Rhinehart testified that he works for a private lending company and spoke about how he assisted with the financing and with some of the construction for the original parcel. He checked to make sure there was a building permit issuable and was told a permit issued on the parcel to the east of the original parcel they had the loan on, which is important because most people don't know the difference between an additional building permit and a secondary building permit. He said this is a vocabulary misunderstanding rather than a shell game. The family has real dollars invested in this property and he feels bad for them. The Board had follow-up questions for Mr. Rhinehart.

Testimony in opposition to the request was offered as follows:

Louis Spiker, the attorney representing the Dukes, testified his clients were not told the secondary residence building permit for their parcel was being used for the construction next door. It was not on the property condition disclosure. The building permit for that secondary residence was issued after his clients were under contract for their property and their primary concern is that while we have run out of options, but all the other options before this impacted their property: 1. They wouldn't be able obtain a CUP for an events center; they cannot transfer a secondary building permit, so you have two different owners so in his mind there is not a workable solution to have a 99-year lease for a secondary residence to fix it. It's unfortunate the farmer next door was not

willing to sell the Blands a building permit. The Dukes provided an offer in which they felt the value was based on the improvements that have been done, and the loss of use of their property during this time period and the market appreciation. The letter did not threaten litigation; if the Dukes' property was impacted they were prepared to pursue those damages because this parcel was purchased because it's in an ag zone and has a barn that can be used as an events center and they believe the demand is there to utilize that. The Blands are in this position as a result of their own actions. The Dukes did not know the manner in which the Blands and Carey Cook were moving forward, but they initially were lumped into and the resolution to this wasn't explained to them until they got to the hearing and found out they would lose their rights through a conditional rezone to residential. The Dukes were not informed that the availability of a secondary residence building permit for the parcel they were purchasing was being used to construct the house next door. The Board had follow-up questions for Mr. Spiker.

Diana Stanford is concerned that someone was allowed to sell property that had not been legally subdivided, and it seems there are "shenanigans" going on with land in the area. There needs to be more structure in place so that people cannot be taken advantage of.

Von Duke testified that the Blands tried to rezone his land without talking to him about it and it has cost both parties thousands of dollars and has caused hard feelings. He hired an attorney to protect his property rights. Commissioner Smith said the Dukes wanted to put a wedding facility on their property, but under R-1 zoning it's a prohibited use so they wanted to withdraw from the rezone application, but they live on a not recognized divided parcel so because of that they cannot apply for a building permit and so there is no resolution for them to move forward. The Dukes cannot apply for any permits on their property, and if they go with the R-1 zoning to correct the one-acre parcel he cannot use it for what he wanted to.

There was Board discussion with staff about the illegal land division that occurred.

Valerie Duke testified that when she signed the rezone documentation, she had just had surgery and was told it was just another document the County needed. She said they pulled their application because they did not want to move forward with the rezone.

Kathy Purvis testified about wells and well testing that has occurred in the area and how she is concerned about the backdoor deals that are going on as it relates to people being targeted for their water rights. She is also concerned about what seems to be domestic terrorism.

Rebuttal testimony was offered by Todd Lakey who said the Blands want a house, they are not fracking or engaging in domestic terrorism or backdoor scams. Their request will add one well that will have negligible impact. The Dukes property is no longer part of the application therefore their property will not be rezoned to R-1, it will remain agriculture and they can apply for a conditional use permit for their special event facility. What is before the Board is not approval of a secondary residence permit, it's approval of a conditional rezone and as staff has analyzed it complies with the comprehensive plan and does what the Dukes and Blands anticipated. The Dukes wanted a separate parcel and knew there was going to be a split and although it's tarnished

now, they were supportive initially of the Blands doing what they are trying to do. The application only rezones the Blands property to R-1 and there are conditions so they cannot have a secondary residence permit. None of the limitations apply to the Dukes property. This finds a solution that is a win and meets the code and the comprehensive plan. The Blands are supportive of what the Dukes want to do on their property with the events center. There was discussion between the Board, Mr. Lakey and staff regarding land use, the illegal land division, the process for a rezone, and the abatement process.

Commissioner Smith said we cannot make this a predominately single-family area; however, she thinks there are ways to look at a nonviable split. They could amend the original application if they are able to get the farmer and the Dukes together and if the farmer would agree to put his building permit on that land and protect the farmland, identifying a building envelope that would preserve farm ground. Dan Lister worries about what that proposal would open. Mr. Lakey said if they pursue the administrative land division, they should be able to apply for the three acres and say it wasn't an option that was given to them and there was no intent to make a nonviable piece when it was initially approved, they were simply correcting an old error that they thought was going to give them a building permit but didn't. Commissioner Smith said the parcel must be eligible for division, but it's not. What is eligible for a division is all of it. It goes back to amending the application for a different way, but this way is more legal than introducing a zone. Getting multiple people to sign on would give three permits total. The farmer could create a building permit lot that is sellable for him in the area he doesn't farm and retain his farm ground, and the other two lots would be these two lots. The application would include Lakeview Land Company, the Dukes and the Blands. This option resulted in further discussion. Mr. Lakey asked the Board to approve the conditional rezone knowing there must be a second hearing and the Blanks must make the case at the second hearing, but it would give them time in the interim to apply for the nonviable ag and maybe have that approved before the next hearing. Commissioner Smith said the only alternative is the Board can also deny it and change its mind at the next hearing. Commissioner Van Beek said the Board did not create this scenario; it is being asked to remedy a scenario that is messy.

Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith reviewed the FCO's and suggested changes. She cannot make a finding that when considering the surrounding land uses, which is highly intensive agriculture, that the proposed conditional rezone is more appropriate than the current zoning designation so she recommends a change to the conclusion that the proposed zone change is not more appropriate than the current zoning designation and she would strike the language after the first paragraph that ends with *therefore a zoning map amendment to R-1 is not appropriate in the area pursuant to CCZO 07-10-25 (3). The purpose of the R-1 single-family residential zone is to promote and enhance predominately single-family living areas at a low-density standard.* She reviewed other sections in the FCO's. She wants to deny the case and direct staff to make changes to the FCO's and re-notice it for a second hearing. The options for approval in the future would be to explore the nonviable land division with all applicable property owners for the original parcel, or explore ordinance text amendments that would not cause any

hardships to the neighbors that would allow each property owner to move forward with the property rights they are afforded.

(The recording system stopped momentarily so the portable recorder was used at 4:54 p.m.)

Commissioner Van Beek said she wants to find a path forward but she has to use what she's been given as tools and it's problematic for her that there is not a clear building permit. She is in support of the nonviable ag option. It is problematic that the applicant that went through a remedy to correct a recorded deed, but it wasn't a recognized division with a split. It's not in the comprehensive plan, it doesn't follow the other smaller parcels that are zoned agricultural. Keeping this zoned agriculture is the right way to go. She feels bad for the parties involved but said people have to find informed users of information that represent them in a way that doesn't put them in financial jeopardy. Commissioner White wants to find a straightforward resolution so that everyone can be made whole, and they can move forward with what each had hoped to do. Commissioner Van Beek said we have to find a way to maintain it as an agricultural area for the time being because it's not in an area of impact, it is not on the comprehensive plan. We still do not have a remedy for an illegal land division if we split it and rezone it and there is injury at some level. Commissioner Van Beek made a motion to deny the conditional rezone, the development agreement, and ordinance for Case No. CR2022-0002 for Nick and Hailey Bland with instructions to staff to make changes to the FCO's as directed by the Chairman and suggest the applicant move forward with an application that includes a nonviable amendment to the original application that allows them to accomplish their goal of getting a parcel based on the administrative land division process entitling the Blands and the Dukes to each have their own parcel with the Blands maintaining the two parcels and a building permit. Commissioner Smith asked if she would consider including the direction for staff to look at sections B and C of the FCO's and make changes that are in line with today's testimony and deliberation. Commissioner Van Beek agreed. The motion was seconded by Commissioner Smith and restated as follows: To reverse the decision of the P&Z Commission to a denial and direct staff to make changes to the FCO's to sections B and C, and to include the actions the applicant can take which is to pursue the nonviable option. Commissioner White was opposed to the motion to deny. The motion carried by a two-to-one split vote. The case will be noticed for a second public hearing when the applicant is ready and in the mean time they will be able to pursue that application if it's possible for them. Commissioner Smith said there is a portion in the ordinance that allows for mediation and that might be important between the parties that are here and perhaps staff can pursue that option with them. According to the ordinance the County pays for the first mediation session. Commissioner Van Beek said there are people who look for houses with a secondary residence and there is sentiment on both sides that neither are happy with the relationship so this property could be sold as a single parcel and people could pursue their business ventures or personal residences at a different place. The hearing concluded at 5:04 p.m. An audio recording is on file in the Commissioners' Office.

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerk Monica Reeves

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Keller & Associates in the amount of \$14,875.00 for the Development Services Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Zachary Blakeslee, Recorder/Passport Specialist; Janae Meng, Clerk II; Jennifer Tellez, Clerk III (Magistrate Judicial Assistant); Margaret Franco, Clerk IV; Veronica Blanco, Legal Support Specialist III; Raena Russell, Juvenile Probation Officer.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Serve it Up Inc. dba Legends Sports Pub & Grill to be used on 8/27/22.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Norm Swaffield.

MEDICAL INDIGENCY MATTER – RELEASE OF LIEN

The Board met today at 9:30 a.m. to consider a medical indigency matter regarding a release of lien. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Kellie George, and Deputy Clerk Monica Reeves. Ms. George reported that the applicant for Case No. 2010-737 had recently paid off the case and the lien should be released. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign a release of lien on Case No. 2010-737. The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS EMPLOYEE SALARIES

The Board met today at 9:42 a.m. to discuss employee salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice, IT Director Greg Rast, Assessor

Brian Stender, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Rick Britton, Fleet Director Mark Tolman, Chief Deputy Sheriff Marv Dashiell, Financial Manager David Ivers, TCA Jamie Robb, Assistant TCA Benita Miller, PIO Joe Decker, Weed and Gopher Superintendent AJ Mondor, Juvenile Probation Director Elda Catalano, Captain Harold Patchett, Lt. Martin Flores, Assistant Director of Misdemeanor Probation Mary Gomez, other interested persons, and Deputy Clerk Monica Reeves.

Directors Rast and Rice were tasked to look at different options on the salaries and compensation. The problem with the previously suggested \$12,000 compensation per employee, which was included in the tentative budget, is that on the bottom end put some staff over the top of other staff; for example, a receptionist position would be paid more than a journeyman in the facilities department. They ran numbers top to bottom and if there were one-off's or inequity it resulted in the same issue. They tried percentages top to bottom and had the same problem so they used a rubric and came up with a slide in salary ranges and then a COLA rate and then brought it into situations and scenarios. The following pain points were considered:

1. There was discussion about getting the bottom rate up to \$20 an hour for entry level positions. The entry level pay for some staff is \$14.83 per hour, which qualifies them for food stamps and rental assistance.
2. The starting salary of patrol officers and deputies in the Sheriff's Office; they are behind because of recruitment and vacancies.
3. Jail deputies starting points on the entry level salary.
4. Elected officials' salaries should be included in the compensation study.

With the four pain points and working the math, everyone is eligible for a 9% across the board COLA. Inflation rates are between 8.5% and 9.1% in 2022, and social security backs that up as well. \$19.95 per hour will be the new minimum rate. The starting salary for patrol officers will be \$24.76 per hour (\$51,500 annually), and \$26.20 per hour for jail deputies. Part-time employees will get a straight 9% COLA. From top to bottom it's a 13.32% average increase. In previous discussions the Clerk had proposed a \$3,000 amount and HR recommended \$12,000 and with this new recommendation it will equate to \$7,500 per employee. The tentative budget included \$16 million and by doing this new rubric it's \$6.6M plus 25% benefits and part-time, the cost will be \$8.4 million which is a savings of \$7.5M. Director Rast said their main goal was to put the money where the big issues were. The low end will get the higher percentage, and the more money you make the lesser your percentage; for instance, if you make over \$100,000 you will only get a COLA, if you're not an elected official.

Director Rice said they looked at the pain points for the County and this provides a significant increase and will provide for a stable workplace for our employees, will provide for stable services for the citizens, and will meet some of the goals we are looking to solve. Other agencies are doing the exact thing, maybe not with the same numbers, but with COLA's, salaries, literally every employer, including the U.S. Postal Service which is providing its first-ever COLA for employees at the federal level. Ada County will not release their numbers until next week, but she is very in tune with what they will be doing. Their budget is completely different because of their size, they

have 2.5 times the number of employees we have and so it's not apples to apples. This recommendation does not solve every problem we have, but she and Director Rast spent a considerable amount of time going line-by-line with all 886 positions. She assumes there are still some inequities based on racial inequities, gender inequities, service inequities department-to-department, and we may have some other things that this strict math situation does not solve because those problems exist today, and they will exist as we go through something as strict as this. Those are one-off situations that she's asking the Board to indulge through the next year that we look at on a case-by-case basis and with justification documentation and the right approvals we have the ability to solve some of those issues going forward to relieve the liability issues that we are living today because of our pay inequities. Director Rast said this does not include step increases, but it gives us something to work within that we can fix in FY2023 and not wait until FY2024.

Commissioner Smith said her worry is if we make changes individually we will lose the equity of following the plan. Director Rast said they found if they made a change by even \$5 it throws off all the calculators and the risk is if we start messing with it the compression rates come back and inequality comes back based on the math. Director Rice said when you put nearly 900 employees in a spread between our lowest paid and our highest paid, it leaves very few gaps as you go from salary to salary up or down the scale which is what made it difficult to band these salaries but they were able to define differences in very small areas and that is why they recognized the break at the \$38,000 level, the \$75,000 level, and the \$100,000 level. It is the four people at the \$75,000 level where we may need to get somewhat creative, but they have worked with the numbers and it's mere hundreds of dollars to bring it into compliance. There was discussion regarding the pay for patrol deputies and jail deputies, and how patrol deputies have a benefit of a vehicle they take home. There is a \$3,000 difference between the two positions based on their discussions with the Sheriff's Office. Director Rice believes the new salaries will significantly improve the recruitment opportunities for the Sheriff's Office and the goal is to minimize the amount of mandatory overtime required.

Commissioner Van Beek asked how the midyear raises were factored in, and what is the true increase on those positions. Director Rice said they realized those midyear positions were justified at the time and brought people into compliance with the current expectations for those positions and so we had a zero base and started at the current salary regardless of what had happened midyear for those positions. Commissioner Van Beek asked if they included in the calculations a percentage increase to the where we would have to levy taxes next year? Director Rice said they did not go to funding sources but they did look at the benefit load and so it is a complete and full accurate number using the 25% that the Controller provided. Director Rast said the tentative budget was approved with that levy rate set; this saves money. We have what's in the tentative budget to cover all of this because we are down \$7.5M, even if you put the \$2.5M back in for the inequities. Commissioner Smith said it will reduce the amount we have for fund balance. One of her worries was the future increase in property tax that would be needed to cover these. Right now, we can use fund balance, but if we reduce that she'd like to explore a one-time payment to all employees this year with some of those savings because it's in the budget and we have the

fund balance for some help right now that people are needing. Director Rice said retention bonuses are things other employers are implementing.

Commissioner Van Beek said this is a \$10.5M proposal and gaining if retention bonuses are included. She spoke about her personal experiences and how they compensated workers in different ways such as butchering an animal and sharing the beef and giving a .25 cents per hour bonus, and if they wanted more than she could pay they had the choice of finding a different employer, or the employer not finding employees to work at that wage. Government does not generate a profit. Commissioner Smith said if the County was a private business, it would have stopped losing employees and stopped the bleeding a long time ago and it would have been funded but the Board of Commissioners failed to do that. We are epically failing at retaining employees and there is support across the board that says that. Commissioner Van Beek said she cares deeply and agrees there is a need, especially on the lower tier pay, but we need to look long-term at solvency and so the question is how do we fund those long term? Commissioner Smith said if we are not able to fund those positions the Board will have to make hard decisions and readjust pay. Keeping employees stifled because of a “maybe” in the future is what Boards have continually done to their staff and the epic rates of employees leaving show the inadequacy of the Commissioners’ job to fund staff at a level where they will stay here. Commissioner Van Beek said this is the first year she’s observed where the Board is actively looking at it. Director Rice said we have held wages so low that employees are choosing between staying at a job they love or putting food on the table and the compression that exists in some of those departments is not related to the decision of the Board; they recently found there were issues on years of service for the Sheriff’s Office and internal competition and we are addressing that. Those are valid issues, but we are not able to address all of them and we do not have a one size fits all that will fix the situation. The scenario in front of the Board fixes the majority of the problems that are at hand right now, not the one-off’s and that’s where she is asking for a contingency fund with some very strict guidelines to be able to fix the inequities that will be identified as we go forward and reduce our liability for other situations mentioned previously.

Commissioner White said Commissioner Van Beek has been involved in four budgets but she has not approved of any of them, in fact, she and Eljay Waite were given a 2-hour meeting to present their budget. The time put into this is equitable and that’s what we want as leaders; this is justifiable and equitable. Clerk Yamamoto said any good business must be competitive in paying wages and benefits, but we have not been competitive. He met with Director Rast and Director Rice and saw some things he liked and others he did not like. Controller Wagoner wanted to clarify one point: the cost for the \$12,000 per employee payment with no step increase is actually \$13.5M. On the spreadsheet he noticed that a customer service employee who’s been here for 5 years would get paid exactly the same as a new hire for a customer service-type position. Director Rast said perhaps we should put some money aside for years in position (YIP) for FY2023. Controller Wagoner said if we applied the step increase it would address it. The importance of the step is to recognize the employees who have been with the County, learning new skills, performing, and carrying out their job duties effectively and efficiently. The total cost to fund the step program is \$1 million. Clerk Yamamoto said the step needs some slight tweaks and we have ranges that need some work. He agrees that the proposal would be a good recruitment tool, but without the step we won’t have a retention program and so we have to take a holistic approach

to this or it's going to be a breakdown situation. Director Rast gave an example in the Assessor's Office where there is a \$700 difference between a min and a mid, and if broken down by increases its \$100 a year of salary increase. Those are the salary ranges the compensation person needs to fix. Assessor Stender said this will help him retain staff and help his employees survive on their wages.

Commissioner Smith wants to move forward with this plan, apply the step program within the structure to fix the issues that were identified, and then maybe look at the retention bonus that could be done at either the \$500 level or the \$1,000 level. Clerk Yamamoto said they will run some numbers, and the Board will meet again on August 15, 2022, at 3:30 p.m. for further discussion. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY GARY STARK FOR A CONDITIONAL REZONE, CASE NO CR2021-0013

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Gary Stark for a conditional rezone, Case No. CR2021-0013. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, Gary Stark, Kohl Hall, Lauri Smith, LaurieAnn Shoemaker-Beumeler, Richard Javaux, Karen Wilson, and Deputy Clerk Monica Reeves. Commissioner Smith referenced a letter in the file from Lauri Smith who believes the Commissioner who knows the applicant needs to withdraw from making any decisions on this matter. Commissioner Smith stated she has no financial gain in this property. She hired Gary Stark as a horse trainer 10 years ago but hasn't had any contact with him beyond trying to contact his son regarding some dental work for horses. She has no problem recusing herself from this hearing to clear up any issues. Commissioner Van Beek said Commissioner Smith makes fair and informed decisions and said a three-member Board is in the best interests of the constituents. Commissioner Smith left the Board's table at 1:37 p.m. and said she would not participate in a vote on this case. She remained in the meeting room and provided technical assistance/comments. Commissioner Van Beek chaired the hearing.

Elizabeth Allen gave the oral staff report. Gary Stark is requesting a conditional rezone to change the zoning designation of parcel R38442011, approximately 23.15 acres, from "A" (Agriculture) to CR-RR (Conditional Rezone - Rural Residential) zone. The request includes a development agreement to limit residential development to three 2-acre lots along the north side of the parcel. The subject property is located at 0 Hop Road in Caldwell. In 2003 a land division was approved creating parcel R38442 (5 acres) and parcel R38442010 (a 69.35-acre lot) and in 2006 that parcel was divided without approval from the County creating parcel R38442011. Those two lots are agriculture only with no building permits available. If approved the request will require platting which will bring the parcel into compliance. Ms. Allen reviewed the staff analysis. Active farmland and agricultural zones are located in all directions surrounding the site with an average minimum lot size of 34.72 acres. Administrative land divisions have occurred in the area. South of the parcel there are four lots that were zoned agriculture with houses built on them and that was allowed through the relocation of building permits from the adjacent parcels and that did not go through the rezone process. There was a review of soils information as well as agency comments and public comments. The P&Z Commission recommended denial of the conditional

rezone. Staff recommends denial as well as the area is predominately agriculture with widely scattered homesteads; the request would fragment farmland and it does not fit within the comprehensive plan or the current future land use and character of the area; and it could set a precedent that is inconsistent with the current zoning of the area as well as the future land use designation and the comprehensive plan. Ms. Allen met with Gary Stark on August 2nd and they discussed the options he could explore such as only conditional rezoning a portion of the parcel where the proposed residential lots would be located. He said he would not need three lots; it could be two residential lots that are two acres in size and leaving the remaining lot as a third lot of agriculture only with no permits available. If that concept is approved, new conditions would need to be drafted and a second hearing would be required. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in support of the request:

Gary Stark testified the only reason he is asking for the splits is because initially he agreed with the landowner to the south to purchase 3 of the 4-acre parcels referenced in the report, but due to the price being raised to almost double the original agreed upon amount he was forced to look for an alternative plan and therefore he is asking for two 2-acre splits, or, if need be, two 5-acre splits for two of his children and their families. Mr. Stark said the planner assigned to his case was new at her job and made several errors in her report. She would not meet with him to discuss his options, but she did offer suggestions over the telephone, one of which was to have the homes built next to his home, but that option wouldn't work because it would interfere with the drain field and the sprinkler mainline, and because the drop off from Hop Road to field level is 15 feet in that area so that is not a feasible option. Another option was to gain access from a privately-owned lane known as Indecision Lane, which upon inquiry would have been denied. The planner wanted him to build the road approx. ½ mile around the perimeter of the property taking a huge amount of farm ground out for a road when coming directly off Hop Road only uses a very small portion of lesser quality land for common access for the two homes. On July 12th, when he asked for help the planner informed me she was changing jobs and a new planner would be assigned. Mr. Stark is a long-term Idahoan and has resided on Hop Road for nearly 17 years. He's been an insurance agent for 35 years and has owned a horse training business for many more years. If the 5-acre split is more in keeping with the long-range goals he will accept that compromise along with an agreement with his children to farm what they would not be using for their homes. Mr. Stark said he is not trying to set a precedence with 2-acre parcels, he's trying to minimize the impact on the farmland but still provide a forever home close by for his family members. It's been stated this is prime farm ground if irrigated, however, the property is not prime farmland. After farming the property for 16 years he knows this land is the least productive and will have the least impact on irrigation system, and the current slope of the property will allow for proper storm drainage through the existing ditches and culverts. There will be an irrigation agreement addressing the water allotment for each parcel; the remaining acreage will continue as farmland. No future development will be allowed. The lots are for family only and are not for sale. Mr. Stark recognizes it's not in immediate compliance with the goals to have 2-acre parcels, but he feels he has addressed the findings noted in the staff report. Following his testimony, Mr. Stark responded to questions from the Board. (Commissioner Van Beek disclosed that she knows the parents of Mr.

Stark's son-in-law, Kohl Hall, who was in attendance at today's hearing.)

The following people testified in opposition to the request:

Lauri Smith testified she has lived on Hop Road for 41 years and it has always been a rural agricultural area. She is aware we cannot stop the invasion of housing development but it needs to be managed and we must preserve farm ground. Her concerns include: traffic, wells, taxes, and others complaining about aerial spraying, ground work, harvesting and the moving of large equipment. New residents need to understand the boundaries of private property. Three houses on two acres, or two houses on five acres each is too congested for the area. The roads are already congested. It's important that farm ground be left as farm ground. There are drainage issues on the property as well. Following her testimony, Ms. Smith responded to questions from Commissioner Van Beek.

LauriAnn Shoemaker-Beumeler testified she and her husband are fourth generation farmers in the Treasure Valley who own 300 acres of prime farmland and they are being kicked out. She opposes Gary Stark's proposal. Anybody can move in and devastate farmland and the effects are irreversible. The County cannot get a commitment from the Stark Family that they won't move out tomorrow. Administrative splits are valid, but to do a rezone to enable this to occur means we are enabling the slippery slope that has been happening in the valley for 10-20 years and it's getting more accelerated. She is in opposition to any rezoning of agriculture to residential unless it's a life or death situation. Ms. Shoemaker-Beumeler suggested the following options/solutions: tax incentives to farmers and ranchers so they don't have to sell their land; conservation easements; and impact fees for developers. The community has decided on the rules and if you're going to make an exception to the rules, there is a process – the community decides on that. Mr. Stark should be able to do what he wants on his property (within the rules.)

Commissioner Van Beek had a question for Commissioner Smith regarding the process for 5-acre parcels in an agricultural zone. Commissioner Smith said the rezone process has to happen, we have to follow the rules and standards for approval, but you could take a smaller piece and rezone only the specific portions so that the other property is not entitled. If Mr. Stark adjusted his property line to encompass the remaining farmland and just rezoned the two parcels then he doesn't have the entitlement on the other agriculture and they wouldn't have to plat any of it. He could administratively do a land division for the two parcels with the adjustment of the farmland to add these. That would require him to agree to a property boundary adjustment. Ms. Allen said that is similar to what she discussed with the applicant about the residential parcels and the property would be agriculture only with no permits available. Further discussion ensued with staff about options.

Rebuttal testimony was offered by Mr. Stark who said taxes are going up regardless because the value of land is going up and whether someone moves to the property is immaterial. He mentioned the "four monstrosities" that are being built south of this property. With regard to aerial spraying, Mr. Stark said they do not spray over his house. Commissioner Van Beek had follow-up comments regarding generational farming and conservation easements. Commissioner

White spoke about how she supports having family members living nearby.

Following testimony, Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation, Commissioner Van Beek made a motion to direct staff to create findings for Case No. CR2021-0013 and re-notice the hearing to consider only two 2-acre parcels and cite the preservation of agriculture and keep it so there are no building permits allowed on the other 19 acres. The case will be re-noticed for a second public hearing. The motion was seconded by Commissioner White and carried unanimously. (The Board did not sign FCO's.) The hearing concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 12, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT IN THE MORNING**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerk Monica Reeves

No meetings were held this day.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6,376.08 for the IT Department
- BOE in the amount of \$1,280.00 for the IT Department
- BOE in the amount of \$2,300.00 for the IT Department
- Mountain Home Auto Ranch in the amount of \$378,432.00 for the Fleet Department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for The Hop House LLC dba The Hop House to be used on 8/18/22; and for Garden City Bar, LLC dba 1918 Lounge to be used on 8/17/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Meagan Farrell, PA Victim Services Coordinator; and Deana Martinez, PA Victim Services Coordinator.

RESCHEDULE PUBLIC HEARING – TROOST FAMILY LIVING TRUST REZONE REQUEST, CASE NO. RZ2021-0035

The Board met today at 9:14 a.m. to go on the record to set a new hearing date for the Troost Family Living Trust rezone request for a “C-2” (Service Commercial) zone on property located on the west side of Riverside Road, approximately 424 ft. south of the intersection of Karcher and Riverside Road. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. Due to staffing shortages in DSD the planner assigned to this case requested a continuance of the hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to reschedule the hearing to October 12, 2022 at 9:00 a.m. Staff was directed to re-post the property with the new hearing date. The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners’ Office.

MEET WITH DEVELOPMENT SERVICES DEPARTMENT STAFF TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 2:34 p.m. with Development Services staff to discuss general issues, set policy, and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Planner Elizabeth Allen, Economic Development Specialist Tammie Halcomb (left at 2:42 p.m.), HR Generalist Jennifer Allen, Deputy Superintendent for the Middleton School District Lisa Pennington, Joey Palmer for Middleton School District and Caldwell Superintendent Dr. Shalene French (left at 2:42 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Teacher Appreciation Week proclamation: Commissioner Smith read the proclamation into the record and Commissioner Van Beek made a motion to sign the proclamation. The motion was seconded by Commissioner White and carried unanimously. A copy of the proclamation is on file with this day’s minutes.

The Board went off the record briefly from 2:40 p.m. to 2:42 p.m. When the meeting resumed, the Board went into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:42 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Generalist Jennifer Allen and DSD Staff Dan Lister and Elizabeth Allen. The Executive Session concluded at 3:35 p.m. with no decision being called for in open session, however, direction was provided by the Board. Commissioner Smith said the Economic Development division of DSD will now be under Planning Official Dan Lister, additionally, the GIS and Engineering positions will be moved under the Planning Official.

The meeting concluded at 3:36 p.m. An audio recording is on file in the Commissioners' Office.

DISCUSSION REGARDING EMPLOYEE SALARIES

The Board met today at 3:36 p.m. for a discussion regarding employee salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, HR Director Kate Rice, Clerk Chris Yamamoto, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Treasurer Tracie Lloyd, Assessor Brian Stender, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Assistant IT Director Eric Jensen, HR Generalist Jennifer Allen, Weed and Pest Superintendent AJ Mondor, Judge Davis Vander Velde, Facilities Director Rick Britton, System Analyst Steve Onofrei, PIO Joe Decker, Chief Public Defender Aaron Bazzoli, Cpt. Harold Patchett, Lt. Martin Flores, EOM Christine Wendelsdorf, Communications Manager Roxanne Wade, Fleet Director Mark Tolman, CCSO Financial Manager David Ivers, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Kim Yanecko and Deputy Clerk Jenen Ross.

At the request of the Board, Directors Rast and Rice spoke about the spreadsheet they created and provided to the Board earlier today via email. *At this time the document contains confidential information and is exempt from public disclosure.* Director Rast said that the main request was to add years in position to the salary basics. He spoke generally about the numbers provided in the document stating that the last proposal with benefits came to \$8,432,262 which was a savings of \$5,067,738 with the average increase per employee being \$7507 or 13.32%. After reevaluating to include the years in position (\$100 per year in position capped at 10 years) the new amount is \$8,948,821 which is still a savings of \$4,551,179 which would be a \$7973 increase per employee or 15.38%. The total increase in including the years in position is \$516,559. Years in position is capped at 10 years because after that point it is believed that responsibilities associated with that

position change, additionally, after 10 years no matter which way it is calculated it may fix some salaries but for others it moves them out of the range for the position. Director Rast said they want to give the new Salary and Compensation Analyst an opportunity to properly evaluate salaries. He noted that there are always a few individuals that end up being outliers in a system like this but is a firm believer that the current compensation program has been outgrown. He participated when it was originally established in 2016 but since that time it really has not been worked; the market data is old and the only thing that has been done is COLAs. Director Rice feels this is the best work yet and this plan meets the expectations that the lower wage earners are well compensated so that they reach a level above poverty based on the federal poverty level of \$38,000 annually for a family of 4. She said the intent is not to make them ineligible for federal assistance but to make them independent and able to afford their own wellbeing and needs within the community.

Commissioner Smith said that without any further discussion she would support Board direction to have Controller Wagoner include the provided numbers into documents to be prepared for final consideration at Wednesday night's budget hearing.

Director Rice explained that the management staff that she has spoken with over the past week regarding these potential changes have indicated to her that this type of wage will provide a completely different set of applicants and candidates for open positions. She believes that people will be looking for more of a career at the county and that the turnover numbers will show the value of the changes.

Commissioner White expressed her appreciation to the Commissioners who came before her who had the foresight to conduct the compensation study and implement the compensation plan. She is grateful to the Clerk and Controller for their sensitivity to the value of the investment of the study and getting the county competitive in the marketplace.

Commissioner Smith spoke about how this will put some positions over the marketplace because flat numbers were used, but overall it helped the employees. However, she did not that if someone is being paid outside the market rate their salary could be reduced or frozen by future a Board. At this point she is supportive of the proposal because it took a plan that was in place and applied some standards that would help those that would need it the most.

Commissioner White is also supportive of moving forward with the plan as presented.

At the request of Commissioner White, Commissioner Van Beek said she has never not supported looking at the wages for the Sheriff's Office or the Customer Service Reps. She has been in favor of evaluating that and is on record stating that she believes county wages in the past few years for increases have been top-heavy. She is glad there is a proposal.

The meeting concluded at 3:55 p.m. An audio recording is on file in the Commissioners' Office.

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 587073 to 587114 in the amount of \$84,122.00
- The Board has approved claims 587115 to 587153 in the amount of \$45,219.53
- The Board has approved claims 587154 to 587182 in the amount of \$30,715.38
- The Board has approved claims 587183 to 587190 in the amount of \$35,481.03

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Landfill Director David Loper, Mike Murgoitio with Timber Creek Recycling and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Timber Creek Recycling LLC Change Request No. 2: Director Loper explained this is a renewal of the contract for the upcoming year. There is a rate increase for the grinding from \$27.50/ton to \$29.00/ton. A review was provided of other minor charges related to water issues on-site and possible water truck usage. Director Loper feels the renewal rates are reasonable; this will be the first increase in 2 years. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Timber Creek Recycling LLC change request no. 2 (see agreement no. 22-087).

The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY DARREN GOLDBERG/LGD VENTURES, LLC, FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT FOR LEWIS HEIGHTS SUBDIVISION, CASE NOS. RZ2021-0030 & SD2021-0018

The Board met today at 10:01 to go on the record to continue a hearing in the matter of a request by Darren Goldberg/LGD Ventures, LLC, for a conditional rezone and preliminary plat for Lewis Heights Subdivision, Case Nos. RZ2021-0030 and SD2021-0018. Present were: Commissioners Keri Smith and Pam White, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The applicant wanted the case continued to November 16, 2022, but that is a few months out and so

The Board determined it is in the best interest of the public for the applicant to pay for re-noticing the hearing which would include notice by mail to the property owners and posting the site. Staff can determine what the reasonable costs are and let the applicant know. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY WESTERN CONSULTING REPRESENTING CORY AND CRISTINE CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 10:06 a.m. for a continued public hearing in the matter of a request by Western Consulting, representing Cory and Cristine Codr, for a conditional rezone, Case No. RZ2021-0055, of Parcel R37431017A from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting future development to no more than six (6) lots. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, Cory Codr, Steve Petersen, Joanne Lee, Mark Rich, Katy Reberry, Bud Reberry, Brian Fisher, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from July 28, 2022 where the Board left testimony open to receive additional information from the highway district, the Idaho Department of Water Resources, and emergency services related to access issues.

Elizabeth Allen advised there was a late exhibit from Canyon Highway District stating they have determined the access point for the subject property, and that any easements or other access points that have been identified will not supersede the decision they made for the access. Also, Bruce Lee, a neighbor, submitted a video appearing to show the intersection to the east of the property that was also shown in pictures which are included in the staff report. There was discussion about whether the video should be included in the record and whether it was part of the reasons for today's limited testimony. Upon questions from the Board, Ms. Allen said the letter from Canyon Highway District stated it does not validate private easements that were brought up in the testimony at the first hearing, and if there was an easement identified for the property it does not supersede or reactively change the decision highway district's made for access off Merlin Lane.

Testimony in support of the request was as follows:

Cory Codr testified that when he contacted Canyon Highway District he asked if there was a variance that was needed and they communicated that response in an email to DSD staff. He contacted IDWR and spoke to Kelly Smith, a technical hydrologist in compliance, and he asked about issues with wells in this area needing to be re-drilled and Ms. Smith said there is not a place in Idaho where wells are not needing to be re-drilled, it's happening everywhere. She declined to write a letter, but she did offer comments. Water recharge is not happening and in the past farmers irrigated mostly with flood irrigation but it's now moving to sprinklers and it isn't recharging the well water as quickly. Ms. Smith said he wants a real analysis of information he would need to get an EIR or EIS from an environmental agent or engineer for a full report which can take up to six months and test wells would need to be drilled. He offered testimony on the well data information he had collected. Mr. Codr took the easement information to a title

company and they gave him documents showing there is a 25-foot easement along the southern edge of the property directly to the east of his property. He will contact a real estate attorney so he can know for sure what is there. He talked about how the grade is the biggest challenge. The highway district said the access to Eric Lane would need to be 20 feet. Following his testimony, Mr. Codr responded to questions from the Board regarding access issues.

The following people testified in opposition:

Steve Petersen testified about his concern with the road access as it will put Gilbert Lane in his backyard, and well as concerns that it will be a substandard road that will create a hazard to the public. He believes the applicant should use Breezy Lane and collaborate with the Lipperts.

Joanne Lee testified that Bruce Lee has 40+ years of experience in grading roads and residential construction and he doesn't believe there is an excessive grade of Eric Lane, however, he agrees that the neighborhood would be saved extra traffic if access would go up Breezy Lane. Ms. Lee questioned why neighbors were not notified of the hearings on this case? She said Eric Lane is the only access for EMS and there was approved access for other options in a different direction. Neighbors yards will be destroyed by a road coming through. During Ms. Lee's testimony the video submitted by Bruce Lee was played/shown. In short, Mr. Lee said Gilbert Lane is not too steep and they won't need a variance for the grade, and there are not any homes that would be impacted.

Mark Rich testified about concerns regarding negative impacts to wells, water levels, access, and out-of-stave developers should not be given consideration over the neighbors who live in the area.

Lisa Trexler testified about concerns regarding emergency access and the maze of routes involved for access. This was an illegal lot and that right-of-way was closed but they were somehow able to get it opened and get a variance from 56 feet to 40 feet. How are we taking an illegal lot, given it a variance and getting a variance on the variance and negatively impacting the neighbors.

Neutral testimony was offered as follows:

Lenny Riccio from Canyon Highway District, heard 15 minutes of testimony and he received an email from staff and had communication with the applicant via the telephone. His May 2022 memo was drafted to provide a direction to the Canyon Highway District Commissioners, the direction being the impact on the highway district as far as standards are concerned and to recommend to the highway district commissioners the recommended route that is the least adverse to the highway standards, in other words, that route that does meet standards. It's the route from Gloria, via Merlin to Gilbert to the subject property. The nexus for that is it's a quarter section line and policy recognizes it any quarter section line and section line can be used for a future collector road or arterial road. In instances like this were only half of the right-of-way is dedicated, typically a collector road would have an 80-foot ultimate right-of-way width and in this case, Lansing Heights Subdivision dedicated a ½ right-of-way of 40 feet so that one landowner isn't responsible for building the entire width of the road - only half- and then when the balance of the area develops the other half is developed. As far as the right of way classification, the district confirmed that direction moving forward with the route from Gloria, Merlin, to Gilbert because it does meet district standards. He put together a concept reviewing other routes particularly the

Eric Lane route, and whichever route is decided, it will affect one property owner one way or another. As far as going through Eric Lane, grading was not ideal as it exceeded the district's minimum standards of 8%. There was further testimony regarding other routes, road standards, right-of-way dedications, easements, etc. Other routes were considered but were not recommended because it would not meet highway district standards. The Board had follow-up questions for Mr. Riccio following his testimony.

Rebuttal testimony was offered by Mr. Codr. The intent of his request is to make life better for his family; he does not want to infringe on others' way of life. He has a quote for a road to come off of Merlin, down Gilbert that will meet highway district standards, but if it's not a viable option he hopes to come in from another direction. He prefers to have six lots. Mr. Codr responded to additional questions from the Board.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek is comfortable upholding the P&Z Commission's recommendation of denial unless we can find a way for Commissioner Smith's proposal to move west on Gilbert Road and explore the easement that's there. There are still questions from the neighbors, and to locate a roadway that is 17 feet from someone's house is not an option. She supports evaluating the process further to meet the needs of everyone that wants to coexist out there. Commissioner Smith said the proposed conditional rezone is consistent with the comprehensive plan, and the rural residential zone is more appropriate than the current zoning designation for this area. As conditioned by the development agreement, the proposed conditional rezone is compatible with the surrounding land uses. She does not believe it will negatively affect the character of the area and no mitigation is proposed at this time. She wants to add a finding that there was testimony that some of the road options would change the character with a road going through, however, that is a quarter section line and there are reasonable expectations for roads to be improved on section and quarter section lines. She finds that the conditional rezone will not cause undue interference with existing or future traffic patterns and she used the highway district's findings in support of that, including information about the 28-foot easement could support that road, but it was a part of a platted road and provides adequate access. The property does have legal access as referenced in Exhibit 4B and in the testimony from Lennie Riccio today. Essential services will be provided to accommodate the use. She recommends approval which would require a second hearing with the following conditions: the applicant shall hire a professional to evaluate the 28-foot easement, and explore access to the property via a private easement as well as working with the highway district on improvements for single access within that area. A golf course will not be allowed on the property. Between now and the next hearing Commissioner Smith would be open to having a discussion on secondary residences. Commissioner Van Beek said we could get to same place if the Board eliminated the option of a closed right-of-way so Gilbert Road west could be abandoned. The applicant has to make road improvements no matter and to adequately mitigate is the question. She likes the proposal to minimize impacts to all parties. The applicant has been agreeable and asked for ways he could get to this property, and if he could do that with the least amount of impact we could get on the same page by going west on Gilbert Road and exploring that easement. Commissioner Smith said we have already approved rural residential zones completely

surrounding the property and it's consistent with the southern boundary. Commissioner Van Beek wants to minimize the undue interference and said the applicant should explore the plausible easement. Commissioner White said one of the new conditions is to require the applicant to work with a professional to evaluate the easement. Commissioner Smith made a motion to reverse the decision of the P&Z Commission and approve the Codr request with the changes to the FCO's and with the addition of the condition. The motion was seconded by Commissioner White. Commissioner Van Beek said she hopes the applicant hears the request for diligence and finds the least offensive way to get what he wants and keep harmony with the neighbors and if he can get that done she would support the request. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. There is not a need for final FCO's as they will be prepared for the second hearing. The hearing concluded at 12:05 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 17, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

PUBLIC HEARING TO CONSIDER A REQUEST BY FREEDOM ACRES, LLC, FOR A CONDITIONAL REZONE, CASE NO. RZ2022-0005

The Board met today at 10:05 a.m. for a public hearing to consider a request by Freedom Acres, LLC for a conditional rezone, case no. RZ2022-0005. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Office Manager Jennifer Almeida, Steven Bodenbender, Curtis Bodenbender, Perry Bodenbender, Jennifer Bodenbender, Michael Bodenbender and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the last hearing was tabled so that staff could work with the applicant on the conditions of approval regarding any of the conditions of the property, the contractor piece, staff was going to update the zoning map to reflect the cases that had been approved, update to the case summary regarding the state of the property in regard to being in the impact area and application deadlines so that fair standards are applied in relation to the Middleton Area of Impact.

Planning Official Dan Lister said that staff submitted a memo yesterday demonstrating the unmaintained public right-of-way portion of the application, which is Willis Rd. Willis Rd. is a public right-of-way, it is also a section line. Canyon Highway District has sent an email to staff (exhibit 10) stating this segment of road is part of their capital improvement plan and that impact fees will

need to be paid at the time of development. Additionally, there will need to be a maintenance agreement with Canyon Highway District no. 4. As part of their submission, CHD4 provided a sample agreement between the highway district and the developer which outlines a public right-of-way maintenance plan. Staff has updated the FCOs to include *2c. the applicant/developer shall meet all required access and improvement requirements of Canyon Highway District #4 including the requirement of a maintenance agreement.* This would be demonstrated at the time of platting and then the agreement would be in place that they would pay their fair share in maintaining that segment of Willis Rd. Staff is requesting that the PowerPoint presentation be included as an exhibit because even though the case maps were not updated the PowerPoint presentation shows all the updated cases and preliminary plats in that location; this would be identified as exhibit 12. The new finding (within section F) addresses CHD4 verbiage regarding this being part of the capital improvement plan and that impact fees will need to be paid for this segment. At the time of platting there will need to be a maintenance agreement and road maintenance impacts will need to be addressed and mitigated.

Curtis Bodenbender offered testimony in favor of the application offering clarification on the concept of this development. The idea behind the layout is to keep this more “country” looking, they don’t want it to look like a typical subdivision. They are not trying to fit a residential subdivision into a country-style area. This is family land – his parents and brother live on the property and the goal is to maintain the area for the family as it starts to grow. They are currently in the process of cleaning up the fence lines, ditches and canals. In order to create some privacy for both this property and the arena they intend to plant a tree line all the way down the ridge in order to help with sound and create a barrier. Eventually their goal is to clean-up the canals to look less like a canal and more like a water-feature on the property. Most of the RVs have been removed from the property, there is still one remaining that they are hoping to get a conditional use or some kind of other agreement for while the house is being built. Any other vehicles left on the property are for recreational uses and are in running condition.

Mr. Lister addressed Commissioner Van Beek’s questions in regard to how the average lot size of this subdivision was determined and lot sizes in a neighboring subdivision. Commissioner Van Beek expressed her concern that if the family decides not to live together as planned that the lots will be sold off and that this won’t be the same standard of subdivision as to other subdivisions in the area that are similar in size. She said that comparatively speaking, there is a farmer that took his administrative splits on property in the north Middleton area, did not follow subdivision standards and is currently just chopped ground and is not esthetically pleasing. Her concern is that greater standards are not being applied in an area that is developing. In the future, the Board has put things in for entrances or landscaping that should be required to make those desirable places no matter who chooses to reside there. She is also unclear on the construction portion, she understands there is some kind staging for contracting business. Mr. Bodenbender clarified that there is no staging for a contractor business on this lot and at the request of Commissioner Van Beek spoke to the long-range plans for the property. They are planning to have a set of rules and CC&Rs where each house must obtain a certain square footage, yard size and maintenance, fencing agreements for cohesiveness.

Commissioner Smith asked if they would be willing to have a condition that states, in order to bring the property into compliance in regard to the RVs being lived in, and also a condition that would limit the uses in the rural residential zone to not allow a golf course or secondary residences. In regard to the secondary residence portion, Commissioner Smith said she thinks it changes it from 6 houses on the property to 12 and changes the character. Commissioner Van Beek said there have been a number of cases that have come before the Board where a secondary residence was applied for, the connection she would make to that is that it becomes an issue for the Board to decide if they apply under a secondary residency and then they don't have the financing to finish the house so it becomes problematic. Mr. Bodenbender explained that was their intent, for his in-laws to eventually have a secondary residence attached to his house. Commissioner Smith clarified that an addition could still happen, it would just couldn't be a separate structure. With that clarification, Mr. Bodenbender is fine with the previously noted conditions.

Discussion and clarification ensued regarding some of the conditions of approval (exhibit B of the development agreement) specifically surrounding point 2 regarding irrigation, water rights and fire suppression. At the request of the Board, Mr. Bodenbender reiterated some of the esthetics they have planned for the property including some sort of a border between their property and the arena of landscaping, for all the properties to have matching fencing, a road agreement between the residents within the subdivision place, each lot will be required to be fenced around the exterior boundary and they plan to clean-up and provide some kind of esthetic entry off Willis. Mr. Bodenbender said they are okay with the Board implementing a requirement for some kind of monument sign at the entry. Mr. Lister made revisions to the document as requested by the Board.

The following late exhibits entered into the record:

- 9: memorandum
- 10: email from Canyon Highway District
- 11: updated FCOs
- 12: PowerPoint presentation

Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion, clarified by Commissioner Smith, to approve the ordinance directing changes to the map, FCOs for the conditional rezone including the development agreement with the conditions of approval as modified. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:01 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET HEARING

The Board met today at 5:23 p.m. to conduct the Fiscal Year 2023 Budget Hearing, which was held in the public meeting room of the Administration Building located at 111 11th Avenue North in Caldwell. Tonight's hearing was streamed on YouTube. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, PIO Decker Chief Probation Officer Elda Catalano, Facilities Director Rick Britton, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, Weed Control Superintendent AJ Mondor, Parks Director Nickie Schwend, Indigent Services Director Yvonne Baker, IT Director Greg Rast, Assistant IT Director Eric Jensen, DMV Supervisor Kimbra Asqueta, PA Office Manager Melinda Longoria, Captain Harold Patchett, Ambulance District Director Michael Stowell, TCA Jamie Robb, Assistant TCA Benita Miller, several County employees, Alan Mills, Hubert Osborne, Larry Stevenson, JoDee Arnold, Pep Waite, Amy Weidner, ElJay Waite, Kelsey Basaldua, Kim Yanecko, Paul Smith, Bob Pilkinton, Carol Malmberg-Chadwick, Darin Freiburghaus, Beaudy Harrington, Steve Burton, Randy Haverfield, Lynette Hill, David Ferdinand, Dave Taylor, Darrell and Sheila Ford, Craig Sjoborg, Beverly Cavazos, Mark Eaton, Mary Banford, and Deputy Clerk Monica Reeves.

Commissioner Smith opened the hearing and spoke about this year's budget process and how the Board held two public meetings to get feedback. Last year the County took care of its employees but the percentage of increase that was given barely accounted for inflation and we had employees who were at the poverty level. She thanked the Clerk and Controller for preparing a budget and then modifying it for the Board.

Clerk Yamamoto said for the last three years Canyon County has worked on property tax legislation by developing a bill that had 48 co-sponsors but it never got out of the tax and revenue chairman's desk. HB 389 was passed but it did not help the residential property tax payer. Three years in a row Canyon County had the same tax request; we didn't take the allowable 3% increase, or the foregone amount, or the new construction increase allowed by law. The County saw expenses going down mostly because of unfilled positions and federal dollars and we saw revenues increase. We have the largest fund balance in the history of Canyon County and that is why the Clerk's suggested budgeted had zero County property tax and the plan was to burn down some of that fund balance. The suggested budgeted included a \$3,000 compensation per position knowing the Board was going to bring a compensation specialist; and we need to work on the step program and the ranges.

Controller Wagoner reviewed the FY2023 tentative operating budget noting that employees save the public money because of their talent and what they can produce and do in-house. The County finds itself in the best financial position it has ever been in and it provides flexibility to make some investments. A PowerPoint presentation was given and a copy is attached to this day's minute entry. The budget that was published in the newspaper was for \$137.5M, and there has been a \$4.5M decrease from what was published. Today's budget is just over \$133M: \$86M is for salaries and benefits; \$46.6M is for other operating expenditures; and the largest area is capital investments with \$18.6M budgeted. There is funding for 895 fulltime positions. The 2023 salaries and benefits budget is a 14% (\$10.7M) increase in our human capital investment from the prior fiscal year. Hiring and retaining dedicated personnel who provide exceptional public services is a

top priority. Pages 6 through 11 of the PowerPoint contained a detailed breakdown of the \$133M budget by office and department. Controller Wagoner highlighted expenses as follows:

- The County has received nearly \$44M in American Rescue Plan Act monies.
- The revenue stream was significantly disrupted by COVID and as a result we received federal assistance to replace revenues that were lost due to COVID.
- We budgeted \$5.1M in FY2023 of federal ARPA monies and those monies have been allocated for capital investments including a warehouse, a re-roof project at the animal shelter, and architectural and engineering fees for a possible new County administration building.
- Buildings and Grounds budget includes \$2M for four (4) new fulltime positions; \$570,000 for possible real estate acquisition; and \$800,000 for capital improvement projects.
- Capital investments line includes \$3M for the completion and finalization of the County Fair Expo building.
- Clerk/Auditor/Recorder budget has increased by roughly \$600,000. The County no longer has the authority to levy property tax for an indigent fund, but we are still billing and collecting for the state and have responsibilities related to indigent burials. The accounting for those functions has been transferred from the medical indigent department to the Clerk/Auditor/Recorder portion of the budget.
- Commissioners' budget includes an additional fulltime position with the addition of a Chief Operating Officer position.
- County Fair budget has decreased over \$2M; in 2022 the Fair budgeted \$2M towards the construction of the Fair Expo building that the \$2M has been expended and does not need to be included in next year's budget.
- Development Services Department's budget increase is under salaries/benefits due to an increased workload and increased staff.
- Human Resources includes an additional compensation and benefits manager position for FY2023.
- Juvenile Detention has added five (5) additional positions; cost of providing medical services has been transferred from the ARPA back to juvenile detention for FY2023.
- Landfill budget has increased by \$2M; they are installing a gas collection system and \$3M has been budgeted for that project, entirely paid for with enterprise funds.
- Sheriff's Office budget increase is related to an accounting exercise. In 2022 they paid for inmate medical services, the Pod 5 lease payment, police vehicles, and inmate food services with ARPA monies. The expenditures have been transferred back to the Sheriff's budget for FY2023.
- Tort expenses were paid with ARPA funds in 2022, but have been moved back to the Tort Fund for FY2023.
- Trial Court Administrator budget increases is due to the addition of added three (3) fulltime position and two (2) part-time marshal positions.

Canyon County's property tax revenue is budget, not rate, driven. There is no fixed permanent established County property tax rate. Just because values go up does not mean the County

automatically gets more property tax revenue. The Controller spoke about how the property tax rate formula is calculated. Our FY2023 property tax request of \$40M is over \$14M less than what was levied in FY2020, which should result in significant tax savings relating to the County portion of the property tax. He talked about how the state drastically changed property tax structure and policy in 2016 and removed the index from the homeowner's exemption equation. He gave examples of how County property value changes and property tax decreases. He spoke about property tax relief. The County is working diligently with legislators to try to re-establish an index to the homeowner's exemption to restore some balance and equity to the property tax system and structure.

The Board had follow-up questions and comments regarding: the 8% growth amount; urban renewal; new construction values; and revenues.

Public comment was as follows:

Larry Olmsted questioned how indexed property values will impact his tax bill. Controller Wagoner explained how there are swings and shifts when you have different classes of property appreciating or depreciating at different percentages.

Larry Stevenson asked what the employee fixed pay raises will be.

IT Director Greg Rast and HR Director Kate Rice summarized their work on the addressing the employee salary issue:

- Came to a minimum rate of \$19.95 as the entry level amount. (The current minimum rate of \$14.83 qualifies for food stamps.)
- Starting salaries for patrol and jail deputy positions.
- They looked at the social security justified rate of inflation for FY2022 ranged from 8.5 and 9.1% so they came up with a 9% COLA from top to bottom to hit the minimums for retention.
- They used the 9. % formula for all employees. They had a little in the range dollar amounts to avoid compression issues. There are 11 calculators the salaries went through for equal equity.
- The flat \$12,000 amount on the low end would make some positions in one department make more than other skilled positions so it wasn't equitable and fair from top to bottom.
- If you look at the scale from those who are making the least, they had the biggest increases because they moved to \$19.95 per hour. The more you make the less you got.
- The full \$13.5M amount was not used and they capped it at 9%.
- Years in position adjustments were made as phase 2 of the project. The average came to \$7,973.51.

Commissioner Van Beek said the highest increase was 37.25% which represents \$11,290 to one employee in one year. The high salaries are still outpaced by the lower salaries. HR Director Kate Rice said our current system is not a perfect system so to add a simple percentage or dollar we were not going to find a perfect number to be able to apply to all 886 employees. They put it

into banding and came up with some averages and looked at individuals as well as groups to ensure that compression is not a problem and that they showed the appreciation the employees are due.

Larry Stevenson said the public was aware of a \$12,000 raise for every employee which makes no sense; raises should be based on performance or merit.

Amy Weidner said she and her husband served in the Army as public servants and they understood that as public servants they are stuck in certain types of pay, and if you didn't move up or educate yourself you were not going to get more than a certain amount. She disagrees with giving raises just because it feels good in your heart. She doesn't believe employees should be on welfare, but, it needs to be based on merit and performance. She believes the proposed pay raises are ludicrous and she agrees with the points Commissioner Van Beek has made with regard to employee pay raises. She worries the fund balance is disappearing and the citizens are going to be taxed.

JoDee Arnold said if the County is going to spend money it should be giving the citizens a benefit such as a jail.

ElJay Waite is concerned the County is trying to do everything in one year when it doesn't have the revenues to do it and is dipping into fund balance. If the County can guarantee the \$40M will stay in property tax that's a great benefit to the citizens, but that's only on the County bill. He liked Clerk Yamamoto's proposal to give a \$3,000 raise and said that would be the appropriate thing to do right now and let the new Commissioners coming in have time to do a salary review, work with the people coming forth to do that and make it happen. This budget has the potential to put the County into an insolvent position which means that revenues do not meet expenditures by \$25M. You will have to get revenues from somewhere to make up the gap, and it's a difference of \$25M, about \$5M of that will probably come from fund balance every year to do one-time projects that are good. He will prepare an amendment for the budget in January, and he needs to know what the Board is concerned about in the costs and he will have it available for the new Commissioners on what they could do to keep the County from going insolvent and set priorities on how to pay the employees properly. The County will have to reduce costs. In the last five years salaries went up \$19M and this year they will go up \$11M – he then said *“Do you hear that County employees?”* You have to have priorities and show employees you care and you have to pay them, but you are public servants and you are here to serve this community and to help them live a happy life too.

Pep Waite spoke about the proposal to give a \$12,000 raise to employees. Through a public records request, she learned that 465 people left, and 244 were in three departments: The PA's Office had 55 leave; the Sheriff's Office had 115 leave; and the Clerk's Office had 74 leave. What's going on in those three offices? Were there exit interviews? Do we know why people are leaving?

Kelsey Basaldua said she believes people are leaving because of the pay. She is a County employee and those who have left her office and done so due to pay because they cannot afford to feed their families on what they are making here. Some employees cannot qualify for apartment rentals or homes based on what they are making, and they have moved in with family members.

She has taken a second job to make more money, and it's a constant stress to try to make ends meet. A lot of employees are at poverty level and others are just above it where they cannot get the extra help the state to make a difference. Ms. Basaldua said her supervisor has been trying for years to get raises for the employees. It takes years to be comfortable in a position within her office; they have multiple laws they need to understand and they have a lot of stress to deal with on a daily basis.

Kim Yanecko spoke about the federal poverty level statistics and minimum wage. She asked what the stats are for why employees are leaving, and said it seems no amount of money will retain employees if the climate is toxic, and things aren't changing. Law enforcement should be paid because they are risking their lives every day and should have a sustainable wage. Just because you work for the County doesn't mean you get to make more money if you are sitting behind a desk. Entry level positions are supposed to be entry level so that people want to move on to the next level in employment and increase their wages. County employees work hard and are not rewarded for the work they do. In 2018 the Sheriff and PA received a 17% pay increase, each Commissioner received 10% increase, and the Treasurer and Assessor received 13%; the following year several received a 2% increase. In 2021 employees received a 7.5% pay increase and now a 9% COLA. She said many of the people moving to Idaho are retired law enforcement or firemen and we should be grateful they are here to protect our communities but to overtax them on things like this blows her mind. Ms. Yanecko asked Commissioner White how much she will collect in retirement when she leaves office. She said Commissioner Smith had previously said Commissioners could increase, freeze or lower wages and she has the ability to reduce her own salary because if we cannot sustain you will be losing employees and possibly filing bankruptcy because this is not sustainable. Ms. Yanecko believes the County overtaxed the citizens which is why there is such a large surplus and so in 2024 and 2025 they will be taxing the citizens yet again.

Paul Smith spoke of his concern with his house payment increasing year-after-year due to taxes and insurance. He agrees with the comments offered Kim Yanecko and ElJay Waite, and he asked the Commissioners to respond to the questions asked by Ms. Yanecko. In response, Commissioner White said she has not met with PERSI and does not know the amount she will receive in retirement. Commissioner Smith said the elected officials have significant pay increases and she is willing to cut all of them, and she will be proposing to reduce the Board of Commissioners' salaries because they are hiring a Chief Operating Officer who will help fulfill some duties. She is willing to have further discussion during Board deliberation. Clerk Yamamoto responded to Ms. Yanecko's question about citizens being overtaxed, and he said we are sitting on more fund balance than ever before, and he asked if the citizens prefer to be taxed at the maximum rate now or have a discount.

Paul Pilkinton said he has a very poor opinion of public employees overall, and he believes the raises should be merit-based by their supervisors and from public comment since they are public servants. Are employees serving people the way they need to be served? Are there complaints that need to be addressed? He believes some departments are very toxic based on the amount of people leaving.

Darrin Freiburghaus is a 30-year County employee and supervises the driver's license office. All but three are customer service, which is the lowest paid wage in the County. They issue driver's licenses, ID cards, sex offender registrations, concealed weapon permits, and fingerprinting service. The customer service positions are much more technical than their job title would suggest; they must process an endless number of out-of-state transfers and those new to the country from all over the world. Staff must provide service while complying with ever-changing federal and state laws, and ITD policies. They have a huge responsibility to do this accurately and quickly with a starting wage of \$14.83. The office currently has four vacancies, one goes back a year, another 6 months, and another a few months. The County is not attracting applicants that want to do these jobs which are much more than customer service – they are technical jobs, and the applicants have to pass a background check, polygraph check, drug test, and drug use history. You can work at McDonald's for more money and not have to meet those same requirements. He has 3 existing employees who are actively looking for another job that pays better.

Randy Haverfield is a Nampa resident and serves on the Nampa City Council and said he felt a resistance to the County and the cities being able to work together for the common good. The city council has not voted to give council members a raise in nine years, but has given the mayor an increase because she is a fulltime employee. Being a public servant is to serve the public and look after the best interest of those that put us into office. A lot of people are on fixed incomes and they don't have an increased wage coming in, so this bump is going to be huge to them. Fortune.com is speaking about Boise and how the honeymoon is over; we have seen an increase in property values of up to 50% but there has been a decline in home sales in Boise by 28% in the last 10 months and by the end of the year they are expecting a tremendous decrease in property values. He hopes Commissioner Van Beek reaches out to Nampa officials and works with them. The council told departments they would not be getting more than 2% this year; with one-half percent to be put aside for the police department in the event they get a grant that allows them to have more officers. The city is not seeing people leave – they appreciate the culture and the values the city offers.

Lynette Hill said \$14K to \$19k is over a 33% raise and it needs to be looked at closely. We spend 65% of the tax revenue on salaries and she questions if it will remain at 65% with this new increase in salaries. She said the Commissioners' salaries are very high and are double what she made at NNU with 41 years of experience in education. She questioned what the Commissioners do to earn that salary and wanted to know who evaluates them.

Hubert Osborne said it's a rare occasion when employees can get a significant increase and the County can reduce the property taxes. He thanked the Clerk and Assessor for their work on legislative matters. He noted there hasn't been any funds put aside for new trailers or a jail. He further noted that the Commissioners added \$18,000 to their own salaries.

Steve Burton is pleased the Board has increased the budgeting for law enforcement. He asked if there is there a standard for public entities to maintain a reserve or a fund balance? Clerk Yamamoto said as far as fund balance reserve, no, there really isn't a standard. You can find some entities that like to sit at 100%, but most do not want to be lower than 25%. Mr. Burton questioned

if there are new positions for the Public Defender, Public Information Officer, the Prosecuting Attorney and the Sheriff's Office. Controller Wagoner said in the Sheriff's Office there is one additional customer service position; the PA has unfunded positions, and there are not any additional positions in the Public Defender or Public Information departments.

Sheila Ford agreed with the comments offered by Amy Weidner and Larry Stevenson.

Craig Sjoberg believes we shouldn't have any property tax at all; it's taxing on your life and your abode and the way you live, it's consumption tax. He was a self-employed dentist who worked hard, and he was a Sheriff's reserve officer. He spoke about the need for shared routes and the for a stable pay rate for police.

Kimbra Asqueta is the motor vehicle supervisor and has worked there for 38 years. She is here tonight on behalf of her hardworking team whose base wage is \$14.83 an hour. One of her employees had to move out of state because she could not qualify for an apartment rental. To the person who said employees should seek additional training to move up, Ms. Asqueta said her staff does not have the extra money to seek training and are one disaster away from being homeless. Her staff works hard and they put up with people yelling at them and telling them how horrible they are and unless the wages increase she won't be able to fill vacant positions. One of her employees left for a similar job somewhere else making \$26.33 an hour. She asked what is the cost to the County for all of the turnover? It takes her two years to get someone fully trained and said we are lowering the quality of customer service because we cannot keep trained personnel.

Beverly Cavazos asked if the County has been able to secure liability insurance and if so, will we be self-insured and where will the money come from? People are building homes where there is not enough water and doing things that are not conducive to what this part of the country allows. Commissioner Smith said there is a budget line to cover insurance costs, and we have insurance through ICRMP that is set to expire at the end of September, and we are working to find replacement insurance which will likely be some type of self-insurance. Ms. Cavazos said a lot of money has been paid on lawsuits and she wants to make sure we have enough to pay without going bankrupt. Controller Wagoner said \$1.35M has been budgeted in the tort fund.

Mary Banford is a civil clerk and she believes employees are leaving because they do not make enough money to survive. She takes home \$2,000 per month and her monthly rent is \$1,400. She makes \$200 too much to receive any benefits from the state. If the County wants to have employees it has to pay them enough to keep them. The turnover is happening because employees are not getting paid enough and the County will continue to have "newbies" filing protection orders and other important matters. Ms. Banford wants to be a public servant, but she doesn't want to be a slave. She does not have sympathy for those earning \$100,000; you have to pay those who are making the lower wages.

Mark Eaton is a retired law enforcement officer from California and said civil service is a privilege and you get the low pay but you also get the good benefits. Those on top end of the pay scale

should not be making double of those on the bottom. The bottom needs paid, but the ones at the top do not need anything. Mr. Eaton said merit increases should come from performance evaluations with a 3% maximum.

Kera Giedd works in the Public Defender Department and she spoke about how the merit system is subject to a lot of abuse as people can get pay raises based on anything. Further, the problem with a merit-based raise system is that every person deserves a raise for working hard. Ada County offered to pay her more money but she chose to stay at Canyon County because she loves the people she works with. They are working hard and doing the jobs of the employees they cannot hire or keep. She said if the public is upset about those who earn \$100,000 they shouldn't lump all employees in because they're mad some people are making higher wages

Clerk Yamamoto said Canyon County has always been behind the curve and is the training ground for other agencies. His budgets have always had merit pay, but he removed it because it was being abused. We have to be competitive and that's where the problem lies at the moment.

Commissioner Smith said she is an example of an employee that started at the bottom at Canyon County and the County invested a lot of money in her for 10 years in training costs. They put a thumb on her and said she could not make more than a certain percentage because they were worried about perception. She left the job because someone else would pay her more and Canyon County failed to retain a highly qualified person because they did not pay her for what she had learned or what she was worth. She said we are forcing incredible people to learn here and leave here. A private organization would never allow 25% of its workforce to walk out in one year and it's unfathomable we cannot take care of the employees who work so hard for us and deserve pay for the work they do. She understands the frustration that it seems like a significant increase, but she's not willing to leave without taking care of the people who deserve it and it's appalling to her when people say they have a poor opinion of public employees. Employees deserve a pay increase, but she questions if the top increases for those with higher salaries should be pulled back.

Commissioner Van Beek said there has to be accountability in government. The Board manages 15 department heads and there are a myriad of things Commissioners are required to do and it requires a collaborative effort between three individuals and we have to work toward the best solutions for the taxpayer. There has been interest in attendance for Commissioners and it is not totally transparent, and it's not tracked and that is not right. In the private sector you could not retain a job if you did not show up for the job. She lobbied for voting records but that has not gained traction. She has requested to hold salaries at 1%-3% for Commissioners. She works for every dollar and it's disappointing that are employees who say they are disappointed with the work she does – that's offensive because she works every day for the best interest of the taxpayers. She is impressed with Kimbra Asqueta as the motor vehicle supervisor and her ability to meet the customer service demands. She appreciates the comments from Mary Banford and the work she does. Commissioner Van Beek said the Board should have started the budget evaluation process months before the budget hearing because it's a huge job to evaluate salaries for nearly 900 employees, and some who were granted midyear raises before this increase will

have salaries increased by 72%. That is not taking care of the people. The County is top heavy. Yes, people deserve to be paid, but will we be able to pay them what they are worth? Probably not. There is a rumor that she does not support an increase for law enforcement officers, however, she does support what they do. Law enforcement has a nonconforming policy where they are not given one-to-one credit for their years of service and she objects to that. She thanked the law enforcement officers for the job they do. The City of Nampa is under fire for their position on holding wages. She meets with Nampa leadership on a regular basis and has lobbied to have all nine mayors in Canyon County and their economic development teams, and the Board come together to understand how we are growing together as a County but she did not gain traction for that “thinktank”, but said it will happen in January of 2023. Commissioner Van Beek commended Randy Haverfield for his leadership in Nampa. She met with Police Chief Joe Huff and he told her that culture is an issue at Canyon County and it needs to be addressed. She is going to lobby for officers to work in an environment where they are treated respectfully and with dignity as that is what happens in the City of Nampa, there is a steady and sustained approach to wage increases and a productive and positive culture. She thanked Nampa for what they do – they recently earned the ICRMP award for the best run city in America and that is worth celebrating and a model we want at the County. Public service differs from the private sector in that government does not generate a profit. Those in the private sector generate a profit and from those profits salaries are paid to government employees. Compensation is important and there is an expectation of transparency and a high level of customer service in exchange for the taxes paid. A tentative budget was approved by a Board majority granting an annual increase of \$12,000 to all 886 employees regardless of tenure, performance, or midyear raises. The budget iteration before us tonight has been scaled back and represents an \$8.9M increase with limited consideration for tenure and no consideration for performance. Built in is a 9% COLA which is one of the highest COLA’s for the second consecutive year in the state. We have areas of compensation that need addressed, but it should have been an item of discussion months before the budget process giving the Board adequate time to understand and evaluate the proposals before it. She was not successful in gaining Board support, instead Commissioners were presented several different versions including changes this evening which have not yet been properly vetted. There are aspects of this budget she can support, and others she cannot support out of respect for the taxpayer and in the interest of protecting the solvency of Canyon County. Most understand that compensation is the largest component of the budget and at last year’s budget hearing the County funded one of the largest wage increases in the state of Idaho with an overall average increase of 9.5%. This year there is a proposal to raise the wages more than \$7,500 for every employee regardless of tenure, performance or attendance which equates to \$8.9M with no vote from the taxpayer and no provision for a new jail. The \$8.9M equates to \$180M over 20 years, very close to the \$198M jail bond that failed miserably two years ago. This year’s budget, if approved, has the potential to significantly handicap a new Board in terms of meeting payroll and expenses going forward. Our fund balance is at a record high and still using fund balance as well as market indicators that the economy is slowing and the vulnerability of the County in terms of insurance will ensure that difficult decisions regarding staffing and cutbacks will be made. In 2019 the Board approved an operating budget of \$89,305,778 and tonight they are considering approving an operating budget in excess of \$133M. The majority of that \$44M increase has gone to salaries. It is inaccurate to say the County has not dedicated hard-earned taxpayer dollars toward increasing

salaries. She has been on the radio and on public record lobbying for a more careful budgeting process and a deeper dive by Commissioners. This plan will significantly raise taxes for residents; certain offices have chosen to wage a political campaign meant to strongarm Commissioners into overspending. The Clerk's budget did not include a revenue source to fund the proposed wage increases. Fund balance is not a revenue source, it is a rainy-day fund and serves as protection for the County in the event of a downturn or a recession and it safeguards the County's long-term financial interests. The County will need to address its work culture and the issue of insurance coverage and payouts which have cost taxpayers \$1.4M this fiscal year. She embraces the motto of Nampa Police Chief Huff of "what do we stand for?" We stand for integrity, teamwork, and excellence.

Commissioner Smith said the City of Nampa pays Police Chief Huff \$166,000 a year and she asked if Commissioner Van Beek believes he is overpaid. Commissioner Van Beek said the City of Nampa has been strategic in its evaluation, and she does not believe they are jeopardizing fund balance. She said Chief Huff told her that he only took four (4) days off last year. As to whether he earns a wage at \$166,000 for managing officers for one of the largest cities in the County, that is a question for the city council, not her. Commissioner Smith said she finds it interesting that Commissioner Van Beek advocates for the City of Nampa so heavily when they steal our employees because they can pay significantly better than Canyon County does. Those who pay for those increased salaries in Nampa are the same people who are complaining about the Commissioners wanting to pay County employees and that's wrong. There is judgement of what the County is doing for its employees and yet no criticism is found for what Nampa is doing. She said people feel good about a salary of \$166,000 going to a police chief that doesn't operate a jail and a city that is growing at rapid rates, and we have no room in the jail for the people the city officers arrest. She finds it appalling that Commissioner Van Beek is advocating for the City of Nampa but not for County employees and said for her to attack the Clerk and say changes were made to the budget tonight that the Board did not have a chance to review is a lie. The Clerk gave a suggested budget and the Board had asked for specific changes which the Clerk made, so for Commissioner Van Beek to imply that the Clerk did anything other than what the Board asked him to do is appalling.

Commissioner Van Beek said there was an email string about a reduction of \$4M. She supports the County's officers and said there was no disrespect intended. When she met with Chief Huff they talked about pay, culture, the ability to advance and move forward, and training opportunities as factors that go into why a person decides to work they work.

Commissioner White thanked those in attendance for the comments they shared this evening. She spoke of her experiences over the years in preparing city and County budgets and talked about how she is melancholy about this being her last budget because the employees at Canyon County as they are some of greatest people she has ever worked with, and they work hard for the citizens. She finds it amazing that a lot of people do not seem to realize that County employees are not indentured servants; they are our neighbors and they are taxpayers.

Commissioner Smith wants time to consider the testimony received tonight before making a decision on the budget. Commissioner Van Beek made a motion to continue the budget hearing

to Friday, August 19, 2022 at 2:00 p.m. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to continue. The motion carried by a two-to-one split vote. The hearing concluded at 7:30 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 18, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Timberlake Construction in the amount of \$2,400.00 for the Facilities Department
- SHI in the amount of \$10,580.72 for the IT Department
- Blue One Energy Equipment in the amount of \$197,416.00 for the Fleet Department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Tricycle, LLC dba Eastside Tavern to be used 9/3/22 and 9/17/22; Treasure Valley Road Runners to be used on 8/25/22; Blue Heron, LLC dba Bobbie Jeans to be used 8/31/22, 9/3/22, 9/7/22, 9/10/22, 9/14/22, 9/17/22, 9/21/22, and 9/24/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jodi Edwards, Clerk II; Randee Schlapia, Clerk II; Edmy Vega, Deputy Public Defender I; Dion Trimble, Deputy Sheriff; Malachi Meyer, Customer Service Specialist; Lorisa Pierson, Customer Service Specialist; Laura Bebeau, Customer Service Specialist; Grace Gentry, Deputy Sheriff; Claire Lipsey, Deputy Sheriff; Seth Dempsay, Deputy Sheriff; Henry "Bosco" Baldwin, Compensation and Benefits Manager; and Amanda Martinez, Part-time Interpretive Specialist.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:56 a.m. to consider matter related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue an approval with written decision within 30 days on case no.

2022-515. The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White (arrived at 9:05 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Landfill Director David Loper and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Signing Declaration and Notice of Sole Source Procurement of Caterpillar 323 Track Excavator from Western States Equipment: Director Loper explained that this is for a FY23 purchase but due to timing and lead-time he'd like to get the process started in hopes of receiving the machine early in the fiscal year. He has worked with the Prosecutor's Office in order to make sure due diligence has been completed and spoke about the warranty and buy-back guarantee. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of sole source procurement of Caterpillar 323 Track Excavator from Western States Equipment.

Consider signing Declaration and Notice of Sole Source Procurement for Crushing Recycle Services from Timber Creek Recycling for Pickles Butte Sanitary Landfill: This will be for a new service allowing Timber Creek Recycling to crush concrete at the landfill. Concrete waste is considered a hard to handle material and this will allow for the material to be set aside, ground down and then can be hauled away by Timber Creek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the declaration and notice of sole source procurement for crushing recycle services from Timber Creek Recycling for Pickles Butte Sanitary Landfill.

The meeting concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH SOUTHWEST DISTRICT HEALTH REGARDING ADULT AND YOUTH CRISIS INTERVENTIONS

The Board met today at 10:21 a.m. for a meeting with Southwest District Health regarding adult and youth crisis interventions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Controller Zach Wagoner, SWDH Director Nikki Zogg, Rep. Rick Youngblood, Rep. Julie Yamamoto, Caldwell Mayor Jarom Wagoner (10:25 a.m. to 11:00 a.m.), Jean Mutchie from St. Luke's, Dr. Shalene French, Superintendent of Caldwell School District, Brenda Jones, Sharlene Carrio, Nick Chan, Sarah Andrade, other stakeholders/partners and Deputy Clerk Monica Reeves. Director Zogg gave a PowerPoint presentation on the Western Idaho Community Crisis Center, and an update on the implementation plan for the Canyon County Youth Crisis Center. SWDH, with the support of more

than 20 organizations, government agencies, and local leaders, is requesting Canyon County provide \$600,000 in financial support to stand up a youth crisis center should the region receive grant funding from the Idaho Department of Juvenile Corrections. This is a one-time request, and the funding will be utilized to assist with the renovation costs of a location in Nampa. (Commissioner Van Beek left at 11:06 a.m. to attend another meeting.) At today's meeting, personal examples were given about how parents have tried to navigate the mental health system to seek help for their children who are in crisis. The system is broken and the community needs to stand up and fix system to help our youth. Commissioners Smith and White support the request to allocate ARPA funding in the amount of \$600,000 to SWDH for a youth crisis center. The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

DEER FLAT NATIONAL WILDLIFE REFUGE AND LAKE LOWELL PARTNERS DISCUSSION

The Board met today at 2:06 p.m. for a discussion regarding the Deer flat National Wildlife Refuge and Lake Lowell Partners. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Park Director Laura Barbour, Outdoor Recreation Planner Alex Eells, Eddie Owens with Deer Flat Wildlife Refuge, David Ferdinand and Deputy Clerk Jenen Ross.

Director Schwend provided some background information on the partnership between Lake Lowell and Deer Flat Wildlife Refuge.

A handout was provided and discussion ensued regarding the purpose of the meeting, outcome goals, new/updated information, background/information about Mr. Owens, priority urban wildlife refuges, opportunities for the county and non-traditional (recreational) activities.

Director Schwend would like to see some kind of MOU to formalize the partnership between the county and the wildlife refuge. The Board is committed to working on, and finalizing, an MOU within the next month.

No action was necessary or taken by the Board as this meeting was for informational purposes only. The meeting concluded at 3:13 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 19, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

FILE TREASURER'S MONTHLY REPORTS AND QUARTERLY REPORT

The Board filed in the minutes the Treasurer's monthly reports for May 2022 and June 2022, as well as the quarterly report for April 1, 2022 to June 30, 2022.

ACTION ITEM: CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER REGARDING THE APPEAL BY BOBBI BICANDI, CASE NO. CU2022-0010-APL

The Board met today at 1:34 p.m. to consider signing the findings of fact, conclusions of law, and order (FCO's) for Case No. CU2022-0010-APL, regarding the appeal by Bobbi Bicandi of the P&Z Commission's decision which granted a conditional use permit (CUP) to Blaine Nabors to operate a dog kennel. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, DSD Planner Jenna Petroll, and Deputy Clerk Monica Reeves. The hearing was held on August 5, 2022 and a Board majority overturned the P&Z Commission's decision to approve the CUP, thereby denying Mr. Nabors' request. Today the Board reviewed the FCO's to ensure they reflect the changes made at the hearing. Commissioner Van Beek made a motion to sign the FCO's approving the appeal by Bobbie Bicandi, Case No. CU2022-0010-APL. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to approve the appeal. The motion carried by a two-to-one split vote. The meeting concluded at 1:36 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF FY2023 BUDGET HEARING

The Board met today at 2:03 p.m. for a continuation of the FY2023 budget hearing which took place in the public meeting room of the Canyon County Administration Building. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alex Klempel, PA Office Manager Melinda Longoria, PIO Joe Decker, HR Director Kate Rice, Chief Deputy Assessor Joe Cox, Assessor's Office Manager Jennifer Loutzenhiser, Facilities Director Rick Britton, Fleet Director Mark Tolman, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, Parks Director Nicki Schwend, IT Director Greg Rast, Assistant IT Director Eric Jensen, TCA Jamie Robb, Assistant TCA Benita Miller, DMV Supervisor Kimbra Asqueta, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, County employees, David Ferdinand, other interested citizens, and Deputy Clerk Monica Reeves.

The Board held the first public hearing on August 17, 2022 and continued the hearing to evaluate the public comments received. Commissioner Smith said she evaluated the comments and reviewed the emails, but since there is no additional testimony she called for a motion to close public comment. Commissioner White made a motion to close public comment. The motion was seconded by Commissioner Smith. Commissioner Van Beek said she doesn't know if there are people who wanted to comment so she voted no on the motion. The motion carried by a two-to-

one split vote.

Commissioner Van Beek presented information for the Board's consideration that looks at the proposed salary increases and uses the Clerk's \$3,000 set amount and a \$2,000 additional amount that's prorated out giving the highest consideration for those that are making the lowest amount in the County. It cuts the amount of the proposed increase in half. We heard that higher salaries can absorb more of the cost of living than those who make lower salaries, and so this is a consideration we can use that would give every employee something and would allow the BOCC going forward to evaluate the other factors that are critical in retention and wage increases. Controller Wagoner said the Clerk's suggested budget was not a fixed flat \$3,000 per employee, but rather a \$3,000 slide in the position pay ranges plus a step increase. Commissioner White asked how the alternate proposal differs from what the Board is considering. Commissioner Van Beek said the Clerk's proposal is a sliding range, and her proposal assumes a flat cost of living for every employee. The lower your wage the higher percent increase. It gives the incoming wage analyst the ability to navigate and look at the proposals. There were some mid-year raises for the top end salaries and those need to be taken into consideration and re-evaluated before additional raises are given. In order to focus on the lower wage earners, we have to start from the bottom and give the biggest increase and we have to be able to not dedicate all future funding to simply salaries because the expectation of our citizens is that we are going to build a jail and do capital improvements. The other issue is that when the urban renewal returns in 2023 it was projected at \$2.3 million with the levy rate dropping half to 12 mils and this will now reduce the County's ability to capture all of that. It's a one-year dump of 20 years of incremental value and is cutting off the revenue significantly. We have to look at the COLA and what the revenues are for next year. There were follow-up questions from Board members about the alternate proposal. Commissioner Smith appreciates Commissioner Van Beek's time on the proposal, however, she has spent a lot of time on the previous report that was generated and she is in support of the changes. She reviewed the Clerk and Controller's comments and she supports the BOCC moving forward with the 9% COLA and the maximum of the minimum salary instead of a proposed \$20 reducing it to \$18 at this time until we can hire a wage and compensation analyst. She wants to leave the "A" budget as requested so we have the money to adjust those salaries when the wage and compensation analyst arrives. Commissioner White agrees and said today the BOCC is not approving the salary compensation as there is some discussion to be had and decisions to make. She has heard repeatedly that the BOCC is not setting a good example in their salary and should cut it. If a Chief Operating Officer (COO) is going to be hired she supports reducing the Commissioners' salaries from \$103,000 to \$90,000 without a 9% COLA. She did not vote for the position but in the Board's previous discussions she was assured the employee would pick up a lot of the burden and some of the cumbersome work. Commissioner Smith supports that proposal. Commissioner Van Beek said we have outgoing Commissioners who have struggled with attendance and she can see why they want the COO position; however, she is withdrawing her support for it because there are incoming commissioners who want to do this job and she doesn't want to fund the COO position. She said Commissioner White has never been in support of the position and it would swing to a Board majority where it would not be funded. She wants to leave the elected officials' salaries and she talked about the possibility of having a citizens group help evaluate the elected officials' salaries. Commissioner Smith said the wage and compensation

analyst can look at BOCC wages and determine if they are fair, which is what Commissioner Van Beek is asking for everyone else. Commissioner Van Beek said the wages should be frozen and there could be adjustments; if we adjust down then we would need to adjust the same percentage down for all elected officials. She said it's unfortunate there is more focus on the nasty politics than there is on accomplishing something for the employees and the citizens. She is for employees and for citizens and we have to be able to fund it and stay solvent and meet the needs of both sides.

Commissioner Smith made a motion to approve the budget as presented with the following changes:

1. Salaries are not specifically approved with this budget and need to be modified with a starting salary for entry level positions of \$18 for fulltime employees and passed by resolution of the BOCC at a future date to resolve any compression issues found within the ranges and positions. This includes a 9% COLA for all employees and elected officials except the BOCC. She proposes to reduce the salary of the BOCC to \$90,000 because of the addition of the Chief Operating Officer position that will help streamline the management of the Board's departments and is included the budget.
2. Include the administrative assistant position for Emergency Management under 413080 as was found in the Clerk's suggested budget and requested by the Sheriff.
3. Remove the expense of \$175,000 from 682220 (Clerk's elections budget) for office buildings to be considered by the BOCC at a future date when a building or site becomes available.

Commissioner White seconded the motion for discussion. Commissioner Van Beek asked Commissioner White to clarify her position because she has been opposed to a COO since the idea was presented and asked if she is now changing her position knowing she will not be a sitting Commissioner. It's a decision the new BOCC should make and Commissioner Van Beek withdrew her support for the COO position. Commissioner White said Commissioner Van Beek is the one who is changing her mind on the position; Commissioner White has changed the way she approached the budget. At Wednesday's budget hearing she heard someone say they are putting together another budget and will bring it before the new Board in January. Commissioner White is satisfied with what was presented to the BOCC. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote.

Commissioner White made a motion to approve the FY2023 expenditure budget for the Canyon County Pest Control District in the amount of \$325,199, and a FY2023 expenditure budget for the Melba Gopher District in the amount of \$12,000. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote.

Commissioner Smith said the language for the budget resolution needs adjusted for the amounts based on the changes that were read into the record. Controller Wagoner asked for clarification on the salaries for the other elected officials. Commissioner Smith said it would include a 9% COLA plus the \$1,000 for years in position that was applied, and it removes the \$8,000 increase that was proposed by Director Rice and Director Rast. He asked if the Board wants to remove the \$175,000 for a possible polling location site. Commissioner Smith said the BOCC wants the site but they don't think it needs to be included in the budget, they can use fund balance for it. Effective October 1st, the Commissioners' salaries will be \$90,000 and we will work towards an \$18 an hour minimum pay otherwise we are going to adopt the "A" budget as-is and individual salaries will be fixed at a later date. The minimum 9% COLA plus those increases will come across the board so it increases everybody's wage.

The Board took a recess at 2:32 to 2:52 p.m. so the Controller could adjust the budget numbers. Controller Wagoner said after incorporating the changes the new number for the County is \$132,408,889. He referred to the L-2 form and said the County's property tax request is one of the absolute most important numbers. How much property tax the County levies is our choice – we have the authority to levy \$57M to fund the budget, but we are at \$40M. We are \$17M under what we could be requesting for FY2023, and we are doing our part to provide genuine property tax relief by requesting \$14M less than what we asked for last year. Everyone will benefit because of our frugality when it comes to property tax. We do not have control over other taxing districts and what they request; however, we are responsible to build and collect their property tax. The County is only 20%-30% of the total property tax bill.

Commissioner White made a motion to approve the L-2 worksheet as presented. Commissioner Smith seconded the motion. Commissioner Van Beek was opposed to the motion. The motion carried by two-to-one split vote.

Commissioner Smith noted that the resolution adopting the budget with the requested changes reducing it to \$132,408,889 for FY2023, was already passed. The hearing concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 587220-587271 in the amount of \$697,609.36
- The Board has approved claims 587272-587319 in the amount of \$70,183.78

- The Board has approved claims 587320-587362 in the amount of \$305,476.67
- The Board has approved claims 587363-587414 in the amount of \$78,372.29
- The Board has approved claims 587415-587450 in the amount of \$27,135.31
- The Board has approved claims 587452-587481 in the amount of \$109,087.17
- The Board has approved claims 587482-587520 in the amount of \$32,079.14

CONSIDER APPROVING AUGUST 22, 2022 ACTION ITEMS

The Board met today at 2:03 p.m. to consider the August 22, 2022 action items. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith (participated via conference call), Deputy PA Zach Wesley, Treasurer Tracie Lloyd, Controller Zach Wagoner, Gary Westerfield and Katie Phillips from Code Enforcement, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing resolution granting an alcoholic beverage license to Rite Aid #5409: Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to grant the alcoholic beverage license for Thrifty Payless, Inc., dba Rite Aid #5409 (change in application.)

Meeting to discuss certification to the tax roll of abatement charges associated with property located at 26393 Riverview Dr., Wilder, Idaho; Action Item: Provide direction to County Treasurer to certify charges to the tax roll: Zach Wesley said the Board, through DSD, needs to prepare a letter similar to the one the Weed and Gopher Department prepares annually which is due to the Treasurer by August 31st. The letter needs to include a simple statement of the authority to put the properties on the tax roll and include a description of the all the properties and the amounts owed. Treasurer Lloyd said she will then verify that a notice of lien was filed and that the property is in fact the property the abatement occurred on. Once that is done a resolution will be brought to the Board which includes the charges from all the agencies and they can certify it to the tax roll. Commissioner Smith said everyone has done their due diligence and this is the final step of abating the property and then she made a motion to approve with the direction to add it to the tax roll. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 23, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

RESCHEDULE PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT (INCLUDING IRRIGATION AND DRAINAGE) FOR BELLA TOSCANA SUBDIVISION NO. 3

The Board was scheduled to conduct a public hearing this afternoon at 2:00 p.m. regarding a request by Laurie Bingham for approval of a preliminary plat (including irrigation & drainage) for Bella Toscana Subdivision No. 3. The development consists of 15 residential lots. The subject property, parcel no. R33242 & R33242013 are located at the intersection of Morellino Way and Hoskins Road in Caldwell. Due to a lack of quorum today the hearing was continued to September 9, 2022 at 9:00 a.m.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 24, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - OUT
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved the June Jury claims in the amount of \$6,930.66
- The Board has approved claims 587191 to 587219 in the amount of \$133,982.00
- The Board has approved claims 587521 to 587548 in the amount of \$38,111.01

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Riceworks LLC dba Riceworks to be used 8/28/22; and for Beer Guys Saloon to be used 8/26/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Merianne Smith – temp. election worker; Trina Harrell – temp. election worker; Justin Hutton – Hazardous Waste Screener/Operator; Jacob Alan Taylor – Deputy Sheriff Inmate Control; Krystal Gonzalez – Deputy Sheriff Inmate Control.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Vista Mechanical in the amount of \$16,943.70 for Building Maintenance

- Carbon Network in the amount of \$9,996.00 for Information Technology
- Dell in the amount of \$24,857.00 for Information Technology

RESCHEDULE PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DEL ROSARIO ESTATES NO. 3, CASE NO. SD2022-0012

The Board was scheduled to conduct a public hearing this morning at 9:00 a.m. to consider a request by Erick McLaughlin for approval of a Short Plat for Del Rosario Estates No. 3. The development consists of 2 residential lots. The subject property, Parcel No. R38214506 is located at 24433 Hartley Lane in Middleton. Due to a lack of quorum today the hearing was continued to September 6, 2022 at 10:30 a.m.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 25, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - OUT
 Commissioner Pam White – **Provided Electronic Authorization on Documents**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Corwin Ford in the amount of \$45,550.10 for the Fleet Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permits for Raising Our Bar to be used on 9/30/22, 9/29/22, 9/26/22, 9/23/22, 9/18/22, 9/17/22, 9/16/22, 9/15/22, 9/9/22, 9/8/22, 9/4/22, 9/3/22, 9/2/22, and 9/1/22; Legends Sports Pub & Grill to be used on 9/17/22; Lost Grove Brewing to be used 9/4/22; O'Michael's Pub & Grill to be used on 9/24/22, and 9/17/22, 9/10/22; and Bus Bar Idaho to be used on 9/18/22 and 10/1/22; and Slick's Bar to be used on 9/3/22

SIGN NOTICE OF LIEN – PROPERTY ABATEMENT

The Board signed a notice of lien for property located at 5319 Lake Avenue, in Caldwell, Parcel No. R21400500. The property is in violation of the County's Public Nuisance Ordinance and notice was given to property owners of DSD's intent to abate the violations if not remedied by the stated deadline. Abatement costs will become the responsibility of the property owner. The notice of lien was recorded on August 25, 2022 as Instrument No. 2022-040688.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT for portions of the day**
 Commissioner Leslie Van Beek, Vice Chairman - **OUT**
 Commissioner Pam White – **OUT - Provided electronic authorization on documents**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

APPROVED CLAIMS ORDER NO. 2224

- The Board of Commissioners approved payment of County claims in the amount of \$1,911,702.82 for a County payroll

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - **OUT**
 Commissioner Pam White - **OUT**
 Deputy Clerk Jenen Ross

No meetings were held this day.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 30 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – Participated remotely
 Deputy Clerk Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Stephani Campbell – Comm. Officer Dispatch 41012; Kathy Mandrell – Drug testing Technician

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 9/3/22.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Chief Deputy Sheriff Marv Dashiell, Cpt. Harold Patchett (left at 9:05 a.m.), Sgt. Jason Roberts (left at 9:06 a.m.), Landfill Director David Loper, Controller Zach Wagoner, Director of Misdemeanor Probation Jeff Breach (left at 9:30 a.m.) and Deputy Clerk Jenen Ross.

The action items were considered as follows:

Consider signing ratification for Ada County Sheriff's Office Jail Housing Billing Agreement: This is an annual agreement and similar to last year with a minor increase to the daily rate. The agreement has been reviewed by Chief Deputy Laugheed and there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the ratification for Ada County Sheriff's Office Jail Housing Billing agreement (see agreement no. 22-089).

Consider signing Idaho Department of Parks and Recreation Boating Safety Grant Close-out Report Form: The work has been completed in relation to the grant award and this document closes it out and requests reimbursement for the grant award. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Idaho Department of Parks and Recreation Boating Safety Grant Close-out Report Form.

Consider signing ordinance establishing Solid Waste Advisory Committee (SWAC) and signing the legal notice/summary of ordinance establishing Solid Waste Advisory Committee (SWAC): Director Loper gave an overview on how the establishment of the SWAC began. The SWAC will be an advisory board to the BOCC comprised of 7 members as appointed by the BOCC each with a 2-year term. Once ordinance is codified and formed there will then be specific bylaws brought to the Board as to how the committee will operate. Bylaws will be more specific as to where the committee members come from in regard to industry members, at-large members and areas of the county. Discussion ensued regarding language in the ordinance specific to the how the members of the committee are selected and the concerns raised by Commissioner Smith. In order to get a clearer answer, this item has been tabled for the time being so Ms. Klempel can collect some additional information.

Consider ballot question for Middleton, Star area of impact overlap election: At a previous meeting the Board made a recommendation on the overlap area which the City of Middleton filed objection to. Statutorily at this point it goes to the electors of those who live in the overlapping area to decide which city they would like to have control the area. A letter of instruction along with draft

ballot language has been created which will be sent to the Clerk and elections office. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to authorize the Clerk to put the ballot question for Middleton, Star area of impact overlap election on the November ballot. A copy of the letter and draft language is on file with this day's minutes.

Consider signing a resolution approving a new alcoholic beverage license for the Dutch Goose:

Commissioner Smith said that this application has passed review and that the applicant has not had any felony convictions within the timeframe as allowed by law. There were prior convictions from 1991 and 1999 but the sentences and probation were completed in 1992 and 2001; at this point it is legal for him to get an alcoholic beverage license. Mr. Wesley said that the timeframe is 5-years from the point of probation completion so in this situation the convictions would no longer be a disqualifier. Commissioner Smith moved to approve the resolution and alcoholic beverage license for the Dutch Goose. The motion died for lack of second. Commissioner Van Beek did not give reasons for not seconding motion but suggested contacting Commissioner White for approval. Commissioner Smith noted for the record that Commissioner Van Beek stated her reason for not wanting to approve the license while still off the record and feels it is a fair conversation to be having now as it is holding up county business.

A request was made to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Smith made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, and Director of Misdemeanor Probation Jeff Breach. Director Breach left the meeting at 9:30 a.m. The Executive Session concluded at 9:44 a.m. with no decision being called for in open session. The legal staff update will be resumed at 1:15 p.m. today.

The meeting concluded at 9:45 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION APPOINTING COMMISSIONER LESLIE VAN BEEK TO THE CALDWELL URBAN RENEWAL BOARD

The Board met today at 9:59 a.m. to consider signing a resolution appointing Commissioner Leslie Van Beek to the Caldwell Urban Renewal Board. Present were: Commissioners Keri Smith and Leslie Van Beek. Commissioner Van Beek will be appointed to the Board through January 2023 when a new Board is in sworn in and/or a new DSD Director is selected at which time a new representative may be appointed. Upon the motion of Commissioner Smith and second by Commissioner Van Beek the Board voted unanimously to sign the resolution appointing Commissioner Leslie Van Beek to the Caldwell Urban Renewal Board (see resolution no. 22-173). The meeting concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY ZACH AND LELA BROOKS FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-R" (CONDITIONAL REZONE – RURAL RESIDENTIAL) ZONE, CASE NO. CR2022-0004

The Board met today at 10:08 a.m. for a public hearing to consider a request by Zach and Lela Brooks for a conditional rezone from an "A" (agricultural) zone to a "CR-R-R" (conditional rezone – rural residential) zone, case no. CR2022-0004. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Zach and Lela Brooks and Deputy Clerk Jenen Ross.

Mr. Lister provided the staff report stating that today's request is for a conditional rezone of two parcels. The 10.71-acre parcel was created by a land division in 1991 and the house was placed on the parcel in 1992. Additionally, Mr. Lister addressed access to the property, irrigation and comments received from area agencies and neighbors. On July 20, 2022 the Hearing Examiner recommended approval subject to conditions of the development agreement as shown and found this to be consistent with the findings that have to be made for a conditional rezone.

The Board asked about the original parcel on the vicinity map, potential code enforcement violations, average lot size, surrounding parcels and property access.

Zach Brooks offered testimony in favor of the application speaking about the neighboring property, concerns about the view, containers/storage on the property in regard to potential code violations. He said they are agreeable to the conditions as outlined and provided the reasons as to why they made the divisions where they did.

Commissioner Smith asked Mr. Brooks if he would be opposed to divide the 10.71-acre parcel into two parcels that are approximately 5-acres each, she feels that would be more consistent with the rural area. Mr. Brooks said the idea with the 1.5-acre parcels is to match the existing parcel and to keep as much of the property in the existing hay field as it currently is.

In response to a comment from Commissioner Van Beek, Mr. Brooks confirmed that the intent is to provide agricultural opportunities for his family and/or maintain the agricultural portion so that a farmer could "hay" the remaining nearly 8-acres.

Further discussion ensued regarding the divisions, ability to receive/maintain ag exemptions and subdivision platting.

Commissioner Smith feels this would change the character of the area and introduces a zone that is not already in that area which could be considered spot zoning. With Mr. Brooks being an incoming commissioner, she is concerned that it looks like the Board is making a decision that is outside of what would normally happen in this area.

Lela Brooks offered testimony in favor of the application stating that she does not want to give up the whole lot. She wants to divide enough parcel for each of her two children. She noted that there are several parcels in the area that are less than the 1.5-acres they are requesting.

Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek said this area is changing and the Hearing Examiner has made a recommendation, and has found that he can support this with a development agreement as presented. She feels there is a gap in the county wanting to divide a piece to accommodate family, this has been conditioned in a way that would allow the applicant to do that and maintain the nature of the area by continuing the ag operation and providing agricultural opportunities for his [Mr. Brooks] children. She supports this as presented.

Commissioner Smith does not support this. She said it is not consistent with the area, the average lot size in that area is 7.31-acres. The subdivisions that are approved and have zoning approvals, the average lot size is 4.01-acres. Although the area could be transitioning, the Board has denied cases before because of timing and as the area transitions that is when higher density could be approved. She said the maximum she could do would be two parcels total, conditionally, with an average of 5-acres. An average of 4-acres could even be done so that those boundaries could be modified how they see fit so that it fits with the character of what is existing instead of asking for it to be higher.

Commissioner Van Beek still maintains that the applicant is wanting to do something that stays consistent with the nature and the character of the area to maintain the agricultural component.

Commissioner Smith said that from the aerial, this is a predominantly an agricultural area with some rural uses that are larger in size. The evidence shows that the average lot size of the platted lots, as there are quite a few platted lots to the north, are very rural and about 4-acres. From the site visit photos this is an agricultural area.

Commissioner Van Beek spoke about the less than prime farm ground and irrigation.

Commissioner Smith said the property and surrounding area have a history of farming and production crops. At this point, this case is a denial based on the data that is available or possibly reopen testimony to see if there is any agreement to modify the plan.

Commissioner Van Beek made a motion to reopen testimony to find out if the applicants are willing to modify the plan. The motion was seconded by Commissioner Smith and carried unanimously. The applicants indicated that there is no plan to modify. Commissioner Van Beek made a motion to reclose public testimony. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith made a motion to deny the case based on the items that she read into the record which when considering surrounding land uses this conditional rezone even conditioned as requested is not consistent with the area and is not more appropriate than the current zoning designation. This is a predominately agricultural area, average lot size as stated was 4-acres for the platted parcels and 7.31 for the non-platted. For that reason, she thinks that to make it compatible the splits would need to be reconsidered and aligned more appropriately with what is already existing in that area. Additionally, she feels the applicant should show compliance with the zoning ordinance that it meets standards for storage of materials on the property before the next hearing.

The motion died for lack of a second.

Commissioner Van Beek made a motion to approve this case as presented by the Hearing Examiner with the Planning Official going back on-site to ensure there is not a violation. Commissioner Smith seconded the motion. As part of the discussion, Commissioner Smith highly encouraged the applicant to modify this plan moving forward. A vote was taken on the motion with Commissioner Van Beek voting in favor and Commissioner Smith voting in opposition. The motion died with a split 1-to-1 vote, the case is not approved.

Planning Official Lister said that the findings will show what happened at today's hearing although they will not be signed. Because this is a material change to what was recommended by the Hearing Examiner it will have to be brought back for another noticed hearing.

The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 1:18 p.m. for a continued meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White called in to the meeting at 1:23 p.m., Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Solid Waste Director David Loper (left at 1:23 p.m.), HR Director Kate Rice and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing ordinance establishing Solid Waste Advisory Committee (SWAC) and signing the legal notice/summary of ordinance establishing Solid Waste Advisory Committee (SWAC): Ms.

Klempel explained that there was discussion this morning regarding section 5, part 3, subsection 1 – earlier today it read “*Membership on the Solid Waste Advisory Committee is set at seven (7) voting members representing, as nearly as possible, the various industries and localities of Canyon County*”, the line “*as further defined in the by-laws*” has been added so that anyone with any questions/concerns can refer back to the by-laws. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the legal notice and summary of ordinance establishing a Solid Waste Advisory Committee (see ordinance no. 22-019). Director Loper will work with the Prosecutor’s Office to establish the by-laws and the committee.

Consider signing a resolution approving a new alcoholic beverage license for the Dutch Goose:

Commissioner White said she has looked this over and any issues noted have been resolved. Commissioner Smith said it meets the requirements to grant the request. Commissioner White made a motion to sign the resolution approving a new alcoholic beverage license for the Dutch Goose. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek abstaining from voting. The motion carried unanimously. See resolution no. 22-174.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Smith made a motion to go into Executive Session at 1:26 p.m. pursuant to Idaho Code, Section 74-206(1) (a), (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas and HR Director Kate Rice. Commissioner White participated via teleconference. The Executive Session concluded at 2:08 p.m. with no decision being called for in open session.

The meeting concluded at 2:09 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners’ Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 31, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HC Company in the amount of \$204,600.00 for the Facilities Department
- Rock Placing Co., LLC in the amount of \$13,680 for the Solid Waste Department
- Lytle Signs in the amount of \$7,915.87 for the Solid Waste Department
- Table Rock Sandstone in the amount of \$9,750.00 for the Solid Waste Department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Mariscos El Viejon to be used 9/24/22

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:13 a.m. for a monthly meeting with Directors to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, HR Director Kate Rice (left at 9:28 a.m.), Compensation and Benefits Manager Bosco Baldwin (left at 9:28 a.m.), Fleet Director Mark Tolman (left at 9:31 a.m.), Code Enforcement Supervisor Eric Arthur (left at 9:48 a.m.), Weed and Gopher Superintendent AJ Mondor and Cory Flatt (arrived at 9:38 a.m. – left at 10:19 a.m.), Deputy P.A. Zach Wesley (arrived at 9:40 a.m. – left at 10:00 a.m.), Controller Zach Wagoner (arrived at 9:42 a.m.), Facilities Director Rick Britton (arrived at 10:16 a.m.), PIO Joe Decker (arrived at 10:21 a.m.), IT Director Greg Rast (arrived at 10:22 a.m.) and Deputy Clerk Jenen Ross.

HR:

9:13 a.m. to 9:28 a.m.

- Introduction of new Compensation and Benefits Manager Bosco Baldwin.
- 19 open positions are currently posted, however there are currently 80 open PCNs.
- Several employee relation issues are being resolved and leveling-off.
- Explanation of monthly report that is regularly emailed to the Board.
- Working on the FY23 wage budget – the Board is in favor of salaries and pay ranges being determined by the Human Resources department.
- Commissioner Van Beek requested that all exit interviews go thru HR vs. individual Offices and departments. Commissioner Smith instructed Ms. Rice to continue on her same path forward in that if an elected official requests help with this the HR department can assist. The direction is still to do the departments that are under the Board.

Fleet:

9:28 a.m. to 9:31 a.m.

- Things continue to move along well.

- There is some equipment that continue to have supply chain issues.
- Travel forms will be updated with the new mileage rate.

Code Enforcement:

9:32 a.m. to 9:49 a.m.

- Review of case numbers – as of July 2022 there were 16 new cases, August had 13 new cases for a total of 672 open cases from 2019 to present.
- Abatement has occurred at the 5319 Lake Ave. property.
- Mr. Arthur addressed emails from Mr. Anselmo and the need to manage his expectations –before and after photos were provided to the Board showing the progress that has been made on the property.
- Commissioner Smith asked about property on Upper Pleasant; she would like to see an infraction issued, Commissioner Van Beek is supportive of this action.
- Commendation messages received regarding Officer Westerfield and the good service he has provided.

Weed and Gopher:

9:49 a.m. to 10:12 a.m.

- **Action item: *Certify unpaid noxious weed abatement expenses to the County Auditor for collection in the same manner as property taxes:*** Director Mondor reviewed a list of properties that have requested service but have not paid the bill so a notice of lien will be placed on the property. Mr. Wesley said he needs to work a little more with the Weed and Pest department and Treasurer Lloyd on this process and would like to hold on this item for now. This item could be put back on the agenda for next Thursday.
- There is a link/button on the website for ‘request for work’ or ‘weed complaints’. Direction from the Board is for all these sorts of items to go thru the website, they do not want employees filling out workorders or emails.
- The Board would like Director Mondor to work with legal on an RFP to receive proposals for companies that trap gophers. Commissioner Smith would like to see this happen sooner rather than later in order to provide help to Mr. Nissen. Discussion ensued as to the advantages or disadvantages of comp. time vs. overtime payout. Commissioner Smith urged Director Mondor to utilize overtime pay for his employees for the next 30 days.

The Board took a break from 10:12 a.m. to 10:19 a.m.

Facilities:

10:19 a.m. to 10:40 a.m.

- A budget spreadsheet showing YTD budget line items was provided to the Board along with project updates on the BOCC A/V, City of Caldwell LID, Fair Expo building, space needs for misdemeanor probation and juvenile probation, the gun range, a bid was recently received

for the Crossroads Museum mezzanine project, carwash project at fleet, Trane chiller replacement and the Pod 5 roof.

- Possible ribbon cutting for the fair building could be November; Commissioner Smith asked Director Britton to work with Mr. Decker and Director Sinner on this.
- A PO was presented to the Board for the soffit purchase for the expo building.
- At this time, they are using both comp. time and overtime pay but starting in October they will move to just overtime. Discussion ensued regarding the amount of accrued comp. time within the Facilities department and what he and Assistant Director Carl Dille are doing to help their employees use their earned hours. The Board would like to have further conversation about compensating Director Britton for his accrued comp./vacation time that may be lost.

IT:

10:40 a.m. to 10:59 a.m.

- The IT department also has a fair number of employees with significant comp. balances.
- NACO has requested Director Rast be part of the Technology Standing Committee which is a national committee. The Board is supportive of him participating.
- Other updates included: staffing numbers, open/filled positions, compensation project, county org chart, .gov email deadline, panic button, tracking program designed for the Facilities department and the project status report.

PIO:

10:59 a.m. to 11:13 a.m.

- Project management timesheet for August was submitted to the Board.
- Mr. Decker will be meeting with Dan Lister in DSD regarding a press release addressing some issues within DSD that may be causing extended timeframes. Commissioner Smith does not necessarily want a press release but some kind of messaging that addresses the struggle with staffing issues and what to expect moving forward. Possibly something sent to individual applicants as well as something posted online. Commissioner Van Beek concurred that she does not want to issue a press release. Discussion ensued regarding the language Commissioners Van Beek and Smith would like used; Mr. Decker will forward the messaging to the Board for approval prior to anything being sent out.
- Commissioner Smith asked Mr. Decker to work with the Nampa, Caldwell and Middleton chambers of commerce regarding the ribbon cutting ceremony for the fair expo building. All Canyon County cities will be invited to the ceremony. Mr. Decker and Director Britton will coordinate with Director Sinner to find a date.
- A link to the first draft of the CGI videos was sent to the Board a couple weeks ago; Mr. Decker has reviewed them and is waiting on some additional footage from Destination Caldwell. CGI has requested the all changes be made at one time rather than individual requests for changes. Mr. Decker will work with Controller Wagoner in order to get Dee Sarton paid \$500 for the voiceover work she provided for the videos. The Board does not

like the voiceover work done in the real estate portion of the videos and suggested Ms. Sarton could possibly record that portion too; Mr. Decker will follow-up with CGI about this.

- An inquiry has been received from the Sheriff's Foundation regarding Halloween since it falls on a Monday this year, they would like to host the Trunk-or-Treat event on Friday the 28th since several school districts will be out that day. They Board is supportive of Halloween events taking place on the Friday prior to the holiday.
- There have been a lot of surveillance video requests lately that take a fair amount of time to fulfill.
- Yesterday's election took a lot longer than it should have.

The meeting concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:37 p.m. for a monthly meeting with Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Tasha Howard and Patrick Momont with the University of Idaho Extension office, Director of Juvenile Probation Elda Catalano, Landfill Director David Loper, Parks Director Nicki Schwend, Chief Public Defender Aaron Bazzoli, Director of Juvenile Detention Sean Brown, Director of Misdemeanor Probation Jeff Breach, Deputy Clerk Yvonne Baker.

Note for the record: Deputy Clerk Jenen Ross was not in attendance for the meeting but compiled minutes based on the audio recording.

County Agent:

1:37 p.m. to 1:53 p.m.

- Introduction of Administrative Office Chair Tasha Howard
- Staffing updates; with the retirement of Jerry Neufeld at the end of October Mr. Momont is requesting Board support in refilling what will become a vacant position – Commissioners Van Beek and Smith are both in favor of filling the position. Mr. Momont provided an update on the refilling of the 4H Program Coordinator position.
- In regard to the Fair, Mr. Momont's understanding is that things ran fairly smoothly; any issues were very specific and handled accordingly.
- Commissioner Smith asked about the Market Livestock Sale Committee, her understanding is that there is conversation about transitioning this over to the Fair vs. how it is currently being handled. Mr. Momont said this is handled differently in every county so he would need to get some additional information.
- The Facilities department has addressed the roof issue on the Extension office building.
- Discussion ensued regarding other possible building/space options.

Juvenile Probation:

1:53 p.m. to 2:07 p.m.

- Review of workload numbers. Currently have 332 cases on supervision, 67 cases that are pending court.
- Three employees will be graduating from POST this week and will be official certified Probation Officers.
- Three staff members will be attending the Juvenile Justice conference; all three members will be attending by scholarship; the county is only responsible for the per diem and travel expenses.
- Idaho Supreme Court has made some changes to Odyssey and some of the reports. In the past Director Catalano has worked with the Auditor's office to obtain those reports but with the changes being made she will no longer be able to receive reports regarding payments. She is currently working with the Auditor's office on other ways she'll be able to obtain the information in order to keep her database current and accurate and enforce all conditions of probation.
- There was recently an update done to her case management database; this is an issue she may bring forward to the Board in the future to evaluate the relationship with the case management systems and possibly some modifications in requests for exceptions if needed in order to let others outside of the county access to servers.
- Over \$10,000 was raised at the truancy event that took place earlier this month with over 1000 people attending. 450 backpacks were handed out, 21 bikes were given away and 24-\$200 shopping vouchers for school clothes were provided.
- In response to a question from Commissioner Smith, Director Catalano spoke briefly about the crisis line.

Solid Waste:

2:07 p.m. to 2:22 p.m.

- Purchase orders presented to the Board for the monument sign; there are 3 in total – one for the actual entry stone, one to the company transporting and placing the stone and one to do the lettering on the stone.
- Review of waste amount numbers.
- Design approval has been received from DEQ for the landfill gas system.
- Title V, Tier I air permit has been renewed.
- A meeting will take place next week to further discuss the Environmental Compliance/Safety Manager position in order to get the position posted and start the recruiting so that person is involved in the gas system from the beginning.
- Bylaws for the SWAC will be presented to the Board in the near future. Director Loper's suggestion is to not have a member of the BOCC on the Board as a voting member, but an appointee to attend meetings and work as a liaison between the BOCC and the SWAC. Commissioners Smith and Van Beek agree that the BOCC member should not be a voting

member of the SWAC. Once the bylaws are completed Director Loper will work with the BOCC on candidates who may be interested in serving on the board.

- The dust control system will be put back out for bid this fall/winter.
- Once all the air permitting and landfill gas projects are moving forward, Director Loper intends to put more focus back on the landfill expansion project.

Parks:

2:22 p.m. to 2:45 p.m.

- Field trips are full. Fall trainings and testing new hands-on activities/programs.
- A bid was received for the mezzanine at Crossroads Museum; due to the nature of this project Director Schwend and Director Britton are working with legal to move the project to sole source.
- Brief review of Parks Masterplan survey results.
- Director Schwend will be attending the *Idaho's Heritage* conference in September.
- The Idaho Statesman recently did an interview with Director Schwend regarding the petroglyphs.
- Director Schwend has been working to update/create internal department documents such as the Procedures & Operational manual, Programs & Educational manual and the Sites & Visitor Information.
- Parks GIS mapping.
- Pictures of the ecology trail signs that will be arriving soon.
- Celebration Park updates: currently there is a ban on fires; parking bollards have been painted red at the park to indicate parking is not allowed; vandalism and clean-up efforts; a growing patch of milkweed has produced several Western Monarch Butterfly Caterpillars.
- Discussion regarding additional meetings with the Deer Flat National Wildlife Refuge.

The Board took a brief break from 2:45 p.m. to 2:52 p.m.

Public Defender:

2:52 p.m. to 3:03 p.m.

- **Action item: Consider signing FY2023 Indigent Defense Financial Assistance Award Agreement:** Mr. Bazzoli explained that this is the PDC grant that is done every year and spoke about the funding amounts; the total award for FY2023 is \$1,153,349. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FY2023 Indigent Defense Financial Assistance Award Agreement (see agreement no. 22-090).
- Staffing updates.
- Currently there are 6 pending murder cases; three of those cases should be resolved soon.
- All new offices have been moved into.

- Mr. Bazzoli will be gone the week of September 12th.

Juvenile Detention:

3:03 p.m. to 3:14 p.m.

- Population has fluctuated between 20 and 32.
- Staffing updates.
- School started and is going well. Review of the outside organizations and programs Rob King brings to Juvenile Detention.
- Housing agreements will be coming to the Board shortly; the per day charge will remain at \$210.
- Four new Detention Officers have received their Basic Juvenile Detention Officer certificates.
- Jodi McAbee will take over the garden when Craig Olson retires.
- Commissioner Smith let Director Brown know that Director Rice will be contacting him regarding pay information; Bosco Baldwin may be able to help with some of the positions that have been difficult to fill; Mr. Decker will assist in getting the word out via social media on some of the positions in most need.

Misdemeanor Probation:

3:14 p.m. to 3:18 p.m.

- DUI diversion program is being revisited; a stakeholder meeting will take place later next month.
- Commissioners Smith and Van Beek are supportive of Director Breach closing his office one afternoon in order for all staff to attend a teambuilding event. Director Breach will reach out to Director Schwend about doing an event at the park.
- In July they had 939 people on active on probation, 520 bench warrant cases and 230 community service cases.
- Four employees will be attending the upcoming IJAA conference; scholarships have been provided so there will be minimal cost to the county.
- The senior probation officer has been working with the Assistant Director to revamp the FTO program which is coming close to being finished.

The meeting concluded to 3:18 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Hanson Janitorial in the amount of \$3,159.70 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Douglas Schofield Hart, Chief Deputy Sheriff.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:52 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to issue an initial denial on case no. 2022-516 with a written decision within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek made a motion to sign the lien releases on case nos. 2020-303, 2009-746, 2010-1404 and 2019-425. The motion was seconded by Commissioner Smith and carried unanimously.

Ms. Baker spoke to the Board about case no. 2006-319 (Perry family) this case and situation was previously brought before the Board where the decision was for full payment to be made. Ms. Baker believes that to receive the full amount it would have to be pursued thru probate. Ms. Perry recently contacted Director Baker with an offer to pay half the remaining amount of \$6514.85, half being \$3257.43. Commissioner Van Beek believes the cost of pursuing probate would exceed the cost of the secondary half payment and in the interest of time and legal fees she is in favor of the offer. Commissioner Smith suggested counter-offering with a payoff amount of \$4000 as the home was sold. Commissioner Van Beek concurred with the counteroffer of \$4000.

The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Director of Indigent Services Yvonne Baker (left at 9:07 a.m.), Indigent Case Manager Kellie George (left at 9:07 a.m.), Facilities Director Rick Britton (left at 9:22

a.m.), Controller Zach Wagoner, Solid Waste Director David Loper (left at 9:22 a.m.), Cpt. Harold Patchett (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Master Agreement Software & Support License with Computer Arts, Inc. / Harris:

Ms. Klempel said this is just an updated contract which she has reviewed – there are essentially no changes from last year’s contract. Director Baker confirmed there are no changes to the cost and that this has been budgeted for in FY23. In response to a question from Commissioner Van Beek, Ms. Baker explained this system is used for casefile management, burials as well as reimbursement accounts that the Indigent Services department oversees. Mr. Wagoner spoke about the responsibilities that still remain with the county in regard to indigent services. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Master Agreement Software & Support License with Computer Arts, Inc./Harris (see agreement no. 22-092).

Consider signing addendum to agreement no. 22-023: Director Britton and Captain Patchett spoke about how inmates housed in pod 5 will be relocated during the roof replacement and that they don’t think the addendum needs to be signed. Captain Patchett said they are putting pieces in place now to empty the facility and hope to have it fully empty by after Labor Day. No action was taken on this item.

Consider signing agreement with Young Elevator Inc.: Director Britton spoke about the company and how he would like to move away from NW Elevators as there have been many problems with the elevators in the admin building and often have a difficult time getting parts for repairs. Director Britton doesn’t feel like he’s gotten the service required from NW Elevators. The hourly rates are relatively the same as between the two companies. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement with Young Elevator Inc. (see agreement no. 22-091). Ms. Klempel said there is no legal reason not to sign.

Authorize the execution of Idaho Power Service Request: 3-phase power re-build/line extension for Pickles Butte Landfill Gas System Project: Director Loper explained that for the landfill gas system 3-phase power will be necessary for the skid station and flare station. He spoke about the due diligence that has been done in deciding where and how the 3-phase power will be implemented at the landfill. Idaho Power has already done the design work, they now just need to do the construction portion, however they do require payment up front. Commissioner Van Beek made a motion to authorize the execution of Idaho Power Service Request: 3-phase power re-build/line extension for Pickles Butte Landfill Gas System Project. At the request of Commissioner Smith, Commissioner Van Beek amended her motion to allow Director Loper to sign the service request. The motion was seconded by Commissioner Smith and carried unanimously. A copy of the service request is on file with this day’s minutes.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 9:22 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:28 a.m. with no decision being called for in open session.

The meeting concluded at 9:28 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY ABNER RAMIREZ, REPRESENTING LEWIS CROSSING SUBDIVISION FOR A PLAT VACATION, CASE NO. VAC2022-0001

The Board met today at 10:15 a.m. for a public hearing to consider a request by Abner Ramirez, representing Lewis Crossing Subdivision for a plat vacation, case no. VAC2022-0001. Present were: Commissioners Keri Smith and Leslie Van Beek, Planning Official Dan Lister, Planner Jenna Petroll, Ricardo Buenrostro, another interested citizen and Deputy Clerk Jenen Ross.

Commissioner Smith noted for the record that prior to the hearing there was conversation about Idaho Code requiring the applicant to cover costs and Idaho Code section 50-1324; nothing about the merits of the case just technical information.

Ms. Petroll provided the staff report stating that the applicant is requesting a plat vacation to remove plat note #14 regarding fire sprinklers requirements from the Lewis Crossing Subdivision plat. In 2006 the Lewis Crossing Subdivision final plat was recorded, plat note #14 states that residential fire sprinklers are required in all residences installed in accordance with NFHA 130 and Nampa Fire Department. Based on review of the decision made regarding the plat, the plat note was placed on the plat by the developer not as a requirement by the Board of County Commissioners. No agency comments were received for the Board hearing. Comments were received for the planning & zoning commissioner hearing as follows:

- Nampa Engineering had no comment
- Nampa Fire district is in favor of removing the plat note
- Nampa Highway district has no objection to removing the plat note

No comments were received for the Board hearing from the public, however a comment from Mr. Bart Buchendorf was received expressing his concern of a potential home-based business at the subject property and asked about the building size required for fire sprinklers. Mr. Buchendorf's concerns were addressed by Ms. Petroll.

Staff is recommending approval of the application and has provided FCOs for Board consideration.

In response to a question from Commissioner Smith, Ms. Petroll said that the last vacant lot in the subdivision is the applicant's and she was only able to find one house in the subdivision that has installed fire sprinklers.

Mr. Buenrostro said he is here on behalf of Abner Ramirez in the event the Board had any questions.

Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek made a motion to approve the vacation of the plat, which was clarified by Commissioner Smith, to approve and direct staff to amend the FCOs to include the findings for 50-1324 and correction that the applicant bore all the costs. Commissioner Smith also clarified that it was legally noticed for the entire subdivision and seconded the motion. The motion carried unanimously.

The Board will sign the FCOs once they are updated with the corrected language.

The hearing concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE TREASURER'S TAX CHARGE ADJUSTMENT BY PIN FOR JULY 2022

The Board met today at 10:28 a.m. to consider signing the Treasurer's tax charge adjustment by PIN for July 2022. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. The total amount to be adjusted is (\$1281.78). Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Treasurer's tax change adjustment by PIN for July 2022. The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(1) (B), (D) AND (F) REGARDING PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Smith made a motion to go into Executive Session at 2:03 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Clerk Chris Yamamoto and Brian Baughman with The Hartwell

Corp. The Executive Session concluded at 3:13 p.m. with no decision being called for in open session.

A follow-up meeting will be scheduled for September 12, 2022 at 9:00 a.m.

MEETING WITH ELECTED OFFICIALS TO DISCUSS SECOND ADMINISTRATION BUILDING OFFICE SPACE

The Board met today at 3:16 p.m. with elected officials to discuss a second administration building office space. Present were: Commissioners Keri Smith and Leslie Van Beek, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Facilities Director Rick Britton, PIO Joe Decker and Deputy Clerk Jenen Ross.

A roundtable discussion was had regarding considerations for a new administration building. The discussion topics included moving the entire Sheriff's Office, including dispatch, to the new building; accommodation of parking; relocation of the Public Defender's department; space needs for the elections department, and both juvenile and misdemeanor probation. General consensus is for a building that is 4-5 floors with 2-3 being parking, 1 for the Sheriff's Office and 2 shell floors. Other discussion surrounded the use of CMGC for some of the upcoming building projects which is supported by the elected officials; and the workability and configuration of Nampa PD's building which Director Britton will request a tour of. With direction of the Board and the other elected officials Director Britton will compile a scope of work.

The meeting concluded at 4:03 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM
CALDWELL, IDAHO SEPTEMBER 2, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Dylan D. Evans, Deputy Coroner.

SEPTEMBER 2022 TERM
CALDWELL, IDAHO SEPTEMBER 6, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – OUT (Participated via conference call)
Deputy Clerks Monica Reeves

There were no Board of Equalization matters that came before the Board.

APPROVED CLAIMS

- The Board has approved claims 587656 to 587694 in the amount of \$217,873.77
- The Board has approved claims 587914 to 587934 in the amount of \$54,728.92

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Arco Engineered in the amount of \$4,714.00 for the Facilities Department
- Quality Communication the amount of \$3,267.00 for the Information Technology Department
- Dell in the amount of \$1,284.72 for the Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Cameron Goetz, Deputy Sheriff; and Paige Sutter, Comm. Officer, Dispatch.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Craft Lounge to be used 9/17/22; The Tower Grill to be used 9/9/22 and 9/27/22; and The Hop House to be used 9/10/22.

FILE TREASURER'S MONTHLY REPORT

File in minutes the Treasurer's monthly report for July 2022.

LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:56 a.m. for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Juvenile Detention Director Sean Brown, Deputy PA Zach Wesley, Deputy PA Alex Klempel, Captain Harold Patchett, and Deputy Clerk Monica Reeves. The items were considered as follows:

- ***Juvenile Detention Housing Agreements with Boise County, Washington County; and Payette County*** - The agreements are the standard form and the price for each stayed the same. Director Brown reviewed the cost information and said next year the cost will go up. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the Juvenile Detention Housing Agreements with Boise County, Washington County, and Payette County. (Agreement Nos. 22-093, 22-094, and 22-095.)
- ***Amendment No. 2 to Food Services Agreement with Summit Food Services for Southwest Idaho Juvenile Detention Center; and Amendment No. 8 to Food Services Agreement with Summit Food Services for Canyon County Jail*** - Captain Patchett said Summit is proposing a 12% increase for the jail food service agreement. Originally, they asked for an 18% increase but it was negotiated down to 12%. The increase is due to the company having to increase employee wages. The price per meal went from \$1.53 to \$1.72. Director Brown said on the juvenile detention food services agreement increased 47% for meals and 147% for snacks. The costs are reimbursed back to the County through the school lunch program. The last increase was five to six years ago. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign Amendment No. 2 to Food Services Agreement with Summit Food Services for Southwest Idaho Juvenile Detention Center (Agreement No. 22-096); and Amendment No. 8 to Food Services Agreement with Summit Food Services for Canyon County Jail (Agreement No. 22-097).

The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

CANVASS AUGUST 30, 2022 ELECTION RESULTS

The Board canvassed the August 30, 2022 election results. The certification documents are on file with this day's minute entry.

MEETING WITH DEVELOPMENT SERVICES DEPARTMENT TO CONSIDER REFUND REQUESTS

The Board met today at 10:28 a.m. to consider refund requests for the Development Services Department. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Office Manager Jennifer Almeida, Sr. Administrative Specialist Pam Dilbeck, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing a resolution to issue a refund to Betty Lanum for a withdrawn conditional use permit application - Betty Lanum applied for a CUP for an RV park and chose to withdraw the request due to some of the requirements from health department in the sizing of her septic system and she opted to apply at a later date. Staff is recommending a partial refund of fees in the amount of \$425 based on the work that was done on the case. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to issue a refund to Betty

Lanum in the amount of \$425 for a withdrawn CUP understanding that 50% of the fee was used by staff time. (Resolution No. 22-175.)

Consider signing a resolution to issue a refund to Belman Miranda for a withdrawn conditional rezone application – Belman Miranda applied for a conditional rezone and after staff review of the case he has opted to withdraw the conditional rezone application and apply for a nonviable administrative land division instead. Based on the time staff spent on the case, DSD is recommending 85% of his fees be refunded in the amount of \$1,049.75. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the refund to Belman Miranda on a withdrawn conditional rezone application and issue a refund in the amount of \$1,049.75. Resolution No. 22-176.)

Commissioner Smith asked DSD staff to check on the status of a pending ordinance amendment. The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DEL ROSARIO ESTATES NO. 3, CASE NO. SD2022-0012

The Board went on the record today at 10:32 a.m. to reschedule the public hearing regarding the request by Erick McLaughlin for approval of a Short Plat for Del Rosario Estates No. 3, Case No. SD2022-0012. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Monica Reeves. A request has been made to table the case to September 29, 2022. There were no interested parties at today's proceeding. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to table this case to September 29, 2022 at 10:30 a.m. The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:32 p.m. to consider the September 6, 2022 afternoon action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via conference call, Coroner Jennifer Crawford, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, HR Director Kate Rice, HR Generalist Jennifer Allen, HR Generalist Demi Etheridge, Solid Waste Director David Loper, DSD Office Manager Jennifer Almeida, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing a resolution adopting changes to a job description in the Assessor's Office – There is a vacancy in the GIS/Land Records Supervisor position so Assessor Stender wants to update the job description to reflect the responsibilities of the position. The pay range will remain the same. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board

voted unanimously to approve the resolution adopting changes to a job description in the Assessor's Office for the GIS/Land Records Supervisor position. (Resolution No. 22-177.)

Consider signing a resolution for the addition of one position to the Coroner's Office – Coroner Crawford is requesting a part-time autopsy technician position to assist with the workload. The position was included in the FY2023 budget and will not be filled before October 1. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution for the part-time autopsy technician position. (Resolution No. 22-178.)

Consider signing a resolution for the addition of one (1) position in the Solid Waste Department – An Environmental Compliance/Safety Manager position was included in the FY2023 budget and will primarily be responsible for the new landfill gas system that will be installed in FY2023. The landfill in general has many environment compliance processes that this position can track. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution for the Environmental Compliance/Safety Manager position. (Resolution No. 22-179.)

Consider signing a resolution adopting changes to one (1) job title and description in the Development Services Department – Commissioner Smith requested to discuss this item in Executive Session which was held as follows:

EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 2:43 p.m. pursuant to Idaho Code, Section 74-206(1) (b) to discuss a personnel matter. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via conference call, HR Director Kate Rice, HR Generalist Jennifer Allen, DSD Office Manager Jennifer Almeida, and DSD Planner Elizabeth Allen. The Executive Session concluded at 3:01 p.m. While in open session, the Board considered a resolution to adopt a change to one job title and job description in the Development Services Department to move the Economic Development position to a new position, a Community Outreach Specialist. The pay ranges are the same; the job descriptions are changed and instead of reporting to economic development and the director, this position will report to a long-range planner. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve adopting the changes to the job title and description in the Development Services Department. (Resolution No. 22-180.) A status change form will be processed by the HR staff. The meeting concluded at 3:03 p.m.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

WORKSHOP WITH THE CITY OF MIDDLETON AND THE MIDDLETON URBAN RENEWAL AGENCY TO FURTHER DISCUSS THE URBAN RENEWAL PLANNING AND DRAFT PROJECT PLANS FOR THE PROPOSED REVENUE ALLOCATION AREAS

The Board met today at 3:08 p.m. for a workshop with the City of Middleton and the Middleton Urban Renewal Agency to further discuss the urban renewal planning and draft project plans for the proposed revenue allocation areas. Present were: Commissioners Keri Smith and Leslie Van Beek, Middleton City Clerk Becky Crofts, Amy Woodruff with Civil Dynamics, Attorney Meghan Conrad, Middleton Public Works Director Jason Van Gilder, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Treasurer Tracie Lloyd, Senior System Analyst Steve Onofrei, Steve Fultz from the City of Caldwell, Mark Wendelsdorf, and Deputy Clerk Monica Reeves. Ms. Crofts said on June 2nd they met with the Board concerning two urban renewal districts, the East District and the West District, and after a lot of discussion they have decided not to pursue the West District at this time. At the last meeting the Board requested information on the project planning and there was discussion on whether they were going to exclude some areas. A PowerPoint presentation was given and a copy is on file with this day's minute entry. Highlights were as follows:

Reviewed maps showing the new planning boundary for the RAA for the east area.

Planned Improvements

Regional Utility Infrastructure

- Water Utility Loop Beneath Boise River
- Recycle Water Treatment and Distribution
- Regional Natural Gas Connections
- Power Grid Improvements

Redevelopment of Infrastructure

- Roadway, Trails, Water, Sewer Supporting Location Specific Projects

Regional Roadway Connections

- Widen and Straighten Middleton Road Corridor
- Boise Bridge Replacement within Middleton Road
- Duff and Middleton Intersections

Urban Core Redevelopment

- Jogging Trail Connections to Middleton Place Park and Foot Park
- River Park and Trail System to Reactivate the River Corridor
- Crane Creek Commercial Center
- Parking Facilities to Encourage Destination Recreation

Next Steps – Updated Plan Approval Timeline

- September 19, 2022 – Agency consideration of the Plan

- October 4, 2022 – BOCC consideration of intergovernmental agreement and transfer of powers ordinance
- October 11, 2022 – Middleton P&Z regarding conformity with the comprehensive plan
- October 14, 2022 – First publication notice of the city council public hearing and delivery of the plan and meeting notice to the overlapping taxing entities
- October 28, 2022 – Second publication notice of the city council public hearing
- November 16, 2022 – City council public hearing and ordinance readings follow

There were follow-up questions from the Board regarding the growth rate; sustainability of the plan and ensuring services are provided; residential components of the plan; and the importance of commercial corridor. Commissioner Van Beek likes the plan as presented. Assessor Stender said the Assessor's Office will provide information that will go into the feasibility study and asked where does the city expect to have the feasibility component to the plan so the elected officials can review it. Meghan Conrad said it has to be done by the time the agency would be considering the plan so they are anticipating it within the next week or two, and it's possible they may have to shift some of the dates to accommodate the timeline. Assessor Stender said when he's heard Mayor Rule talk about the plans he has said he wanted to develop commercial and industrial sites to bring jobs to Middleton. The south is designed to be residential on the map but if it defaults it would go back to industrial so if it ends up being built out as residential would the city consider de-annexing it from the plan. If the intent is to have a commercial industrial RAA where the residential typically doesn't fit, would that be up for consideration? He said it would not cause a base reset if they de-annex so it wouldn't theoretically crush the plan. Ms. Crofts wants to look at the numbers and see how they come in compared to projects; they can answer that question when they come back. Commissioner Van Beek said as she understands it, the project has to have paid for the designated infrastructure on that before it can be released so that doesn't implode the plan. If it's done its job or is exceeding the projected revenue and the feasibility than there is no reason that it could not be released from that, but it cannot impugn the integrity of the plan. Meghan Conrad said to the extent there are any debt obligations out there or reimbursement obligations related to certain public infrastructure improvements those would have to be paid off before there is any release of parcels that generate income. De-annexation is always a possibility. Assessor Stender asked if the intention is to have the parcels that are outside city limits annexed in if something is built on it. Ms. Conrad said that is correct. No Board action was required or taken. The meeting concluded at 3:40 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **OUT IN THE MORNING**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerk Monica Reeves

APPROVED CLAIMS ORDER NO. 2225

The Board approved payment of County claims in the amount of \$1,802,839.38 for a County payroll (approved electronically)

PUBLIC HEARING TO CONSIDER A PRELIMINARY PLAT FOR RIDGELAND ESTATES SUBDIVISION,
CASE NO. SD2020-0036

Due to a lack of quorum, this case was rescheduled to September 14, 2022 at 9:00 a.m.

MEETING WITH THE CITY OF CALDWELL REGARDING APPOINTMENT TO THE CALDWELL URBAN
RENEWAL AGENCY BOARD

The Board met today at 1:33 p.m. with the City of Caldwell regarding the appointment to the Caldwell Urban Renewal Agency Board. Present were: Commissioners Keri Smith and Leslie Van Beek; Assessor Brian Stender; Caldwell Mayor Jarom Wagoner, Caldwell Attorney Mark Hilty, and Caldwell City Clerk Debbie Geyer, who participated via Zoom; and Deputy Clerk Monica Reeves. On August 30, 2022, the Board appointed Commissioner Van Beek to serve as the County's representative on the Caldwell Urban Renewal Agency Board through January of 2023. Mark Hilty, the attorney for City of Caldwell, said he learned the day of the city council meeting that the council may not approve Commissioner Van Beek's appointment so he thought it better to continue the matter and look at how to deal with the issue. From his perspective, the city wants to honor the intent of the intergovernmental cooperative agreement and have County representation on the URA board given the fact that a significant portion of the new area was outside the city limits. There remains no concern about the principle of having some County representation on the board; the problem they did not foresee is having a nominee who is not acceptable to the council and that raises some legal issues about whether a former city council can contractually bind a future council to vote a certain way on an appointment. He is looking for a way to resolve the issue without having to come to a dispute with the County about what the contract means and what happens if the nominee is not appointed, etc. One way to do that is to maybe have somebody besides Commissioner Van Beek be the nominee, or, we can run the nominee through the council and see what they decide. Mayor Wagoner said the council agrees with the County having a representative on the URA board. Commissioner Van Beek said when the Board of Commissioners passed its resolution it was for a temporary appointment until January, 2023. Commissioners White and Smith both declined to serve, but she is willing to serve. ElJay Waite serves as her treasurer and she has worked with him on understanding the feasibility studies and how urban renewal works so she was the logical choice from the County's side to sit on the board until January when the appointment is re-evaluated. Additionally, the County hopes to have a DSD Director in place at that time. Commissioner Smith said when she fielded phone calls on this topic she stressed that it was a temporary appointment. She is okay with a temporary appointment and will agree to serve for the remainder of the year, however, her term on the BOCC

ends in January but she would agree to serve on the URA board if the new BOCC wants her to continue serving. Commissioner Van Beek said the only problem she sees is in that period is that a sitting Commissioner would not be privy to the information. Commissioner Smith said perhaps the representative should be the person who holds the BOCC District 2 seat as it covers the City of Caldwell; she would serve temporarily and then encourage the appointment of Brad Holton who will take office in January as the District 2 Commissioner. Commissioner Van Beek suggested her nomination be taken back to the council as a three-meeting appointment. She said the incoming Commissioners should have the ability to have some say-so as we divvy up responsibilities going forward. Commissioner Smith said we need to make an appointment and if Commissioner Van Beek is not willing to do it then we have to wait for Commissioner White to come back and then move forward with an appointment. She said she spoke to two council members and they are fully aware that Commissioner Van Beek's appointment was for a short-term commitment but there was still concern. Commissioner Van Beek's opinion is the nomination should be taken back to the city council as a short-term nomination. Mayor Wagoner said perhaps it needs to have a term date ending December 31, 2022 rather than through 2025. Also, he doesn't know what the outcome will be if the nominee is still Commissioner Van Beek. Debbie Geyer noted that the County's resolution stated the appointment is through January 2023, but when it was put on the council's agenda it had a date of 2025 which reflected the expiration date of Steve Fultz's term. Commissioner Smith said she supports Commissioner Van Beek's appointment because she knows she supports urban renewal. It was decided the Board of Commissioners will meet on Friday to decide on an appointment or affirm its previous decision. The meeting concluded at 1:50 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Monica Reeves

APPROVED CLAIMS

- The Board has approved claims 587550 to 587584 in the amount of \$95,465.77
- The Board has approved claims 587585 to 587620 in the amount of \$55,961.67
- The Board has approved claims 587621 to 587622 in the amount of \$75,800.00
- The Board has approved claims 587623 to 587655 in the amount of \$87,956.68
- The Board has approved claims 587695 to 587700 in the amount of \$1,295.00
- The Board has approved claims 587701 to 587731 in the amount of \$49,031.33
- The Board has approved claims 587732 to 587776 in the amount of \$77,750.21
- The Board has approved claims 587777 to 587796 in the amount of \$10,992.00
- The Board has approved claims 587797 to 587822 in the amount of \$13,371.24

- The Board has approved claims 587823 to 587858 in the amount of \$191,427.02
- The Board has approved claim 587935 ADV in the amount of \$191.25
- The Board has approved the July Jury claim in the amount of \$7,282.61
- The Board has approved the Aug Elections claim in the amount of \$18,183.00
- The Board has approved claims 587859 to 587886 in the amount of \$16,764.01

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ESRI, Inc., in the amount of \$1,890.96 for the Information Technology Department
- Dell in the amount of \$1,554.96 for the Information Technology Department
- Boise Appliance in the amount of \$6,045.09 for the Facilities Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for County Line Wine to be used 9/10/22 and 9/16/22; Gem Lounge to be used on 9/17/22; and H&M Meats and Catering to be used on 9/17/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Karlee Kirschner, Deputy Public Defender; and Sheleen Young, Print Design Coordinator.

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:49 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. Case No. 2022-518 meets the eligibility criteria for cremation assistance and upon the motion of Commissioner White and second by Commissioner Van Beek, the Board voted unanimously to approve the case with a written decision to be issued in 30 days. Liens and lien releases were presented for Board approval. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-497

The Board met today at 8:57 a.m. to conduct a medical indigency hearing for case no. 2022-497. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy P.A. Alex Klempel, Attorney Kevin Griffiths for St. Alphonsus and Deputy Clerk Monica Reeves. Following testimony provided by Kellie George and Kevin Griffiths, Commissioner White made a motion to agree with St. Alphonsus's decision to withdraw the application. The motion was seconded by Commissioner Van Beek and carried.

unanimously. The hearing concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-501

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2022-501. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy P.A. Alex Klempel, Attorney Kevin Griffiths for St. Alphonsus and Deputy Clerk Monica Reeves. Following testimony provided by Kellie George and Kevin Griffiths, Commissioner White made a motion to continue the case to October 20, 2022 at 8:45 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-128

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2022-128. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy P.A. Alex Klempel, and Deputy Clerk Monica Reeves. Following testimony provided by Kellie George, Commissioner White made a motion to issue a final denial with a written decision in 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER SIGNING ACTION ITEMS

The Board met today at 10:01 a.m. to for a legal staff update and to consider signing action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Alex Klempel, Deputy PA Oscar Klaas, HR Director Kate Rice, Benefits and Training Coordinator Nicole Ahlstrom, Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Clerk Chris Yamamoto, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing Services Agreement with Preventative Health, LLC – The agreement is for the onsite health screening and flu shots. The County pays \$25 per flu shot, where in years past the County had paid \$120-\$125 per shot. Legal has reviewed the agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the services agreement with Preventative Health, LLC. (Agreement No. 22-098.)

Consider signing Amendment No. 3 to Agreement No. 20-011 Employer Service Agreement with JobScore - This is the annual renewal of the agreement for the applicant tracking and online application system. This year's cost is a 3% increase over last year's amount. The agreement has been reviewed by Legal. Upon the motion of Commissioner Van Beek and the second by

Commissioner Smith, the Board voted unanimously to sign Amendment No. 3 to Agreement No. 20-011 Employer Service Agreement with JobScore. (Agreement No. 22-099.)

Consider signing Temporary Use Agreement for Polling Places with the Church of Jesus Christ of Latter-Day Saints - Clerk Yamamoto and the Elections staff discuss the agreement which is the temporary use agreement the church uses for its facilities. The County has identified issues in Section 7 and 10 of the agreement, however, the church will not make changes to its form. The Elections Office is desperate for polling locations. Deputy PA reviewed the agreement and identified the potential issues. The PA's Office recommends not signing the contract from a legal perspective, but the Board has discretion to say it has competing interests and it could determine that having these polling places is a weightier interest than avoiding signing this contract. The Board had follow-up questions for staff and Legal. There is no fee associated with using the site. Commissioner Smith is okay with signing the agreement understanding we have to comply with the state and federal law regarding elections. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign temporary use agreement for polling places with the stipulations as provided by Legal. (Agreement No. 22-100.)

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LITIGATION

Note for the record: As properly noticed the Board met today at 10:27 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with Legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:

Commissioner Smith made a motion to go into Executive Session at 10:27 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Alex Klempel, and Deputy PA Oscar Klaas. The Executive Session concluded at 10:51 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO DISCUSS TAXING DISTRICT EXTENSION REQUESTS, AND TO CONSIDER SIGNING A NOTICE OF PUBLICATION OF FY2022 BUDGET ADJUSTMENTS

The Board met today at 10:51 a.m. to discuss tax district extension requests, and to consider signing a notice of publication of the FY2022 budget adjustments. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, Captain Harold Patchett, Larry Stevenson, and Deputy Clerk Monica Reeves.

Steve Onofrei reported there are five taxing districts who have requested extension requests in the filing of the levy certification: Caldwell School District, Kuna School District, Vallivue School District, West Ada School District, and the City of Middleton. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the resolution granting the taxing district requests as presented. (Resolution 22-181.)

The Board reviewed the notice of publication for FY2022 budget adjustments:

Juvenile Detention: \$100,000 increase for personnel and operating costs to provide essential juvenile detention public safety services.

County Weed Control: \$30,000 increase for increased workload and unanticipated increased operating costs for fuel, chemical supplies and vehicle maintenance.

Treatment Courts: \$60,000 increase for staffing and operational costs to support self-funded treatment court operations.

Court Facilities: \$150,000 increase for investment in court facilities funded by restricted court surcharge fees.

Development Services: \$340,000 increase for additional personnel related to workload requirements.

American Rescue Plan Act: \$635,625 increase from ARPA fiscal recovery funds for COVID-19 mitigation providing radio equipment for public safety and first responders.

Office/Department	FY 2022 Adopted Budget	FY 2022 Budget Adjustment	FY 2022 Amended Budget
Development Services	\$ 2,503,461	\$ 340,000	\$ 2,843,461
Juvenile Detention	\$ 2,549,391	\$ 100,000	\$ 2,649,391
County Weed Control	\$ 353,695	\$ 30,000	\$ 383,695
Treatment Courts	\$ 414,672	\$ 60,000	\$ 474,672
Court Facilities	\$ 62,500	\$ 150,000	\$ 212,500
American Rescue Plan Act	\$ 6,169,045	\$ 635,625	\$ 6,804,670
Total		\$ 1,315,625	

Commissioners Smith and Van Beek had questions which were answered by Controller Wagoner. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the notice of publication for the FY2022 budget adjustments. The hearing will be held on September 22, 2022 at 10:30 a.m. to receive public comments. The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner Smith made a motion to go into Executive Session at 11:03 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Van Beek and Smith voting in favor of the motion to enter

into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Doug Waterman, Steve Jenkins, and representatives from Project Imagine. The Executive Session concluded at 11:48 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY SAMUEL & MARIA GARCIA, GISELLE GARCIA & LYNETTE GARCIA FOR A REZONE AND SHORT PLAT FOR LAKHOTA SUBDIVISION, CASE NOS. RZ2021-0025 AND SD2021-0014

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of a request by Samuel & Maria Garcia, Giselle Garcia & Lynette Garcia for rezone of approximately 2.71 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Also requested is a Short Plat for Lakhota Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Lynette Garcia, Jesse Christensen, Rachel Johnson, and Deputy Clerk Monica Reeves. This is a second hearing for this case; the first hearing was held on August 1, 2022. Dan Lister gave the oral staff report. The subject property is located on the west side of Lakhota Lane. On August 1, 2022, the Board of County Commissioners found the request could not be supported for three findings: The requested rezone was not more appropriate than the agricultural zone; it is not compatible with surrounding land uses; and it would have a negative impact on the character of the area. A draft development agreement with conditions has been submitted by the applicant if they are allowed to amend the application and rehear the case. The conditions limit it to the division being requested, and no secondary dwellings would be allowed on the parcels and therefore would not have a net increase of any residential use. The property is located within a residential designation on the future land use map. The area is mostly rural residential, and is predominately agricultural. The parcel is not prime farm ground. Keller and Associates found the short plat to be compliant with County code. The Hearing Examiner recommended approval of the rezone and short plat on May 18, 2022. The Board's hearing today was noticed for a recommended denial based on the outcome of the August 1, 2022 hearing. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Lynette Garcia testified she learned from the last hearing and recognized they did not fully understand the implications of an R-1 rezone application. When they bought the property, they inherited the application from the previous owners and they did not question their decision to submit for a straight rezone. After the August 1st hearing, the Garcias agreed with the Board's concerns, but they do want to move forward with the plat to build two homes so they are seeking to amend their application to a conditional R-1 rezone. They agree to limit the property to one division and no secondary dwellings will be allowed on the resulting two lots.

Jesse Christensen is the project engineer and he worked with the previous owner on their R-1 application. He did not realize a conditional rezone would be a better option but he and the Garcias are now working towards that. He gave testimony regarding water rights and

conversations they have had with the irrigation district, as well as the shared private driveway and conversations with the fire chief who has approved of the access.

Rachel Johnson is the realtor for the Garcia Family and she supports their request as their modest acreage homes will complement the surrounding area. Furthermore, having two separate parcels will allow ease of financing on the homes.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said she likes the change to a conditional rezone. She believes the applicant bought the property in good faith, it has limited agricultural use, and the request has passed muster with the Hearing Examiner. She appreciates the engineer's testimony that there is movement to have the fire district sign off on the cul de sac, and there is movement from the Boise Project Board of Control to get water rights to the property. The size of the properties in the area are large enough and given the willingness to limit additional housing she feels this will be better in the long run as opposed to a secondary residence. She is in favor of amending the findings to incorporate the new FCO's to limit the parcels to one subdivision and prohibiting secondary dwellings. Commissioner White is in favor of moving forward with a conditional rezone. Commissioner Smith said given the willingness of two Commissioners to move forward, the case will be tabled to allow time for the applicants to pay the appropriate fees and re-notice the hearing. Commissioner Van Beek made a motion to table the case indefinitely to allow the applicant and staff to work together on a new hearing date. Commissioner White seconded the motion and thanked the applicants for the time they put into the case. Commissioner Smith said her position has not changed, and she believes future Commissioners will use a conditional rezone as precedence which is sad for the wine country and the agricultural community out there. Commissioner Smith is opposed to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 2:15 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 9, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Monica Reeves

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- W2W Flooring in the amount of \$15,513.75 for the Facilities Department

PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT (INCLUDING IRRIGATION AND DRAINAGE)
FOR BELLA TOSCANA SUBDIVISION NO. 3

The Board met today at 9:04 a.m. to conduct a public hearing in the matter of a request by Laurie Bingham for approval of a preliminary plat (including irrigation and drainage) for Bella Toscana Subdivision No. 3. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Engineer Devin Krasowski, DSD Engineering Coordinator Stephanie Hailey, Todd Lakey, Pat Colwell, Harold Bingham, Heather Dunham, Dallas Jensen, Mark Dunham, Nancy McHugh, Ann Jensen, Andrew Johnson, Eldon Betz, Robert Greenwald, Barbara Parshley, Mindy Johnson, Steven Powers, Scott Jimmerson, Jenni Jimmerson, Sue Stark, Kathy Cammack, Cheryl Keniston, Terri Warren, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she toured the area with John Williamson as part of his operation; she has been on site and looked at the homes but there was no discussion about the case before the Board today. Deputy PA Zach Wesley said that does not create a conflict of interest that requires recusal. Commissioner Smith disclosed that she was contacted by the Smith Family who wanted to know how to stop the development, but she told them she could not discuss the case and encouraged them to look at the zoning ordinance and review the standards for approval.

Devin Krasowski gave the oral staff report. This is the third phase of Bella Toscana, a development in the Sunnyslope area with Phase 1 and Phase 2. The property was conditionally rezoned in 2003 from agriculture to rural residential and is subject to a development agreement which was modified in 2012. Notable conditions of the rezone include: construction of individual wells to public water system standards, minimum lot sizes of ½ acre on non-irrigated land and 1 acre on irrigated land, and a minimum average lot size of 1 acre on non-irrigated land and 2 acres on irrigated land; fire suppression provisions were to be coordinated with the fire district; lots with access to surface water for irrigation water are required to be connected to the pressurized irrigation system with operation and maintenance carried out by a water users agreement; stormwater and other traditional drainage shall be maintained onsite; interior roads must be paved public roads with the exception of public drives; the development must have an HOA and common areas maintained by the HOA; the development shall participate in improvements of Charleston Drive conducted by the highway district; the total number of lots within the development cannot exceed 150 lots; the developer must do traffic studies required by ITD; the development shall utilize clustering of lots and emphasize open spaces in an effort to enhance the open spaces and open fill of the development. For Bella Toscana No. 3, the subject parcels are approximately 50 acres when combined and the plat contains 15 residential lots which will have access via internal public roads. The area is in a DEQ-designated nitrate priority area meaning the groundwater quality has degraded due to nitrates; DEQ has identified 35 of these areas throughout the state which is intended to tell agencies and citizens where they should focus efforts to protect groundwater quality. This area is ranked 8 of 35 in DEQ's scoring system. The development plans to have individual septic systems and domestic wells. The application team has completed a nutrient pathogen study and is ready to submit it to the health department. A central pressurized irrigation system is proposed for the development utilizing existing shares in the Wilder Irrigation District. There was a review of agency comments. Keller Associates and DSD

staff have reviewed the preliminary plat including preliminary irrigation and drainage plans, and found them to be approvable, with the exception of rerouting some of the proposed pressurized irrigation lines. The P&Z Commission recommended denial and had general concerns about how this phase of the development and the associated improvements will fit into the overall plan for the remaining development, as well as specific concerns related to the conditions of the development agreement being met, domestic water supply and the impacts of the development to nearby groundwater users, lot size, fire suppression and traffic.

Commissioner Smith asked if staff did an analysis of the phasing requirements and said the zoning ordinance is pretty clear if they do not meet the two-year time requirement they have to start land use over again. Dan Lister said he doesn't believe this case had a timeframe inside the initial development agreement; it said upon termination or if conditions were not being met then staff can terminate based on that. The code at the time did not have the 2-year timeframe but when it was amended in 2012 we did have that code for the two-year timeframe but it was not included into this modification and it refers back to the original modification for the timeframe, but there is verbiage that talks about if conditions were not met, or if the case appears to be terminated staff could work on reverting the zoning back to an ag zone. The Board had questions of staff regarding the conditions and whether there has been compliance. Mr. Krasowski reviewed the conditions of approval highlighting the ones that are aimed at addressing the concerns of the P&Z Commission which are identified in the staff report.

The following people testified in support of the request:

Todd Lakey said the conditional rezone was brought by the Williamson Family and they are synonymous with farming in the Sunnyslope area since 1909. This was a long-term project and back then they talked about ag harmony which provided for development on least suited and moderately suited soils in certain areas. This rezone allowed the development of the property but allowed it to occur over time where they would develop portions as needed and keep other portions in agriculture for longer periods of time. Approval of a development agreement and conditional rezone in this case establishes rights and obligations. This is a preliminary plat, a technical review and it's not an opportunity to go back and revisit land use issues which have already been decided and it's inappropriate to address those issues now. The project meets the requirements of the ordinance and the development agreement. The entrance has been approved by the highway district and the phases will utilize stub roads. In 2003 there was extensive testimony and there was strong support from the agricultural operators in the area. Five hearings were conducted on this case from 2002 to 2003 and issues regarding location, lot size, density, community well, individual well, community wastewater vs. individual septic were all debated, discussed and decided at that rezone hearing and it is not appropriate to consider those issues today. Today's hearing is for technical compliance review. The application was approved for individual wells. The community well that was requested by the opposition was denied. Those in opposition wanted a community well and there were generic comments about how they were generally better, but there was no site-specific or geological or hydrological basis for their comments requesting a community well. The Williamsons were opposed to a community well. A community well drives up cost which means you have to have higher density to pay for it but that's

not what they wanted. They retained a professional engineer and hydrologist who did a hydrological and geological study and based on that analysis said individual wells and septic systems were a better option than a community well. Regarding the clustering of homes and lot size, it was a principle applied to help maintain an open feel; however, it was not intended to require clustering of lots or homes in every phase. They are willing to utilize building envelopes. They have concerns with some of the conditions:

No. 8 and No. 9: They do not feel the water system is appropriate; individual wells were determined to be more appropriate and better for the area than high volume community wells.

No. 2: It is appropriate to state they comply with highway district and ITD requirements. The additional provisions about adequate consideration of those kind of other things that is the County stepping into jurisdiction of ITD and the highway district.

No. 10: They need to comply with state law. Stating the lawns must be irrigated with surface water while the surface water is available. There is a pressurized irrigation system that provides irrigation to those lots with water rights. There are lots that do not have surface irrigation water rights and so that requirement would not fit. Compliance with state code and utilization of the pressurized irrigation system they have in place is what's appropriate.

No. 11: The condition deals with the hillside portions of the property and it seems redundant. The hillside ordinance does not prohibit development on the hillside areas, it just simply has additional requirements, and they will comply with ordinance versus saying there cannot be any development on slopes greater than 15%. The language should state any development on the hillside would have to comply with the ordinance. Discussion ensued.

No. 12: They have to comply with the minimum lot sizes. They are a minimum average of one acre and two acres, depending on whether it's dry or irrigated. The minimum size of ½ acre or 1 acre depending if it's dry or irrigated. It is not appropriate to use that to modify the development agreement. The language should state the applicant has to comply with the development agreement in the future phases. Further discussion ensued.

Commissioner Smith said Mr. Lakey said he doesn't know if the larger parcel is intended for development, but that is required as part of the development master plan in order for the Board to make a decision on the average lot size. Mr. Lakey said in approving the previous rezone and the development agreement the County agreed it was appropriate and the development could proceed under those conditions. Further, the development agreement limits some aspects of the ordinances. Commissioner Smith asked if staff did an individual analysis that conditions were met. Mr. Krasowski said he did not run down the checklist they use for checking compliance, but Keller Associates did. There was further discussion between staff and the Board.

Mr. Lakey said regarding the discussion about lots accessing onto Charleston Drive, which is an existing gravel road, there was a requirement that the applicant participate in Charleston improvements if that was the case. The highway district does not have any plans to improve Charleston and the applicant doesn't have any lots that access onto Charleston, nor do they want

to use Charleston. They are dedicating right-of-way for the highway district. This property will not impact Charleston Drive in any way.

Pat Colwell, the project engineer, offered technical testimony. This is the third phase of Bella Toscana which has been in process for 20 years. It's a slope progressing development, and the development agreement was signed in 2003. Phase 1 was platted in 2011 and Phase 2 in 2015. Harold Bingham has owned and lived in the first phase for about 12 years, and he has a vested interest in creating a quality development. The proposed lots in the subdivision to the west range from $\frac{3}{4}$ of an acre to 1.5 acre. They have reduced the number of lots in this phase from 28 down to 14. They have completed a nutrient pathogen study that will be submitted to DEQ and SWDH in conjunction with the subdivision engineering report. The report shows the subdivision will not negatively impact groundwater. They are not aware of any water quantity issues in the area; IDWR maps show the water levels have been steady in the monitoring wells for the last 14 years. The water quality in the area is not great, it has a slight sulfur smell. All the wells in Phases 1 and 2 have met the conditions of wells being cased all the way down to the aquifer as required in the conditions of approval. Wells in Phase 3 will also meet requirements. Regarding roadway and traffic, a deceleration lane from Hoskins Road to Morellino Way was previously constructed and is in place for what was originally anticipated to be a much larger subdivision. It is the only deceleration lane on Hoskins Road and is adequate for the relatively small number of lots that are currently in it and will eventually take access off Morellino Way. Golden Gate Highway District has reviewed the preliminary plat and has no objections. Storm drainage will be retained on site and pressurized irrigation will be provided to all lots, with one exception, they will move lines to get out of the 15% sloped area and they are happy to have that 15% area as a non-buildable area. All of the technical agencies have approved the preliminary plat, and it meets all of the conditions. Right now, the master plan for the 25 acres is to leave it open, and they have no objection if it doesn't have a building permit. Commissioner Smith said we are here today because the master plan has changed significantly, and the ordinance is pretty clear about requiring a master plan and so it appears that one doesn't exist. Mr. Colwell said we are here today because the preliminary plat has expired. The master plan is essentially the same as the one the Board saw. The roadways look almost exactly the same as they did previously, it's just that they cut the number of lots in half. There was further review and discussion. Commissioner Van Beek said she believes that what has been provided on the preliminary plat for what's under consideration, given that the applicant would have to go through the P&Z Commission, is sufficient for her. Mr. Colwell said they would be happy to strike the note. Commissioner Smith said she doesn't want there to be a race to the maximum number of developable lots. She is having a hard time understanding how that master plan met the development agreement. Mr. Colwell said it met the requirements and staff approved it; the P&Z Commission approved it, and the Board approved it. Commissioner White had follow-up questions for staff regarding conditions being met for Phases 1 and 2. Mr. Krasowski said he does not see Condition No. 1 in the development agreement being strictly met based on the construction of the few wells he looked at in the existing phases. Mr. Colwell said they pulled the well permits from IDWR and the casing is down to the aquifer. There are multiple ways to seal a well either through bentonite chips or through concrete, but nobody seals their individual wells with concrete. Commissioner Smith said if Condition No. 1 is unenforceable why don't we change it. Dan Lister said the P&Z Commission had questions where they don't believe

there is evidence the conditions have been met and asked how they can be met based on how they have been written. Mr. Colwell said the highway district has stated there are no plans to pave Charleston Road.

(The Board took a break from 11:08 a.m. to 11:17 a.m.)

Harold Bingham testified he is a managing member of the Bella Terra Group and is a native Idahoan who has lived in the Bella Toscana Subdivision for the past 10 years. He appreciates slow housing growth and wants the remaining 100+ acres to remain in farmland. He has 40 years of experience in the water industry. It's been said that the domestic wells of the Bella Toscana Subdivision have damaged or lowered wells in the area; however, it is a physical impossibility for Bella Toscana wells to have any impact on neighboring wells as the distances are too great. He spoke about well depth and his communication with IDWR who said there is no evidence of aquifer issues in the area; he has also talked to a representative with SPF Engineering who indicated there are no known water problems in the area. Mr. Bingham does not support a public water system the cost of which could be upwards of \$400,000, and he questioned how the HOA can be burdened with the cost of repair and maintenance; with only 14 lots there is no economy of scale. According to Mr. Bingham, the intent for the 25-acre parcel is to remain as farmland.

Dallas Jensen gave testimony on the topic of domestic wells and community wells. His experience is he would not want to manage a community drinking water well due to stringent testing requirements, maintenance issues, etc.

The following people testified in opposition to the request:

Barbara Parshley testified it was determined years ago that a community well was a better option than individual wells. She has spoken with IDWR, and they recommend a community well which will put less strain on the surrounding water. The science from 2003 to now indicates community wells are what we need. She stated the wells in the area have been affected where multiple people have had to deepen or drill new wells. There is also a concern that the Golden Gate Highway District has no plans to fix Hoskins Road. She gave further testimony regarding well monitoring issues; decrease in the aquifer; and that people are irrigating their land with well water. She objects to the minimum average lot size versus the minimum lot size and said the lot sizes need to be larger. Following her testimony, Ms. Parshley responded to questions from the Board. Andrew Johnson testified that the fire hydrant requirement for the second phase was based partly on testimony by the applicant that it would be available to the surrounding properties, but the fire department is not aware of that, and they said it does not service those who live in Bella Toscana Phases 1 and 2 and will not service Phase 3, nor does it service the houses in the surrounding area. He does not believe the requirements for Phases 1 and 2 were met until Phase 3 was in progress. He believes the project is too dense. He is concerned about road safety issues and wants access for the new houses to be farther to the east, so they are not at the base of the hill. The applicant previously said they would be willing to do a set off for the east side where vehicles were buried, but nothing has been said about that today. Following his testimony, Mr. Johnson responded to questions from the Board.

Robert Greenwald testified he has lost four feet of static water level in eight years and the filters have to be changed every 60-90 days as they are packed with black sand. Water quality has deteriorated, and he is concerned about the impact additional wells will have on his well. There are traffic and road safety concerns in the area.

Rebuttal testimony was offered by Todd Lakey. The land use has been decided, this a preliminary plat and so we are not here to decide if the area is appropriate or if lot size is appropriate. They have underlying approval that they are complying with. Regarding the community well, that was previously decided and vetted extensively in multiple hearings. Part of the testimony at the underlying hearing supporting individual wells and casing down to the aquifer, the hydrologist noted at the time that standards at that time only required they case down to 18 feet so a lot of the wells in the area may have that same design flaw. The more modern wells are at 300 feet, not at 50 feet. Mr. Lakey does not believe IDWR would not make a general statement that everything needs a community well. In this case, a site analysis was done and the geology has not changed. It's appropriate and the way the County should function that we leave the jurisdiction of the roads to the entities that have jurisdiction and expertise. The highway district has approved that plat, and they have to meet ITD requirements. The access point is where it is. They did make the applicant install a turn lane at the time, but they are meeting their requirements now. The 10,000-gallon tank was installed in Phase 1 as part of the initial development; the fire hydrant is used to refill the truck, we are not talking about running hoses from a hydrant to rural lots. If the fire district requires another hydrant in another location the developer is happy to do that. The wells have been cased and bentonite is a common practice to seal the wells. According to Mr. Lakey, the plat meets the technical requirements and is in compliance with the conditions of the development agreement. The reference to the 25-acre parcel to future development was unintentional and Mr. Bingham's testimony reflected that. There is a requirement that it be removed from the final plat and they are happy to do that. The plat meets the requirements and he is asking for Board approval.

Commissioner Smith said a lot of evidence has been submitted and she wants to continue the hearing to review and direct staff to do a thorough evaluation of compliance with the conditions of approval. She asked how staff is showing compliance with Condition #10 regarding Charleston Drive will be improved as additional lots are platted. Mr. Krasowski said he could spend more time on that. Commissioner Smith said Condition No. 1 should be amended and we should either show compliance or not. Regarding Condition No. 15, what is the evidence of open space? We don't have a master plan to show compliance with Condition No. 2, and either we give them time to figure it out or it's a basis for denial. She said compliance with conditions needs to be outlined. The public deserves to understand what the full development looks like. Commissioner Van Beek said the statement is this would still be a staged plan that would have to come back, it's not part of the development under consideration today. She has no problem with getting more information. Commissioner Smith said staff could work with the applicant on a master plan on whether it's applicable or not applicable, and what staff feels would meet that, and then have something showing compliance with all of the conditions of approval and the Board will leave public testimony open. Commissioner Van Beek made a motion to continue the hearing to

October 5, 2022, at 9:00 a.m. The motion was seconded by Commissioner Smith who wanted to clarify that the motion is to evaluate compliance with all of the conditions. Discussion ensued. Commissioner White wants to make sure the Board is not setting a precedent with its requirement for this case. Commissioner Smith said they need to show compliance with the development agreement, and she wants something on the record. She said the Board has had many master plans with phased development. Commissioner Van Beek shares Commissioner White's concern. The Board has questioned the applicant on what it is deciding on and not deciding on at this stage of the plan so lot size is not what it is deciding. The well casing discussion should not focus on Phases 1 and 2 because we cannot do anything about that. We could require the well casings exceed the standard and meet the static line and are backfilled with bentonite, that's a greater than minimum standard. She is looking at the testimony from Mr. Lakey, Mr. Colwell and Mr. Bingham. She does not understand why we would go back and require any review of Phases 1 or 2; we want to ensure and condition this to meet a well standard with a depth to an aquifer and support what is in this area. She has nothing to the contrary that it won't. Commissioner Smith said we should not condemn Phase 3 because of Condition No. 1, but we want to know how to move forward with conditions of approval and if Condition No. 1 is not enforceable and we cannot meet the standard then we should know that and this cannot be met so the right process is to amend the development agreement, or, staff and the applicant can come back and say here is how it will be complied with. There is a lot to these conditions that fall outside the wells. Commissioner Van Beek asked what is the goal of obtaining that information? Is it to enforce the reconstruction of a well that was done improperly? What is the end point of re-evaluating every well that's been installed in Phases 1 and 2. Commissioner Smith said development agreement #12-085, exhibit 6, states this agreement may be terminated and the zoning designation upon which the basis is used reverted to the previous zoning district upon failure by the owner to comply with the terms and conditions contained in this agreement. After the notice of the owner, pursuant to Section 3.1. It's a fair question to the public that we have evaluated that this agreement is being complied with and if it isn't, they have to start over again. She is not saying we are going to revert back, but we need more information that the development complies with the development agreement. Commissioner Van Beek said Pat Colwell testified he believes Phases 1 and 2 comply. Commissioner Smith said they have not gone through all the conditions and shown proof of compliance and Condition No. 10 is a good example. The only way to remove it is through an agreement amendment which is not in front of the Board today. In order to approve a preliminary plat, we have to comply with all the conditions of approval as stated. There is a motion to gather more evidence to ensure this is a fair process and that all conditions of approval have been met. Commissioner White said there is no problem with getting more information but wants to make sure the Board is not doing something for the first time that sets a precedent. Commissioner Smith said normally these do not live that long. The zoning ordinance requires them to be started within two years and completed in five years and the successive phases have to be completed within every 24 months. This one is different in comparison to anything else the Board has been paying attention to because of that perceived length of time for development. Mr. Lakey did provide good evidence that this was a longer development and so she believes there is good evidence to not kill the project because it didn't meet the five-year requirement, but that does not take away the fact that a prior Board committed this current Board to a long-term obligation and so because of that we need to comply with the conditions of approval because they

didn't go away, just like the rezone did not go away. Following discussion, Commissioner Smith said the motion is to table the hearing to October 5, 2022, at 9:00 a.m. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote with Commissioners Smith and Van Beek voting in favor. The hearing concluded at 12:26 p.m. An audio recording is on file in the Commissioners' Office.

CALDWELL URBAN RENEWAL AGENCY BOARD APPOINTMENT MEETING AND CONSIDER APPROVING AN ALCOHOLIC BEVERAGE TRANSFER LICENSE FOR IMBIBE, LLC DBA MCCLEARY'S

The Board met today at 12:28 p.m. to consider making an appointment to the Caldwell Urban Renewal Agency Board, and to consider an alcoholic beverage transfer license for Imbibe, LLC dba McCleary's. Present were: Commissioners Keri Smith, Leslie Van Beek, and Pam White, and Deputy Clerk Monica Reeves. Commissioner Smith said last week the Board appointed Commissioner Van Beek to the URA board and subsequently held a meeting with the Caldwell Mayor and attorney where they asked for a new nomination. Commissioner White said Assessor Stender recommended the appointee be the Commissioner whose district includes the City of Caldwell which would be the District 2 seat. Commissioner Smith will hold that seat until January 6 and a new Board takes office on January 9, 2023. Commissioner White made a motion to appoint Commissioner Keri Smith, who serves the District 2 Commissioner, to the Caldwell Urban Renewal Agency Board. The motion was seconded by Commissioner Smith. Commissioner Van Beek is not opposed, but to commit the seat going forward falls outside the scope of this Board of Commissioners because there are Commissioners who are retiring and new Commissioners are coming in. She supports having Commissioner Smith having appointed on a temporary basis. After January it is the prerogative of a new BOCC to assign the seat. She disagrees with making it seat-specific. Commissioner White recommends the District 2 Commissioner would be the representative on the Caldwell Urban Renewal Agency Board. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. (Resolution No. 22-189.)

Consider approving an alcoholic beverage transfer license for Imbibe, LLC dba McCleary's - Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to approve the license transfer. Commissioner Van Beek abstained on the license transfer. (Resolution No. 22-182.)

The meeting concluded at 12:32 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – DISCUSS A PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 12:33 p.m. pursuant to Idaho Code, Section 74-206(1) (b). The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR

Director Kate Rice, HR Comp/Benefits Manager Bosco Baldwin, Chief Deputy Sheriff Doug Hart, Lt. Martin Flores, and Controller Zach Wagoner. The Executive Session concluded at 1:14 p.m. with no decision being called for in open session.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 12, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(1) (B), (D) AND (F) REGARDING PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner White made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Brian Baughman and Shannon Kinney with Hartwell Corp. The Executive Session concluded at 9:54 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY TAYLOR JENE HOMES, INC, AND FTERA VIEWS SUBDIVISION FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Taylor Jene Homes, Inc., and Ftera Views Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, Mark Hilty, Casey Ames, Larry Leisure, Erin Sorensen, Rebekah Ames, Mike Woodworth, Sarah Cunningham, Amy Weidner, Mike Cowan, John K. Johnson, II, Thomas Bratcher, Ray Eide, Donna Cooper, Christine Eide, Wes Weidner, and Deputy Clerk Monica Reeves. Commissioner Smith opened the hearing and said the last time the Board heard this case it was denied and a new hearing was scheduled. Emails were received requesting the hearing be continued due to a lack

of attendance by some in opposition. She contacted Claudia Haynes and advised the hearing would move forward today and if the Board denied the case the matter would be closed, and, if the case was approved the Board would hold another hearing. However, it is not clear on whether a third hearing would be required, but a constituent was told to share the information that if it was approved another hearing would be held. Commissioner Smith believes the Board should hold another hearing if the applicant's request is approved today. Prior to the start of today's hearing, Commissioner Smith shared that information with Attorney Mark Hilty. Commissioners Van Beek and White agree with conducting another hearing (a third hearing) if the case is approved today.

Dan Lister gave the oral staff report. The original request was a zoning map amendment of 122 acres from agricultural to rural residential in September of 2020, and it came with a plat for Valley View Ranch Subdivision #4 with a total of 45 buildable residential lots. On April 15, 2021, the P&Z Commission recommended approval of the rezone and the plat in a three-to-two vote. On June 28, 2021 the case came before the Board and was tabled to July 26, 2021, and the Board requested information regarding HOA management of domestic well usage of irrigation, HOA landscaping plan review, information for Upper Deer Flat Fire District and the Boise Project Board of Control regarding fire safety and dust control around the canal, information regarding community wells in the existing area, and conditions to consider for mitigation. The Board tabled the case to August 2, 2021 to review the information provided. On August 2, 2021 the Board denied the cases which required a new hearing because it was a reversal of the P&Z Commission's recommendation. The Board determined that since it is a new hearing to consider denial, it can also consider any information the applicant provides to see if there are any conditions they would consider and at that point the Board could decide to allow them to amend the application. In April of 2022, the applicant submitted an amended application for a conditional rezone from an agricultural zone to a rural residential zone with a preliminary plat which is now called Ftera Views with a total of 33 buildable residential lots. They have included a draft development agreement with conditions and draft CC&R's, and a landscaping plan has been provided. With 33 lots and 4 common lots it's an average lot size of 3.14 acres. The development agreement includes conditions regarding CC&R's. The maximum acreage to be watered is $\frac{1}{4}$ acre per lot; individual wells must be drilled 150 feet below the first source of water found while drilling; fees paid to the association for maintaining the irrigation system; native landscape plan must be upheld to preserve native habitat and grasses outside that $\frac{1}{4}$ acre irrigated area; fire safety, firewise buffers would be maintained; and fire sprinklers would be required in each home. A hydrological evaluation was provided by the applicant revising the previous report. The water demand would be approximately 3,050 gallons per day per lot during the peak irrigation system and approximately 400 gallons per day per lot in the non-irrigation season. Data indicates a steady water level since 1990. Water usage by the project will have negligible impacts on existing wells. In his summary, Mr. Lister said it's been over a year since the case was tabled; though they submitted an amended application, the Board did not direct them to do so. It was a denial and they were supposed to come back with information, then staff was to be directed to allow that application to be submitted but that didn't happen and so this is a way to clean up the record which is why staff recommends having one more hearing if it is approved.

County Engineer Devin Krasowski provided testimony regarding the hydrology report and the technical aspects of the project. The summary is that the aquifer is not being currently over-drafted on an annual basis and we can expect to see high seasonal fluctuations in the water table. Impacts to existing groundwater users in the area will likely be negligible compared to the seasonal fluctuations of the water table that already exist. If reasonable due diligence is put into understanding the groundwater source in the area, individual wells can be a reliable and safe source of drinking water south of the lake. There are still benefits to consider a public water system for water supply of Ftera Views. The County wouldn't have to worry about how deep wells are drilled, what depths the pumps are set at, the proximity of wells, drinking water quality, or the state of the aquifer, it would all be handled by the state agencies with jurisdiction. The concerns with a public water system are mainly that it's a long process for the developer and requires future homeowners to work together to make sure the system is maintained. Following his report, Mr. Krasowski responded to questions from the Board. There were follow-up questions for Dan Lister as well.

The following people testified in support of the request:

Larry Leasure, from the White-Leasure Development Company, said the company was brought into the project last year when the developer for an evaluation of the entire project. The project has been outstanding in scope, size, and character; it's an infill project surrounded by residential subdivisions. They spent many hours in neighborhood meetings and made recommendations in order to address the neighbors' concerns. The primary concern is water and whether there is a supply. Initially, the request was for 45 lots but they are now requesting 33 lots with some open lots. They performed a balloon test to make sure there was no visual impairment of the views. The property is NOT in the flight path of the aerial spraying operation that's in the area. Mr. Leasure spoke of the plans for the common lots; the one in the center was designed for outdoor opportunities for the neighborhood, and the other common lot will include a bus stop. The common lots will not be irrigated but will have natural landscaping. Following his testimony, Mr. Leasure responded to questions from the Board.

(The Board took a recess from 11:04 a.m. to 11: 16 a.m.)

Erin Sorenson testified that she used to live on Deer Flat Road and Chicken Dinner Road and has a strong appreciation for the area. She has worked for Idaho Power and has experience working along the Snake River doing mitigation, conservation, and restoration improvements and she sees a lot potential with this site that hasn't been farmed as there is a lot of native sage and cactus and a lot of things that are worthy of appreciation for the potential residential use. She runs a design-build firm in Boise that is focused on low water use conservation, low energy use, and native landscaping, and with this project they saw a lot of opportunity with the water concerns to address those through landscape and they saw a lot of opportunities to work with the neighbors about their concerns about a bus stop and roadway safety and to address those through the landscape plan. The density has been reduced to 33 home sites and they have worked with the neighbors on a walking path through the area. They can restrict the watered area to a ¼ acre but still make

it beautiful with rockscapes and revegetation and by not disturbing the existing land through construction. Following her testimony, Ms. Sorenson responded to questions from the Board.

Mike Woodworth gave testimony regarding groundwater data. They provided an updated report showing the water usage for the proposed subdivision with some of the changes that have been made, and also looking at the groundwater data that's available from IDWR. The groundwater data in the area suggests that the aquifer levels are very stable and increasing in some cases. Groundwater levels have been stable or rising for the past 20+ years although there are large seasonal fluctuations in the area, the result of which has been some of the well problems noted in the area. He said data from IDWR and studies from Mountain Waterworks and SPF, and HDR arrived at the same conclusions via looking at the data that's available and it's very consistent with the message Devin Krasowski delivered earlier this morning. Several regional water experts have provided testimony specifically for this project. IDWR previously provided testimony for this project in 2021 stating the groundwater levels in the area are stable and they attributed most of the issues to well construction or seasonal fluctuation. Mr. Woodworth highlighted the changes that have been made to this subdivision. The original proposal was originally for 45 residential lots, 37 of those would be using groundwater wells to irrigate up to a ½ acre for a total of 18.5 acres of irrigation. The proposed new plan reduces the number of lots using groundwater for irrigation from 37 to 25, plus they are reducing the amount of irrigation area per lot with the new proposal just over 6 acres irrigated via groundwater versus the original proposal of 18.5. He aid what's driving the water use in the area is not residential in-home use, it's irrigation and so what they have done with this development is try to limit that irrigation to the maximum extent possible to be a water-wise community. Of 122 acres, they plan to irrigate just over 6 acres. Following his testimony, Mr. Woodworth responded to questions from the Board.

Casey Ames gave testimony pertaining to the two "tot lots" (gazebo/park area) and said he is willing to work with the County's parks department on the design. The point was for less water use so if the Board decided that wasn't an efficient way to do that, it was to give a concession to say he is fine with less water use. Regarding the bus stop, they reached out to the highway district who said it might not be the best spot and the district is scheduled tomorrow to re-evaluate what was already an approval, but the variance permit had expired since so much time has passed. They have been trying to get a development agreement and are still waiting to come to a resolution. They believe 150 feet was the safe zone for well depth. He has no doubt the project will be beautiful and from a marketability standpoint the site is infill and the topography on it is set for views. Commissioner Smith said the County cannot commit its parks department resources and so she thinks the common lot should be absorbed into the lot to the left or the right. Mr. Ames said they can deal with that and he is open to making this work. The question has been: is there water? And they have done a good job of proving there is substantial water if the wells are done right. He will agree to a condition that would require the wells go to a certain depth based on the experts' opinion. Following his testimony, Mr. Ames responded to questions from the Board.

Mark Hilty, the attorney for the applicant, said there are a lot of compelling reasons for why it should be approved and years ago it was identified as rural residential and that designation has had a significant impact on the market and it was bought believing that was the direction the

County wanted to see this go. As an infill development that's surrounded by similar development, a pattern has already been established in the area as a good planning practice. The property is not viable for agricultural uses. He said there was concerns from the Amens about how, ironically, this residential development could have a negative impact on agriculture in the area. What about all the surrounding subdivisions affecting the future agricultural use on this property? It's simply not going to happen. There are people who have sincere concerns about the impacts to their wells and the aquifer in the area, but he urged the Board to make its decision based upon the best evidence about what the condition of groundwater is. There is evidence from Mr. Woodworth, IDWR, and DSD staff, as well as the Terry Scanlan report that's said the same thing: the groundwater level has been steady for decades and in some areas, it's increasing and you cannot find that there is likely to be an adverse impact on properties in the area from the construction of the wells described here. There is a sufficient water table to support the proposed development. The developer is amenable to the conditions the Board thinks are appropriate for this development.

The Board took a lunch break at 11:54 a.m. and reconvened at 1:06 p.m.

Testimony in opposition was as follows:

Amy Weidner lives in Foothill Ranch Subdivision which is north of the proposed development and it has a community well. To the north is the proposed Goldberg Estates that has two pivots that suck air every summer during the seasonal fluctuation. The wells recharge and the aquifer recharges, but people cannot be expected to stop using water during July, August, and September. When it's dry and hot they have no water and she believes that fact is being glossed over when it should be considered a top priority. We should not develop based on best case scenario, we should develop based on worst case scenario and if that is in August we shut all the wells off because they are sucking air that is what you base the growth on. Just because the comprehensive plan says this is a fill-in area doesn't mean it's effective; we don't have the water and the best evidence is not paid professionals that bring us old data, it's boots on the grounds, people who live there whose wells are being affected. There are lot of subdivisions the neighbors intend to fight because they are unsustainable with the water during the summer months. Those in favor of the project live in Eagle and Boise and are not going to be affected detrimentally by this project. Ms. Weidner proposed an amazing agricultural opportunity to the developer's assistant, but said she was ignored; they want to sell off the lots and leave and she believes he does not want to live there due to the water issues. She spoke of the conditions of approval for Foothill which included well drilling standards, but the developer later ignored the conditions for approval. In 2001 there were water problems and the Board wanted the wells drilled in a specific fashion but they weren't done that way. There hasn't been any follow-up or follow through and no one at the County knows who has oversight. She's concerned the developer for this project will ignore the requirements. Sky Ranch Estates has a community well that is sucking air and others in the area are experiencing problems as well. She asked what new information the developer produced that proves he will not adversely affect the surrounding communities in regards to the water. The wells that were tested are one mile away, but that's not effective in letting us know what's going on at this location. The Board should deny this because the applicant has not brought anything new proving

the project will not be detrimental to those who live in the area. In Sky Ranch Estates DEQ is asking for pressure tests, and in Foothill Ranch they have notified EPA because of high levels of arsenic. She said no one has shown marketing of any subdivision where only $\frac{1}{4}$ of an acre can be watered. Following her testimony, Ms. Weidner responded to questions from the Board.

John Johnson testified that he moved to the adjacent property a year ago and said despite the water reports the homeowners are still facing issues, in fact, his neighbor had to lower his well twice. The homeowners collectively have paid over \$500,000 to address water issues over the last several years and that trend is alarmingly increasing. When he purchased his property, he had no idea there was a water issue and had he known of the water issues in the area he would not have come back to south Nampa. He has a swimming pool in his backyard and that's his sprinkler system. He put a hydrant in his backyard and agreed with his neighbors that since there is no water available for fire hydrants he has agreed that his pool can be used for irrigation. He has $\frac{3}{4}$ of an acre of grass and new trees that are dying. As a brand-new homeowner it's quite alarming. The CC&R's are a big issue due to enforcement and monitoring issues. He does not have a problem with the development, but he doesn't want water issues to impede his ability to take care of his mother-in-law who is receiving end of life care. He cannot image a future homeowner thinking they are getting lawns and natural habitation, it's not reasonable. Mr. Johnson said he never saw the balloon test the developer's representative spoke about, and furthermore no one from the development team has talked to him or his neighbor. He said the Board should either deny the application or table it as there is a lot of information to be reviewed. Following his testimony, Mr. Johnson responded to questions from the Board.

Rebuttal testimony was offered by Larry Leasure. This new group spent 100 hours trying to talk with the neighbors to understand the issues. They did not suggest all the houses were going to be built at two levels; he made that decision and he wanted to be sure that the two-story homes would be notated and that's why the balloon tests were over 30 feet. They staked every lot in the center where the house would be, based upon the plan, and they took all the addresses which included John Johnson's house. They met with neighbors so they would know where the balloon tests were being performed. There is tremendous amount of new information that's been provided and most of it was provided in March/April. CC&R's have been submitted to the County for input that speaks to the well, the depth, and the well drilling another 150 feet below where they meet water.

Erin Sorenson said the experts from IDWR, HDR, and Mountain Waterworks are in agreement and acknowledge the seasonality of the fluctuation and in room where they had HDR and Mountain Waterworks a pointblank question was asked what would be an appropriate depth for these individual wells, everyone thought 150 feet (an additional 150 feet below the water depth) would plan for the future, worst case scenario and that's they are putting that in the non-revocable CC&R's for the development which she believes can be enforced either by a neighborhood group, or by professionals who are put in place to handle the CC&R's if the neighbors aren't to be trusted managing their own lands. She spoke of the well monitoring data that has demonstrated the recharge in a very bad water year was about 80 feet and that's for a development that's higher up and there are construction issues with wells. Ms. Sorenson responded to questions from the

Board regarding well monitoring data. They have one well on site that can be accessed on Lot 29 and a secondary one on Lot 32 but it may have been buried by some neighbors so it's not presently being used.

Casey Adams offered additional testimony in response to questions from the Board regarding well monitoring and water rights. Further follow-up questions and discussion ensued. Commissioner Van Beek disclosed that her husband's former in-laws used to farm in the area and knew the farmer who owned this property and those water rights were sold because it was difficult to farm. Mr. Ames said the previous farmer sold the property to an investor and Mr. Ames then purchased it from Pam Burns who was representing an out-of-state investor; it was sold as a development property.

Commissioner Smith asked if the Board is ready to render a decision or do they want more time to consider the information presented. Commissioner Van Beek said there is information from both sides that not everyone has had the opportunity to look at. She likes Mr. Ames' plan, but said the Board has to evaluate the essential services for the area. Given the history she has with this area, the proposal represents something that is desirable, and given the amount of work the applicant has done to mitigate the concerns she wants staff to do an additional analysis and it would provide Ms. Weidner an opportunity to look at some of the information. There has been a material change in the form of a reduction but she feels they have done enough due diligence that if they were able to meet with the neighbors there might be a way for this to be a viable project. Commissioner Smith said instead of making a decision if the Board granted the opportunity with the acknowledgement that it is a change in application and would require another hearing it would give staff an unbiased opportunity to go through the staff report, and with the change that was proposed and then make a recommendation, and the Board could have a final hearing and make a final decision at that time. Dan Lister agreed and said it would give staff time to do the analysis and it would not cause another tabling or hearing. Commissioner Smith said that would get it back on the schedule within a few weeks to legally notice it and post the property with this specific proposal and it would give the developer time to look at the comments from today's hearing and make any necessary changes to the development agreement and submit those to staff so everyone has an opportunity for review. She supports moving forward and giving a "head nod" to allow the amended application and evaluating it at a final hearing. It is appropriate for the applicant to pay the applicable fees. Commissioners Van Beek and White support moving forward in this manner. The Board will have a new hearing that starts from scratch with this specific proposal with an updated staff report for that proposal and an opportunity for testimony. The hearing concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 13, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Tammie Halcomb, Community Outreach Specialist.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Elevate Technology in the amount of \$1,560.00 for the IT Department
- SHI in the amount of \$13,056.80 for the IT Department

APPROVED CATERING PERMITS

The Board approved liquor catering permits for Legends Sports Pub & Grill to be used 10/1/22; Heritage Hop Haus to be used 9/30/22; and Treasure Valley Road Runners LLC to be used 11/12/22.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Alex (arrived at 9:13 a.m.), Treasurer Tracie Lloyd (left at 9:28 a.m.), Sr. Deputy Treasurer Tonya May (left at 9:28 a.m.), Chief Deputy Assessor Joe Cox (left at 9:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing an Ordinance Amending Chapter 1, Article 23, Business Investment Incentive; and a Summary of an Ordinance Amending Chapter 1, Article 23, Business Investment Incentive: Mr. Cox explained that within the current ordinance the county generally allows up to a 75% exemption but since the adoption of the original ordinance the county has missed some larger opportunities due to not offering a 100% exemption. This amendment would provide companies with specific qualifiers to qualify for 100% exemption. A few other minor revisions were made to the ordinance which were reviewed by Mr. Cox. Commissioner Van Beek made a motion to sign the ordinance and summary Amending Chapter 1, Article 23, Business Investment Incentive. The motion was seconded by Commissioner White and carried unanimously (See ordinance no. 22-020).

Discussion ensued regarding properties taken for tax lien being deeded to the Nampa and Caldwell housing authorities. This year only the Nampa Housing Authority has expressed interest in an available property. Commissioner Smith said she feels there should be opportunity for the previous owner to obtain proceeds if the house sells at auction. If the home doesn't sell at auction then it could be deeded to the housing authority. Commissioners Van Beek and White both agree with this option. At this time the property the Nampa Housing Authority has expressed interest in

will be noticed as both part of the regular auction taking place on November 9, 2022 and to be deeded to the housing authority so that the Board will be able to consider either option.

Commissioner Smith asked for advice regarding a citizen who has continuously reached out to the Board about re-opening his court case, however this is something outside the statutory authority of the Board. Commissioner Van Beek noted she has spoken with this gentleman, but he did not like the options he was provided. Legal staff suggested continuing to provide him with his options and reiterate to him that his request is outside of the Board's scope of authority.

A request was made to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (a), (b), and (f) regarding personnel matters and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas and Deputy P.A. Alex Klempel. The Executive Session concluded at 10:02 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY KEITH AND JANA MOORE FOR A SHORT PLAT FOR SKM ESTATES SUBDIVISION, CASE NO. SD2021-0028

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Keith and Jana Moore for a short plat for SKM Estates Subdivision, a two-lot subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Keith and Jana Moore, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcel is zoned "CR-R-R" (Conditional Rezone - Rural Residential) and is located at 580 S. Powerline Road in Melba. The conditional rezone was approved subject to a development agreement to allowing for one division and two lots. The total acreage is 6.43 acres, 5.69 acres with right-of-way dedication. The property will be served by individual septic systems and wells. There was a review of agency comments. The short plat was reviewed by Keller Associates and was found to meet County code subject to conditions. The property is in the Melba Impact Area and is subject to the city's subdivision ordinance. The plat meets the minimum requirements; however, the final plat does not yet have all the signatures so it cannot be considered today. On June 1, 2022 a

conditional rezone was approved subject to a development agreement to allow one division where each lot may have a primary dwelling but no secondary dwellings. On June 16, 2022, the Planning and Zoning Commission recommended approval of the plat. Staff is recommending approval subject to conditions. Following his staff report, Mr. Lister responded to questions from the Board. Commissioner Smith wants to remove the condition that requires a note about secondary dwellings being added to the plat because the development agreement is legally binding so she's no in favor of adding the note to the plat. Commissioner Van Beek agrees. Commissioner Smith said we also do not need the condition on the plat regarding lateral easement that Keller Associates had asked about. Keith Moore testified in favor of his request and spoke of the delays that have affected the plat as well as the communications he has had with the agencies involved. He plans to surface irrigate the property. In the future they may go with an above-surface pressurized system to use sprinklers. He will reconfigure where the head gate water comes in so they have diversion ability. They have a temporary licensing agreement for the water, which has been approved by the highway district, but at a later date they may pull that in conjunction with reconfiguring the distribution box to the neighbor who he gave the easement. The Moores do not want the liability for the water running in the ditch so their long-term plan is to run two lines outside of the 40-foot right-of-way of the highway district and get it underground. Upon the motion of Commissioner Van Beek and the second by Commissioner white, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat with the conditions of approval eliminating the secondary dwelling notation because of the development agreement being legally binding document. The final plat will be considered at a later date. The hearing concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION FOR CASE NO. VAC2022-0001

The Board met today at 11:42 a.m. to consider a resolution to vacate Plat Note #14 from the Lewis Crossing Subdivision final plat, Case No. VAC2022-0001. The plat note concerns fire sprinkler requirements. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Smith said the resolution was not signed at the September 1, 2022 hearing because the Board was waiting on clarification on whether the taxes had been paid. The County Treasurer sent an email stating in this instance where no lot line adjustments are being made and there is only the removal of a note concerning fire suppression, there is no need for the Treasurer's review or signature prior to the Board's proceeding. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution as presented (Resolution No. 22-183.) The document was recorded as Instrument No. 2022-043122. The meeting concluded at 11:43 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE ICRMP BOARD OF TRUSTEES

Today the ICRMP Board of Trustees held a meeting at 3:00 p.m. at its office in Boise. The Board of Commissioners was invited, but a quorum did not attend; however, Commissioner Leslie Van Beek was in attendance.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Devin Krasowski, Associate Engineer.

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for the Undiscovered Barrel to be used on 9/24/22; Slick's Bar to be used on 9/24/22; Legends Sports Pub & Grill to be used on 10/8/22; and Parma Ridge to be used on 9/15/22.

RESCHEDULE PUBLIC HEARING - PRELIMINARY PLAT FOR RIDGELAND ESTATES SUBDIVISION, CASE NO. SD2020-0036

The Board met today at 9:02 a.m. to consider a request by Hess Properties, LLC. for approval of a preliminary plat (irrigation and drainage plan) for Ridgeland Estates Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The applicant requested the case be tabled to a later date so they can work on a grading plan. Commissioner Smith said since it's the applicant's request and we do not know how long it will take to do that we cannot table to a date certain, the applicant should pay the applicable fees for re-noticing the hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing for Case No. SD2020-0036 and for staff and the applicant to work to reestablish a new hearing date with applicable fees. The proceeding concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:01 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

2022 Post Fair report

- Extreme heat
- Total attendance was 48,133
- Revenue exceeded budget by a minimum of \$140,000 (still a couple sponsorship payments are outstanding)
- New/Firsts – Junior Livestock Show, Bacon Buddies, staff

Opportunities for 2023

- Continue to focus on guest experience
- Programming and marketing to increase daytime crowd
- Evaluation of opportunities for 2023 Fair

Event Center

- Recently met with the City of Caldwell regarding temporary occupancy permit which could happen at the end of October.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 10:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Fair Director Diana Sinner. The Executive Session concluded at 10:26 a.m. with no decision being called for in open session.

Discussion ensued regarding the Fair Board advisory committee. Several member terms have expired with several more set to expire soon. The Board gave direction to Director Sinner to recommend five (5) new members and to work with the PA's Office on the bylaws. The Board would like to see this advisory board as more of a working group with "boots on the ground". Once new members are selected letters will be sent to the current members thanking them for their service.

The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ORDINANCE AMENDMENT, CASE NO. OR2021-0029

The Board met today at 11:02 a.m. to consider the findings of fact, conclusions of law, and order (FCOs), as well as an ordinance and summary amending Chapter 7, Articles 17 and 18, Zoning Regulations of the Canyon County Code of Ordinances, Case No. OR2021-0029.

AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; THE AMENDMENT INCLUDES THE FOLLOWING:

- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F).
- CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE AS SECTION 07-18-07, APPLICABILITY AS 07-18-03 AND APPLICATION AS 07-18-05, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES TO CHANGE FROM SECTION 07-18-01 TO 07-18-07, AMEND SECTION 07-18-03 ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-09 AND CORRECT A FORMATTING ERROR, AMEND 07-18-05 ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-11 AND REMOVE THE REQUIREMENT 100% OWNERSHIP IN BOTH THE ORIGINATING PARCELS AND DESTINATION PARCEL, ADD SECTION 07-18-13 AS ADMINISTRATIVE LAND DIVISIONS IN ALL OTHER ZONES, AND REMOVAL OF SECTION 07-18-07 LAND DIVISIONS BY JUDICIAL DIVISION (COURT ORDER)

Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Elizabeth Allen, Planner III, has been the chief DSD employee assigned to this case and she is attending a conference today so Deputy PA Wesley and Planning Official Lister are covering, to some extent, for her this morning. On August 9, 2022 the Board held a public hearing and approved the ordinance and FCO's in the form presented today but we set the formal signing of the documents out in order to prepare summary of the ordinance and to get the documents in order. Commissioner Van Beek said a citizen contacted her and wanted to verify there were no changes to the subdivision ordinance that specifically related to the minor replat on an old subdivision plat. Commissioner Smith said those changes did not take place. Deputy PA Wesley said there are only two changes to the subdivision ordinance: 7-17-03 Jurisdiction, and it removes the former paragraph B in that section that allowed the estates that were divided through a probate proceeding or a court decree to avoid the subdivision ordinance, and the second change is the language we used to use fewer than five and now we are using no more than four which is consistent with state law and the rest of the ordinance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve FCOs, the amended ordinance and the legal notice of amended ordinance (summary) for Case No. OR2021-0029. The motion was seconded by Commissioner White and carried unanimously. (Ordinance No. 22-017.) The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE TRIAL COURT ADMINISTRATOR

The Board met today at 1:38 p.m. to consider an action item of signing a resolution for the job description and pay range of one position under the Trial Court Administrator. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Judge Davis VanderVelde, TCA Jamie Robb and Deputy Clerk Jenen Ross.

Action Item: Consider signing a resolution for job description and pay range of one position under the Trial Court Administrator

Ms. Robb explained that she determined the salary based off a like position in Ada County, although in an effort to be conservative while still trying to correct the issue, she set the salary slightly below where Ada County is at. The Ada county pay range is \$92,225 to \$126,960 + 3% deferred compensation match; this number is for FY2022 so it will likely be higher for FY2023. Canyon County's current pay range is \$61,000 to \$89,000. In response to a question from Commissioner Smith regarding the discrepancy, Ms. Robb said she has seen a copy of Ada County's job description and feels that Canyon County's Deputy TCA is probably handling more job responsibilities. However, she is not sure why this position is set so low, she doesn't have any historical knowledge of how the salary was set but said this position is not at market-value and she would not be able to fill this position if it were vacant at the current pay range. The person currently filling this position has been in the position since 2008 and has been the only person to hold the position. Commissioner Van Beek requested information about the pay range when the position was originally created in order to evaluate a trend. Discussion ensued as to why Commissioner Van Beek would need this information – Commissioner Smith feels that by evaluating a salary trend over the past 14 years is not a comparison to market-trend. A brief review was provided of some of the changes made to the job description. Commissioner Smith asked if the wage being proposed today would be the wage for FY2023 or if this wage would increase with the FY2023 data applied. Ms. Robb said she is open to either idea but, ideally, she would like to see the market data also applied to this position once the new fiscal year begins but just getting the position somewhere close to market would also be satisfactory without applying the FY2023 salary data; either amount would fit into her FY2023 budget. Currently the position is being paid at \$79,076 which is 88% of the current min, mid, max range; 88% of the proposed new range would be \$102,613.28. Ms. Robb said this is an executive level position and feels that the wage she has proposed would hold up to a compensation analysis. Commissioner Van Beek feels that she would need a wage and compensation person to weigh-in on this and she would like some additional information.

Based on a question from Commissioner Van Beek, Ms. Robb spoke about her own job and it being previously being filled by an attorney vs. her not having a law degree.

Commissioner White spoke about how, for her, this is really more about the job experience in this position.

Discussion ensued as to how Ms. Robb calculated the starting salary at 95% of Ada County and her justification of that number. Commissioner Smith said that historically, Canyon County salaries

have been based off 80% of Ada County salaries. Based on that information the minimum for this position would be \$73,780 and \$101,568 would be the maximum for FY2022. Ms. Robb said at those numbers, 88% would put the person in that position at \$89,379. Commissioner Smith said she could support those numbers. She encouraged Ms. Robb to meet with the new Wage/Compensation Analyst, Bosco Baldwin and requested she revise the numbers in her resolution for Board consideration. There is a resolution that will be considered tomorrow so the revised numbers would need to be shared with Mr. Baldwin in order to be included in the FY23 salary numbers allowing the proposed salary increase to take effect in the new fiscal year. The Board is in favor of the direction provided to Ms. Robb. Ms. Robb said she will make the revisions to the paperwork and return prior to the conclusion of the next meeting.

A break from this meeting and action item was taken from 2:07 p.m. to 2:30 p.m.

When Ms. Robb returned, she explained she had made the directed revisions to the resolution to adjust the min, mid and max numbers.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution adopting changes to the salary range and job description of one (1) position in the Trial Court Administrator's department (see resolution no. 22-184).

The meeting concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER RESOLUTIONS FOR THE ADDITION OF ONE (1) POSITION IN BOTH THE PROSECUTOR'S OFFICE AND THE PUBLIC DEFENDER DEPARTMENT

The Board met today at 2:07 p.m. to consider resolution for the addition of one (1) position in both the Prosecutor's Office and the Public Defender's department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Public Defender Scott James, Prosecutor Bryan Taylor, HR Generalist Demi Etheridge, Controller Zach Wagoner, Chief Deputy Criminal P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Mr. James spoke about how the resolution being considered today will add one additional position to the department which will be paid from the PDC grant. Mr. Wagoner confirmed that these monies have already been paid to the county. Mr. James indicated that depending on the results of the Bar results that come out today, the Public Defender's department will be fully staffed.

Discussion ensued as to what will happen with public defense in the future based on changes in the legislature this year. Mr. James addressed Commissioner Van Beek's questions about caseload number reporting and where the four attorneys' currently working in their office but awaiting Bar results will fall within the salary range. As of right now, those four attorneys are not able to attend court on their own and must be accompanied by a licensed attorney. Once they've passed the Bar they will be able to handle their own cases thus also freeing up the attorney's accompanying them.

Prosecutor Taylor explained his office is in the same position as the Public Defender's department. He held off on adding positions earlier in the year awaiting information on what the PDC would do. His office doesn't receive any grant funding so a new position would be fully taxpayer funded. The ultimate goal is to keep parity between both offices. As is the situation with the Public Defender's department, assuming Bar passage, the criminal division will be fully staffed.

Discussion ensued regarding vacant positions and potential hiring.

Mr. Wagoner said neither position is included in the FY2023 budget but that there are sufficient funds to account for these positions.

At the request of Commissioner Van Beek, Mr. Taylor said he would happy to provide caseload numbers to the Board and spoke about his staffing, caseload numbers and how his office operates.

Commissioner Smith said she is supportive of the requests and made a motion to approve the resolutions as presented. The motion was seconded by Commissioner White and carried unanimously. See resolution no. 22-186 approving the addition of one (1) one position in the Prosecuting Attorney's Office and resolution no. 22-185 approving the addition of one (1) position in the Public Defender's Department.

The meeting concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Monica Reeves/Jenen Ross

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form Dylan Evans.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Tricycle, LLC dba Eastside Tavern to be used 9/30/22.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Case Manager Kellie George and

Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to approve case no. 2022-519. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to sign lien releases for case nos. 2015-301, 2009-1109 and 2017-137. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Treasurer Tracie Lloyd, Landfill Director David Loper (left at 9:08 a.m.), Mike Murgoitio with Timber Creek Recycling (left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider hearing public comment regarding Sole Source Procurement of Caterpillar 323 Track Excavator from Western States Equipment: No one appeared to offer comment.

Consider Authorizing Execution of Caterpillar 323 Track Excavator from Western States Equipment Sales Agreement: Director Loper explained this is for a FY2023 purchase and once the sales agreement is signed he will submit a purchase order. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the execution of Caterpillar 323 Track Excavator from Western States Equipment Sales Agreement (see agreement no. 22-101).

Consider public comment related to of Sole Source Procurement for Crushing Recycle Services from Timber Creek Recycling for Pickles Butte Sanitary Landfill: no one appeared to offer comment.

Consider signing Agreement with Timber Creek Recycling for Crushing Recycle Services at Pickles Butte Sanitary Landfill: Director Loper said this is a new service with Timber Creek for concrete crushing which is separate from the wood waste contract. Crushed concrete may be used at the landfill, or it may be hauled away. This is a year-to-year contract with Timber Creek for this service. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with Timber Creek Recycling for crushing recycle services at Pickles Butte Sanitary Landfill (see agreement no. 22-102).

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:08 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas and Treasurer Tracie Lloyd. The Executive Session concluded at 9:33 a.m. with no decision being called for in open session.

An audio recording of the open session of the meeting is on file in the Commissioners' Office.

MEETING WITH THE WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:33 a.m. for a meeting with the Weed and Gopher Superintendent to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Weed and Gopher Superintendent AJ Mondor, Cory Flatt, Lead Weed Applicator, and Deputy Clerk Monica Reeves. Topics of discussion included the following:

- The department received a professional applicator certification from the Department of Agricultural Resources for the pesticide compliance program.
- August numbers of gopher tails and trapping, owl boxes, hay inspections, mowing, and weeds sprayed.
- Workload log. They are caught up able to start mowing, and fix the equipment that was broken. When spray requests come in staff responds that day or the next day.
- Communication with staff regarding work assignments.

The Board appreciated Director Mondor's comprehensive report. Commissioner Smith likes having maps and establishing areas and weed types and said basing work off of that will help with the department's efficiency. She said the Board needs to know how the fees are set by the department for weeds and for gopher trapping because at the last meeting with Director Mondor there was discussion about how going out for an RFP might show that prices are higher. The PA's Office recommended the Board ask Director Mondor go through a detailed cost of doing business. There are costs such as human resources, leadership-type meetings, and the overall cost of the

department so that we can have an adopted fee schedule because we do not currently have one. Director Mondor said he doesn't know what that means, and Commissioner Smith said Deputy PA Wesley will assist – it will help establish actual costs and fees that we are legally allowed to charge. Director Mondor said the department is way under the cost, and on some points, he really likes that because there are a lot of people who cannot afford what the department already charges, and there are others who have more money than they know what to do with and they know the department is the cheapest and best in town and utilize it whenever they can. He doesn't know how to split that out; he's talked about different things with his employees and doesn't want to go to something that's income-based driven where people submit their tax information and he decides. Commissioner Smith said by law we have to charge for the cost of the service, we cannot make money but we shouldn't be losing money so we need to figure out what that cost of service is and establish a fee schedule from there. She suggested Director Mondor ask Deputy PA Wesley about those one-off's if someone cannot afford the service but they need it, but she doesn't know if there will be an option for them. Director Mondor will visit with Deputy PA Wesley about it.

Commissioner Smith wants to know what the owl box program costs the County. When there is downtown in the department she understands that's what staff is working on but she wants to make sure they are prioritizing work. She asked if the department is working with Facilities Director Britton on spraying County properties. Director Mondor said they are helping with that, and they spray the larger areas such as the landfill, gun range, animal shelter, jail site, parking lots, boat launch at Lake Lowell, and roadsides. They are not licensed or insured to spray landscaped areas. Commissioner Smith asked him to include in his reports how often he works with Director Britton on County properties. Director Mondor said he will do that, and added that he checks with Director Britton once or twice a year, but they check on the properties more often. Commissioner Smith asked him to check in with Facilities on a quarterly basis. Director Mondor communicates with Director Britton on his spraying activities when they plan to spray County properties.

Director Mondor reported there is an unexpected cost of \$5,000 to \$6,000 for the tractor repair, which he did not budget for. He will ask to replace the tractor in the next three years. He said the PA's Office is reviewing a new contract with Cintas for uniforms; he hasn't had a contract in place for a little bit and they are trying to get that settled. He has no plans to virtually attend a meeting in Bonners Ferry, Idaho, via a Zoom link as he is looking forward to hearing an update on an enforcement case in another county.

Commissioner Smith asked if he has visited with the PA's Office recently about the RFP project. Director Mondor said he sent an email the day Commissioner Smith asked him about it, but he has not heard back. He appreciates the work the PA's Office does for him, but he struggles with getting timely responses. He will send another email about the RFP project. Commissioner Smith said the Board has discussed the RFP with the PA, but the big thing will be helping establish cost and they will want to know for the RFP exactly what work needs done and then on our side we need to know what is our cost to do the work. Director Mondor said each job is different; it could be a field full of vacant cars, a field with sink holes, does it have old fences tied up, or has it been dumped on? They don't know until they start praying the property and so it's hard to give estimates because they don't know what they are going to run into when the weeds are 6-feet

tall. It will be difficult to build an RFP that encompasses everything they do but he thinks they will be able to do it. Commissioner Smith said the first RFP is for gopher trapping, which should be simple. She asked him to clarify with the PA's Office that that is the first priority, and then we can work on the weed RFP as a supplemental to the weed department if they get behind. Director Mondor agreed. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:59 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

CONSIDER A RESOLUTION OF THE CANYON COUNTY BOARD OF COMMISSIONERS APPROVING A ONE-TIME RETENTION AND APPRECIATION PAYMENT FOR FISCAL YEAR 2022; AND TO CONSIDER A RESOLUTION THE APPROVING THE FY2023 SALARIES

The Board met today at 1:32 p.m. to consider a resolution approving a one-time retention and appreciation payment for Fiscal Year 2022, and to consider a resolution approving the Fiscal Year 2023 salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, IT Director Greg Rast, Wage and Compensation Analyst Bosco Baldwin, Assessor Brian Stender, Treasurer Tracie Lloyd, Brad Holton, Fair Director Diana Sinner, Sr. System Analyst Steve Onofrei, PIO Joe Decker, Fleet Director Mark Tolman, Parks Director Nicki Schwend, Juvenile Detention Deputy Administrator Shawn Anderson, Solid Waste Director David Loper, Weed and Gopher Control Superintendent AJ Mondor, Director of Misdemeanor Probation Jeff Breach, Chief Deputy Sheriff Marv Dashiell, Sheriff's Financial Manager David Ivers, Assistant IT Director Eric Jensen, other interested persons, and Deputy Clerk Monica Reeves. Commissioner Smith said she asked for the action items to move forward because she's incredibly proud to have worked alongside County staff and because the County has worked diligently to be in a strong financial situation. Zach Wagoner said over the course of the past few years it's been a wild ride and he's proud of the employees and elected officials because we have been able to continue to provide services and that's a direct result of the employees and their commitment to do the right thing. The FY2021 budget was very thin with minimal pay increases. The County prepared for the worst, and financially things have turned out well because of our frugal and prudent management of public monies. The County is in a stable solid financial position at the moment and has the financial resources to invest in our personnel. Commissioner Smith said in 2021 we were very thin in how we took care of employees and that year Canyon County experienced a 20.23% turnover rate and we struggled to keep up with services. We have had a hard time keeping key positions filled because we cannot keep up with the market in terms of salary. In FY2022 our turnover rate is at 14.36% and the goal should be under 10%. She is excited to be part of something that helps compensate employees for the work they do. Commissioner Van Beek said she recognizes the County has great employees, and in the last year employees received an average overall 9.5% COLA adjustment which is greater than a lot of citizens received. The County continues to provide some of the higher increases, and this would be the second consecutive year that the County will outpace most of the other counties in Idaho. There was a proposal to look at a number of options and so she was surprised two days ago when she saw this item on the agenda. There is no final number on what that amount would look like and the information is lacking for the Board to do its diligence by statute in the setting of salaries. The

proposal is one of the largest salary increases the County has seen. The proposal would be a \$2,000 payment to full-time employees and a \$1,000 payment to part-time employees. The total cost after including benefits will be \$2.1M. Commissioner Van Beek said she does not support the resolution. The numbers are late, and the Board has not had the chance to evaluate the impact on the budget; the story in yesterday's Idaho Statesman newspaper indicates the County doesn't know what it looks like for the insurance moving forward. There are a lot of variables and unknowns and to add \$2.1M to one of the highest increases in salaries is not sustainable in her opinion. Commissioner Smith asked if Commissioner Van Beek is taking the information reported in a newspaper article over the information she knows to be true about our insurance and whether that is her reasoning for not supporting it? Commissioner Van Beek said there are a number of factors the Board needs to take into consideration in the new fiscal year; it has appeared to be a posture of spending since May. In response to a question from Commissioner Smith, Controller Wagoner said he projects that our fund balance for FY2022 will increase by \$10M even including this \$2.1M expenditure. Commissioner White said the County has not given a retention/appreciation payment in the time she has been in office. She made a motion to sign the resolution approving a one-time retention and appreciation payment for FY2022 which includes a \$2,000 payment for fulltime employees and on \$1,000 for part-time employees. The resolution needs to reflect that will be dispersed on the October 7 paycheck and employees will have until 5:00 p.m. on September 30, 2022, to change their withholding amounts. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. (Resolution No. 22-187.)

The next item of discussion was the resolution to approve the FY2023 salaries. IT Director Greg Rast and Bosco Baldwin, the County's newly hired compensation analyst gave a summary of what has transpired and confirmed we are still within the adopted budget numbers. Director Rast said since the approval at the budget hearing they adjusted the minimum rate down to \$18 an hour; the years in position (YIP) adjustments were put in as well. The pain points of the minimum salaries for employees, deputy sheriff in the jail and patrol stayed the same. The Controller said the specialty and lead pay should be included in the salaries for FY23 so the latest revision has those additional dollars in the salaries. They met with elected officials and department administrators, and they agreed with the numbers they reviewed. The spreadsheet shows we are roughly \$8.6M in salaries and with the specialty and lead pay we are roughly \$9M for salaries and benefits total. Mr. Baldwin said it was partially his fault that the last revision had to be sent out so late. They had to go through a number of pivot points, it was a massive spreadsheet and they wanted to make sure it was accurate before it was submitted to the Board. They received great data from the Controller and they put it into the spreadsheet so the Board could see a complete picture. Controller Wagoner said the amounts are consistent with what was approved for the FY2023 budget. There is sufficient revenue, cash balances, and funding to fully pay for those salaries and benefits for FY2023. Commissioner Van Beek said there are approximately 880 salaries with 76 vacant positions and there is no total for the Board to review, or a breakout of vacant positions and the total of what that's costing taxpayers. Additionally, the one noticeable and offensive portion is Commissioner White's proposal to reduce the Commissioners' salary. She said Commissioner White asked her earlier in the week if there was still interest and Commissioner Van Beek indicated on the record on August 17th that there was not an interest to move forward with

a Chief Operating Officer (COO) position. It was not marketed well and was not well received by the public. Commissioner Van Beek referenced a document that she said indicates there is a clear presentation that it was understood and collaborated by two Commissioners that the salary would include a 9% COLA for all employees and elected officials. The second point on the document says to reduce the salary of the BOCC but she doesn't know if that is indicating that they are no longer elected officials but is contradictory information to \$90,000 with no 9% COLA because of the addition of the COO position. She has reviewed the document and that position has been removed so the logic in reducing a commissioner's salary who manages 15 department heads and hundreds of employees, and a \$130+M budget is a slap in the face and is offensive to the incoming Commissioners who ran on the salary that was posted for two Commissioners who have struggled with attendance and struggled with a Board quorum to make these kinds of decisions. She said this decision should have been re-evaluated at the August 17 hearing when she indicated she did not want to move forward but that was not done. There was no adjustment that she knew of - she asked for the mid-year raises that were completed in June to be taken into consideration - it was a significant increase and adjustment to the budget but that did not happen. It's her understanding those increases were compounded. It's a surprise that the lead and specialty pay were added back in as the Board has had inadequate time to sufficiently evaluate that and she objects by statute as the chief executive authority for this County in charge of evaluating salaries. In fairness to our new wage and compensation analyst, there has been no time to adequately review the information with the Board. There are a number of red flags for an incoming Board and the outgoing Commissioners and she is not able to approve this document and the increases which have been objected to by the Clerk numerous times indicating that this was not a sustainable plan. She agrees that the County needs to compensate employees, salary is one of many factors but to continue to put money at a situation where there are other mitigating factors and risk management issues she will not enter the discussion because she was the only County representative at an ICRMP meeting, and we don't really have any idea what that looks like. We have not addressed the jail funding. The Assessor asked if we have a capital improvement plan and did we provide funding for a jail. She referred him to the Auditor's Office. She has lobbied for years to have that document be transparent, but that has not been done. There is a clear lack of due diligence. Citizens have contacted her indicating their salaries cannot sustain what is being proposed. She appreciates the employees and believes a wage increase is merited but given the deep cut that will not allow the County to take all the new construction is going to be problematic in years to come and we will have to raise property taxes. This will be put on the backs of taxpayers. As a person who has run a private business she is solvent and has maintained integrity and has planned for times of hardship. This is unprecedented and she hopes it goes down as one of the most offensive and unorthodox moves by two commissioners in county government in Idaho history. Commissioner White said she made her statement at the budget hearing, and she stands by it. She met with Commissioner Van Beek about an email exchange about restoring Commissioner salaries and how they could come together, and Commissioner Van Beek indicated she needed to think about things and talk to her people. She then asked if the COO position had been removed from the budget. Commissioner White said that is a possibility for the incoming Board and that was Commissioner Van Beek's "big consideration on that." Commissioner Smith said the COO position is not included on the spreadsheet because it's not a filled position. It's still in the budget and it's still a position. What are doing today essentially is approving 800+ blue

sheets for existing employees but it does not include the people who do not work here yet. Commissioner Smith said it's offensive to suggest Director Rast, Controller Wagoner, and HR staff have not done due diligence on this project given the countless hours that have gone into it. Director Rast said due diligence has been put in place. It has been six weeks of solid work where they have worked past midnight to validate numbers and make revisions. There were proposals of \$3,000 and \$12,000 and we are now sitting at \$7,657, a 14.29% average top to bottom. He has worked with HR and the Controller, and they have taken it very seriously. He hopes it is 100% correct, but it's really going to be 99.99%. Clerk Yamamoto said he and the Controller have watched and listened to the various proposals that were suggested throughout the process. This morning they received the latest iteration of the spreadsheet and the Controller spent hours reviewing the information. Controller Wagoner said he is comfortable with the numbers as presented. Salaries are very fluid and things change constantly so they will review it again before they do a final import into ADP. Commissioner Van Beek said Ada County has hired Steve Rutherford as the COO and his salary is set at \$136,000 and the Ada County BOCC salary is at \$124,000. During the budget season there was no proposal in any open meeting, but there could have been a closed meeting outside of the open meeting laws, that took place that talked about discussing a salary reduction, but it was never discussed in an open meeting to cut the Commissioners' salary. The COO position was an idea she had before Commissioner Smith took office and she's met with Steve Rutherford and the County Commissioners, and they indicated it was of value to Ada County but they did not cut their salaries in order to help manage the workload for that. It is a punitive effort that is retaliatory in nature and she objects; this is not going to be a good reflection and it represents the ongoing dysfunction of the County between elected officials that are determined to mob. Commissioner Smith asked Commissioner Van Beek if she will support paying the employees fair wages if her own wage is restored. Commissioner Van Beek said we don't know what fair is. If that is what two Commissioners have decided with 12 days from a wage and compensation analyst and a \$9M one-year increase to the budget, then she is confident they will move forward, but she is also confident that there will be ramifications from that kind of an increase going forward. Commissioner Smith believes Commissioner Van Beek is making today about her own salary - that it's not a fair salary for her- and she is completely ignoring the employees' salaries. Commissioner Van Beek said there is no argument on the value of Canyon County employees and the services they provide to the citizens, but in looking at the document the outlier is the reduction in wage of the Commissioners and it is the chief executive authority for this County and it has been cut in a way that is punitive and it's not an accurate reflection of what this office does or the responsibility they carry. Commissioner White said this was not retaliation and it has nothing to do with Commissioner Van Beek. The Commissioners have discussed the COO position for a year and a half and there are so many things that person could do, and she could not understand it. A salary of \$90,000 is more than she made when she was sworn into office. With the knowledge that there will be a new Board and they have the option and funding available should they want to get that person in place to assist with some of the other things Commissioners have to do on a regular basis, and so she figured to cut the Commissioners salary down like this weighed out the balance of what that position was suggested to be paid. It had to do with the Office of Commissioners, not Pam White, Keri Smith, or Leslie Van Beek. There is no retaliation. She thought about it in a business way to provide for the BOCC. She said an incredible and thorough job has been done by staff in preparing the salary information.

Commissioner Van Beek said there is a provision Idaho state statute that is a non-appropriations clause that does not allow one Board to bind a future Board and she believes Commissioners Smith and White have exceeded their statutory authority in presuming to know what a future Board does or does not want to do. It was punitive and the commissioners have exceeded their authority and there will be welcome changes in January. Clerk Yamamoto said the statute was put in place to not obligate Commissioners to a contract or outgoing funds; it has nothing to do with cutting funds back. He was not enamored with the COO position but feels if they get the right person with the right Board it could be a benefit. As the Clerk he acted as a COO in many ways, and he tried to keep it at a minimum so as not to step on toes because not every commissioner appreciated that. If you have a COO that's doing the job elected officials should be doing maybe salaries should be cut back. Commissioner Smith said that was her sentiment and Commissioner White's sentiment, and there is a lot of value to it. She hopes the future Board supports it because it's a three-person team and they are on the public record all the time when they meet so it's difficult to have immediate and direct contact with leaders that are carrying out the functions of the Board and this position would allow a direct contact and allow the efficiency to improve dramatically, in her opinion. The Board can choose to move forward with posting the job or it can wait, but that is not up for discussion today; what is up for discussion is the resolution that sets the salaries for FY23. Commissioner White made a motion to sign the resolution approving the FY2023 salaries. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve the salaries. The motion carried by a two-to-one split vote. (Resolution No. 22-188.) The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 16, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Consolidated Supply Co., in the amount of \$3,752.84 for the Solid Waste Department
- Mountain Home Auto Ranch in the amount of \$119,982.00 for the Fleet Department
- CDW-G in the amount of \$52,848.10 for the Fleet Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jared Smith, Deputy Attorney I; and Kyra Venecia, Deputy Attorney I.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Garden City Bar LLC dba 1918 Lounge to be used 9/22/22.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 19, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HC Company in the amount of \$16,967.50 for the Facilities Department
- HC Company in the amount of \$405,470.00 for the Facilities Department

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF DEVELOPMENT SERVICES

The Board met today at 9:01 a.m. to interview and evaluate candidates for the Director of Development Services. Commissioner White made a motion to go into Executive Session at 9:01 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Monica Reeves with Commissioners White, and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Brad Holton, HR Generalist Jennifer Allen, and the following candidates during their respective interview times: S. Minshall; J. Larson via Skype; and M. Geiger via Skype. The Executive Session concluded at 11:25 a.m. While in open session, Commissioner Van Beek made a motion to continue the session to

tomorrow, September 20, 2022 at 1:30 p.m., to resume candidate interviews. The motion was seconded by Commissioner Smith and carried unanimously. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 20, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Holland's Bites & Brews LLC to be used on 9/25/22 and 10/1/22; The Pretty Bubble Company LLC dba Pretty Bubble to be used on 9/24/22.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley (arrived at 9:06 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:12 a.m.), Director of Juvenile Detention Sean Brown (left at 9:17 a.m.), Director of Facilities Rick Britton and Deputy Clerk Jenen Ross. The action items were considered as follows:

Mutual Assistance Compact for Law Enforcement Services with Ada County: Chief Dashiell explained that this compact is specific to the City of Star and jurisdiction where it overlaps into Canyon County. This is essentially the same agreement as last year with the exception of the non-expiring clause that has been added. Chief Dashiell said Canyon County and Ada County have a good working relationship and addressed questions posed by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the mutual assistance compact for law enforcement services with Ada County (see agreement no. 22-105).

Action Item: Consider signing Juvenile Detention Housing Agreement with Elmore County and Adams County: Director Brown explained these are the annual housing agreements and there are no changes from last year. The daily rate will remain at \$210 and Director Brown spoke about how he

calculates the costs; he anticipates there will be an increase next year. Discussion ensued regarding increasing the costs due to increased county expenses. Director Brown said cost are evaluated and revised as necessary each year. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the juvenile housing agreements with Elmore County (see agreement no. 22-104) and Adams County (see agreement no. 22-103).

EXECUTIVE SESSION – PERSONNEL MATTERS, ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:18 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 Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Rick Britton (left at approximately 9:30 a.m.), Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. At the conclusion of the executive session an amended motion was made by Commissioner Van Beek to include sections (a) and (b) regarding personnel matters. The amended motion was seconded by Commissioner Smith. A roll call vote was taken by Deputy Clerk Jenen Ross with the Board voting unanimously to amend the original motion. The Executive Session concluded at 9:46 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 RESOLUTIONS FOR REFUNDS ON DEVELOPMENT SERVICES FEES

The Board met today at 9:46 a.m. to consider resolutions for refunds on Development Services fees. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Staff Jennifer Almeida and Pamela Dilbeck and Deputy Clerk Jenen Ross. The resolutions were considered as follows:

Consider signing a resolution to issue a refund to Robert Salaber for a withdrawn administrative decision application fee (AD2022-0077-APL): The applicant chose to pull their permit and are requesting a full refund, however, based on work that has already been done DSD has recommended \$510 be refunded. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Robert Salaber for a withdrawn administrative decision application fee (AD2022-0077-APL). See resolution no. 22-190.

Consider signing a resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0714): The customer cancelled the job so the permit is no longer necessary. DSD is recommending a refund of \$964. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0714). See resolution no. 22-191.

Consider signing a resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0713): The customer cancelled the job so the permit is no longer necessary. DSD is recommending a refund of \$844. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0713). See resolution no. 22-192.

Consider signing a resolution to issue a refund to Mireya Felix for a withdrawn conditional rezone application fee (CR2022-0018): Noticing was done on this case so DSD is recommending a refund of \$617.50. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Mireya Felix for a withdrawn conditional rezone application fee (CR2022-0018). See resolution no. 22-193.

The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MIDDLETON LAND INVESTMENTS, LLC REPRESENTED BY KIMLEY-HORN FOR A CONDITIONAL REZONE: CASE NO. RZ2021-0060

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by Middleton Land Investments, LLC, represented by Kimley-Horn, for a conditional rezone of parcel R38028, consisting of approximately 160.03 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Elizabeth Allen, Elizabeth Koeckeritz, Chad Hamel, Tim Nicholson, Nicolette Womack, Shawn Williams, Rick Holloway, Jamie Michaelis, Mary Beumeler, Katie Vandenberg-Van Vliet, Marnie Vandenburg, Carl Osterthaler, Robert DeBoard, Sandria DeBoard, Doretta Quenzer, Angelie Hoxie, John Ponath, Emery Meeks, Garth McCallon, Aubrey Blough, and Deputy Clerk Monica Reeves.

DSD Planner Elizabeth Allen gave the oral staff report. The request includes a development agreement limiting residential development to no more than 49 buildable lots. The property is located at 25574 Harvey Road in Caldwell and is eligible for 4 buildable lots. It has been utilized as farm ground and was sold to Middleton Land Investments, LLC, between 2006 and 2009. There are 3 dairies and 2 feedlots located in the area. The site is located within a nitrate priority area. Ms. Allen reviewed the agency comments as well as public comments which cited the following concerns: loss of farmland, impacts to farming, lack of infrastructure, water table concerns, traffic, and changes to the character of the area. On June 2, 2022 the Planning and Zoning Commission

recommended denial of the request. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in support of the request:

Elizabeth Koeckeritz is an attorney representing the applicant. Grossman Properties has been in Idaho for a long time although they are now based out of Arizona and they are the developer behind the master planned developments of Hidden Springs, Cartwright Ranch, and the Eagle River Commercial District. They started working on this in July of 2021 before the newest comprehensive plan information was coming out, and at that time they had staff approve and agree that this was a good area and a good use for the request. Since that time as there has been more community input looking forward to the new comprehensive plan this has started to be viewed as something that should be considered under the new comprehensive plan, but they had submitted the application prior to that. As staff mentioned, it is appropriate to look at this under the current comprehensive plan and future land use map, not the proposed one. The request for a conditional rezone would limit the residential development to no more than 49 buildable lots and they expect to include various mitigation measures with the development agreement. There was a review of the conceptual plan. The minimum lot size is 2 acres and the proposal is for 2.75 acres with larger lots around the perimeter and slightly smaller interior lots. It is consistent with the comprehensive plan and compatible with the surrounding area. It does not negatively impact the character of the area, to the extent it does they are proposing mitigation. There is no undue interference with traffic, and they can meet and exceed the essential public services in this area. The developer disagrees with staff and the P&Z Commission finding that the use is not compatible. It fits in well with the area and offers an excellent transition buffer and when balanced against the competing interests of an owner who wants to have the ability to develop the property, the balance weighs in favor of allowing the conditional rezone. It's designated residential on the future land use map as well as almost everything around it. There are developable parcels in the area. The proposal meets a lot of the comprehensive plan goals and policies. The developer will improve the road to much higher standards on both Galloway and Harvey and is going to put in collector roads on the south and east where they don't currently exist so it really starts to build out the road system going forward. They have entered into a pre-annexation agreement with Middleton where they agree to extend utility corridor to and through. They are amenable to a density cap; they are retaining irrigation and surface water; the wells will only be used for domestic purposes only and it will be a community irrigation system. Middleton has agreed to rezone the property once it abuts in 2-3 years as R-3 zoning which is their highest residential development and would allow up to 10 times more lots. Following her testimony, Ms. Koeckeritz responded to questions from the Board.

Chad Hammel with Grossman Company Properties and Middleton Land Investments testified the property was not purchased from Mike Wagner; however, he is actively farming the property for them. He testified about the amenities and said they would contemplate an amenity package if they get approval of the rezone. Based upon conversations with staff, they removed the preliminary plat from this application with the goal of getting approval today. They are willing to include an amenity package with pathways, tot lots, a pool, and recreational facilities but they

were instructed to do the rezone first and then analyze that at the preliminary plat level. Whatever method they can disclose to potential future residents of the surrounding ag uses they are in full support of. Commissioner Smith said this is the time for working out what the amenities are because this is the only opportunity for the public to weigh in on them.

Tim Nicholson agrees with the testimony offered by Ms. Koeckeritz and Mr. Hammel. In response to earlier questions about the proportionate share model with regards to Canyon Highway District, Mr. Nichols said they had a preapplication meeting with the district and got their preliminary comments and they intend to meet their requirements and will widen both Galloway and Harvey on the applicant's side of the road to include additional asphalt, gravel shoulder and a barrow ditch. They will construct their half of the collector roads on the south and east side of property to be mid-mile collectors. The Board had follow-up questions for Mr. Nicholson and staff as well as Chad Hammel.

Testimony in opposition was as follows:

Katie Vandenberg-Van Vliet is an attorney with Sawtooth Law Offices which represents the Vandenberg Family and their business Vandenberg and Sons Dairy, and she testified in opposition on their behalf. The dairy is family-owned and operated and is less than ½ mile from the proposed site and has been in operation for nearly 42 years. The dairy owns the field that shares a property line with the site and rents several others nearby. She asked the Board to note her previously written and verbal testimony. The application does not meet the conditional rezone criteria and is not consistent with the comprehensive plan and the public's desire to preserve open ag space; it allows for irresponsible development on farmland that is outside of city sewer and water services necessitating construction of individual wells and sewers which will be injurious to the landowners and the aquifer; and residential subdivisions are an incompatible use next to farms and dairies and do not co-exist in harmony. The constituents are opposed to the rezone and are sick of the growth. The applicant, Middleton Land Investments, is an LLC based in Arizona and the voices of the constituents should matter more than the out-of-state investment entity. The applicant is trying to use other approved rezones as persuasive authority; however, the zoning ordinance prevents other rezones from being used as proof for approval of proposed nearby rezones. The right-to-farm act does not adequately protect existing ag uses and nothing they proposed makes her comfortable to protect these existing agricultural operations. CC&R's and disclosure statements do not make her comfortable. Commissioner Van Beek disclosed that the Vandenberg Family provided a host location for the Middleton FFA (of which her son was a member) to evaluate livestock.

Robert DeBoard has lived across from the property since 1972 and is concerned about his well and how it will be impacted when they drill 49 new wells. He also has concerns about the irrigation easement, and impacts to agriculture.

Mary Beumeler lives down the road from the proposed development and she supports Katie's Vandenberg-Van Vliet's testimony. She spoke of the robust agricultural area and the crops that are grown there and said it makes no sense to put an incompatible use in the middle of this region.

Canyon County is vital to the nation and the world in seed production; there is a 150-acre carrot seed field nearby and those growers have been pushed farther west due to development. It's important to maintain the prime farm ground we have left in Canyon County. Dairy farms are the single biggest contributor to the agricultural sector economically in Idaho and it's not a good idea for housing to push them out. Ms. Beumeler is part of a fourth-generation farm family and if we continue to allow unrestricted growth we are going to change the character of Idaho. She pointed out an error on staff's map that incorrectly shows her property as rural residential. Her home is on 2 ½ acres on Galloway Road and the original farm belonged to her family and when her mother passed away they split off the house and rezoned the 2 acres. The entire 28 acres was mistakenly recognized as residential, but it is not rural residential and she has a letter from the County stating it is agriculture. The Board had follow-up questions for Ms. Beumeler.

Marnie Vandenberg testified that the fire department that's located within a ½ mile is not an actual fire department that can send water trucks to fight fire, it's more of a storage location and training facility. She gave testimony regarding her family's farming activities noting there are dairies in the area and 1,200 acres in silage which farmers are currently chopping. She has traffic safety concerns given the agricultural trucks that are on the roadways, and she is concerned with recharge in the area. The Board had follow-up questions for Ms. Vandenberg.

(The Board took a recess from 11:35 a.m. to 11:46 a.m.)

Angelie Hoxie lives on Harvey Road and is opposed to the rezone due to traffic and safety concerns. She reported on traffic accidents that have occurred in the area.

Carl Osterthaler is opposed to development in an agricultural area. He has observed cultural problems of people moving to a city-type environment and talked about the increased crime and gang activity coming with the growth in population.

John Ponath lives on Harvey Road and is opposed to the rezone citing school overcrowding, and traffic concerns.

Jamie Michaelis lives north of the proposed development and agrees with what's been stated in opposition. She has seen the evolution of growth and the effects it has had on the area. Her concerns include increased traffic, school overcrowding, increased crime, and the lack of protection of farm ground.

Emery Meeks offered testimony regarding the farmland and agricultural operations in the area as well as the development that has occurred. He noted how rare it is to have two 160-acre farmsteads that have not been built on.

Rick Holloway testified he owns a horse ranch on Galloway Road north of the property and it's one of the last intact 160-acre parcels in the area. He operated the ranch in the 1980s and bought the place in 1996 and had to install a new pump and at the time the water table was 50 feet. He just installed a new pump and the water table is at 68 feet. From 1980 to 1996 there was an increase

in sprinkler irrigation which does not recharge the aquifer as much as gravity irrigation. At this point the water table seems stable and to tile ditches would be a big mistake because that is another way the water table is recharged. The fire station is on his property and it's a storage area. There are significant blind spots east and west of the subject property resulting in accidents and he wants to make sure traffic issues are not ignored. Following his testimony, Mr. Holloway responded to questions from the Board.

Rebuttal testimony was offered by Elizabeth Koeckeritz. Currently there is no stop sign or any traffic control on the northeast side, but there is a stop sign at Harvey Road where it comes onto Galloway Road but Galloway is not stopped right there. Any site design they do in the future has to meet the best practices and requirements of vision triangles and site distances and there is going to be a lot of work that has to go into the road development. Additionally, just widening and improving the road is going to make a difference in safety. Along the east and south, those are currently nonexistent roads, however, on the highway district's map they are intended to eventually be collectors and they are starting to improve them to make safer intersections in the future. The developer does not intend at this point to tile the ditch; the irrigation company requested they not do that. Per the highway district standards, they say the local road network in the project vicinity has adequate access capacity and so based on their requirements this road has plenty of room for capacity and more traffic on it. Road improvements do not come until development comes and the line-of-sight issues will be addressed. There is a conditional rezone for the property to the east and although they are saying at this point in time they do not intend to develop the property it does allow tight development at 18,000 square feet to one-acre lots. There will be a layout buffer. They want the hearing continued so they can come back with some of the amenities with further detailed right-to-farm provisions and how they intend to cover the property with easements to show this is an agricultural area that there is ag land and development going on. The developer has owned the property since 2007 and it has been designed as future residential and they want to use the available tools to provide a development that is compatible with the neighborhood.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioners Smith and Van Beek discussed edits they want staff to make to the FCO's which are summarized as follows:

- Include testimony regarding blind spots and traffic concerns and that we don't have enough information to require conditions of approval that would mitigate those traffic impacts. If this is denied, that would be one step the applicant could take to evaluate what those traffic impacts are and what mitigation could happen to improve road safety.
- To state that essential services would be provided is not accurate and the mitigation is to evaluate that kind of a precedent; the City of Star believes there is statutory support for and would help developers understand the cost to the community of inviting more subdivisions. Voluntary compliance and working with the building contractors.
- Include a finding regarding the schools.

- A finding is still supportive that drainage will follow state law, irrigation is provided; utilities are limited per the testimony to power, satellite, and internet.
- For conclusion #3, staff wanted to clarify that the 30.31 acres was for the lots within the notified area so that it doesn't appear that that's the one area. State the average.
- Staff needs to reference Exhibit 3d that the median is 7.12 acres, and the average is 30.31 acres within the lots notified. If available, staff should include what the average lot size is within one mile, and that would include agricultural and residential lots.
- Update to FCO's to change R-R (rural residential) to CR-RR (conditional rezone – rural residential)
- Include a finding that the request will negatively affect the character of the area. There was a lot of testimony regarding the heavy and agricultural uses such as silage, composting, and truck traffic which can be comparable to an industrial zone with significant noise and odor which reduces the desirability of the area.
- The record needs corrected regarding the rural residential rezone located to the east of the subject property as the ground is still agriculture, but only one small lot is rural residential. There was testimony from the owner of the property that parcel will remain in agriculture. It should be tied back to the zoning ordinance that a conditional rezone is not presumptive proof. It is expired and the County would have the ability to rezone the land because seven years have lapsed, per Idaho Code. The findings to be clear that the conditional rezone has not moved forward and is over a decade old.

Commissioner Van Beek said there is always a possibility that the City of Middleton could annex the property and if that case, the County would have no jurisdiction. Regarding steps the applicant could take to gain approval in the future, Commissioner Smith said a fully vetted plan that includes all of the amenities, including pathways, sidewalks and a full plan that considers the existing character would be beneficial, and to also include a water study that looks at quantity. She suggested less reliance on CC&R's and more work on the development agreement. Commissioner Smith recommends the Board deny the rezone application and direct staff to come back later with updated FCO's. Commissioner Van Beek made a motion to deny the application by Middleton Land Investments, LLC, represented by Kimley Horn, for a conditional rezone for Case No. RZ2021-0060, and direct staff to make the changes to the FCO's as outlined by the Board and bring them back for signing at a later date. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner Smith said the decision is the final decision and once the FCO's are signed the applicant has the right to ask for reconsideration and if the Board chooses to reconsider it the applicant will be notified, and if they do not the applicant will have the right to request a judicial review. The hearing concluded at 12:40 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (B)

Commissioner Van Beek made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek Jennifer Allen, Brad Holton and DSD Director candidate. The Executive Session concluded at 2:18 p.m. with no decision being called for in open session.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

PUBLIC HEARING TO CONSIDER THE 2030 COMPREHENSIVE PLAN UPDATE, OR2022-0008

The Board met today at 9:04 a.m. to conduct a public hearing regarding the Canyon County 2030 Comprehensive Plan Update, Case OR2022-0008. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen, DSD staff members: Jenna Petroll and Tammie Halcomb, Craig Davis, David Claiborne, David Anderson, Gerri Smith, Megan Dixon, Lorell Skogsberg, Chris Emmert, Beverly Emmert, Amy Bitner, Ron Bitner, George Crookham, Kris Crookham, Candi Fitch with the Idaho Hop Growers Association, Gerri Smith, Megan Dixon, Jodi St. Martin, Matt Eells, Rick Lattuis, Joseph Palmer, Caldwell Mayor Jarom Wagoner, Senator Patti Anne Lodge, Representative Kenny Wroten, Mary Beumeler, JoAnn Butler, Josie Jensen Erskine, Janet Northrup, Gail Delihant, Todd Lakey, Jerry Payne, Darin Taylor, John Cotner, Matt Dorsey, Derritt Kerner, Jim Davis, Tyler Hess, Nicole Albisu, Spencer Kofoed, Matt Wilke, Corey Blain, Doug Critchfield, Jim Thompson, Todd McCauley, T. Jacobs, Phyllis Indart, Jack Davis, Jayne Davis, Richard Zehr, C.L. Jones, Mike Teeter, Jim Thompson, Matt Dorsey, Mercedes Broomhall, Greg Hatheway, Cleon Hoagland, Wendy Rhodes, Gene Hawker, Chip Kinzler, Linda Wood, Connie Fishburn, Laurie Harman, Cole Moline, Christy DeVinaspie, John Sullivan, and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report. The P&Z Commission recommended approval with the changes staff recommended and the changes identified by the Commission. Staff identified that the plan is missing the airport map which includes the crop-dusting operations in the agriculture chapter and recommended it be added. The next step after adoption would be the development of advisory committees to assist with ordinance updates and address the sub area plans identified in the land use chapter to implement the plan and begin working on items.

Public comments are summarized below. The Board had comments and follow-up questions for each person.

Testimony in favor of the Plan was as follows:

Craig Davis, the owner of Kindred Vineyards and the President of the Sunnyslope Wine Trail, said there have been numerous workshops with public involvement over three years and the wineries have had an opportunity to hear the people voices. He has a petition with thousands of signatures who want to protect to protect Sunnyslope and Canyon County. The comp plan does not stop people from the doing the normal process; if somebody wants to convert agricultural land to residential they still have a process to go through and they can still apply. He gave a presentation on the importance of the wine region in Canyon County noting that Sunnyslope is one of the fastest-growing wine regions in the country with the wineries and vineyards generating a substantial amount of revenues and indirect jobs. Last year they generated \$54M in bottle sales and on this growth path they will be over \$167M industry in bottle sales. What makes them unique is the micro climate; they have the same grow zones as some areas in northern California. Sunnyslope has a month longer growing season than Boise. Mr. Davis said the loss of land is driving up the price of land so they cannot extend the 20% growth they are hoping to have for the next 5 years and it will be stifled dramatically if they cannot plant more grapes. They need 2,400 acres in the next 5 years if they are to stay on this growth path for the \$160+M. He said people come to Canyon County for the personal agricultural experience and the beautiful views and if a subdivision is put in next to his winery it will kill his business. He moved to Canyon County understanding they had ag zoning, and his rights could be infringed on by residential neighborhoods being put in next to him. They want to encourage business but do not want it put in the middle of prime ag ground.

David Claiborne, an attorney with Sawtooth Law who represents the Idaho Dairymen's Association and the Coalition of Agriculture's Future, said the plan strikes a proper balance and it should be understood that adoption of the plan is not a zoning decision, it's a policy decision. Agriculture is an important part of this county and it's why people like to live and work here. When we speak of prime ag lands we are talking about land viable for commercial agriculture on scales large enough that they can generate profits and be a business, we are not speaking of fragmented parcels of land that become hobby farms or country estates that don't contribute to that commercial chain of ag production. Those types of uses are incompatible where in areas where commercial agriculture is occurring. The plan should reflect what is good for the community as whole, what the vision is and should support community interests by keeping incompatible uses away from one another. The Board should not be concerned that by adopting the plan it is taking private property rights; the courts have always ruled that that's not the case. Courts have consistently recognized that zoning ordinances regulate where buildings can be built, how they should be constructed, where we want to preserve open space, where we want to implement aestheticism or agriculture within our community but all of these are a permissible exercise of the Commissioners' power when acting under the land use planning act. Even though they might affect the value of property they don't constitute a taking. The plan would not take away a person's complete economic use

of their property; there would be remaining economic uses available. The exercise of the planning authority to preserve ag lands is proper and in the best interests of the county, the cities, and the citizens as a whole and should not be viewed as a taking of any property right. The plan does not unreasonably infringe on any private property rights, doesn't render any private property valueless. It preserves prime ag lands and will allow private enterprise to flourish as a result.

David Anderson, who represents the American Farmland Trust, which has over 300 members, said the group is interested in proactively planning for agriculture. He spoke about the war in Ukraine and the resulting human atrocities, loss of resource and how it has decimated the Ukraine agricultural production. He spoke about how it is the responsibility for us to support the rest of the global food supply in being able to adjust to the loss. Grow regions like Canyon County are going to feel the pressure to make up the difference. The drought is decimating areas in other states and there is a lot of pressure on good soils to be able to continue to be able to produce more food. The comp plan creates a balance to continue to maintain that ag economy, and the plan with the agriculture protection elements is ensuring the balance to pay for community services in the residential growth areas.

Gerri Smith said 85% of the people have said "pass this Plan". The county is behind; schools are impacted, water is limited, and services are lacking. This is bigger than the realtors and developers, this about protecting our food supply and our way of life. Trust the people who put this together and the three years of hard work.

Megan Dixon supports the adoption of the draft 2030 comp plan and said if we do not support the plan the local economy will lose the foundation which allows us to keep producing the material. It's important to keep all the pieces of the economy, especially those that keep recreating themselves in place year-after-year.

Lorell Skogsberg represents a vegetable seed company in Nampa and his perspective is in ag preservation. Seed growers require isolation and separation. They are members of the Coalition of Ag's Future and they joined because of the spot zoning that was occurring through conditional use permits years ago so they joined to protect their sweet corn seed business. They want to stay here because the climate is unique and it's the best area to grow crops.

Beverly Emmert offered comments on behalf of Emmert Farms and Emmert Farms, Inc. Her family has farmed 100 acres south of Nampa and for over 100 years growing seed crops, mint, and hay, in addition to raising Black Angus cattle and they are in favor of the draft comp plan. She spoke of the conflicts between agriculture and residential development and said a lot needs to be addressed as it's becoming more difficult to sustain farming operations due to conflicts with water, traffic, trespassing, loss of isolation for seed crops, and loss of ability to spray fields due to EPA drift requirements. Residential development near farmland has infringed on their right to farm. The loss of ag land equals loss of food and loss of sustainability on the county, state and national level.

Amy Bitner spoke about her family's long history in the area and questioned why agricultural ground is being developed. There are many growers and wineries who want vineyard land but they have to go Washington to purchase grapes because they only have 1,200 acres planted in Idaho and it's not enough. She said when there was a fire near her property it took the volunteer fire department in Marsing an hour and a half to respond that that is an example of why low-density housing in the Sunnyslope area is not a good idea in the wine region. Idahoans are being forced to leave the state because they can no longer afford to live here. Not only is this about protecting agriculture, but it should also be about protecting the Idahoans who serve all of us.

Ron Bitner spoke about the soils and slopes and how they create a unique site; the decline in the bee population and loss of diverse pollinators, and what they are doing to attract bees, and their efforts to educate others (farmers and developers) about pollinators.

George Crookham said the decision is simple when you break it down to the economics of Canyon County; you either protect the \$640M industry, which is in the best interest of all citizens, or follow the path of continued development of farmland that benefits a small minority, a good portion of which do not reside within Canyon County or even in the state of Idaho. This is treasured resource which is precious and irreplaceable and the short-term gains will not be in the best interest of the county at large. To vote against the comprehensive plan puts us on the path to insolvency and uncertainty for farm families. Years of work have been into the plan with hundreds of comments from local citizens and he encourages its adoption.

Kris Crookham said she is here today to speak specifically about the time she spent at the Canyon County Fair where she estimates she spoke to 300 people. She worked at a booth with a sign that read "No Farms No Food." People are frustrated with the thing that are affecting their day-to-day lives as traffic, the infrastructure, and schools. People see business as usual continuing and they don't trust the County to help fix the problem or do anything about it because they feel it's more about the money than the community. There is an inherent disconnect as they watch developments institute planning in the projects they build as the County ignores comprehensive planning for those developments. They believe the County is being driven into insolvency as the costs of growth are not being addressed. One of the greatest myths is that ag land protection is not a conservative issue - it is highly conservative and kicking the can down the road adds a frustrating level of bureaucracy to the process. Ms. Crookham said they talk to other counties and city councils and are involved in community outreach.

(The Board took a break from 11:16 to 11:20 a.m.)

Caldwell Mayor Jarom Wagoner is an AICP-certified planner which gives him a unique perspective and he supports the adoption of the plan as-is. It provides a balance and an opportunity to evaluate the applications as they come before the Board and he likes that it gives options. We need to be cautious about the "layer theory". He referenced the Greenleaf impact area which is huge, and said the impact areas need to be looked at because that is where you have foreseeable growth, not 50 years down the road. We need smart growth and looking at what exists and what is planned in the future and base decisions off of those points; just because something is

agriculture doesn't mean it should always remain agriculture. Decisions should be made on a case-by-case basis. The County has taken three years to put together the plan and it is exceptionally well done and one of the best comprehensive plans he has ever seen. Regarding the concerns of people who have asked for more workshops, Mayor Wagoner said if you do workshop after workshop you're not going to get everybody to agree - you may get the majority to agree - you need to put together the document that is the most appropriate and move forward with it.

Senator Patti Anne Lodge said she had input on the 2000 and 2010 on Plans and this one is so much better and much more emphasis and work put into it than the other Plans. Had we done a better job on the 2010 Plan we might not have had some of the issues we have today. Her concern is keeping farming, ranching, and the wine industry in Canyon County. Farmers are finding it increasingly difficult to move farm equipment because of the traffic issues and it's causing some of them to reconsider whether they want to continue farming.

Joseph Palmer read a statement on behalf of the leadership of Vallivue School District who is in favor of the plan. He spoke about failed school bonds meanwhile developments are being approved by city councils which are bringing in more families than the district currently has the capacity to serve. Six of their elementary schools are overcrowded and in a matter of years all seven will be over capacity. When land from the County continues to be annexed into the city limits for development the school district is left appealing to patrons to pass yet another bond, and when patrons do not approve bonds the district is forced to pack classrooms with more students than is appropriate for just one teacher. After 20 years of growth patrons are experiencing voter fatigue. Vallivue School District appreciates the priorities to protect agricultural zones as it not only protects the ag interests, but also serves as a buffer to slow the pace of development which in turns allows the district to catch up and keep pace with the current growth crisis felt in elementary schools. Mr. Palmer said they have shared with local leaders the problem they are having with the growth, and for 20 years they have begged state legislators to listen and have the conversation but they won't do it.

Mary Beumeler said this is a great forum for people to be heard and there has been a ton of work put into plan and it should be passed. This discussion should not be about money. She referred to the surveys done in 2020; 82% of the responding residents are in favor of preserving ag lands. She is a 4th generation farming family and has heard about the rare quality of Canyon County as an ag production area with beautiful soil and how rare it is and it's a shame to cover it with houses. Canyon County is a global factor in feeding the world and it used to produce over 80% of the world's sweet corn seed and it's critical we keep it. She asked why we cannot preserve a corridor permanently of agricultural land like they do in Oregon where if you don't buy 80 acres you can't build a house. We need to permanently preserve the irreplaceable ag ground.

JoAnn Butler, who represents landowners in the northern area of Nampa's impact area, said they support the plan and the past decisions of the County regarding areas of impact because that has been the County's effort to concentrate growth which is a big part of smart growth. The County has worked with Nampa to define that area of impact and found the properties that make up the area of impact could be reasonably be expected to be annexed into Nampa. Since then the city

planners and County planners have worked on land use and infrastructure plans for the northern area to plan and define appropriate development that acknowledges the unique character of the area including agriculture and its relationship to Nampa. She asked the Board to continue the close working relationship with the city so that as development applications come before the County it is well versed and comfortable with the plans the city puts together.

Josie Jensen Erskine is a soil scientist and a farmer and she manages the Ada Soil and Water Conservation District and one topic not talked about is the ecosystem services provided by soils and the important role soil plays in mitigation of climate change. She talked about climate consequences and climate change. Save the soil, it is important for all life. **Commissioner Smith noted the points raised on this topic should be discussed by the Ag committee in the future.*

Janet Northrup owns a vineyard in Sunnyslope and she agrees with the points raised so far. The plan does not indicate that the sloping lands in west Caldwell are quality soil. She is married to a geologist with a PhD from MIT and they are on a committee drafting an AVA (American Viticulture Area), and her husband was part of the committee that drafted the Eagle Hills AVA. As the map stands now, it sounds like the slopes are not considered good for crops; and they are not for most crops, but it is ideal for viticulture. She supports the comprehensive plan.

Gail Delihant is with Western Growers Association and is a lobbyist for agriculture in California and has worked in the legislature for many years for farmers. She is very familiar with farming in California and has lived in Wilder for the past year and a half. Preserving agriculture in an ag area is critical. California has shoved agriculture out of the state with their rules, regulations and guidelines and there will be 1.5M acres of prime farmland that will go fallow in the next 10 years because of water restrictions. Because of the environmental justice committee and the environmental committee in California, agriculture can hardly farm anymore. Ms. Delihant supports the plan.

Neutral testimony

Matt Eells offered comments on behalf of the Caldwell Chamber of Commerce Land Use Committee. They previously submitted correspondence. Pre-existing problem of 2 homes being allowed on a parcel with no path for making them separate parcels. There needs to be a better definition of viable farm ground.

Testimony in opposition was as follows:

Todd Lakey offered comments on behalf of Snake River Building Contractors Association, as well as other groups and said they are here to ask for balance but that is not what is in the plan. They are on the same page with a number of the people who have commented today and the interest in the balance is trying to protect prime ag ground but allow flexibility on nonprime ag ground. The plan does not talk about prime ag ground; it talks about farm land and ag land. It does not provide that balance regarding prime agricultural land. A conservative approach means you believe in the lightest touch of government as it exercises its power over people and their property

and when it comes to ag this plan assumes that government knows best. Supporters of this plan talk about preserving our farm ground, but there is no such thing as “our” farm ground. There are many letters from longtime farmers in Canyon County, and he read a portion from Mike Wagner which said he favors a balanced approach with a healthy respect for the property rights of the owner of the land proposed for development. The current 2020 plan strikes a good balance and does not need major changes. He does not support the proposed versions of the future land use map and potential text. He supports the long-accepted principle of allowing residential uses on ground that is not productive or profitable for agriculture. He does not want to lose the right to sell or develop his unprofitable or marginable ground, or have the value of the ground significantly diminished. He should make the best decisions regarding the use of the land he farms and he does not want to be told it’s viable farm ground because it may be able to grow a particular crop or be used for vineyard or dryland grazing, especially by nonfarmers who are not familiar with the ground. A flawed survey was sent out and has no personal accountability when it asked if the ag ground should be preserved and it gives farmers no options. Mr. Lakey said he comes at this from a property rights perspective and the best way to preserve prime farm ground is to promote a strong ag economy and for farming to be profitable. Let farmers voluntarily decide what ground should be preserved and what is prime and keep ag profitable. The farmers he talks to want to keep farming but they need the ability to do something with their less viable ground as they deem appropriate. The current plan strikes a fairly good balance between property rights and government control and optimally he would like to push the pendulum to the right toward individual property rights. They are asking for a balance to preserve prime farm ground but this plan swings the pendulum too far to the left. There is no imminent need to throw out the current 2020 plan. Previous plans used committees of stakeholders to work on specific language in goals, policies and implementation with staff’s support and that’s what’s missing here. There are two very polar opinions because we have not had the stakeholders work on the specific language, doing that would build more consensus and buy-in from both sides. A number of his suggested provisions have been included, but the primary problem still remains; the text and the map that tend to limit farmers’ options on their nonprime farm ground and make them keep farming. The plan talks about more zoning types as additional options for landowners, but any of those decisions regarding rezoning still has to go through that process and the plan is the main thing you evaluate in an application and if it is not supported by the plan it’s extremely difficult to get a rezone approved. The future land use map that’s being proposed is a drastic change from the existing land use map and if you compare those two there is extensive rural residential areas that are designed in the current plan that have been removed. Those were specifically developed by driving around the county and looking at land and evaluating it and whether it was appropriate or viable for agriculture and those areas were designed and they should at least be put back into the future land use map. He is not a fan of the intensive ag designation as it’s another attempt to blanket reduce the ability of an ag operator to utilize their nonviable ground. You should be able to make site-specific decisions regardless of the location as to whether a particular application is appropriate for prime or nonprime ground. Mr. Lakey said there are too many *shall, must, direct, and ensure* in the document. The plan is a guide and those words belong in an ordinance. The definition of prime ground was included in the updated version but the problem is there is no tie or reference to prime ground in the plan, it’s all about the broad definitions of ag ground. The property rights section needs to be strengthened. The natural resource section encourages

community systems on projects over 15 lots - there is science that says it's appropriate to have individual systems. They ask for balance - utilization of prime farm ground making that what we are trying protect instead of this broad swath of ag ground and the best way to do that is to let stakeholders work on the specific language because the language does not reflect that. Do not approve the plan.

Darin Taylor said Canyon County's long-range plans response to the largest housing supply and unaffordable housing crisis is to route new housing, except for farm laborers, into city limits and areas of impact unless you live on a 5-acre minimum lot size whether or not irrigation water is available is why he opposes the comp plan. Its policy direction divides urban and rural living and disrupts the harmony between the two. He referred to parcel maps and said he is still learning about classifications since a lot of irrigated farmland is in the dry grazing parcel and a lot of the rural residential is in the rural industrial tract or rural commercial tract categories. This equal protection, the inspection of property classifications warrants more investigation. A current map and an analysis of current zoning and parcels in the unincorporated county is notably missing. If here it would show areas as rural residential zoning and subdivisions throughout the county. Identifying the parcels as agricultural on the proposed future land use map is nonsense. Policies in the proposed plan drastically shift away from balance and would harm the health, safety and welfare to residents. He asked the Board to table this item until an accurate future land use map is prepared and until policies addressing the housing supply deficit and unaffordable housing crisis can be included in the plan. The area of city impacts for the small cities are significantly oversized; we need to add rural residential areas to the proposed map outside areas of city impact for people that want the rural lifestyle. There is lack of specificity for agricultural, it's too general.

John Cotner said the biggest problem he has is removing a lot of the residential designations that are already in the comp plan because there are a lot of those areas that more viable for housing than there are even inside impact areas. There are hundreds if not thousands of acres inside the impact areas that are prime farm ground so if this was really about protecting prime farm ground we would not remove all residential designations in those areas outside, we would be more about trying to protect the actual farm ground and that's the majority that we're seeing. By removing the residential designations, it appears the new plan targets only 4.4% of the population growth – if you want to target growth that would happen in those impact areas but they are not building in those impact areas. 96.5% of all residential building happens in the impact areas. There is a contradiction in what the plan wants to do and what it is actually doing. There is a lack of balance. If the County wants to protect prime farm ground they need to have more discussions with the cities about how to change those impact areas and look at the soil classifications.

Matt Dorsey is opposed to the plan although he agrees with the farming community. The plan is a guide and it's not going to help him buy land any cheaper nor will it allow him to spray crops with an airplane. He has farmed in the Sunnyslope area for years and his children will be sixth generation farmers. When an ag tourism blanket is put on the entire area, it takes away his ability to continue to farm and it could be taking away his ability to not to retire but continue to farm. He disagrees with the plan if it defines his land as a view lot for the agritourism folks. He uses his land to leverage himself into being a production agriculturist and he is trying to live within the

rules and that is why the overlays bother him. He disagrees with the idea to use the plan to stop the growth. He wants to preserve ag land but not at the cost of going broke. The agritourism overlay zone because it hinders his commercial farming when trying to move equipment. There are negative effects to commercial farming with agritourism which is brought by the increase in population.

Derritt Kerner wanted to talk about one-acre lots and the map expansion which he believes is too restrictive on the residential classifications and will generate conflict if it's not more balanced.

Jim Davis said his family has operated a dairy since the 1940s and he sees both sides of the coin. After seeing the map his property is two miles out of the area of impact and that affects him personally and financially. A person should not be told what they can sell their ground for. He is pro farm but he doesn't want something that prevents him from selling on the free market.

Tyler Hess is a fifth generation Idaho native and a developer and he understands the reason for protecting farm ground but the new plan has a lot of restrictions on some of his properties restricting the opportunity for growth and for the one-acre lots which are in high demand. He has emails from the County where staff has not reviewed the property but said because they are outside the future comp plan their application would be denied and so when that happens it restricts opportunity. (*Commissioner Smith said that is not legal and she asked to see the email communication.*) Mr. Hess said he understands the need to protect farm ground but the land they do own and the farmers who said they can no longer farm it, they were taking away that property owners right away by not allowing them to sell it. There has to be more flexibility and he supports forming a committee for the stakeholders (farmers and developers) and identify proper locations.

Nicole Albisu said she and her husband are farmers and she is a school superintendent in Oregon. The comp plan puts a closed sign on County's door and the BOCC can find a better balance between sustaining agriculture, offering more diverse and rural housing options, and allowing farmers and ranchers the rights to utilize their land and profit just like the big farmers are profiting. The new plan does not have enough balance and it favors large conglomerate farming operations and reduces residential designations. It will change property owners' rights. Although Canyon County's agricultural footprint remains strong we are in crisis mode when it comes to housing and it continues to worsen.

Spencer Kofoed said both sides of his family have farmed for generations and he has a development business. His brother was on the committee and it felt like they were going through motions and said they'll work out the details of agritourism after the plan is adopted. He is on the side of free market, free enterprise, and working together to develop good communities, and he is hesitant about government bureaucracy that prevents the free market system from working right.

Matt Wilke said the map doesn't consider his family farm that was zoned rural residential south of the lake in 2013. An agritourism overlay was put over it with exclusive agriculture. He is seeing errors on the map that that are deceiving. The plan seems to benefit the cities and stops

unincorporated growth. He referenced policies that need improvement such as soils classification and he said they want to see the bypass removed from the functional classification map in the Middleton area. It's been a proposed expressway but COMPASS doesn't have the authority to change those maps. He referenced grape production. The plan needs to be balanced and more work needs to be done.

Cory Blaine lives on a farm he inherited from his grandfather who moved to Idaho from California to farm, and he is a residential home builder and developer. He was told by DSD that his application for a future comp plan amendment would not be approved. Last fall he came to DSD with a farmer who is tired of farming and wanted to have a project with one-acre lots and was told by a planner that the BOCC would not vote for it and the applicant was turned away. The farmer felt like the plan was condemning him to be a dairy farmer and he would never get more than \$7,000 to \$10,000 an acre for his land. He spoke about aerial spraying and how that can be done in a very small area, and he suggested the Board should get more information from the applicators before just accepting testimony and not just go with someone saying "I can't farm anymore if there is a development." The plan supports the large agricultural farming. If the County's intent is to allow farmers to come in and honor that if they have 500 acres and they are in the green area, he thinks there will be a lot of farming support. There were follow-up questions from the Board, and staff with Ms. Allen stating the zones were created to give property owners more options and still be in compliance with the comp plan.

To the points about DSD staff dissuading applicants, Commissioner Smith said the Board is the decision-making body and staff cannot apply a new comprehensive plan to any applications and she doubts that's been said. Applications are being delayed because we have a staff shortage in DSD and over 200 cases waiting to be processed.

There was discussion with Todd Lakey regarding the text vs. the map within the comp plan. Mr. Lakey's position is that text leans heavily on preserving farm ground, but it doesn't talk about prime farm ground or non-prime farm ground. He said the definition of farm ground is very broad and discourages development. He wants definition of viable and non-viable farm ground.

Doug Critchfield with the City of Nampa Planning & Zoning Department said the city has been involved with the project for the last 3 years and Nampa supports the County's efforts and interest in preserving quality agricultural farm land and they seek to continue to work with the County to establish grounds by which the ag industry can be preserved and enhanced while at the same time seeking ways to handle the unprecedented growth. They want the County to include Nampa and the various advisory groups as well as the municipalities, particularly the agricultural preservation strategic planning for growth sub area of lands, transfer of development rights, and land development guidelines. They invite staff to participate in ongoing discussions with the City of Nampa, Vallivue School District, and the Nampa School District about the current school facilities crisis. Nampa is concerned about the statement in the comp plan for development of masterplan communities in the community. They consider the County to be the lead agency in agricultural land preservation but the role of the cities to lead on facilitating that type of development. The area of impact plays a vital role in planning for ag preservation and future growth and they applaud

the statement in the plan that suggests for a review of the current joint powers agreements between the cities and the County governing development in the areas of city impact and they ask for it to be a priority. Regarding the intensive agricultural overlay adjacent to the current southern border of Nampa's impact area, they look forward to working with the County to address planning in that area; they are concerned about the transition from city to agriculture on the edges and what the buffer areas will look like. They have interest in being able to articulate how properties should be zoned when annexation outside of the area of impact is proposed so they want to work with the County on how to move forward on that. Nampa invites the County to participate on the drought taskforce, the goal of which is to ensure a sustainable supply of water for agriculture and the growing the population.

Jim Thompson is opposed to the plan because it's restrictive and he believes we are setting the stage with the new comp plan that it's agriculture and it's agriculture first, which he is not opposed to but he doesn't think it can be that way all across the County. There are so many variables in the green area that should not be ag. We are not solving problems, we are just adding more bureaucracy to what's already in place and he believes the restrictions can come back to haunt the farmers we are trying to protect. He referred to the restrictions in Owyhee County that are purely for the benefit of a corporation, big dairies and big money. There are a lot of people who support the plan who moved here from California, but the point they miss is they have been able to take advantage of the residential parcels but now they want to restrict it so nobody else can do that and that's not right. It's been said people can apply but staff gives the impression it will not be approved. The plan is too restrictive and there is zero opportunity for residential; it has to be more of a guide rather than an overall restriction.

Todd McCauley said one of the recurring questions that's come up is why do we continuously turn farm ground into residential ground and the simple answer is because individual citizens who own the land made the decision to willingly sell their land and, in most cases, they were not made to do that, it was their right to do that. He represents a person who owns 300 acres in Canyon County and farms 2,000 acres and he is not looking to stop farming altogether but several of his acres are elevated therefore very expensive too farm and it's nonprime farm ground is not suitable for farming but it's very suitable for residential and he listed it for sale. There are several developers who want to buy it and over the 2 years it was for sale none of his fellow farmers wanted to buy it. He submitted an application to DSD and was told it does not fit into the plan and therefore it will be denied and if he submits an application the money will be wasted. The reality of the plan is to either encourage or discourage people to apply and if there wasn't some desire to restrict it further then why not leave it the way it is now? There must be a compelling reason to do something different and that appears to curtail market opportunities and direct to a very specific plan as opposed to letting it work itself out naturally. If the plan is approved the practical application for his friend is he will be trapped with land and will not be able to move forward with his land. Do not approve the plan but instead allow for more balanced and flexible zoning in the half-acre, 1-acre and 2-acre zoning.

Cleon Hoagland is opposed to the plan because of private property rights. He is fifth generation farmer and he is the last generation to farm his property. He has been trying to sell farm ground

that he considers nonviable, noneconomical farm ground and he cannot make a living on it because it's too cost prohibitive. It's not really a farming community, it's a bedroom community and he has tried to sell his land and was told no, don't waste your time. He has an email that states the proposal would not meet the ordinance criteria and would be denied. He does not live within a one-mile radius of a subdivision; he lives within ¼ mile of the city limits. He believes the comprehensive plan is unfair.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public comment. (The Board took a break from 2:47 p.m. to 2:55 p.m.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen public comment in order for staff to provide rebuttal.

DSD Planner Elizabeth Allen's comments were as follows:

- They added the new designations, agriculture designations to provide more of a balance than what we currently have in the agricultural zone and allow the opportunity for property owners to rezone with being consistent with the comp plan.
- Staff has met with a few citizens who have also been in attendance and told them they would recommend approval of a rezone after the plan was adopted because they currently didn't have an option to rezone. She offered to put that in writing for them.
- Earlier versions of the plan had language along the lines of encouraging innovating farming practices or best management practices and that was brought to remove that language based on concerns from the public and that's why none of that was in the plan.
- The intensive agricultural overlay is intended to help reduce conflicts but won't cut off property rights but will help farmers stay in operation.
- The agriculture advisory committee was brought up, but we are also proposing a rural smart growth committee and it will include developers and there are opportunities for members of the public to be engaged.
- She encouraged the Board to look at Attachment A because there are items that were changed: 1. Change all the language that said *shall* to *must*
- Sub area plans that were proposed with the land use chapter were intended to fine tune the maps. For the sub areas they would separate the County into 5 of 6 areas. Sub area plans would essentially be miniature comprehensive plans and they would work with the community by identifying land uses in those areas. We would probably see areas where they might be commercial opportunities or different residential options. They will work with the public on it.
- The agritourism area is not intended to limit the use of the land; it's intended to allow for flexibility so if the property doesn't want to have agritourism on their property they won't be required to do so.

- If you don't have an agritourism overlay they could incorporate agritourism in the agricultural zone by itself to allow more flexibility for farmers to have other options to do that they want for income.
- The masterplan community language was brought up and the findings of fact, conclusions of law and order (FCO's) and in the attachment staff proposes removing that language.

Commissioner White said it's concerning that citizens are pointing out the maps do not reflect correct zoning. She understands the important of agriculture and how vitally important the seed crop industry is to the world. She wants answers to the things that are not clear. She is not worried about approving the plan and developers losing their right to build and farmers losing their right to sell and profit. She is worried about the misinterpretations and misunderstandings and the of clarity of on both sides of the issue. Her takeaway is that nobody is taking away the case-by-case opportunity; and, the word *compatibility* should be used in place of *balance*.

Commissioner Smith reviewed the changes she wants:

The property rights section on Page 9 (keep 1.01.01, which is a policy – it should go back to a goal.)

Page 14, the population estimates section – It's the Treasure Valley population not the Canyon County population. The estimate for 2022 is 192,000 - is that for Canyon County? Add a title to the graph titled *Canyon County Population Stats*. Are we expecting to add 72,000 in 3 years? (Ms. Allen will review the COMPASS information and double check the graphs.)

The land use maps do not show the Star Impact Area. We have overlapping areas currently but that needs corrected.

How big of a deal is it if we take the agritourism and intensive agriculture overlay out of the plan and hold them until the ordinance is ready? Ms. Allen said that's not a problem; we can adopt the plan without those and the Board would have to amend it. The same thing for changing the rural residential designation to the RA. Ms. Allen said if it was called rural residential it wouldn't fit under agriculture anymore, it would be under residential. Commissioner Smith said if you apply for a rural residential zone we cannot change your zone within a period of years. Ms. Allen said she talked to legal counsel about that and he said it should stay as rural residential. We would have a record of it in the ordinance. Commissioner Smith said leave the rural residential zone and modify because the text of the rural residential zone to include elements of the RA zone so that it blends but doesn't change the zone.

Page 37, the policy under natural resources in hazardous areas - It says to protect human life and property and reduce public and private expenditures resulting from natural and human-made disasters. If you build or develop we cannot help you in those areas then we shouldn't be telling the public we are going to protect them from it. We should delete that. It's probably missing something like limiting development in the natural hazardous areas. Ms. Allen said we have some of that language in another section. Commissioner Smith is inclined to delete that policy.

Regarding the section that encourages downward facing lighting to improve public health, safety and welfare, Commissioner Smith said there is a policy that talks about light pollution that's fine, but she's not heard a good argument on how downward facing light helps public health or safety. Ms. Allen said safety would apply to aerial applicators who fly at night, for example, and some could argue it would impact their sleep.

A goal that supports recharge projects since water is a natural resource and we consistently have conversations about recharge. Not a policy that's requiring people to do something but a goal that supports development that includes recharge projects. Maybe replace G.5.05.00 with language that talks about water. Page 38 has a great section on water that includes information about recharge but it is key to our success. Some type of goal that addresses the importance of recharge.

For the future, remember that the bee population is important.

She questioned the reference on Page 39 to the Boise River Complex and the Snake River Complex.

Page 48 under schools it states that new development adjacent to existing or planned schools should provide adequate pedestrian and bicycle access for school children and connecting roads and pathways. Should that only be subdivisions that are immediately adjacent or for developments within one mile of the schools? We should look into it being more than adjacent if we are looking at safe routes.

Page 49 references higher education. At the College of Western Idaho, it's worth mentioning the BSU center at CWI. Also, the U of I Parma Research and Extension Center is related to production storage and related problems of vegetables and forages, seed and specialty crops, produced in southwest Idaho. It's a valuable resource as part of higher education so include that. We have incredible trade schools that are not mentioned, and trade schools are a key part of our agricultural community versus colleges and so we should list the trade school options; for example, the helicopter program Silverhawk.

Page 53 public service facilities and utilities policy 7.02.01, to encourage the conservation of energy through the support of public education, incentives and other tools that encourage conservation. Staff referenced detention facilities, however, the schools did this well - Vallivue School District and Middleton School District talked about voter fatigue and the failure to pass bonds and it's important to note that the jail is full and we have voter fatigue and have failed to pass a bond. If you look at the numbers the jail is not technically full, but that's only because we have alternative sentencing and in some ways that's a good thing but we've had some serious incidents recently that show some reason to keep people in jail if they've done bad things. She wants to add a sentence that the facility is full.

Page 61, the policy regarding considering the cumulative impacts of rezones and subdivisions on road capacity, traffic and traffic congestion on making land use decisions. The developers

deserve to know how big a scope we are going to look at. Is it within one mile? How big of a cumulative impact are we looking at? If we're not ready for it to be a policy then we make it an action item or a goal to consider what that means. Ms. Allen said as far as distance she doesn't have an answer but asked if we can think about the larger regional transportation system?

On the recreation component, Commissioners Van Beek and Smith said the County should take action on the MOU between the Fish & Wildlife Service, the State of Idaho, and the County and its Parks Dept. with regard to the Deer Flat Wildlife Refuge. List the County's parks as well as the recreation opportunities.

Special Areas and Sites: The Sunnyslope AVA is a special area and site and there was a lot of testimony about the microclimate and the soil of that AVA and it should be specifically listed. Create a paragraph and add that.

Public Housing Overlay: It's an overlay to the support the Caldwell Housing Authority's use, so instead of doing CUP modifications continually, it would be allowed uses in the public housing overlay and would allow a mixed variety of uses. Commissioner Smith wants to remove that until we have the ordinance.

Commissioner Van Beek found some of the goals in conflict and she argues for allowing a house in ag zone, but there could be an argument for fragmenting the ag zone on that. It needs more discussion. We haven't defined what incompatible means because we don't have a clear definition of nonviable. Answer the question of where ag housing/farmworker housing is supposed to be located. It seems inconsistent because we are not allowing, in some instances, families to put family members there to help augment the farming operation which would be more desirable. Commissioner Smith said there are questions in that section but she is supportive of the goals listed. We'll remove the one action. Commissioner Van Beek wants to redefine some of the goals so they are not subject to interpretation. It's not clear, given the testimony there is clear direction on farm labor housing but not on how to meet or get input - when development is next to the ag community and what that really looks like. Staff was directed to take the feedback on work on the language.

On P.12.01.01 and P.12.01.02 of the agriculture section, staff was directed to replace the word *direct* with *encourage*. *To encourage nonagricultural related development to the cities, areas of city impact and other clearly defined and planned development areas*. It appears those have been removed so people cannot locate in a rural setting. Commissioner Smith said this would be a policy that would be one of the components of the ag section; it's guiding growth with a plan. What is increased protected farmland? What if we say support farmland through zoning purchasing and transfer of development rights, clustered development, conservation easements, and other opportunities to guide development to more suitable areas. Support farmland through zoning and remember and remove the words *increased protected*.

Ms. Allen asked if she wants to remove all overlays? Commissioner Smith said no, just the intensive ag. There are 3 different agriculturally based overlays. The agritourism and intensive because there isn't enough to describe what that is and what that means. We're just shelving it.

There needs to be an action item that says to work with the cities to adopt ordinances that protect and promote agriculture.

Ms. Allen asked if the Board wants to change overlays to be an action item? Commissioner Smith said yes, that's a good solution.

Commissioner Van Beek said the word that needs to be used is *voluntary*. There has to be some provision given to landholder, the farm person. Voluntary compliance not a regulatory taking. Commissioner Smith said it would be an action, they would work on the developing language and work with the sectors to establish what that looks like and what it means. Commissioner Van Beek said on transfer of development rights or conservation easements, some of the definitions that could be critical are subject to interpretation. If it's not a problem then it should be stated in the best interest of transparency. It would help offset some of what looks like big government in telling landowners what they have to do, what they have to grow. There has to be an element of voluntary compliance. Developing policy that clearly discloses what those conservation easements and transfer of development rights. Commissioner Smith said none of that exists now and that would be part of your purview next year or whenever those proposals come in front of you for ordinance amendments. In some of this there is a tremendous amount of information and combing through the document is critical. Do we have enough in this document to pass something today and she does not believe we do.

Commissioner Smith said her final change is on A.13.01.05(A) under national interest, electric transmission corridors – there is a use of words twice. Promote energy conservation to support public education, incentives, and other tools that encourage conservation. What type of conservation? We already said it by promoting energy conservation through the support of public education, incentives and other tools.

Commissioner Van Beek said regarding action 12.01.04 to discourage the conversion of agricultural land to other uses, she met with a farmer and part of their plan for continuing their ag heritage was to divert some less productive ground to a different use that would augment and highlight the agricultural component of Canyon County and allow them to keep operating. It's premature to put an action item like that in place because it restricts it before it's gotten out of the gate.

Commissioner Smith said with those changes she recommends approval of the plan and to direct staff to bring those changes back in a final document for final approval. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public comment.

Commissioner Van Beek said in looking at public services, facilities, and utilities we highlighted that we wanted to have some mention that the detention facility was full. One of the goals which falls directly under the purview of the Board is to provide funding for a public safety facility and she doesn't see that listed as a goal or an action item and it would be remiss for Commissioner Smith to make that statement but made no provision for the Board to make that a priority. Commissioner Smith said she doesn't know that the County has ever used the comp plan to identify specific actions for the elected officials. Commissioner Van Beek said then we would have to remove the requested change to say that the facility is full because that population fluctuates. Commissioner Smith said all we are doing is giving current conditions so the section where she wanted the references is just in the section that describes what the current conditions of our facilities are. Commissioner Van Beek said then make it a goal. G.07.02.03 would read to provide public safety facilities that we demand for services and incarceration for the cities in the County.

Ms. Allen said there is a reference to providing reliable public services and facilities. Commissioner Smith said that covers it. Commissioner Van Beek said then eliminate the new goal but specifically call out public safety because public services and public safety facilities are different. Commissioner Smith wants to change the language to state *public safety facilities, facilities, and utilities*. Commissioner Van Beek said given the current mental health crisis, it's important to put something in there to meet that service. Commissioner Smith questioned bringing in mental health into the public services facilities. Commissioner Van Beek said there is a proposal to use ARPA to fund a teen assessment center so Commissioner Smith is in conflict. Commissioner Smith said she is not making budget decisions based off a comprehensive plan; the plan is for land use. Commissioner Van Beek said we need adequate land allocation for a public safety facility that would also triage acute mental health to keep people out of the jail that don't belong there, but provide services to people that are in acute crisis so it would be a land designation big enough to meet that need. Commissioner Smith said there's not been enough conversation on that topic, nor is there enough time to come up with language so she requested the Board move on from the topic.

Commissioner Van Beek said under agriculture we work to include something that highlights hands on agriculture, much like the STEM programs so we have not just where people can enjoy what's produced in the viticulture area. For example, a cold press cider mill with agritourism but there is no look past where it doesn't feel like anything other than a winery component and there's so much more that could be done given the ag area we are in. Commissioner Smith said that is the goal of the agritourism, place as an action item and develop language.

Commissioner Van Beek asked if we took into consideration Greenleaf's concerns on the self-sustained master plan communities? Ms. Allen said yes, staff did take that into consideration. Ms. Allen asked about the airport map and the crop dusting and whether the Board wants to add that as well. Commissioner Smith asked staff to add it and the Board will consider it.

Commissioner Van Beek suggested there be two separate motions, one for the changes, and one for the plan itself because she is not opposed to the changes but she is opposed to the plan given the number of concerns that are out there. Commissioner Smith made a motion to approve the plan and direct staff to make the recommended changes. Commissioner White seconded the

motion. Commissioner Van Beek said she wanted those motions broken out where one will approve the changes that had been recommended. Commissioner Smith said when we see what the changes are then we'll approve those changes if they meet what the Board requested. Commissioner Van Beek believes the motion is premature and there needs to be deliberation before a motion is called for. It's out of order to call for a motion. Commissioner Smith said it's not out of order, there is a plan in front of the Board and she supports the plan with the recommended changes. Commissioner White said the plan is important and if Commissioner Van Beek has some apprehension or reservation then she is fine with letting her get in a comfort zone and do this in the order she has suggested. Commissioner Van Beek said she does not want to debate semantics, she wants transparency in government because this matters and with the amount of changes and the amount of information that is unclear in this plan there is no reason the Board cannot break out a motion to adopt the suggested changes, but to roll them into the same motion feels like she is being railroaded to adopt the changes and the plan at the same time and to that she objects before there is deliberation. That is not good governance. Commissioner Smith withdrew her motion. Commissioner Van Beek made a motion to direct staff to make the changes provided by the Board and bring back those changes on Monday, September 26, 2022 at 9:00 a.m. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith said the Board will review the changes and decide on approval or denial on September 26th. Commissioner Van Beek wants to look at the changes and have the Board deliberate the merits on what's left given the testimony. She believes Todd Lakey brought valid points and his quote "a lighter touch of government as it touches people and their property" is absolutely appropriate. She said the Board heard convincing testimony from many people on the issues and the obstacles they are facing and she objects to leading people down a path where they are spending thousands of dollars believing they can obtain an approval when it's not clear. Soil is important but it's not part of any criteria the Board makes recommendations on. In a balanced approach you would retain something to keep it in balance but the plan appears to be out of balance. She is not in favor of a document that is lacking in clarity.

The hearing concluded at 4:20 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT** (Participated remotely for an afternoon meeting)
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Les Schwab in the amount of \$11,063.29 for the Solid Waste Department
- Apple, Inc., in the amount of \$1,578.00 for the IT Department

- Western-States – Meridian in the amount of \$285,000 for the Solid Waste Department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for County Line Wine to be used 10/01/22, 10/9/22, 10/15/22, 10/22/22 and 10/29/22; O'Michael's Pub & Grill to be used on 10/1/22, 10/8/22, 10/15/22(2), 10/22/22 and 10/27/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Boone Singpraseuth, Security Systems Administrator; Jairo Rodriguez, Operations Manager; Ho Pham, Application Support Analyst I; and Noah Ryan, Juvenile Detention Officer.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 1:34 p.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Ms. George provided background information on case no. 2022-381 stating that indigent services is requesting a final approval from the Board. Commissioner Van Beek made a motion to issue an approval with written decision within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Due to hearing cases needing to be vacated today, a request has been made to continue case nos. 2022-494, 2022-499 and 2022-502 to October 6, 2022 at 9:00 a.m. Commissioner Van Beek made a motion to continue the cases as stated. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 1:39 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AGENDA ITEMS

The Board met today at 1:40 p.m. with county attorneys for a legal staff update and to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner White (joined by phone at 2:55 p.m.), Deputy P.A. Zach Wesley (left at 1:56 p.m.), Deputy P.A. Alex Klempel (left at 1:56 p.m.), Facilities Director Rick Britton (left at 1:50 p.m.), Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, Code Enforcement Officer Eric Arthur (left at 1:55 p.m.), Assessor Brian Stender, Mark Wendelsdorf and Deputy Clerk Jenen Ross. The agenda action items were considered as follows:

Consider signing first amendment to lease agreement with GPRV Partners 37 LLC for property located at 1614 Industrial Way, Caldwell, Idaho: Director Britton explained this is for the county warehouse building that has been leased for the past few years. The lease agreement has increased about \$1000 from last year but once a new warehouse is built this space would be vacated. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the first amendment to lease agreement with GPRV Partners 37 LLC for property located at 1614 Industrial Way, Caldwell, Idaho (see agreement no. 22-106).

Consider signing declaration and notice of sole source procurement for the construction of a Mezzanine Addition to the Canyon Crossroads Transportation Museum: Director Britton said this project has been out to bid for about 18 months without any interest. Recently someone has come forward who would like to do this type of work which Director Britton would like to pursue thru sole source. The quoted cost is \$74,500 with some work to be done by county staff. This project has been budgeted for. A public hearing will be held on October 11, 2022 at which time the Board can consider signing a contract with Veritas Maintenance. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the declaration and notice of sole source procurement for the construction of a mezzanine addition to the Canyon Crossroads Transportation Museum.

Consider approving abatement costs for property located at 221 Amber Street Caldwell: Mr. Arthur showed pictures to the Board and provided an explanation of the conditions of the property. Commissioner Smith had concern about the property owner possibly being deceased as Mr. Arthur said there has been no contact from either the property owner or the renter, however, the property has been properly noticed. A quote of \$4,580 has been received to abate the property. Commissioner Van Beek made a motion to abate the property. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith asked about an email that was received about a private road issue. At the Board's direction, a meeting will be scheduled.

Consider signing a resolution setting the levy rates for all Canyon County taxing districts: Mr. Onofrei gave a PowerPoint presentation to the Board on establishing levy rates. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution setting the levy rates for all Canyon County taxing districts (see resolution no. 22-198).

Consider approving FY2022 budget adjustments: Mr. Wagoner answered questions posed by Commissioner Van Beek and noted that this is an accounting exercise. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the FY2022 budget adjustment (see resolution no. 22-196).

Consider approving FY2022 operating transfers and reimbursements: Mr. Wagoner said that the FY2022 budget includes some operating transfers and reimbursements. The County received

cigarette tax money from the state, that money is restricted in its usage and can only be used for juvenile justice functions. The original receipt of the revenue is in the Juvenile Probation department and then certain portions of that revenue are transferred. There is a \$5000 transfer to the Juvenile Detention Center, there is also a \$5000 transfer to the Juvenile Drug Court. This is just an accounting exercise to allocate the proper revenue and expenditures to the proper locations. Controller Wagoner answered question from Commissioner Van Beek to understand and locate accounts within the chart of account. Commissioner Van Beek has some additional clarifying questions that she would like to work with Controller Wagoner on and does not feel comfortable moving forward in signing the resolution at this time. This action item was temporarily put on hold until Commissioner White could be reached by phone.

Consider signing a resolution for a change in application to an alcoholic beverage license for Lifestyle Café LLC dba Twelve25 Bistro & Wine Bar: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a changed application to an alcoholic beverage license to Lifestyle Café LLC dba Twelve25 Bistro & Wine Bar (see resolution no. 22-194).

Consider signing a resolution for a new alcoholic beverage license for Panther Event Center LLC dba Panther Event Center: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Panther Event Center LLC dba Panther Event Center (see resolution no. 22-195).

Continued - Consider approving FY2022 operating transfers and reimbursements: Commissioner White was reached by phone at approximately 2:55 p.m. at which time Mr. Wagoner provided a brief review stating that every year the County provides multiple services to the Landfill Enterprise fund such as HR, payroll, legal, accounting, cash management, etc. In accordance with proper accounting standards and procedures the Landfill pays for these services. For FY2022 the Landfill is scheduled to pay \$1,513,600 for these services - \$1.3M is transferred to the current expense fund, \$111,600 is transferred to the Justice fund for the unemployed inmate labor program and \$35,000 to Parks for the services they provide at Jubilee Park. The document shows the cash coming out of Landfill Enterprise fund and being deposited into the current expense, justice and parks and recreation funds. Commissioner Smith made a motion to approve the FY2022 operating transfers and reimbursements. The motion was seconded by Commissioner White. A vote was taken with Commissioners Smith and White voting in favor and Commissioner Van Beek abstaining from voting. The motion carried with two in favor.

The meeting concluded at 2:58 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE HARTWELL CORPORATION AND ESIS (A CHUBB COMPANY) REGARDING RISK AND CLAIM MANAGEMENT SOLUTIONS

The Board met at 3:07 p.m. for a meeting with The Hartwell Corporation and ESIS (a Chubb Company) regarding risk and claim management solutions. Present were: Commissioners Keri

Smith and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Assessor Brian Stender, Chief Deputy Sheriff Marv Dashiell, Incoming Chief Deputy Sheriff Doug Hart, Controller Zach Wagoner, HR Director Kate Rice, Brian Baughman and Shannon Kinney from the Hartwell Corporation, and ESIS representatives via Webex: Tonya Mader-Patouma; Todd DeStefano; Michael Sliemers; Nicholas Meyer; as well as Deputy Clerk Monica Reeves. The County's coverage through ICRMP expires at midnight on September 30, 2022. Today's discussion with ESIS focused on the following topics:

- Claim management
- Non-litigated and litigation management process
- Banking and billing component
- Need to have internal conversations about workflow and process
- Risk management information system
- Reports
- Training provided
- Defense counsel
- Self-insured reserve
- Third party administrator agreement

Sam Laugheed asked if we could execute the contract with zeros and work through the workflow, service instructions, etc., and have more time to do that. Mr. Sliemers said we can do that with a short amendment update with dates and amounts knowing it could take 30-60 days. We should focus on the "nuts and bolts" upfront so we're ready to go and then we can peel back amounts and other things that would be important at some point. Further discussion ensued regarding the PLDF (paid loss deposit funds) and the banking component with follow up questions from Commissioner Van Beek regarding loss amounts. ESIS will provide a sample claim handling document and instructions to Brian Baughman and then Brian, Kate Rice, Zach Wagoner and Sam Laugheed will work on it and bring it back to the Board. (Prosecutor Taylor left at 3:55 p.m. The Webex concluded at 4:20 p.m.) Brian Baughman said The Hartwell has a proposal showing insurance companies, coverages, and payments, as well as what they need today and the steps they would take if the Board agrees to move forward with insurance to replace ICRMP. The goal would be to get permission from the board of directors to move forward. A number of the items require applications to be signed and they are seeking clarity from the Board on who the signatory should be. Time is of the essence with October 1st around the corner. Sam Laugheed said the Board is not in a place today, unless we do an emergency amendment to the agenda (which he does not recommend at this point) to bind anything. There is a distinction between binding and getting all the information necessary from them so we can have an action item in front of the Board and he asked if there is room to play or do we have to bind before they give us the policy? Brian Baughman said they have proposals and the necessary information listing the coverages, and it is available today along with the premiums and other information. Sam Laugheed said we need something on the agenda after the Board has an opportunity to review the documents The Hartwell provides that says *consider signing TPA contract with ESIS and consider binding coverage.*

Commissioner Van Beek said she wants to be included in the discussion that Sam Laugheed suggested take place. Commissioner Smith said that's not standard process; the BOCC is a decision-making board, not an "in the weeds" board, and she further said the staff who would be participating in the meeting are adequately qualified. Mr. Baughman said there are a number of applications that have to be signed, and he is looking for direction on how to approach and a confirmation that the information is correct. Mr. Laugheed said the earlier applications that were filled out required a certification from a Board majority that approved of him (Sam Laugheed) signing off; it did not bind the County in any way, it was developing information. Some of the supplemental applications suggest that they will be the basis of a contract and those are the things the Board has to decide. The Board will have an action item on its agenda for next week and at that meeting there could be a motion to approve The Hartwell to bind the coverage. If it is going to bind the County it will have to come before the Board. Mr. Baughman said they can get the documents by October 1st; it's not new information, it's just insurance matters. He offered to email the policies. Shannon Kinney said there are two they do not yet have, but they are working on them. Sam Laugheed asked everyone to continue to review the TPA contract that will be on the Board's agenda. The meeting concluded 4:29 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 23, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves

No meetings were held this day.

APPROVED CLAIMS

- The Board has approved claims 588018 to 588053 in the amount of \$124,352.07
- The Board has approved claims 588054 to 588088 in the amount of \$49,200.32
- The Board has approved claims 588089 to 588123 in the amount of \$60,332.78
- The Board has approved claim 587936 ADV in the amount of \$5,826.00
- The Board has approved the 2204 Jury claim in the amount of \$1,161.75
- The Board has approved claim 588017 ADV claim in the amount of \$416.00
- The Board has approved claim 588124 ADV claim in the amount of \$45,744.00
- The Board has approved claims 588125 to 588158 in the amount of \$60,839.55
- The Board has approved claims 588159 to 588191 in the amount of \$79,481.61
- The Board has approved claims 587937 to 587970 in the amount of \$47,153.89
- The Board has approved claims 587971 to 588016 in the amount of \$208,447.47
- The Board has approved claims 588192 to 588219 in the amount of \$52,212.68

- The Board has approved claims 588220 to 588238 in the amount of \$13,281.75
- The Board has approved claims 588247 to 588263 in the amount of \$8,637.73
- The Board has approved claims 588264 to 588303 in the amount of \$27,694.57
- The Board has approved claims 588304 to 588318 in the amount of \$11,045.70

APPROVED CLAIMS ORDER NO. 2226

The Board approved payment of County claims in the amount of \$1,932,941.35 for a County payroll (approved electronically)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Angelique Arredondo, Legal Assistant I; Steve Rhodes, Autopsy Technician; Sydney Davis, Deputy Coroner; and Mary Miller, Customer Service Specialist.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 588239 to 588246 in the amount of \$1,426.00

PUBLIC HEARING TO CONSIDER THE 2030 COMPREHENSIVE PLAN UPDATE, CASE NO. OR2022-0008

The Board met today at 9:04 a.m. for a continued hearing to consider the 2030 Comprehensive Plan Update, Case No. OR2022-0008. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen, DSD staff: Jenna Petroll, Tammy Halcomb, and Dan Lister, George Crookham, Todd Lakey, Steve Burton, John Williamson, Matt Wilke, David Ferdinand, interested citizens, and Deputy Clerk Monica Reeves.

Elizabeth Allen provided an addendum to the staff report that includes the revised findings of fact, conclusions of law and order incorporating the changes made by P&Z Commission and as

requested by the Board at the previous hearing held on September 21, 2022. (A copy of the report is on file with this day's minute entry.) During the review, there was discussion on the following areas:

- Overlay zones.
- Removal of the rural residential area inside the Nampa Area of City Impact (ACI).
- Inclusion of Star's ACI boundary on the map.
- Industrial was added between Greenleaf and Wilder as requested by P&Z Commission.
- Changes in maps on the western side of the Nampa Area of City Impact and discussion regarding potential new future land use designations. Staff removed the transition area so that entire area would be base agricultural. The City of Nampa asked that it be removed and so it was removed at the P&Z Commission hearing and was incorporated on the map when the changes made. DSD will work with Nampa on updating their agreement to help them get the density that they need to provide services.
- Discussion regarding how the comp plan map differs from the zoning map.
- Applicants have entitlements to apply for a subdivision on their rezoned land even though the comp plan map shows the land as agriculture. The comp plan map is not an entitlement document; it is a tool and a planning document, and a person's entitlement is not tied to a comp plan map.
- Some find there is a lack clarity about entitlements and how it's becoming difficult for a landowner to make application. Staff has incorporated more options and the Plan would also allow us to add more residential and commercial and industrial in areas if we get to that point. If adopted, it would provide the option to put more land use designations that aren't currently on the map.

Following Ms. Allen's review of the staff report, Commissioner Smith reviewed the following options the Board could consider:

- Option 1 approve the Plan as the P&Z Commission recommended with no changes. The process would end here, and the resolution and original Findings of Fact, Conclusions of Law, and Order (FCO's) presented to the Board could be signed.
- Option 2: Approve the Plan as the P&Z Commission recommended with the additional changes as identified by the BOCC. Due to material changes, a legally noticed second public hearing would be required and could be heard early to mid-October, 2022.
- Option 3: Deny the Plan and direct staff to return with FCOs to support the decision. The process would end here and the 2020 Comprehensive Plan would remain in effect.

Commissioner Smith is supportive of the Plan. She understands there is a lot of confusion and is committed to working between now and the next hearing to provide input and collaboration on

this Plan and additional changes can be made if needed. There is a lot in the Plan that says the Board supports smart growth and areas for our communities to grow that still recognize our number one industry. A Plan, not a zoning ordinance, that supports agriculture is incredibly important for the developers, real estate agents, and the industry in Caldwell and Nampa and other communities that have recruited ag-related businesses that rely on our agriculture for their success. She supports the changes presented today recognizing there is a lot more work to do on the proposed overlay districts and working with the community to have some understanding and support of those plans moving forward, or nonsupport and not moving them forward. Commissioner Van Beek supports the changes identified but wants to hold on the Plan as there is more work that needs to be done and said the Board should be engaged in the process with the development and agricultural community and the stakeholders to “workshop some of this out.” Commissioner White supports approving the changes in order to keep the Plan moving and she made a motion to approve the Comprehensive Plan with the recommended changes today and to keep the process moving. The motion was seconded by Commissioner Smith. Commissioner Van Beek asked for the motion to be separated into two parts. Commissioner Smith said the motion is to approve the Comprehensive Plan with the recommended changes. Commissioner Van Beek was opposed to the motion and noted that she approves the changes but believes the Plan needs more work. The motion carried by a two-to-one split vote. The new hearing date will be October 12, 2022 at 1:30 p.m. The hearing concluded at 10:21 a.m. An audio recording is on file in the Commissioners’ Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 27, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

MEETING WITH THE HARTWELL CORPORATION REGARDING ACTION ITEMS

The Board met today with The Hartwell Corporation regarding action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner, HR Director Kate Rice, Brian Baughman and Shannon Kinney with The Hartwell Corp., Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Third Party Administrator Agreement with ESIS, Inc. and Consider binding insurance coverage with Travelers, Munich Re/Princeton Excess and Surplus Lines, Tokio Marine, CNA Surety, and RSUI Group, Inc.:

A handout was provided to the Board which Mr. Baughman reviewed. He noted that Travelers and Munich RE provide 98% of the insurance for the county; the remaining auxiliary policies with Tokio Marine, CNA Surety, RSUI Group, Inc. and ESIS are small coverages and tend to go in and out of insurance companies. The goal for today is to get permission from the Board of County Commissioners to move forward with binding these policies and to review how to proceed with signing paperwork. Additionally, they need instruction on how to move forward with billing.

Mr. Baughman addressed several questions posed by Commissioner Van Beek in regard to the ability to negotiate once coverage is bound, large loss limits, evaluation of losses and the purpose of a 3rd party administrator (TPA). He explained due to the short timeframe of needing coverage in place by October 1 it is important to designate someone to sign some very standard paperwork. Discussion ensued as to whom the best person would be. It was thought that in the future it may be based on the document and the person specialized in that area could confirm the information and sign (i.e. HR, Fleet, IT, etc.) but because of the timing it would be best to designate Mr. Laugheed to sign on the Board's behalf as he has been heavily involved in the entire process. Commissioner Smith made a motion to designate Sam Laugheed as the signer on the Board's behalf for the next 72 hours. The motion was seconded by Commissioner Van Beek and carried unanimously.

Mr. Baughman said the next set is to determine how payments will be made. Travelers has an option to pay quarterly or 50/50, each of the other policies must be paid in full upfront or a 10% fee is assessed. Controller Wagoner indicated that he would prefer the 50/50 option with Travelers and full payments will be made to the remaining companies in order to avoid the additional fee. Commissioner Smith moved to make payment as determined by Controller Wagoner. The motion was seconded by Commissioner White and carried unanimously.

For the record, Mr. Wesley clarified that the intent of the first motion is to authorize the PA's Office to sign on the Board's behalf in order to bind the county to the 5 policies as identified. Commissioner Smith confirmed that was the intent of the motion.

Mr. Baughman said setting up the TPA escrow account needs to be a top priority. Discussion ensued as to how the escrow account works. He explained that the primary reason for the escrow account is for the billing of claims, professional claims are going to be \$1500 a claim. Even if the county contacts attorneys who then settle the claim quickly, ESIS still has a \$1500 bill so their goal is to not have to send a bill to the county and go thru the approval process every time. Regarding the payout of claims, the escrow account is not used to pay claims. If a big claim happens they will let the county know that funding will need to be set aside; claims are not paid out before discussion with the county. He also noted that the \$10K limit is probably too low because Canyon County is not utilizing ESIS for general liability, Travelers is handling those. Most of claims that go thru ESIS are going to be more serious such as employment practices, law enforcement liability, public official liability, etc. and if a claim gets serious \$10K isn't going to be enough.

Based on questions from HR Director Rice, Mr. Baughman spoke about the \$50K escrow account and the \$1500/per claim fee. He noted that the \$50K is not for ESIS services but used to pay claims

from. Discussion ensued regarding the \$1500/per claim fee, Ms. Rice is concerned that it may not be worth paying that fee for claims that are known non-events just for ESIS to provide information on trends. There is an administrative set-up fee of approximately \$3500, those exact number were provided via email previously and not a part of the information handed out at today's meeting. Controller Wagoner said this is just a different way of doing things from the way it has been done in the past and he is extremely hesitant about turning over cash in advance. The top priority of the Clerk's Office is to safeguard and protect the county's assets. Commissioner Smith's understanding is that the county would still need to authorize payment except for whatever the threshold is set at. Commissioner White expressed her concerns about the escrow account being under the purview of ESIS vs. the county and Commissioner Van Beek said she doesn't see a problem with this and likened it to balancing a checking account noting that it is up to the county to know what is in the account and to manage the risk.

A draft copy of the ESIS agreement is on file with this day's minutes along with a copy of the handout presented by Mr. Baughman.

Another meeting will be held at a later date to further discuss the financial portions.

The meeting concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

APPROVED CLAIMS

- The Board has approved claim 588319 ADV in the amount of \$60.85

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HC Company in the amount of \$10,553.18 for the Facilities department

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 588320 to 588359 in the amount of \$228,007.99

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hyland Software in the amount of \$3,300 for the Information Technology Department
- Northwest Land Services in the amount of \$4,580 for Development Services (Code Enforcement)
- Greatmats in the amount of \$4,233 for the Sheriff's Office

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used on 10/1/22, 10/2/22, 10/4/22, 10/6/22, 10/9/22, 10/14/22, 10/16/22, 10/20/22, 10/21/22, 10/22/22, 10/23/22, 10/29/22, 10/31/22; O'Michael's Pub & Grill to be used on 10/8/22; and Pretty Bubble to be used on 10/1/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Josephine Santana, Administrative Specialist; Ann Marie Hall, Customer Service Specialist; Alfonso Garcia, Deputy Sheriff; Shireen Rezaei, Limited License/Intern; Mary Banford, Civil Lead Clerk; Tokasha Huskey, Chief Deputy Coroner; and Carmen Pagan, Deputy Sheriff.

APPROVED MAY 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of May 2022 were read and approved and found to be a proper record of the proceedings of the Board of 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.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a denial with written decision in 30 days on case no. 2022-520.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the lien releases as presented. Case numbers for the lien releases are as follows:

2006-341, 2011-1515, 2009-973, 2017-1609, 2020-159, 2018-448 and 2022-176.

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

FILE IN MINUTES THE TREASURER'S MONTHLY REPORT FOR AUGUST 2022

The Board filed in the minutes the Treasurer's monthly report for August 2022.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:05 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:49 a.m.), Deputy P.A. Oscar Klaas (left at 9:49 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:23 a.m.), Chief Deputy Sheriff Doug Hart (left at 9:23 a.m.), Sheriff Kieran Donahue (left at 9:23 a.m.), Controller Zach Wagoner (left at 9:27 a.m.), Recording Supervisor Emily Howell (left at 9:11 a.m.), CCSO Communication Manager Roxanne Wade (left at 9:08 a.m.), Planning Official Dan Lister (left at 9:49 a.m.), Clerk Chris Yamamoto (left at 9:27 a.m.), PIO Joe Decker (left at 9:30 a.m.), IT Director Greg Rast and other IT staff (left at 9:30 a.m.), Building Official Dave Curl and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing FY2023 Acceptance of ISPCC Grant Award: Chief Dashiell said that the grant monies will be used to update computers and replace monitors in the dispatch center as well as some connectivity components. Approval and acceptance of the grant award today will allow the project to move forward. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2023 acceptance of ISPCC Grant award. A copy of the document is on file with this day's minutes.

Consider signing Delivery Agent Electronic Document Recording Agreement with Simplifile, LC: Ms. Howell explained the agreement solidifies the work that is done with Simplifile, LC which is a delivery agent for the electronic documents that are recorded daily. This is a new agreement, however, the system is currently being used in the Recorder's office; there is no cost for this service. Upon the motion of Commissioner Van Beek and second by Commissioner White the

Board voted unanimously to sign the Delivery Agent Electronic Document Recording agreement with Simplifile, LC (see agreement no. 22-110).

Consider signing FY2023 Lease Agreement with Norman Family Trust: Chief Dashiell explained that this agreement has been in place for approximately 10 years and is shared among several entities. There is no change to the contract language, however, the cost has gone from \$2700 to \$4500 monthly. At the request of Commissioner Van Beek, Mr. Wesley spoke about possible options for termination of the lease. Chief Hart noted that a few years back there was an evaluation of the space and there was nothing available for under \$10,000/monthly. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2023 Lease agreement with Norman Family Trust (see agreement no. 22-109).

Consider signing Resolution Awarding Officer's Badge and Duty Weapon Pursuant to Idaho Code § 31-830 (R. Johnson): Deputy Johnson has worked for the Sheriff's Office for 30 years as well as several years with Texas law enforcement and plans to retire on October 17, 2022.

Consider signing Resolution Awarding Officer's Badge and Duty Weapon Pursuant to Idaho Code § 31-830 (D. Daniels): Sgt. Daniels has work 27 years for the Sheriff's Office and several years with the reserves previously; he will be retiring tomorrow, September 30th. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolutions awarding badge and duty weapon to Deputy Johnson (see resolution no. 22-200) and Deputy Daniels (see resolution no. 22-199).

Consider signing Canyon County 2022 Engagement Letter with Eide Bailly, LLP: Controller Wagoner explained every year the county must have an outside audit performed and spoke to the qualifications of Eide Bailly. The audit process is scheduled to begin in October and conclude in January where they will conduct a walk-thru and evaluation of Offices/departments that have cash handling processes. There is an additional amount of \$3000 this year for implementation of the lease standard audit. Total contract cost for this year is \$64,800. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County 2022 Engagement Letter with Eide Bailly, LLP (see agreement no. 22-108).

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:30 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 White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam

White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas and Building Official Dave Curl. The Executive Session concluded at 9:47 a.m. with no decision being called for in open session.

After the executive session, the Board considered the following action items:

Consider reasonable accommodation and settlement agreement with Moonlight Mountain Recovery, Inc. and D & W Investments 201, LLC for 2797 S. McDermott Road, Kuna: Mr. Wesley said there have been many conversations with both the Board and DSD about this agreement and property over the past several months. His recommendation is to settle this claim by entering into this agreement. The agreement will run with this property owner, this property and will resolve the complaint about the land use process. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the reasonable accommodation and settlement agreement with Moonlight Mountain Recovery, Inc. and D & W Investments 201, LLC for 2797 S. McDermott Road, Kuna (see agreement no. 22-107).

Consider signing the Treasurer's tax charge adjustment by PIN for August 2022: August adjustments will result in a reduction of \$50.00 to the tax rolls. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustment by PIN for August 2022.

The meeting concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING FINAL PLAT FOR CASCADE HILLS NO. 2, CASE NO. SD2021-0019

The Board met today at 10:31 a.m. to consider the final plat for Cascade Hills No. 2, Case No. SD2021-0019. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Engineering Coordinator Stephanie Hailey, Spencer Kofoed, and Deputy Clerk Monica Reeves. Ms. Hailey reported the property is zoned R-1 residential with 26 residential lots and will utilize internal public roads and individual septic systems and wells. Irrigation will be provided via individual domestic wells. The preliminary plat was approved in December of 2019 subject to six conditions of approval. All conditions have been met. Keller & Associates has reviewed and noted their approval, and staff recommends the Board sign the final plat. Commissioner Van Beek had questions regarding irrigation. Ms. Hailey said when she did the research there was a clerical error on the preliminary plat. The exception for the irrigation for Lots 1-4 was part of the development for Cascade Hills No. 1, so it was not applicable to Cascade Hills No. 2 and that was not clarified in the FCO's for the preliminary plat and it was not addressed at the time so it's not applicable to this case today. Commissioner Van Beek asked if that can be noted. Dan Lister said staff looked at it and it meets the intent of the condition and so he questioned if we really need to remove it or just state that that is completed and move forward with the case. We cannot add a reference to say it's not applicable to Condition No. 2 without going through a hearing process. Commissioner Smith said Condition No. 6 references the time requirements but there is no finding or conclusion that states they have met the time

requirements. Mr. Lister said the FCO's were from 2019, and we typically do not add things like that anymore, but the timeframe should meet out ordinance which is a two-year timeframe from the time of preliminary plat approval and the submission of the final plat. Commissioner Smith said she has no problem signing the final plat but she wants the record to reflect the statement that it's not applicable for Condition No. 2, and a statement about the time limits be referenced in Condition No. 6. Staff needs to include how it was met in the project background. Mr. Lister pointed out that the final plat summary just provides some background, it's not a hearing document. Ms. Hailey said for the preliminary plat condition it shows with the master application that they were within the two-year requirement from the time the preliminary plat was approved until they complied with the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for Cascade Hills No. 2, Case No. SD2021-0019 with the notations regarding condition of approval Conditions No. 2 and No. 6. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DEL ROSARIO ESTATES NO. 3, CASE NO. SD2022-0012

The Board met today at 10:41 a.m. to consider the short plat for Del Rosario Estates No. 3, Case No. SD2022-0012. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Engineering Coordinator Stephanie Hailey, and Deputy Clerk Monica Reeves. Ms. Hailey advised that she learned yesterday that the applicant was not prepared and has not received the Treasurer's signature on the final plat. Because the applicant is not sure when the final plat will be ready, the Board directed staff to work with the applicant on either paying a re-noticing fee or to submit separate applications for a preliminary plat and a final plat. The meeting concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING: CONSIDER REQUEST BY NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board went on the record today at 2:06 p.m. to reschedule the public hearing in the matter of a request by Nick and Hailey Bland for a conditional rezone, Case No. CR2022-0002. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. The attorneys involved in this case requested the hearing be rescheduled to a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to November 8, 2022 at 10:00 a.m. The meeting concluded at 2:07 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM
CALDWELL, IDAHO SEPTEMBER 30, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 588409 to 588410 in the amount of \$395.00
- The Board has approved claims 588360 to 588408 in the amount of \$127,885.04

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Neurilink in the amount of \$14,231.74 for the Information Technology Department

MEETING TO DISCUSS THE CANYON COUNTY SOLID WASTE ADVISORY COMMITTEE BY-LAWS AND TO CONSIDER AN ACTION ITEM

The Board met today at 10:08 a.m. to discuss the Canyon County Solid Waste Advisory Committee by-laws and to consider an associated action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Solid Waste Director David Loper, Controller Zach Wagoner, Mike Murgoitio with Timber Creek, Bob Bennett with Republic Services and Deputy Clerk Jenen Ross. Director Loper provided an overview of the by-laws including the objectives, organization and membership among other items. Mr. Bennett and Mr. Murgoitio expressed their desire to have a member of the BOCC participate as either a voting or non-voting member and discussion ensued regarding the logistics of that. At the conclusion of the discussion the Board chose to move forward with adopting the resolution as written. Commissioner Van Beek made a motion to sign the resolution adopting the Canyon County Solid Waste Advisory Committee By-Laws as presented. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 22-201). The meeting concluded at 10:30 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION TO APPROVE THE JOB DESCRIPTION, TITLE AND SALARY RANGE OF ONE POSITION AT THE LANDFILL AND TO APPROVE THE SALARY RANGE OF ONE NEW POSITION AT THE LANDFILL

The Board met today at 10:30 a.m. to consider signing a resolution to approve the job description, title and salary range of one position at the Landfill and to approve the salary range of one new position at the Landfill. Present were: Commissioners Keri Smith and Pam White, HR Director Kate Rice, Controller Zach Wagoner, Clerk Chris Yamamoto, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. A brief break was taken until 10:39 a.m. Once the Board went back on the record discussion ensued regarding the positions being considered in the resolution – to

change the title, job description, salary range and FLSA of the Landfill Supervisor position to a Landfill Manager position and to approve the salary range of the Environmental Compliance/Safety Manager. Discussion ensued regard the research Director Loper did in evaluating the positions and salary rates and why the positions are classified either exempt or non-exempt. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution to approve the job description, title and salary range of one position at the Landfill and to approve the salary range of one new position at the Landfill (see resolution no. 22-202). The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 3, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the Office**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the Office**
 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings scheduled this day.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 4, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

There were no Board of Equalization matters that came before the Board.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Gartner Conference in the amount of \$4,975.00 for the IT Department
- Northwest Power Systems in the amount of \$14,084.86 for the Facilities Department
- CHPWS in the amount of \$1,328.00 for the Sheriff's Office
- NEMO Arms, Inc., in the amount of \$66,156.00 for the Sheriff's Office
- Holosun in the amount of \$5,942.00 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change forms for Caroline Kelso, Deputy Coroner

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE; AND VACATION LEAVE TO SICK LEAVE

The Board approved the transfer of sick leave to vacation leave for Scott Gatewood; Barbra Ferre; Aaron Bazzoli; and Demi Etheridge. The Board also approved vacation leave to sick leave for Dawn Pence and Mark Tolman.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Director of Juvenile Detention Sean Brown (left at 9:14 a.m.), Interpreter Coordinator Grace Almeida (left at 9:12 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Independent Contractor Agreements for Interpreter Services with Amine Elfajri, Lina De Guzman Ferrer, Mercedes Lupercio and Sign Language Interpreter Services with Deborah Arment:

Ms. Almeida said that last year they did over 4000 interpreter cases/events and provided an overview to the Board of the work her department does and the way they operate. Most of these contracts are new interpreters and Mr. Wesley said they are standard contracts. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreements for interpreter services with Amine Elfajri (see agreement no. 22-112), Lina De Guzman Ferrer (see agreement no. 22-113), Mercedes Lupercio (see agreement no. 22-114) and Sign Language Interpreter Services with Deborah Arment (see agreement no. 22-115).

Consider signing Memorandum of Agreement between Ada County, Southwest Idaho Juvenile Detention Center, and Idaho State Department of Juvenile Corrections for FY 23:

Director Brown explained this agreement has been in place for several years in order to provide housing in case of emergency at the juvenile detention center. This is a renewal agreement and the same terms as prior years. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Memorandum of Agreement between Ada County, Southwest Idaho Juvenile Detention Center, and Idaho State Department of Juvenile Corrections for FY23 (see agreement no. 22-111).

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:15 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by

Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:53 a.m. with no decision being called for in open session. After the executive session it was noted for the record that Mr. Wesley will speak with Development Services staff about ordinance language regarding spot zoning. The meeting concluded at 9:53 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH THE CITY OF MIDDLETON AND THE MIDDLETON URBAN RENEWAL AGENCY REGARDING THE PROPOSED EAST URD PROJECT LIST AND DRAFT PLAN REVIEW

The Board met today at 10:07 a.m. with the City of Middleton and the Middleton Urban Renewal Agency regarding the proposed East URD Project List and Draft Plan Review. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Middleton City Clerk Becky Crofts, Attorney Meghan Conrad, Attorney Abbey Germain, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Chief Deputy Assessor Joe Cox, Steve Fultz, Mark Wendelsdorf, and Deputy Clerk Monica Reeves. Today's meeting was intended to be a classification workshop and a PowerPoint presentation was given which summarized the project list that will be the foundation of the what the district will do.

Class 1 – Highest Priority:

Middleton Road Corridor

Class 2 – Priority Projects: *Funded with Revenue Projections*

Water Utility Loop beneath Boise River

Recycle Water Treatment Equipment and Initial Distribution Pipes

High Pressure Natural Gas Extension

Class 2A – Priority Projects: *Likely to be within Revenue Projections*

River Walk Park Initial Development

Class 3 – Key Projects: *Possible if revenues exceed expectations*

Hawthorne & Crane Creek Area

Riverwalk Park Expansion

Class 4- Projects: *Unlikely to be funded*

City Shops

Boise River Bridge

Duff Intersection

Recycle Water Distribution Piping Expansion

Various Utility Improvements

River Walk Park – Final Expansion

Class 5 – Low Priority Projects:

Regional Power Grid Upgrade

Boise Street Reconstruction

Water, Sewer, Roads, and Trails within Project Development Areas

Additional Trail System

There is \$85 million in the project and if the area performs the way the city anticipates they will be able to complete Class 1, Class 2 and Class 2A projects, as well as possible Class 3. Meghan Conrad gave a brief overview of the draft urban renewal plan. The City will meet with the Board again on October 21st to ask the Board to consider approving the transfer of power ordinance and intergovernmental governmental agreement for roles and responsibilities. The documents have been provided to the attorneys for review. No Board action was required or taken as today's meeting was held for information purposes only. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY ZACH AND LELA BROOKS FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-R" (CONDITIONAL REZONE – RURAL RESIDENTIAL) ZONE, CASE NO. CR2022-0004

The Board met today at 10:37 a.m. to conduct a public hearing in the matter of a request by Zach and Lela Brooks are requesting a conditional rezone of Parcel R28940013 &13A from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The request includes a development agreement. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Zach Brooks, Lela Brooks, Heidi Beers, and Deputy Clerk Monica Reeves. Commissioner White said she was not present for the previous hearing but she has read the minutes and the information on the case. Commissioner Van Beek said Zach Brooks asked her a procedural question and she referred him to Dan Lister; there was no discussion that would disqualify her from making a decision on this case. Dan Lister gave the oral staff report. The 10.71-acre property is located at 4102 Dye Lane, Kuna. On July 20, 2022, the Hearing Examiner recommended approval of the request subject to the conditions of the development agreement. On August 30, 2022, the Board of County Commissioners' motions failed ending in a tied vote and since it was a de facto denial and no decision was made the case had to be re-noticed for another hearing because the de facto denial was different than the Hearing Examiner's recommendation. Dan Lister gave the oral staff report. Zach Brooks is requesting to divide the property into two 1.5-acre lots with the remainder staying in agriculture and it would connect to the existing parcel where Lela Brooks currently resides. The request includes limiting development to no more than primary dwellings, no secondary dwellings and no further divisions other than what is being requested. The request creates a 3.75-acre average lot size and it would have to go through the platting process. The property is within Nampa impact area and the future land use map designates it as residential. One property owner does not like the location of the one of the 1.5-acre properties and wants it relocated elsewhere. The City of Nampa submitted a letter stating the property is in their low-density residential area and they want 32,000 square foot lots in this

location. However, there are no city services near this area and to request those lots in this location would be out of character so staff is not recommending the city's request be included in the development agreement. Staff recommends approval of the request. Zach Brooks said the proposal is a good compromise between what the City of Nampa wanted with high density and with the land remaining completely agricultural. An existing parcel is 1.48 acres and that's where they came up with the proposal for two 1.5-acre parcels. He testified about the driveway that serves the properties and the road users' agreement which he plans to sign. The current farmer plans to continue farming the 7.7 acres. Mr. Brooks' sister has not yet decided if she will move to one of the parcels and so it will remain in hay until she decides; the secondary parcel will not be sold, it will be reserved for family. Mr. Brooks plans for his parcel is to have a hobby farm. Heidi Beers testified she supports her brother's request. She does not know how long it will be before she moves there, but it will stay farmland until that time. Lela Brooks supports the request and offered testimony regarding the easements that serve the property as well as their plans to have a hobby farm. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White believes this is an easy case to decide as it's a good use of the land and it's for family. Commissioner Van Beek supports the Hearing Examiner's recommendation of approval. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve request by Zach and Lela Brooks for a conditional rezone of Parcel R28940013 & 13A from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The signed FCO's, Ordinance and Development Agreement are on file with this day's minute entry. (Ordinance No. 22-021; and Agreement No. 22-116.) The hearing concluded at 11:10 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 5, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 588411 to 588452 in the amount of \$101,861.03
- The Board has approved claims 588453 to 588511 in the amount of \$157,559.61
- The Board has approved claims 588512 to 588528 in the amount of \$17,691.01
- The Board has approved claims 588651 to 588692 in the amount of \$39,793.21

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:04 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:18 a.m.), Clerk Chris Yamamoto, Controller Zach Wagoner, Elections Supervisor Haley Hicks (left at 9:18 a.m.), Elections Specialist Robin Sneegas (left at 9:18 a.m.), Elections Specialist Aiden Lorenz (left at 9:18 a.m.), HR Director Kate Rice, Compensation/Benefits Manager Bosco Baldwin, TCA Jamie Robb and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider signing a Resolution Designating Polling Locations for the November 8, 2022 Election: Ms. Hicks said that there are some additional locations that have been included in the list and provided a review of the locations that have been added and/or are replacement locations. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating polling locations for the November 8, 2022 election (see resolution no. 22-203).

Consider finalizing FY2023 salaries for fulltime and part-time personnel: Controller Wagoner explained that with 900 fulltime positions maintaining the spreadsheet is a very fluid situation and since September 15th when resolution no. 22-188 was signed there have been several changes. He said they took the most current information and applied FY2023 principles for the most accurate representation which includes the 9% increase for part-time personnel. This secondary resolution will supersede resolution 22-188 for the most amount of transparency and cleanest audit trail. Mr. Wagoner said that all amounts are well within the approved amount, are funded and sustainable. He feels this is an investment in the community and valuable personnel. Commissioner Van Beek's questions regarding corrections to lead and specialty pay and years-in-place were addressed by Mr. Baldwin and Mr. Wagoner. Commissioner Van Beek requested a spreadsheet showing percentage changes fiscal year to fiscal year. Commissioner Smith asked Controller Wagoner to add a language to the resolution noting that this resolution will supersede 22-188 signed on September 15th in order to avoid any confusion.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner White made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto (left at approximately 10:00 a.m.), Controller Zach Wagoner, HR Director Kate Rice, Compensation/Benefits Manager Bosco Baldwin and TCA Jamie Robb. The Executive Session concluded at 10:41 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith noted that one position was discussed and that there is still some work to be done in order to confirm market analysis of the

position discussed. Controller Wagoner informed the Board that the requested language has been added to the resolution. Commissioner White made a motion to sign the resolution finalizing FY2023 salaries for fulltime and part-time personnel. The motion was seconded by Commissioner Smith. A vote was taken with Commissioners White and Smith voting in favor of the motion and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote (see resolution no. 22-204).

Reschedule public hearing to consider the preliminary plat (including irrigation and drainage) for Bella Toscana Subdivision No. 3: The hearing was originally scheduled for September 9, 2022 but was continued to today's date. Last week, DSD staff requested another continuance in order to gather additional materials. Commissioner Van Beek made a motion to continue the hearing to October 11, 2022 at 10:00 a.m. the motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 6, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Sabrina Minshall, DSD Director.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Copper Alibi Sports Zone LLC to be used 10/22/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- W2W Flooring in the amount of \$27,207.22 for the Facilities Department
- Smith's Lawnmower Sales in the amount of \$16,622.00 for the Facilities Department
- Sun Belt Controls in the amount of \$4600.00 for the Facilities Department
- Pro Vision in the amount of \$22,840.33 for the Sheriff's Office
- National Business Furniture in the amount of \$6726.00 for the Sheriff's Office
- Axon Enterprise in the amount of \$8377.00 for the Sheriff's Office

- Dell in the amount of \$30,148.96 for the Sheriff's Office
- Dell in the amount of \$24,892.38 for the Sheriff's Office
- Premier Wireless in the amount of \$28215.00 for the Sheriff's Office

APPROVED CLAIMS

- The Board has approved claims 588529 to 588549 in the amount of \$15,174.00
- The Board has approved claims 588550 to 588565 in the amount of \$13,061.00
- The Board has approved claims 588566 to 588609 in the amount of \$82,463.87
- The Board has approved claims 588610 to 588650 in the amount of \$144,866.88
- The Board has approved claims 588651 to 588692 in the amount of \$39,793.21
- The Board has approved claims 588693 to 588703 in the amount of \$443,149.68
- The Board has approved claims 588704 to 588730 in the amount of \$106,434.68
- The Board has approved claims 588731 to 588745 in the amount of \$10,070.03
- The Board has approved claim 588746 ADV in the amount of \$546,692.00
- The Board has approved claim 588747 ADV in the amount of \$1,413.17

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Per the Clerk's statement of findings, case no. 2022-521 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision in 30 days.

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-502

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2022-502. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson on behalf of St. Luke's, Michelle Torres with St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the case to December 8, 2022. The hearing concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:11 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicants appeared for case nos. 2022-494 and 2022-499 and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue final denials with written decisions within 30 days.

The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Sheriff Kieran Donahue, CCSO Admin Bunny Malmin, PIO Joe Decker and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider Signing Resolution Awarding Officer's Badge and Duty Weapon to Chief Deputy Sheriff Marv Dashiell Pursuant to Idaho Code § 31-830: Chief Dashiell will retire the 17th of October and Sheriff Donahue spoke to his impact on CCSO for the past 32 years with an additional 3 years at Washington County Sheriff's Office. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution awarding officer's badge and duty weapon to Chief Deputy Sheriff Marv Dashiell pursuant to Idaho Code § 31-830.

The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW CODE ENFORCEMENT CASES

The Board met today at 11:03 a.m. to review code enforcement cases. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Code Enforcement Officer Eric Arthur and Deputy Clerk Jenen Ross. Mr. Arthur said the cases presented today are well over a year old and still out of compliance. By the Board signing the Certificates of Non-Compliance and them being recorded it notifies any potential buyers or lenders that there is a code enforcement issue on the property. Pictures and details of the following address were provided by Mr. Arthur to the Board.

- 20256 Allendale, Wilder
- 25724 Fern Ln, Wilder
- 11488 Flamingo, Nampa

- 39 S. Pit, Nampa
- 1508 Powerline, Nampa
- 16947 Locust Ln, Caldwell
- 19586 Hillview Ave, Caldwell
- 27999 Old Hwy 30, Caldwell
- 4404 E. Locust Ln, Nampa
- 5202 Howard Ln, Nampa

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign certificates of non-compliance on the addresses as discussed. In addition to the certificates of non-compliance being issued on the 27999 Old Hwy 30 and 4404 E. Locust Ln. addresses the Board is supportive of infractions being issued.

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER OCTOBER 6, 2022 ACTION ITEMS

The Board met today at 1:18 p.m. to consider the October 6, 2022 action items. Present were: Commissioners Keri Smith and Pam White, PIO Joe Decker, Victim-Witness Coordinator Brandi Clough-Kolka, Lt. Chuck Gentry, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing proclamation for Domestic Violence Awareness Month: Joe Decker introduced the proclamation which brings awareness to the month of October being domestic violence awareness month. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the proclamation. Commissioner Smith will read the proclamation at tomorrow's press conference which will be held at Justice Park.

Consider signing a resolution granting a new alcoholic beverage license to Casa Robles and to Valhalla Pub: Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the resolutions granting new alcoholic beverage licenses to Casa Robles and Valhalla Pub. (Resolution Nos. 22-206 and 22-207.)

The meeting concluded at 1:23 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS DSD DIRECTOR'S DECISION REGARDING CASE NO. AD2022-0042/RD2022-0007

The Board met today at 1:30 p.m. to discuss the DSD Director's decision regarding Case No. AD2022-0042/RD2022-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TJ Wellard, Sheena Wellard, DSD Planning Official Dan Lister, County Engineer Devin

Krasowski, and Deputy Clerk Monica Reeves. TJ Wellard requested the meeting to discuss an where the Melba Fire District is essentially using the international fire code to put requirements onto a private road and telling new property owners they cannot get a building permit because the road did not meet standards. He had previously sent an email which summarized the issue as follows: A project went through the administrative land division application process which necessitated private roads and a private road application. The land division and private road applications were approved with no comment from Melba Fire District. Thus, over \$60,000 was spent to build a private road that exceeded Canyon County ordinance standards. This road was certified by an Idaho licensed professional engineer. The parcels were sold and land owners attempted to pull building permits. During this process the Melba Fire Department told those landowners the roads were not built to the fire district standards and they would not give approval for the building permit or certificate of occupancy until the access was built to International fire code standards. Now there are land owners who think they were duped by both the County and the seller of the parcels, when that is not the case at all. Dan Lister said the County's code regarding private roads and requirements, 07-10-03(2), states fire district road requirements through a construction of driveways and private road longer than 150 feet from the public street right-of-way line to the most distant portion of the inhabited building must be approved in writing for the applicable fire district. The timing comes down to when we require evidence which goes back to 07-10-03(3)(b) which is inspection of certification: a driveway or private road must be constructed prior to final inspection of an inhabited building. The construction of driveways longer than 150 feet from public street right-of-way to the most distant portion of the inhabited building and private roads shall be inspected and certified by the applicant's engineer prior to obtaining a certification. If we go back to the approval it states that notice was provided to Melba Fire District and the highway district, and Melba Fire disapproved. In this case, the applicant built the road at 20 feet, but the fire district is asking for 26 feet and will deny it because it doesn't meet their requirements. Discussion ensued regarding road standards, the process for review, the international fire code, state code exemptions, and the intent of the County code. Commissioner Smith said the Board needs to follow up with an ordinance amendment to address the issue raised by Mr. Wellard, and it can be documented in the minutes that we have complied with our road width requirements, we have an engineer's report that complies, and state code exempts parcels that are five acres or more for access. Sheena Wellard said section 07-10-03(b) needs to be amended because it says two different things. The Wellards and DSD staff have different interpretations of the section; DSD staff believes if it's over 150 feet long or a private road it requires a certification. If it's over 150 feet, staff would ask the fire district if they checked on it and staff wants proof of approval. Mr. Lister said in 07-10-03(2) we can add "unless exempt through state law", or add our own exemptions per state law. If the comprehensive plan is approved the section could undergo a massive update. Commissioner Smith wants to visit with legal counsel and compare the two different paragraphs and then provide something in writing to Mr. Wellard for the property owners with at least a recommendation. Commissioner Van Beek said subsection 2 is the problem and she would like the Board involved in the discussion and for staff to own their ideas for it. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the meeting to October 7, 2022 at 9:00 a.m. so the Board can discuss the issue with legal counsel. The meeting concluded at 2:12 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2301

The Board approved payment of County claims in the amount of \$3,548,357.36 for a County payroll.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Chandra Guillen, Legal Assistant; Alberto Ortega, Deputy Public Defender I; and Kristin Elam, Juvenile Detention Officer.

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE

The Board approved the transfer of sick leave to vacation leave for Deborah Lowber.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Acapulco Mexican Restaurant to be used 10/29/22.

EXECUTIVE SESSION PURSUANT TO IDAHO CODES §§74-206(1)(C) AND 74-206(1)(D) REGARDING 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 9:04 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 White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Oscar Klaas, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Chief Deputy Sheriff Doug Hart, Cpt. Mike Armstrong, Facilities Director Rick Britton and Controller Zach Wagoner. The Executive Session concluded at 9:43 a.m. with no decision being called for in open session.

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures.

ACTION ITEM - SIGN NOTICE OF LIEN FOR PROPERTY ABATEMENT: 221 AMBER STREET, CALDWELL, IDAHO

The Board met today at 1:03 p.m. to consider signing a notice of lien for abatement for property located at 221 Amber Street in Caldwell. Present were: Commissioners Keri Smith and Pam White, and Deputy Clerk Monica Reeves. The abatement work was completed on October 5, 2022 for a cost of \$4,580. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the notice of lien. The meeting concluded at 1:04 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 11, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the Office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- 1,000 Bulbs in the amount of \$4,823.28 for the Facilities Department
- Novelty Lights in the amount of \$2,695.00 for the Facilities Department
- 3iD Management in the amount of \$2,814.50 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Curtis Graves, Deputy Judicial Marshal; and Richard Lattin, Deputy Judicial Marshal.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:06 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, DSD Planning

Official Dan Lister, Associate Engineer Devin Krasowski, Assistant Parks Director Laura Barbour (left at 9:09 a.m.), Facilities Director Rick Britton (left at 9:09 a.m.), Chief Deputy P.A. Aaron Bazzoli (left at 9:12 a.m.), TJ and Sheena Wellard (left at 9:24 a.m.), DSD Planner Elizabeth Allen (joined at 9:57 a.m. and left at 10:02 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public hearing to receive comment regarding the sole source procurement for the construction of a Mezzanine Addition to the Canyon Crossroads Transportation Museum at Celebration Park: No comments were received.

Consider signing an agreement with Veritas Maintenance for the construction of the Mezzanine Addition to the Canyon Crossroads Transportation Museum: There has been an effort for several years to find a contractor for this project and Veritas Maintenance recently came forward as a contractor who can do this work. It is an estimated 30-day completion. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement with Veritas Maintenance for the construction of the mezzanine addition to the Canyon Crossroads Transportation Museum (see agreement no. 22-117).

Consider signing Legal Notice of Entering into Personal Services Contract with: Jay Kiiha, Bethany Haase, Ali Perkins, Aaron Hooper, Jolene Maloney, Paul Taber, Joshua Taylor, Kevin Shupperd, John Kormanik, Rondee Blessing, and Krista Howard to provide legal services for representation of conflict cases assigned by the Courts under the supervision of the Chief Public Defender; Delia Gonzalez and Maria G. Escobedo-Gonzalez to provide court interpreter services; and Heather Carrizales to perform duties of project coordinator for substance abuse disorders system: These are contracts that are automatic annual renewals. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the legal notices of entering into personal services contracts with the above named.

Meeting to discuss DSD Director's decision regarding Case No. AD2022-0042/RD2022-0007: Mr. Lister provided a background of the situation in regard to the already constructed road width. Mr. Wellard read from the international fire code and spoke about an email he received from Mr. Hoagland at the fire district.

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 9:24 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 Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie

Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, DSD Planning Official Dan Lister, Associate Engineer Devin Krasowski. The Executive Session concluded at 9:57 a.m. with no decision being called for in open session.

Commissioner Smith directed DSD staff to contact the fire district for a possible solution to the road width issue. Additionally, staff has been directed to propose an amendment to the ordinance that is less conflicting and clearer for the public to understand.

Consider signing Findings of Fact, Conclusions of Law and Order for Case No. RZ2021-0060: Elizabeth Allen explained these findings are for a final denial of this case. She said there were changes addressing the traffic impact and the character of the area based on discussion at the previous hearing. Commissioner Van Beek made a motion to approve the FCOs as presented. The motion was seconded by Commissioner Smith and carried unanimously.

Discuss making appointments and reappointments to the Canyon County Planning and Zoning Commission and consider signing a resolution reappointing Harold Nevill to the Canyon County P&Z Commission: Commissioner Smith said Mr. Nevill filled a term when he was appointed which ran from January 2022 to December 2022. Mr. Nevill has since requested to be appointed to a 4-year term and Mr. Lister spoke about his contribution to the P&Z Board. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution reappointing Harold Nevill to the Canyon County P&Z Commission (see resolution no. 22-208). Commissioner Smith said there is one open position on the Board and she would like to see some recruitment and to have the position posted. Discussion ensued regarding more diversity on the Board in terms of both gender and residency.

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT (INCLUDING IRRIGATION AND DRAINAGE) FOR BELLA TOSCANA SUBDIVISION NO. 3

The Board went on the record today at 10:09 a.m. to go on the record and continue the hearing for the preliminary plat (including irrigation & drainage) for Bella Toscana Subdivision No. 3. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Jenen Ross. The case was tabled from a previous date to allow staff additional time to work through some of the issues, and after reviewing the staff report the applicant has requested additional time. The Board decided not to table the case to a date certain, but to re-notice it for a new hearing date. The County will cover the renotification costs. The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Jonathan Herrick, Deputy Sheriff – CID; Darr Anderson, Deputy Sheriff – Patrol; Scott McDonald, Deputy Sheriff – CID; Shonelle Dutcher, Customer Service Specialist – Booking; Bryce Moore, Sergeant – CCNU; Sean Weigelt, Sergeant – Patrol; Stephen Craig, Corporal – Patrol; Isaac Hodges, Corporal – Patrol; Douglas Schofield Hart, Chief Deputy.

PUBLIC HEARING TO CONSIDER A REQUEST BY TROOST FAMILY LIVING TRUST FOR A REZONE, CASE NO. RZ2021-0035

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Troost Family Living Trust is requesting a rezone of approximately 34.96 acres from an “A” (Agricultural) zone to a “C-2” (Service Commercial) zone. The subject property, parcel no. R32938010A, is located on the west side of Riverside Road, approximately 424 feet south of the intersection of Karcher and Riverside Road in Caldwell. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, David Leroy, Greg Bullock, Jeannette Bullock, Penelope Constantikes, TJ Wellard, Mark Wendelsdorf, John Kernkamp, L.V. (Buzz) Beauchamp, Russ Taylor, Cheyne Weston, Maryann Larson, Heather Bingham, Jeff Overton, April Hoadley, and Deputy Clerk Monica Reeves.

Commissioner Smith asked Commissioner Van Beek if she has any conflicts to disclose given that her attorney, David Leroy, is representing the applicant in this case. Commissioner Van Beek said she does not have a financial interest in this project or property. Mr. Leroy on occasion serves as counsel for her but that has nothing to do with this case nor have they discussed this case and she does not have a conflict of interest in that respect. David Leroy said he is appearing as an advocate for the appellant and he has never discussed this particular proposition, application, or issue with his client with whom he occasionally consults on public policy matters. He has never discussed anything of this type with Commissioner Van Beek or any other member of the Commission.

Dan Lister gave the oral staff report. At the time of submittal, the applicant signed a disclosure declining a conditional rezone. The land use matrix for this zone has over 21 uses in a C-2 zone that are prohibited in the agricultural zone and approximately 18 that are allowed where it requires a conditional use permit in the agricultural zone. He reviewed the uses that could be allowed by the application. The applicant is proposing an RV park that will include a community well and sewer system that will provide 203 RV sites with a check-in office, clubhouse and pool,

pavilion, unisex washrooms, dog park area, and a pickleball court. He said without a conditional rezone with development agreement we cannot condition this use, this site plan, the features, or the services that are proposed so we have to look at the full spectrum of the uses the C-2 zone would allow. An RV park is allowed subject to a conditional use permit (CUP) in an agricultural zone. The applicant submitted a CUP on October 20, 2021, but withdrew it in December of 2021 to pursue this application instead. The property was divided in February 2021 without going through a land division application and therefore the property currently is in violation. Mr. Lister reviewed land uses and zoning designations in the area as well as agency comments and public comments. The case was heard by Hearing Examiner on March 17, 2022 and he recommended denial of the request and staff recommends denial of the application as well. Following Mr. Lister's report, he responded to questions from the Board.

The following people testified in support of the request:

David Leroy, the attorney representing the applicant, said the parcel has some very unique characteristics that make it a de facto commercial area. As to the intersection, it is the gateway to the Sunnyslope Wine Trail, and is the access to the head of the dam and the road across the dam. It is a parcel that is now and will remain increasingly in the future important to the agritourism of this particular area. The zoning requested seeks to make it consistent with the comprehensive plan map (both the future and current plans) although the Hearing Examiner had some arguments about it being inconsistent with the policies. Existing uses in the area include the Lakeview Fruit Stand which also has a drive-thru coffee stand; a gas station; an RV park and former restaurant; and a mini-storage facility. The area also includes commercial zoning on the south side of Karcher Road. Mr. Leroy said the Hearing Examiner worked hard to find reasons that this zone change would be inconsistent with the spirit, or the purpose, or the concept of the agricultural uses in the area, but that effort falls short if you note what is going on and what will be going on in terms of the gateway to the Sunnyslope Wine Trail and the 14 wineries in the immediate area and in that regard the concept of an RV park is appropriate and enhances the agricultural uses in the area because it encourages their usage. Mr. Leroy reviewed the criteria the request complies with and said they do not anticipate the proposal having a significant impact on services, and it will have a manageable impact on traffic with ITD heavily regulating the north side of the parcel in terms of their expansion to five lanes and their requirement for an easement that will minimize the size of the project. The project will fit nicely into the agritourism concept and is compatible with the commercial uses on Riverside Road. Following his testimony, Mr. Leroy responded to questions from the Board.

Penelope Constantikes offered testimony regarding trip generation numbers and well data. The Sunnyslope RV Resort traffic impact study that was prepared by CR Engineering indicated that 105 slots would generate 256 trips over the course of a day, with 2.44 trips in a 24-hour period. She testified that static water levels are around 80 feet. Following her testimony, she responded to questions from the Board.

Greg Bullock testified about the high-end projects he's been involved with and how the primary objective is compatibility. They looked at this parcel because the comprehensive plan map called

for this property to be commercial; it did not call for a commercial use with a conditional use attached to it and based on that the applicant purchased this land from Mr. Loucks and intended to go forward with the highest and best use. He cannot think of a better use than an RV resort at this location with the lake being ½ mile away and the highway leading to Sunnyslope. They first applied for a conditional use per the recommendation of a planner in DSD and who believed staff would approve it. Two weeks before their original hearing date they were shocked to see that staff was recommending denial and so they met with the planner who said it was mainly because of the agricultural use and because it does not have compatibility. Mr. Bullock withdrew the application and came back with a straight rezone as per the comprehensive plan and they are here today with the intent to do the RV resort. A feasibility study was completed for an RV resort that said there is a very high demand for resorts, and you do not get that designation without having certain qualifications within the location, such as a clubhouse, swimming pool, dog park, a complete drive-thru site, and the RV's cannot be older than seven years old. The main qualification between an RV park and an RV resort is there are no residences in a resort. They have 1.9 acres of surface water rights; they have a subsurface well that services the property and they plan to convert it to potable water. They can supply an onsite waste water treatment plant to take care of the sewage issue based on the state's allotment for water retention. Although the plans call for 204 units, they will be lucky to get 150 by the time ITD takes what it needs and the sewer plant takes what they need for water retention. This is matter of private property rights and the owners are asking for what has already been decided upon for this site. Following his testimony, Mr. Bullock responded to questions from the Board.

TJ Wellard testified that the traffic issues already exist and you cannot put current issues on the person who's proposing a new project; the project will take steps to mitigate the issues that the project itself is creating but it cannot fix what the state or the highway district have not addressed. Without water this ground will not be farmed; the site has 1.95 acres of surface irrigation water available and that means 33 acres are being watered by groundwater. Agricultural use that takes the groundwater is going to far exceed what an RV resort is going to use. Mr. Wellard spoke of the site characteristics; he does not believe the project will interfere with the agricultural uses in the area. Following his testimony, he responded to questions from the Board.

The Board took a recess from 10:32 a.m. to 10:41 a.m.

Neutral testimony was offered by Mark Wendelsdorf who said the fire code will address a number of the issues as the development process moves along. The concern of the Caldwell Rural Fire District is that these are mobile residential units that are comingling and they have the same impact on the district whether they stay 3 days or 45 days. The initial impact of this should be considered with the impact fees and whatever number of units they end up with should be assessed the impact fees for a residential unit. They have some concerns about wind-driven fires jumping from one RV to the next. They will develop a response protocol should a fire come in; the main concern is the unknown number of potential car wrecks and medical calls.

The following people testified in opposition to the request:

John Kernkamp testified that farmland properties are regularly aerial sprayed for pesticides and planes fly close to the ground at 2:00 a.m. and he questioned if those who park RVs are going to be pleased with that. The nitrate issue is a big problem because the addition of 200 RVs constitutes 200 homes that are going to create the equivalent use of water and sewage. DEQ says there is no known way to filter nitrates out of groundwater; the only recourse is bottled water. There should be a condition that if the owners ever apply to have it be a permanent RV park it should trigger the requirement for dismantlement. He believes background checks should be done on people who stay on the grounds.

Buzz Beauchamp is a fire commissioner for Caldwell Rural Fire District which covers this area, and he is commenting as a resident of the area. The commercial use is miniscule compared to the subject property and he believes this project is putting the cart before the horse and until Highway 55 is realigned and improved this project should be denied due to the density and unanswered questions. The fire district is suffering because of HB389 which has limited their ability to get revenues to cover what they are responsible for. If RV's are thought of as mobile home units, where is their property taxes because it creates an additional burden to the fire district. Growth should pay for itself. The application should be denied until Highway 55 is improved and adequate traffic studies can be made.

Russ Taylor is a traveler who is familiar with luxury RV resorts and he has a problem with the location of this proposal due to traffic safety concerns in the area and the difficulty with accessing Highway 55 and Riverside Road with an RV. The request should be postponed until the highway is done.

Cheyne Weston said there is a small vineyard and winery in the area near the lake. There are not enough conditions on this project and without a conditional rezone it's the wrong process. He sees neighborhood commercial zones outside the area of impact being proper but he doesn't see large C-2 zones without conditions being allowed outside the impact area and that's his biggest concern besides the traffic. The request should be for a conditional rezone.

Heather Bingham said there are traffic issues, and it seems the proposed project is being shoved into a criteria. She wants the area to stay in agriculture. She is not opposed to an RV park but doesn't believe this is the site for one.

Rebuttal testimony was offered by Greg Bullock who said a lot of money, time and effort were put into the comprehensive plan map and this area was designated as proposed commercial. Approval today does not give a blank check; all of the conditions people are concerned about, primarily traffic, will be mitigated with ITD. We cannot go forward without the approval of ITD or the highway district and they will not allow the applicant to build something that is a traffic hazard. He does not understand why it's the property owner's job to fix transportation problems. It is the job of ITD and the highway district to determine what is to be done to allow this to go forward. There will be a development agreement for this project. He asked who there can be agritourism if people aren't going to have a place to park their RVs. He asked the Board to go along with the comprehensive plan recognizing it's not a blank check, and grant what is proposed. The applicable

agencies will mitigate the requirements and if it's too expensive then the applicant cannot do it. Following his testimony, Mr. Bullock responded to questions from the Board.

Commissioner Smith said we need an RV resort of this type; however, we need developers that will agree to a development agreement and site those resorts where they are free from causing additional impacts on services and taxpayers. RV resorts and campgrounds sometimes cause negative impacts to surrounding properties and public services and that's why conditional rezones are important. She said the comprehensive plan is a guide, it's not an entitlement or a property right.

Mr. Bullock said according to staff the proposed zone change is consistent with the 2020 future land use map, however, it is not consistent with the goals and policies contained within the 2020 comprehensive plan. He questioned how that can be said when the designation is there. Commissioner Smith said the comp plan is a guide and staff looks at the map, the text, and what is proposed and provide an analysis. Mr. Bullock asked if they can stay with the zoning proposal if the applicant agrees to a development agreement?

Commissioner Van Beek does not want to consider that offer because that material change in the application would present a basis of favoritism and it would be unfair to the other applications that have been denied. There was further discussion about agencies and issues within the system that need to be fixed. Commissioner Smith said it goes back to a conditional rezone and allowing an opportunity for him to submit a full development plan that the applicant will agree to and the agencies can assess those impacts and make their recommended conditions and it can be heard by the public.

Dan Lister said the applicant did not agree to any of the conditions and that's why staff recommended denial. It is currently zoned agricultural, and they don't have to change the zone to have an RV park. They did not agree to conditions and they changed their application to a C-2 zone so it wouldn't be conditioned. Staff's Finding "A" does not say *is the proposed zone and change consistent with the future land use map of the comp plan*; it says *is it generally consistent with the comp plan in whole*, and that's why they look at the goals and policies and not just the map. A transitional area like this where there are multiple uses that could impact that area, but the applicant did not address that, they only addressed the RV park and that's why staff wouldn't make those findings.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to cl public testimony. Commissioner Van Beek said she is not able to move forward with the application as presented given the ITD expansion that's needed along Karcher Road/Highway 55. There is a need for traffic mitigation and road is in need of improvement. She has issues with the load for the RV park; there is one that's proposed and maybe that's the place for it on the west side of Sunnyslope where they can develop it out and they have other plans that incorporate agritourism. A straight rezone does not provide adequate boundaries or mitigation for the necessary mitigation. Location is an issue for her. She does not support the application. Commissioner White said we cannot expect developers to fix ongoing problems and it's not an

option to say we are done growing so we have to be careful with what we expect developers to pick up. There are commercial uses in the area and she believes it's a needed use with all of the vineyards and wineries. We cannot ask the developers to take care of what is there, but we can condition on a conditional aspect to shore up safety concerns. She said it's a nice concept, but it's probably not a luxury RV resort. Commissioner Smith agrees there is a need for RV resorts, and she is happy to help with a future application, but this is a case that needs a development agreement or a conditional use permit. Without conditions the C-2 zone does not fit. Commissioner Van Beek said there is responsibility on the part of the development community to share in the cost of roadways that need to be built to accommodate additional growth. She then made a motion to deny Case No. RZ2021-0035 for the Troost Family Living Trust for a rezone and to sign the FCO's as modified by staff. The motion was seconded by Commissioner Smith. Commissioner White said she is not supportive of the request as it is presented but she believes there are ways to mitigate the dangers and some of the problems without asking the developer to put in a new highway. The motion carried unanimously. The hearing concluded at 12:04 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE CANYON COUNTY 2030 COMPREHENSIVE PLAN UPDATE

The Board met today at 1:37 p.m. to conduct a public hearing to consider the Canyon County 2030 Comprehensive Plan Update. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, DSD Planner Jenna Petroll, Community Outreach Specialist Tammie Halcomb, Larry Dohse, Bill Verhane, Alyssa Chapman, Janet Northrup, Josie Jensen Erskine, Chris Gross, John Hoadley, Kris Crookham, Chris Emmert, Amy Bitner, Beverly Emmert, Mary Beumeler, George Crookham, Laurie Smith, Theresa Denham, Debbie Cardoza, Laurie Harman, Susan Isaak, Shawn Harman, David Ferdinand, Amanda Stillion, Stevie Wright, Raleigh Hawe, Danny Cardoza, Christy Devanespre, Chanda Rodriguez, Phyllis Indart, John Star, Lowell Fritz, Nikki Albisu, John Sullivan, Justin Parker, Mike Teeter, Alan Mills, Buck Jacobs, Victoria Case, Todd Lakey, Richard Beery, Sarah Arjona, other interested citizens, and Deputy Clerk Monica Reeves. This is the second public hearing to review and consider repealing the Canyon County 2020 Comprehensive Plan and adopting the proposed 2030 Comprehensive Plan. On August 24, 2022, the P&Z Commission recommended approval of Case No. OR2022-0008 with staff's recommended changes and changes requested by the P&Z Commission. On September 26, 2022, a Board majority moved to proceed with approval of Case No. OR2022-0008 with additional changes. The motion passed with Commissioners Smith and White in favor and Commissioner Van Beek in opposition. Today's testimony was as follows:

DSD Planner Elizabeth Allen (mark 5:50 to 42:45) gave the staff report and summarized the changes requested by the Board at the public hearing held on September 21, 2022 and on September 26, 2022. A copy of her summarized report is on file with this day's minute entry. Ms. Allen responded to questions from the Board following her summary.

Public testimony was offered as follows:

Chris Gross (mark 43:47 to 55:25) offered testimony as a third-generation farmer and on behalf of the American Farmland Trust. She submitted a video of a person summarizing the comments of people who are in support of the comprehensive plan and who want to preserve farmland. She submitted over 1,400 postcards from Canyon County residents with responses about the comprehensive plan, and she spoke about the struggles the agricultural industry faces with urbanization, fuel, labor, and other things that come into play.

Janet Northrup (mark 55:47 to 1:05:45) is a part owner of a wine company in the Sunnyslope area and said more people would have been present today if not for the busy harvest season. She supports the proposed comprehensive plan if the agritourism overlays are integrated back into the plan. DSD staff asked the Sunnyslope Wine Trail to develop an agritourism definition and overlay and she spent hours and hours researching what it looks like in other states, including Napa Valley because it's the classic agritourism overlay. They put together a responsible growth agritourism overlay that outlined a great area for agritourism in the Sunnyslope area. SWT President Craig Davis submitted the agritourism definition and it was put into the plan, and during the last hearing Ms. Northrup spoke in favor the plan and offered additional information on the slopes in west Caldwell because there was some misunderstanding that the slopes were not good soil and would be better for building, but that is incorrect. The slopes are perfect for many different types of agriculture and are perfect for grapes. She emailed the BOCC about the new Sunnyslope AVA – American Viticulture Area – and noted that the wineries and vineyards are located on slopes. After learning that the agriculture overlay was removed she was concerned that it was because of the big builders and out of state builders, like the one who is trying to build a 5,000-seat concert venue on 40 acres belonging to the Symms family. She approves of the plan ONLY if the overlays are put back in and she said the Board needs to have a vision of what the Sunnyslope area could look like and what agritourism could look like. Commissioner Smith said the Board cannot discuss the Symms case because it could come to the Board on appeal.

Todd Lakey (mark 1:06:00 to 1:22:20) offered testimony in opposition to the comprehensive plan on behalf of local contractors and realtors. We are a conservative county in a conservative state and that means less government, lower taxes and the lightest touch of government when it exercises authority over people and their property. We prefer to let individual farmers and landowners decide how best to use their property without preservationist land use designations and practical limitations being imposed in a comprehensive plan. The plan impacts landowners and property rights. It does not establish entitlement, it is not zoning, but it is the primary document that's used to evaluate an application. Most farmers want to keep farming and we should trust them on how to best keep doing what they think is appropriate with their farmland. If you want to protect farmers in their ability to do what they want with their land this comprehensive plan does not support that. Mr. Lakey asked the Board to not approve the proposed plan and take time to allow stakeholder committees to work on specific language, goals, policies, and the action items. We need to respect the farmers' ability to do what's best to do with their ground and have those with that perspective work on this language. He said if the Board moves forward with the plan he submits these comments: the survey asked the question "Should farm ground be preserved?" That's a question to the collective we - and people will say yes but there is no accountability for them with that question. Had questions been asked about paying

more in taxes, or, pay so much to purchase farm ground and make sure it stays in farming - the responses to the survey would be very different. Mr. Lakey said he had submitted a second set of proposed changes and he appreciates staff incorporating some of those changes from the first proposals. The group's request is to restore the residential designations in the comprehensive plan future land use map. He referenced the map with yellow areas showing the existing future land use maps are significantly reduced in the proposed future land use map. If the plan is approved, the group requests a balance between those that want to require farmers to keep farming and those that want to have more ability to decide what to do with their land, and in striking that balance they are trying to preserve the prime farm ground. Under property rights, the group asked the Board to look at a new policy that seeks to reduce government restrictions on individual property rights. It should be more about preserving viable ground. Designation areas that may be appropriate for industrial, commercial, or residential uses conserving prime farmland and other natural resources. It is not the government's job to designate a supply. Incorporate the concept of prime farmland and reincorporate the NRSC definitions of prime farmland because the current definitions weaken those definitions. Two new policies at the end recognize that more site-specific and credible information may be provided regarding soils and property capabilities beyond the general soils maps pertaining to a specific property. Add a new policy recognizing that individual hobby and small-scale agricultural activities on acreage parcels can be productive agricultural uses that provide economic benefit and contribute to the local agriculturally related businesses.

Josie Jensen Erskine (mark 1:22:38 to 1:27:00) supports the proposed comprehensive plan and said the public outreach process resulted in a plan's vision through ideas and sentiment about the future of the County. This visioning statement reflects the desire and need of the community as determined through the planning process and as a result of public outreach process. Ensuring the quality of life for Canyon County residents, preserving agricultural heritage, and planning for a smart growth future through physical and fiscal management. The residents of Canyon County or the collective "we" want to preserve the agricultural heritage, and that is the majority of the people the Board represents, not just the handful that show up that have some type of skin in the game. We have land owned by people, but that land makes up a collective good. First you start with plans and then answers come. The state of Delaware first made a plan and now has a young farmer program where they are putting farmers into that land. This plan has started the process of looking at how to preserve the quality of life that comes from living in an agricultural area, with a very light touch. There is only a handful of people in the room today who will not financially benefit from the collective vision. People fighting against the plan will use terms like *more time*, *unbalanced*, *not done*, *not fully formed*, *lack of accountability*, and *inadequate*, because they want the Board to question staff and all of the community partners that showed up for the last three years and attended the planning meetings to create this plan, and they want the Board to believe it does not have the ability to bring forward a comprehensive plan. Ms. Erskine said she wants to be witness to first comprehensive plan in the state of Idaho that makes preserving agricultural heritage the driving force in planning of growth. She asked the Board to approve the plan and put the agritourism and intensive overlays back on the map.

Christy Devanaspre (mark 1:27:01 to 1:27:21) said she agrees with Todd Lakey's testimony.

John Starr (mark 1:27:23 to 1:30:00) testified that works closely with the Symms organization in Sunnyslope, and while housing is one land use in high demand, they reject the conclusion that the only choice is between housing and existing agricultural uses. In chapter 3 - economic development - they would like the Board to focus on conditional uses as permitted uses that require conditions that are reasonable and necessarily in the ag zone so they can do other kinds of things with the land they have, not uses that will be permitted or not. In chapter 4 the overlays are too far in the weeds and they will create more conflict rather than resolution. They are an elegant response to a difficult problem, but they are too much trouble to consider in force and execute. Focus on land uses and conditional uses and leave the overlays out of the plan. Unless you are an experienced viticulturalist you have no idea what area or acreage will be suitable for grapes. The question for the Board is how are we going to preserve farm ground. The conditional use and the land use process already in place is sufficient to accomplish that because it gives landowners and farmers other choices to support their ag operation.

Mary Beumeler (mark 1:30:19 to 1:34:24) is from a fourth generation Canyon County farm family and she said it's important the decision made today be based on the input of those who live in Canyon County. Out-of-county or out-of-state developers or builders should not have a say in what goes on in our County. She is a member of the National Realtor Association and the Nampa Board of Realtors and she said Mr. Lakey does not represent all members. There was no outreach to realtors asking what they thought of the plan, or what their input would be. All they received was a late email saying please protest the comprehensive plan. She is not opposed to development but said it's important we come together to find solutions and one of those was proposed in the plan and it's the TDR (transfer of development rights) program. This plan does a very good job of preserving our ag heritage and it's important we do so. It does not force anyone to do anything with their land. When someone buys agricultural land they have no right to think it will be automatically rezoned to their benefit because they want to sell to a developer. That has no place in this discussion. There are many industries that depend on open spaces such as the dairy industries, and the beef and livestock industry who need large plots of land to meet industry standards to manage their business. She asked the Board to keep the agriculture overlay and approve the plan now.

Nikki Albisu (mark 1:34:25 to 1:38:25) said there is not enough balance in the plan, it still favors large conglomerate farmers, and it greatly reduces rural residential designations in the transition area. She supports Todd Lakey's comments. The impact area and transition area should not have been reduced, particularly given the housing crisis and especially when 94% of Canyon County is zoned agricultural. The ag sector is strong, and we are producing more food than ever and wasting more food than ever and utilizing farming technology could help to serve and support more food production. It's been said the plan serves as a guide, however, historically requests that are outside of the boundaries of that plan have not and are not approved, and her case is one of those and she was told it would be denied because it's not in the impact area of the future plan, and the plan hadn't even been approved when she filed her application. Please do not approve the plan – it's not right, it's not ready. She and her husband farm over 100 acres and they work fulltime to

support their farming habits. A person's right to farm their land should not be placed ahead of another's right to build on their land and that is what this plan is doing.

John Hoadley (mark 1:38:48 to 1:49:16) is a 6th generation Idahoan and he offered testimony on behalf of the Coalition for Ag's Future and he highlighted the importance of Canyon County's seed industry. The Treasure Valley, mostly Canyon County, is only one of five major global vegetable seed production regions. Canyon County's seed industry is valued at approximately \$300M annually, 95% comes from out of the state of Idaho and all of these dollars stay within the local economies. Seed companies have made a huge investment in the economy in jobs, wages, and contracts with seed growers, and the infrastructure alone exceeds over \$500M. They ship to over 120 different countries worldwide to help feed a global population. Approximately 65% of the world's sweet corn seed originates from Canyon County. He spoke of the challenges the industry is facing is loss of pesticide labels, planning for reduction of irrigation water supplies, number of farms decreasing, urban development continues to decrease farmable acres, loss of isolation and pollination, and land use incompatibility issues. We need to preserve farmland to continue producing seeds in Canyon County. Mr. Hoadley spoke about the importance of ag overlay, and the need for other options.

Debbie Cardoza and Susan Isaak (mark 1:49:22 to 1:49:49) indicated they agree with the testimony that was given in opposition to the comprehensive plan.

David Ferdinand (mark 1:49:57 to 1:54:10) spoke about the importance of giving an opportunity for a balance. The Crookham Family has done so much for the community, and we don't want to butt heads with anybody in the farming industry, but we need a process in place to protect farming and at the same time protect industry. When cities expand they take the best farmland. Take more time to make sure we don't press to a vote but have a workshop and committees that meet before the plan is approved. The industrial area between Greenleaf and Wilder that was removed was planned for a long time and people knew what was going to be on those maps - let's be careful not to remove some of the advantages that were put into that.

Amy Bitner (mark 1:54:37 to 2:07:33) is with Bitner Vineyards and a 5th generation Idaho and she is here to speak on behalf of citizens who cannot be here today. She spoke of her experiences a CASA (court appointed special advocate) volunteer for foster children and the effects growth is having on the community and its citizens in terms of social workers and case workers having to move out of state because they cannot afford to live in Idaho. We cannot handle the growth so why are we trying to grow when a majority of the people have spoken and they want preserve ag land. We need to add the ag overlays back in because EMS, mental health services, small businesses, restaurants and farmers are exhausted and overrun and can no longer afford to live here. The majority of people moving to Idaho are retired and not applying to work in the industries. Some of the people who've spoken have been landowners, farmers, realtors and developers - the overall goal for these individuals is how much money they are going to make. The goal of the other people who have spoken is to preserve, protect, educate, volunteer and help and look at the big picture down the road. Citizens want the right to afford a home and feed their families and by removing the ag overlays you are reopening development opportunities and

supporting the minority, not the majority of people want for Canyon County. People want to buy ag land and grow their hops and expand their ranching, but they cannot afford to spend \$7M on a 70-acre parcel, and we need to be more realistic that if people have ag land and they want to farm it, or sell it, they can - but it can remain in agriculture as people pay for it. In response to her question about why the ag overlay zones were removed, Commissioner Smith said it was because there weren't any details of what they meant yet, and it was suggested that adopting those with an ordinance amendment at the same time would be beneficial.

George Crookham (mark 2:08:00 to 2:16:00) supports the comprehensive plan with the caveat that the ag overlay needs to be added back in. He is a 4th generation CEO of Crookham Company, and this is their 111th year in Canyon County and during their four generations they have supported hundreds of families, seen the country through two world wars and several other wars, the Great Depression, several recessions, and helped bail out the housing burst of 2008. They went through the mining wars of the late 1800's and a lost family member whose statue resides at the south side of the Idaho Capitol. They help schools, churches, parks, a hospital, the YMCA, a swimming pool and countless other projects. They pump close to \$1 billion dollar into this county, 95% of that originating from out of state. They pay millions of dollars in taxes, and they support over 500 local vendors. This is only possible because they are good economic stewards of farmland. Building houses does provide a quick jab of adrenaline but residential development does not cover their cost of services. Agriculture helps make up this residential deficit so when farmland is paved over or forced out due to spot zoning and he questioned who will pick up the tax deficit, or support the local activities and build parks? Who will be there to pick up the pieces when the next bubble bursts? The production of food is a national security issue. The 2020 survey revealed that more than 80% of the citizens want to protect farmland. There are over 1,400 postcards and over 600 online comments about the plan. The postcards were sent to people who live outside of the impact areas. Allowing a minority of actors to act in their own best interest and destroy our agricultural economy and our economy in general makes no financial sense. How can we justify an investment that destroys the principle? The step to solving the issues is to add the ag overlay back in and then adopt the comprehensive plan, and then we can do the TDR's.

Justin Parker (mark 2:16:22 to 2:29:27) had questions regarding the map changes and asked if the industrial area from Greenleaf to Caldwell has been put back on the map. Elizabeth Allen said the industrial was added back in. Mr. Parker owns property at Lower Pleasant Ridge Road and Weitz Road and it was industrial. Ms. Allen said it was an error on the County's end, when the GIS specialist added the industrial area between Greenleaf and Caldwell it didn't extend all the way down where it should have been, and it needs to be adjusted by staff. Commissioner Smith said the Parker request for a rezone was denied because the Board felt it wasn't time for development of that property, but if it was inadvertent to leave that on she is good with it. Commissioner Van Beek agreed and said it was a difficult case because that area was on the comp plan map as industrial, and the argument Mr. Parker is making is the same argument Todd Lakey has made that there is influence that is attached to the maps and so if we allow Mr. Parker's request we should reflect what's on there and look at those areas. Ms. Allen said if the plan is adopted it will be corrected. Commissioner Smith said on the proposed map it extends the south side of Highway 19 between Greenleaf and Wilder, whereas before industrial was not on the south side south side

of Highway 19 according to the map. It was adjusted to a small line along Hwy 19, the entire path between Wilder and Greenleaf – and so she asked staff if they are sure it's an error? Ms. Allen said we need to amend it because it was done in error. There have been several changes that have occurred and it's hard to keep track of, but to her knowledge, there aren't any others that have been missed, and it is easy to amend the plan after it's adopted. Mr. Parker believes the proposed plan takes his rights because he looked at the map and he saw it was zoned future industrial and he bought the property based on the available information and he trusted the government was doing what they are supposed to be doing. Ms. Allen said they also have the option doing a comprehensive plan map amendment. Commissioner Smith said the Board will deliberate on Mr. Parker's question about the industrial zoning area at the end of this hearing. Commissioner Van Beek said if the Board puts back Mr. Parker's industrial designation that would mean we would want to consider other people and their designations because they too look at the maps and want to know what the County is doing and it is confusing to have incongruity in there.

Kris Crookham (mark 2:29:40 to 2:46:59) brought property rights signs to display in the meeting room that were marked as exhibit #98 and she spoke about property rights and wanted to dispel some of the myths around property rights. There are a lot of opportunities with development and many of these are good for the community, however, we need to remember that Canyon County is also a place for development to push their product and a place to make money. These companies operate on different rules than we are accustomed to, this is especially evident during elections and when counties and cities look to update their comprehensive plans. Let's look at some of things development wants you to believe as Canyon County updates its comprehensive plan. Many elected officials are hesitant to redirect development, many forget they represent the people and not development. This is an easy trap to fall into when development promotes their product by shouting property rights without context. Your representatives and civil servants direct development through planning and this is their mandate by Idaho law. The goal is not to stop development but to direct development to the right places that the County and cities can service it and where compatibility is not an issue. Planning affects your taxes, ensures services, makes sure those services are not defunded, that local government can afford growth and protect the quality of life of its citizens so let's look at our conservative identity that many in development, or those who are hired representatives, tend to bring into question. Canyon County citizens think of themselves as country folk; we are people of rural character. The identity of the citizens of Canyon County comes from the agricultural land that surrounds it and this is reflected in the 82% that have told the County they want to support agriculture. That citizen consensus is difficult to argue against, it's difficult to ask citizens to identify as a bedroom community to Boise. It's easier to call your local representatives socialists and communists and the harbingers of leftist doom, and at the last hearing that's what those in support of the plan were called, socialists and communists. Payette County and Owyhee County listened to their citizens who have strong and durable agricultural protections and Canyon County has asked this of their representatives and it would be a rough road to find anyone who did this for communist or socialist reasons as Senator Lakey has indicated. When Senator Lakey asked for your vote by calling you the radical left he is challenging your rural and conservative identity at its core and conveniently not talking about how it is going to pay for this growth. Ms. Crookham said they are not communists or socialists, nor are they a

bedroom community of Boise, they are country folk that are proud of their rural identity. The City of Star cannot fund the number of police officers and firefighters it needs to service its city so it's turning to impact fees and this will mean that Star is dependent upon the cycle of continued growth through impact fees to pay for growth, this is a loan shark model where the amount Star will continue to need eventually will break it. Middleton has asked the Sheriff's Office to help with their policy needs as the city is struggling and the County said no. It's difficult to find any conservative value in defunding services crucial to the protection, safety, and education of its citizens. You might be told local governments are stopping people from selling their property, but this is a myth. There is a lot of farmland that has been sold, most of the sales are to private equity firms, trusts, and developers and the land is now being farmed by someone who doesn't own the land, no one is telling anyone they can't sell their property and no one is making up new rules to harm farmland sales or anyone's private property rights. These rules apply to everyone. It's time to stop the spin on the property rights and it's time to be wary and critical of the propaganda that labels rural folk as communists, and it's time to stop growing into insolvency, and it's time to talk about responsible planning with responsible and self-reliant growth in our communities, and it's time to talk about our real conservative values. Commissioner Van Beek said the majority of the growth occurs in the areas of impact and she suggested the group speak with city officials and ask what their plan is for the area of impact. Discussion ensued between Ms. Crookham and Commissioner Van Beek on this topic.

Laurie Harman (mark 2:48:22 to 2:52:41) is a realtor and agrees with the comments made by Todd Lakey, Nikki Albus, and David Ferdinand. She wants the Board to form committees to work on things before the plan is approved because managed sustainable growth is good. Realtors and contractors have been given a bad rap because it's their livelihood, but it's only their livelihood if there is a seller that wants to sell and a buyer that wants to buy. She supports property owner rights and said she has been contacted by farmers who want to sell before the government takes over their rights. There are too many people on both sides of the bench who want you to come to an agreement so you need to work it out to where everybody is going to be happy. All of the wineries have benefitted from the extra people that have moved into the area. You have to schedule and plan for the benefit of all. It's not a political issue, it's about the people and what will work for both sides. Let's work together and find a middle point.

Richard Berry (mark 2:52:53 to 2:56:23) resides in Canyon County between Middleton and Star and his concern is that both cities are making claims to his property. He asked if the comprehensive plan will be useful given that people from outside the County are making inroads in their comprehensive plans? When he learned that Star wanted to annex property into Canyon County that bothered him. Middleton is fighting it and he's wondering what the County thinks about it. Commissioner Smith said if you are a County resident making application and is not annexing his property he would follow the County's comprehensive plan. If his neighbor, who owns land contiguous to land that has been annexed, chooses to annex the County has no say and Mr. Berry wouldn't have a lot of say, but he could comment on it. The city would apply its comprehensive plan and its zoning ordinance to the land use hearing. There are a lot of plans and when you have impact areas you have to watch both plans and what your neighbors are doing. Elizabeth Allen offered to meet with Mr. Berry and discuss what is going on in the area.

Beverly Emmert (mark 2:56:49 to 3:09:50) said her family has been farming outside of Nampa in the Bowmont area for 100 years, 75 of those years they have grown seed and they are asking the Board to approve the comprehensive plan and put the intensive agriculture overlay map back in the plan because it gives an accurate picture of ag in Canyon County based on the GIS program. They attended the workshops, wrote letters, gave input, and they went door-to-door soliciting input. Without the overlay residential development like they have experienced in the last year that is up against or surrounding ag operations will just keep happening and farmers like the Emmerts will lose isolation and the ability to spray our crops. The economic loss to farmers and to the County whose foundation is agriculture will be devastating. Seed crop farming is detailed, labor intensive, high maintenance and science-specific and they want the Board to understand the impact its decision has on farmers. Within one year just two houses were built within 300 feet of her property and it affected approximately 63 acres of her farm and as result there is potential for substantial economic loss. Because the residences are less than 500-600 feet required by the EPA for spraying fields, they are now no-spray fields. The Emmerts typically invest between \$3,000 and \$4,000 per acre into a field of sweet corn seed before harvest and that's even higher this year with the cost of fertilizer labor and the fuel increases. If the field suffers an infestation and needs herbicide, insecticide, or fungicide late in the growing season and they can't spray they could lose the entire field, but even if there is no infestation and no need to spray the field and it is taken through to harvest if the test done on that harvested seed at the plant shows the seed is contaminated from pollen of a nearby garden corn variety, that field's income is lost and the money invested in the field is lost. The money invested in the fields of the Emmerts 63 acres is \$189,000-\$252,000 in one farming year. Farmers cannot keep their operations viable and productive if they are experiencing this kind of loss, it will eventually put them out of business and it will be devastating to the ag businesses in the County. We have to identify the land for what it is if we are going to try to protect and preserve it. The people who live here and pay taxes here have overwhelmingly asked the Board to protect that land. If you are turning farmland into residential development you are not protecting it and that development will keep happening without the intensive ag overlay map. That land use map is not enough. Please vote to put the ag overlay map back in the plan and vote to pass it through.

Teri Ottens (mark 3:10:04 to 3:18:13) offered comments on behalf of the Snake River Canyon Scenic Byway of which she is a board member. They were dismayed to discover that after months and months of testimony and work that the archaeological and scenic byway overlays were removed. There are two reasons why they are concerned: 1. The overlay provides a visual reminder that there is an existing condition on the ground; for example, without the overlay there was a subdivision approved north of Map Rock and that area is filled with petroglyphs, and the byway committee had no opportunity to comment. The developer could find themselves in some trouble with federal law if there is a complaint filed. Their question is why would we want to remove the visual reminder that development in an overlay area must take into consideration the existing conditions on the ground. The byway is an economic asset and contributes to agricultural tourism and without some sort of notification to those developing the area or those wanting to do different projects they might never know that what they might be doing could make that a less valuable asset. The committee's position is these overlays do not restrict development in any way,

they enhance the knowledge of the owners and developers and increase public transparency when changes are proposed. This should be a goal that nobody should be against. The comprehensive plan is to establish those areas of interest, of land use and it's up to the zoning ordinance to define what that means. All these people who might be concerned that this could limit their development because there are overlays, they shouldn't be because they can be involved in the zoning ordinance process and they can still submit their applications it just means there may be more comment on those applications. For over 50 years the majority of Canyon County citizens have accepted the covenants of zoning as our biggest land use planning tool, and there hasn't been a huge outcry that this should be a County that has no zoning. We accept that restrictions are placed on certain land uses so as Kris Crookham stated if she has a residential piece of property that is her biggest asset and she's spent years putting improvements into it, but the highest and best use of her residential lot is not another home - it could be a gas station, a hog farm, or a manufacturing plant. She could sell her two acres for a lot more if she could sell it for commercial use. It's not the government's job to provide her a retirement account. The person owning the land has to plan for their own retirement; it's not the government's job to give her a windfall because she's decided to retire. The community as whole as agreed on how we want to grow and we should stick to those and if we don't want to grow that way, we can go the P&Z Commission route and apply for a comprehensive plan change, a zoning change and do your development. Commissioner Van Beek had questions for staff regarding the overlays and said she supports greater definition and breakdown for better transparency.

The Board's deliberation (mark 3:18:30 to 5:20:00) was as follows:

Ms. Allen reviewed the late exhibits; P93 through P99 were admitted into the record.

Commissioner Van Beek said in her training as a conflict management mediator people bring their ideas to the table and the extremes are eventually taken off the table if you can have robust respectful discussion and you get to something people can live with. Staff has done a good job, but she still has concerns. She is pro-agriculture and she does not like propaganda from this side of the table. There are actions in the plan that are already being effectively managed by other public agencies, including the NRSC, but to get down to a working document that has the ability to iron out the last of these wrinkles and there are things she should would have liked to add such as an architectural standard and design overlays for areas of housing that are pristine areas in Canyon County. View sheds have been added to the plan, but the County doesn't recognize view sheds. She has discussed the AC20 and the interpretation of viable, permanent land use activities to their livelihood. Viable is not defined, permanent is forever, that's a matter of interpretation. She wants a well thought out product that is sustainable and can carry us into the future. We are discussing a project that puts an urban overlay on Lake Lowell which was designed for irrigation but that at some level is changing so she wants to recognize what that looks like and how to mitigate that. There are some areas of farm ground that are less productive than others and identify and mapping it out which has not been done in some areas of the County. Some of those designations requiring larger parcels like an R-2 on lava ground where you have ¼ acre that you can water from a well on the 2-acre lots she thinks we need to look at. It was many years ago she met with the Amens, George Crookham, and Roger Batt in an area where they were able to do fly-

ons at Hat Butte and were still able to have an airstrip and run that ground and that has changed. If government has to do it, it has to be with a light touch. We can require a lot of government control if that's how we want to go, but that's not the country or the county she's lived in. She led the fight in not approving low-income housing in the Sunnyslope Scenic Byway Viticulture Area. There is a statement on page 84 of the comprehensive plan about how do we propose to limit the conversion exclusively to areas of impact? That involves city partnerships and people getting involved and she's proposed many times that the County and its development strategy needs to involve partnerships with municipalities, mayors, economic development coordinators, developers, and farmers. This plan at some level effectively removes the ability for someone desiring a rural lifestyle in a less than viably productive agricultural area. That is an interpretation that it would limit or eliminate those. She was in favor of breaking the plan up into digestible portions where we could workshop that out. She does not pass policy without understanding what it is she is passing. She stands on good planning and growth for this County. Commissioner Smith understands land use planning and what is contained in this plan. There have been years of testimony and she has heard both sides and appreciates the wide variety of comments that have been received. Agriculture is our number one resource in Canyon County and we need a plan that tells people that move here and those that live here that agriculture is predominate and it is important and is a huge part of our livelihood. The people that have jobs here and homes here who filled out those forms - their opinion matters and she's not telling a farmer he cannot sell his ground, he can and should if he wants to but he should follow the same rules that the person who wants to open a business has to do and go through the process. We are at a critical time and we are growing at a level that we cannot continue to sustain so she is supportive of the plan and she supports putting the overlays and the associated maps back in the plan. Commissioner White said she doesn't have a problem with the plan presented and she could vote to approve it today because it's a well thought out plan that's been thoroughly discussed, with changes noted. She made a motion to approve the 2030 comprehensive plan with the overlays to be brought back in, and with the one correction to the industrial property located off of Simplot Boulevard and to direct staff to make those changes and bring the FCO's and maps back for approval at a later date. The motion was seconded by Commissioner Smith. Commissioner Van Beek asked if any of Todd Lakey's suggestions will be incorporated into the plan? Commissioner Smith said there were a few that she was supportive of but not all of them, and, there were a lot of suggestions from many people and so she wants to let the motion ride and said the Board will continue working on zoning ordinance amendments and comprehensive plan map amendments. She supports the plan as presented. Commissioner Van Beek said there have been a lot of submissions and Mr. Wilke also provided testimony regarding his property that's located south of Lake Lowell. Commissioner Smith said the case on Simplot Boulevard was included in the motion because staff clarified that there was a mistake, but there are others where there was a lot of conversations but those were not mistakes. Commissioner Van Beek said we are talking about transparency and clarity and she believes it's a mistake not to have maps accurately reflect what has been presented. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The plan will be effective once the resolution and FCO's are signed. The hearing concluded at 5:20 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 13, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BDS in the amount of \$2575.00 for the Treasurer's Office
- Hart Intercivic in the amount of \$4100.00 for the Elections department
- Command Sourcing in the amount of \$15292.12 for the Sheriff's Office
- Police Service Dogs in the amount of \$12,500 for the Sheriff's Office
- Dell in the amount of \$28,489.86 for the Sheriff's Office

APPROVED CLAIMS

- The Board has approved claim 588769 ADV in the amount of \$310.50
- The Board has approved the August Jury claim in the amount of \$8,402.47

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE

The Board approved the transfer of sick leave to vacation leave for Robert Jason Williams.

APPROVED CATERING PERMITS

The Board approved two (2) Idaho Liquor Catering Permits for O'Michael's Pub & Grill to be used 11/5/22.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 1:31 p.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Solid Waste Director David Loper (left at 1:42 p.m.), Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Robyn Sellers with the City of Nampa, David Wood with FAMCO and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Director Loper explained each of the declarations line out the reason for sole source; each one is very specific to the design approved by the Department of Environmental Quality (DEQ) for the

gas collection and control system project. Ms. Klempel stated that she feels there is sufficient basis to proceed with sole source on all three items.

Consider Signing a Declaration and Notice of Sole Source Procurement for Drilling and Installation of Gas Well at Pickles Butte Sanitary Landfill: Quoted cost is \$213,950.50.

Consider signing a Declaration and Notice of Sole Source Procurement for equipment and labor to construct and Install a candlestick flare and skid station at the Pickles Butte Landfill: Quoted cost is \$343,000.

Consider signing a Declaration and Notice of Sole Source Procurement for equipment, labor, and materials to construct a skid station compressor building at the Pickles Butte Landfill: Quoted cost is \$83,719.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign each of the above listed declarations and notices of sole source procurement.

Public meeting to consider a resolution granting Fresh Air Manufacturing Company dba FAMCO a property tax exemption pursuant to Idaho Code 63-602NN: No member of the public attended the hearing to offer comment.

Consider signing a resolution granting Fresh Air Manufacturing Company dba FAMCO a property tax exemption pursuant to Idaho Code 63-602NN: Mr. Wood explained their intent is to move their operation from Ada County to Canyon County in order to consolidate their operation and increase efficiencies. He provided a background of the company noting they are a metal manufacturer and often source materials locally. They have 140 employees and anticipate adding 90+ employees over the next 10-15 years. They are still in the process of evaluating sites as what they had previously planned did not work out as expected. Ms. Sellers spoke about the infrastructure and development in the area FAMCO is considering. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting Fresh Air Manufacturing Company dba FAMCO a Property Tax Exemption Pursuant to Idaho Code 63-602NN (see resolution no. 22-209).

The meeting concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair – Out of Office
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – Out of Office
 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings scheduled this day.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 17, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were scheduled this day.

APPROVED CLAIM

- The Board has approved claim 588770 ADV in the amount of \$4,823.28

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SHI in the amount of \$26,219.16 for the Information Technology department
- ESRI in the amount of \$46,197.81 for the Information Technology department
- SHI in the amount of \$3,495.23 for the Information Technology department
- Idaho Tower in the amount of \$2,750.00 for the Information Technology department (PO #5279)
- Idaho Tower in the amount of \$2,750.00 for the Information Technology department (PO #5278)
- SHI in the amount of \$10,023.00 for the Information Technology department
- Paessler in the amount of \$1,552.27 for the Information Technology department
- Idera, Inc. in the amount of \$8,766.45 for the Information Technology department
- Redgate Pass Data Community in the amount of \$1,685.00 for the Information Technology department
- HomeAway.com, Inc. in the amount of \$1,225.09 for the Information Technology department
- Bonneville Blue Precision in the amount of \$66,022.00 for the Solid Waste Department

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE

The Board approved the transfer of sick leave to vacation leave for Mandi Bravo and Jeff Breach.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Caroline Kelso.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 18, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 588771 to 588772 in the amount of \$222.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Bragg Crane Service in the amount of \$2194.20 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Daniels Pecunia, Landfill Operations Manager; Zachary Blakeslee, Recorder/Passport Specialist.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Controller Zach Wagoner (left at 9:29 a.m.), HR Director Kate Rice, Comp./Benefits Coordinator Bosco Baldwin (left at 9:29 a.m.), Benefit & Training Coordinator Nicole Ahlstrom (left at 9:29 a.m.), Treasurer Tracie Lloyd (left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution authorizing the inclusion of certain charges, other than property taxes, to be placed on the tax roll: Treasurer Lloyd explained that this is just a formality to add other charges to the tax roll – submittals were received from the City of Nampa and Canyon County Code

Enforcement for abatement charges. Ms. Lloyd noted that there has been some communication with the property lender on Canyon County charges and those may be paid in full instead of being added to the tax roll. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the inclusion of certain charge, other than property taxes, to be placed on the tax roll (see resolution no. 22-210).

Consider signing VSP 2023 Renewal: This is a standard renewal with no increase to administrative fees. There has been a proposal to change to the glasses frame allowance from \$150 to \$200 as there hasn't been a change since 2014. The estimated claim increase for the year is \$1000 which would happen regardless of the increase to frame proposal. Commissioner White made a motion to sign the VSP renewal for the *VSP Signature Plan – Renewal Alternative Plan*. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 22-121).

Consider signing Delta Dental 2023 Renewal: This is a standard renewal contract with a 5% increase this year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Delta Dental 2023 Renewal (see agreement no. 22-120).

Consider signing Administrative Services Agreement with Peak One: Ms. Ahlstrom explained they are proposing a change from the current administrator of Flores to Peak One. There have been several factors recently that have prompted the change including a lack of customer service and issues with technology compatibility, among other issues. Ms. Ahlstrom has evaluated several administrators and Peak One is the most favorable option – they are located in Idaho which offers better hours for Canyon County employees to contact them, Director Rice has worked with this company before and had a positive experience and there is more compatibility between systems. There will be no changes to the way the plan is administered and is comparable to the way the Flores plan is administered. Debit cards for HRA accounts will be issued, reimbursements will remain the same and the cost for administration is comparable to Flores. Any money left in a Flores accounts at the end of year will be rolled to and administered by Peak One. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the administrative services agreement with Peak One (see agreement no. 22-119).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:29 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley and HR Director Kate Rice. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

The meeting concluded at 10:09 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY GARY STARK FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-RR" (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, CASE NO. CR2021-0013

The Board met today at 10:16 a.m. to conduct a public hearing in the matter of a request by Gary Stark for a conditional rezone from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone – Rural Residential) Zone, Case No. CR2021-0013. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Elizabeth Allen, Gary Stark, Kimber Hall, Tyler Slate, Kohl Hall, Cindy Urresti, Laurie Smith, Brian Smith, Lela Janicek, Monte Janicek, Karen Wilson, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she knows some of the audience members the Halls and Janiceks who are present today but that will not impact her ability to make an unbiased decision in this case. DSD Planner Elizabeth Allen gave the oral staff report. The applicant is requesting a conditional rezone to change the zoning designation of parcel R38442011, approximately 23.15 acres, from "A" (Agriculture) to CR-RR (Conditional Rezone - Rural Residential) zone. The original request included a development agreement to limit residential development to three 2-acre lots. The P&Z Commission held a hearing on the case on June 2, 2022, and recommended denial of the conditional rezoning. On August 11, 2022, the Board requested the item be re-noticed to consider approval to limit the conditional rezone to two 2-acre lots and leave the remaining land as agricultural zoning with no residential uses permitted. The two parcels on the north side will be residential and the rest would be zoned agriculture for the remaining 19.15 acres. The property is located on Hop Road northeast of Notus. The property was divided without County approval to create the subject parcel and the division left those two parcels as undeveloped with no building permits until the parcels meet County requirements. If approved they could do an after-the-fact administrative land division. Ms. Allen reviewed the criteria staff's analysis was based on, and she reviewed agency and citizen comments. The applicant initially proposed a full rezone of the property with three residential lots; the proposed change to two residential lots and a larger agricultural lot limits the site through zoning to the proposed residential lots with no building permits available on the ag lot. As conditioned, the proposal creates a development pattern that's consistent with the surrounding area and leaves 83% of the subject property in agricultural production with either farm land or equine activities. Staff is recommending approval of the request subject to conditions of approval. Following her report, Ms. Allen responded to questions from the Board. Gary Stark testified his request includes a development agreement to restrict the development to two 2-acre lots which will be for his family, and he will leave the remaining land zoned agricultural with no residential uses permitted. He wants family members close to help with his horse training operation and to have someone watch over the property when they are out of town. The location of the two lots is the most logical because they are on the least productive portion of the property and least disturbing to the irrigation layout. Any property that is not used for homes will be farmed. Laurie Smith is opposed to the request. Her farm is located in a highly agriculture intensive area and the subject property

has already been split twice from the original parcel and she questions how many more splits Mr. Stark will get. There is a right-to-farm act in place to protect farming operations; if approved, the proposal will impact aerial application of pesticides and will directly impact her way of living. Ms. Smith said she will agree to compromise and ask to move the proposed road 500 feet south of their boundary. With the proposed construction next to her boundary she will have a loss in production and income with no means of compensation. The P&Z Commission said this is predominately agriculture and the proposal does not fit with the comprehensive plan or the current land use character of the area. She worries the proposal will set a precedence that is inconsistent with the current zoning of the area as well as the comprehensive plan. From her perspective it appears P&Z is willing to accommodate Mr. Stark's request for a rezone and look past the current policies in place to protect the farmers who have maintained the land for years. Ms. Smith said there is opposition from property owners and aerial applicators about the loss of farm ground, and she asked the Board to postpone a decision until more information can be gathered on the long-lasting impact. Following her testimony, Ms. Smith responded to questions from the Board. Brian Smith has been neighbors with the Starks and he likes Mr. Stark's plan to have his family move there and help him out, but he is concerned that others will want to do the same and divide their properties. When properties are divided it makes it harder to farm and he is concerned that development will change the area. Karen Wilson is opposed to the proposal. She has lived on her property for nearly 43 years and testified about the increased traffic, demand for services, and impacts to schools the proposal will create. This is a farming community and she does not support additional homes on the property. Lela Janicek testified she is opposed to the rezone citing the following concerns: problems that come with new housing developments; changes to the agricultural character of the area; impacts to property and livestock by people trespassing on her property; and the difficulty in understanding why active farm fields are the subject of new building projects when there are other areas that are not as productive that would fit more into the expanding boundaries of urban developments. Monty Janicek is opposed to the request and questioned what would stop others from dividing their land just as the Starks want to do. Where does it stop? He spoke of how housing impacts agriculture and he spoke of the problems he has had with a neighbors' dog harming one of his calves. Rebuttal testimony was offered by Gary Stark. The lots are 250 feet square so to go with Laurie Smith's proposal of 500 feet would put the road in the middle of the property, doesn't make any sense because he's trying to preserve farm ground not put a road up the middle. He plans to put the road along the boundary so it can be a shared road for the two 2-acre parcels. Mr. Stark responded to questions about application of pesticides; property taxes; and dogs in the area. Laurie Smith offered additional testimony regarding aerial applications in the area and her concern about a buffer. Mr. Stark said does not see his proposal having an impact on aerial applications. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board took a brief recess to review the exhibits. During the Board's deliberation, Commissioner White supports the request for the following reasons: there is a right-to-farm and the development agreement restricts development. Commissioner Van Beek said in this case there is a farm rancher that wants to continue the farm ranching who understands the rural lifestyle. She wants staff to look at the agricultural setbacks to protect the property on the north, and she wants the Starks and the Smiths to come to an agreement on those setbacks, and to get additional information regarding the placement of the houses or parcels. Commissioner

Van Beek made a motion to approve the request by Gary Stark for a conditional rezone with the addition to the FCO's that they work with Valley Air regarding and the applicant in looking at the optimal placement of homes or parcels to accommodate the request for setbacks and to minimize the impact on agriculture. Commissioner White said if the Board is waiting on additional information it needs to delay a decision until that information is received. Commissioner Van Beek withdrew her motion. Commissioner White made a motion to table the case to November 2, 2022 at 9:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS THE CALDWELL AREA OF CITY IMPACT

The Board met today at 1:38 p.m. to discuss the Caldwell Area of City Impact. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, DSD Planner Jenna Petroll, DSD Planner Elizabeth Allen, Steve Fultz with the City of Caldwell and Deputy Clerk Jenen Ross.

Mr. Fultz explained that the City of Caldwell is looking to increase their Area of City Impact. A rough draft proposal with maps was provided and reviewed with the Board by Mr. Fultz. The City of Caldwell is looking to do something similar to the City of Nampa. Discussion ensued regarding how the recently adopted Revenue Allocation Area impacted this request, cooperative work between the county and city to develop a plan that works for both, annexation of county parcels into the city and water and sewer extensions.

Ms. Minshall said she has done a quick review of the documents and has had a brief conversation with Mr. Lister and Ms. Allen about it. There are still some items to work thru to make sure it's a cooperative agreement between the city and county but feels DSD and the City of Caldwell will have a good working relationship in coming to an agreement that works for both. The meeting concluded at 2:13 p.m. An audio recording and copy of the documents provided to the Board is on file in the Commissioners' Office.

MEETING TO DISCUSS CITY OF GREENLEAF BRIC GRANT

The Board met today at 2:15 to discuss the Greenleaf BRIC grant. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, EOM Christine Wendelsdorf, Greenleaf City Clerk Lee Belt and Deputy Clerk Jenen Ross.

Ms. Wendelsdorf explained in order for the City of Greenleaf to apply for this grant they needed to be a part of the All Hazard Mitigation Plan that was adopted several years ago. However, due to many extenuating circumstances the City of Greenleaf missed the deadline to be included. Since the City of Greenleaf is not part of the plan the county would need to apply for and administer the grant on behalf of the city. Ms. Wendelsdorf explained she is willing to help with the administration

and that she has spoken with Controller Wagoner in regard to the financial administration of the grant; Mr. Wagoner has requested that the city pay any invoice upfront and request reimbursement from the county for the grant monies.

Mr. Belt said they are applying for this grant in order to construct a waste water treatment plant. At this time, it is not imminent but they know it will be necessary in the future and would like to be prepared.

The deadline to apply for the grant is mid-January and will require a 25% match of approximately \$500,000 which will be covered by the city, there is no financial obligation to the county for this grant.

Mr. Wesley said the county has done similar things before and an MOU between the city and the county could be prepared.

Commissioners Van Beek and White are in support of this moving forward.

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 19, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Out of Office**
 Deputy Clerks Monica Reeves/Jenen Ross

MEETING WITH BOCC DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 1:32 p.m. with Directors to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Sabrina Minshall (left at 2:07 p.m.), DSD Office Manager Jennifer Almeida (left at 1:38 p.m.), Code Enforcement Officer Eric Arthur (left at 2:07 p.m.), Facilities Director Rick Britton, HR Director Kate Rice, HR Generalist Jennifer Allen (left at 3:12 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to Jess Mickelson and Mike Engebritson for a rezone application fee and a subdivision application fee: Consultations were done on both applications, case files created and agency notification done. Staff is recommending a refund of \$1905.00 which is approximately 75% of the fees paid. Upon the motion of Commissioner Van Beek and second by

Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Jess Mickelson and Mike Engebretson for a rezone application fee and a subdivision application fee (see resolution no. 22-212).

Consider signing a resolution granting a refund to Legends Heating for a mechanical permit fee:

Another HVAC company secured this job and a new permit was taken out. A permit was issued to Legends Heating but no inspections were done. Staff is recommending a full refund of \$300 as very minimal work was done. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Legends Heating for a mechanical permit fee (see resolution no. 22-213).

Consider signing a resolution granting a refund to Leonard & Mary Williams for a withdrawn conditional rezone application fee:

The Williams's opted to withdraw this application in order to apply for non-viable. Consultation was done and files were created although no notification had been done. Staff is recommending a refund of \$1049.75. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Leonard & Mary Williams for a withdrawn conditional rezone application fee (see resolution no. 22-214).

Monthly Code Enforcement meeting to discuss general issues, set policy and give direction:

Mr. Arthur provided the Board with an update on year-to-date numbers on open cases, comparison from 2021 to 2022 and September 2021 numbers to September 2022 numbers. Code Enforcement is still receiving complaints regarding weeds which they forward to Weed and Pest and notify the complainant that their concern has been forwarded on. The recent certificates of non-compliance have been recorded and notices have been sent to property owners; they have received feedback from some property owners who received a notice letting them know they would get the property cleaned up. Updates with pictures on previously worked cases were provided to the Board.

Monthly meeting with the Director of Development Services to discuss general issues, set policy and give direction:

Director Minshall said prior to Building Official Dave Curl retiring she was able to spend some time with him reviewing caseloads and has met with most of the managers and several staff members within her department. She has had preliminary conversations with HR about wages and recruiting, the next steps, moving forward with Building Official interviews and getting a permit tech in place. There will be a department wide meeting tomorrow to discuss culture and moving forward. Director Minshall will be meeting with key people to discuss the backlog and what the options may be; she may ask to meet with the Board prior to the next scheduled meeting. Commissioner Smith thinks there might need to be a conversation on an employee that may be leaving. She feels there was possibly some inaccurate messaging in regard to the comprehensive plan and there needs to be discussion regarding the finalization of the comprehensive plan, next steps and priorities surrounding adoption of it. Director Minshall would like to meet with the Board in order to get an understanding of priority expectations for the department. Additionally, she will be evaluating quick efficiencies vs. long-term processes.

Consider signing a resolution changing the job description of one (1) position and the job title, job description, salary range and FLSA status of two (2) positions in the Facilities department: Director Britton provided a review of the changes he'd like to make to the job descriptions.

Housekeeper position: Minor maintenance tasks have been added into the position in order to cover some of the responsibilities at the new fair expo building.

Maintenance Technician II: Director Britton would like to create this title as a level for maintenance technicians that have 2-5 years in the industry but are not at journeyman level yet. This position would take on additional responsibilities and help oversee projects. Additionally, Director Britton feels this would give more opportunity for growth within his department. Discussion ensued in regard to some of the details within the job description and Ms. Allen made the requested revisions which has been updated and included with the resolution.

Office Manager: This position has taken on several additional responsibilities that are better encompassed in an Office Manager job description vs. the current Sr. Customer Service Specialist job description.

Commissioner Van Beek made a motion to sign the resolution changing the job description of one (1) position for Sr. Customer Service Specialist to one (1) Office Manager and the noted salary changes in the resolution and the enhanced job description and Maintenance Technician with the approve changes as documented on the record and the job description for Housekeeper and the salary range. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-211).

Monthly meeting with the Director of Facilities to discuss general issues, set policy and give direction: A review/update of FY22 projects with budget numbers was provided to the Board, a copy of document that was reviewed is on file with this day's minutes. The areas discussed included an update on the Fair Expo building, the new roof for pod 5 of the jail and the LID.

Monthly meeting with HR Director to discuss general issues, set policy and give direction: A review of the turnover rate was provided to the Board; year-to-date the county is at over 16% with the goal being 10% or less. Director Rice has already met with Director Minshall and they are working to brainstorm ideas for that department. The HR staff recently toured the jail which she feels has provided them with better insight for recruiting, salary and benefit information for that group of employees. The HR department will participate in the Halloween event next week. The driver's license project has been completed for insurance purposes. Open enrollment will happen the first half of November. Ms. Rice is looking into some ADP training that she may take and/or that may be available county-wide. The current leave policy is out of date and she is looking at options for updating; additionally, she may look into changing vacation/sick time to PTO and is trying to get a history of the back and forth changes to compensation time and direction from the Board as to what they'd like to do. Based on a discussion recently had in an executive session, Ms. Rice is working on a document outlining process to change a salary when a manager identifies a need.

Mr. Soto has conducted an interview about a recent employee complaint and will meet with PA's Office Friday. There is no update on the pending termination. Updated numbers are as follows: 11 people were hired last month, 108 applications were received, year-to-date 131 people have been hired and 130 have left.

The meeting concluded at 3:44 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 20, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – Out of the Office
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$4301.45 for the Facilities department (PO# 5288)
- Command Sourcing in the amount of \$8160.00 for the Sheriff's Office (PO# 5303)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Justin McConnell, Landfill Environmental Compliance/Safety Manager; and Aundrea Stewart, Misdemeanor Probation Officer.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-501

The Board met today at 9:07 a.m. to conduct a medical indigency hearing for case no. 2022-501. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George, Attorney Kevin Griffiths for St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Ms. George and Mr. Griffiths and Board discussion Commissioner Van Beek made a motion to continue the hearing to December 8, 2022 at 9:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The board met today at 9:25 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to sign lien releases for case nos. 2022-128 and 2022-497. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:26 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 10:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Director of Juvenile Detention Sean Brown (left at 10:16 a.m.), Director of Misdemeanor Probation Jeff Breach (left at 10:20 a.m.), Treasurer Tracie Lloyd (left at 10:14 a.m.), Deputy Treasurer Tanya May (left at 10:14 a.m.), Emergency Operations Manager Christine Wendelsdorf, HR Director Kate Rice, HR Generalist Jennifer Allen (left at 10:20 a.m.), HR Generalist Cindy Lorta (left at 10:24 a.m.), Sheriff Kieran Donahue (left at 10:24 a.m.), Chief Deputy Sheriff Doug Hart (left at 10:24 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Treasurer Lloyd explained the notice being considered is for surplus property being put up for auction on November 9th. There is also a notice for granting property to the Nampa Housing Authority if the Board so chooses. Discussion ensued regarding parcel no. 39312000 0 known as the Anderson Corner property. This property was once sold at auction but was later discovered had many EPA issues that needed to be addressed and was purchased back by the county. All of the issues have not yet been resolved but Treasurer Lloyd thinks it may be time for the county to consider selling it again. There has been discussion with the surrounding landowner who has interest in purchasing the property 'as-is', is fully aware of all the current and previous issues and is willing to pay the \$50,000 which is the amount the county has incurred in remediating the property. Commissioner Van Beek is in favor of allowing the surrounding property owner to purchase the property without putting it to auction. Commissioner Smith feels that the appropriate path forward is to put it to auction. Further discussion ensued about offering a portion of the property to ITD for right-of-way dedication and the best course of action knowing the EPA issues on the property. At this time additional conversation is needed on the best way to move forward and it was decided to remove the parcel from the auction notice.

Consider signing resolution declaring certain properties as not necessary for county use and authorizing sale thereof: Commissioner Smith made a motion to sign the resolution noting it will be amended to remove the Anderson Corner property, parcel no. 39312000 0. The motion was seconded by Commissioner Van Beek and carried unanimously (see resolution no. 22-216).

Consider signing notice of surplus property auction: Commissioner Van Beek made a motion to sign the notice but with the amendment to remove the Anderson Corner property, parcel no. 39312000 0. The motion was seconded by Commissioner Smith and carried unanimously.

Consider signing notice of grant of real property to other political subdivision or taxing district: The Nampa Housing Authority is interested in the property located at 132 Owyhee Ave, Nampa, parcel no. 08419000 0. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the notice of grant of real property to other political subdivision or taxing district.

Consider signing Juvenile Detention Housing Agreement with Valley County: Director Brown said there are no changes from last year and is the same as previous housing agreements signed by the Board. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Juvenile Housing Agreement with Valley County (see agreement no. 22-122).

Consider signing a resolution changing the title, description and salary range for one position in the Misdemeanor Probation department: Director Breach said this is to change a Customer Service Specialist position to a Sr. Administrative Specialist position as these two positions are often sharing job responsibilities. This change will make both positions equitable and allow equal job knowledge. With this change the department will no longer have a Customer Service Specialist position. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution changing the title, description and salary range for one position in the Misdemeanor Probation department (see resolution no. 22-217).

Consider signing a resolution approving the change in job title, job description and salary range of two (2) positions in the Sheriff's Office: Sheriff Donahue said this is to reclassify two positions which will address the immediate needs in DMV and Emergency Management. A vacant Deputy Sheriff position will be changed to a Customer Service Specialist and a vacant Food Services Supervisor to a Sr. Administrative Specialist; both of these positions are funded in the FY23 budget. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution approving the change in job title, job description and salary range of two (2) positions in the Sheriff's Office (see resolution no. 22-215).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 10:25 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith

and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 11:36 a.m. with no decision being called for in open session.

The meeting concluded at 11:36 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Brandon Black, Sr. Misdemeanor Probation Officer; Coby Michael Armstrong, Deputy Sheriff – Inmate Control; Marylee Beth Lewis, Customer Service Specialist – Booking; Stephanie Angeleena Marie Browne, Call Taker – Dispatch; Hunter Alexander Onofrei, Deputy Sheriff – Inmate Control; and Kevin Michael Patchett, Deputy Sheriff – Inmate Control.

MEET WITH THE MIDDLETON URBAN RENEWAL AGENCY

The Board met today at 10:05 a.m. with the Middleton Urban Renewal Agency and the following action item was considered: *Transfer of Power Ordinance and Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b)*. Present were: Commissioners Keri Smith and Leslie Van Beek, Middleton Mayor Steve Rule, Middleton Public Works Director Jason Van Gilder, Middleton City Clerk Becky Crofts, Attorney Meghan Conrad, Attorney Abbey Germain, Roberta Stewart, Treasurer Tracie Lloyd, Sr. System Analyst Steve Onofrei, Controller Zach Wagoner, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, and Deputy Clerk Monica Reeves. Meghan Conrad gave a PowerPoint presentation (included with today's minutes) highlighting the following:

- The proposed boundaries
- Plan approval process
- Intergovernmental Agreement and Transfer of Powers Ordinance
- Next Steps - Updated Plan Approval Timeline
- MURA East - Plan Elements
- Infrastructure Improvements Prioritization

- Class 1 and Class 2 Improvements
- Class 2a Improvements
- Class 3 and 4 Improvements
- Economic Feasibility Study
- Anticipated Revenues
- Anticipated Discounted Revenues
- Estimated Project Costs
 - Priority Class 1 URD funded project costs are estimated at \$25.3M
 - Priority Class 2 URD funded project costs are estimated at \$19.8M
 - Priority Class 2a identifies \$24.4M in public infrastructure costs which would be eligible for funding should excess revenues exist
- Other Items
 - Agricultural operation consents - Completed
 - Maps and legal descriptions have been updated
 - 10% valuation analysis completed - 5.2% of total taxable value
 - Limitations on amendments to the plan - Idaho Code 50-2903A
 - Base reset
 - Exceptions

The City of Middleton requested the Board move to approve Intergovernmental Agreement and Transfer of Powers Ordinance. Questions and discussion followed with Mayor Rule spoke about how the city is out of scale with residential/industrial, and they will have a tool that can be used to bring on commercial and industrial growth. Commissioner Smith said she wants it clear that the County will not be following city codes in the unincorporated areas. Zach Wagoner spoke about his concern regarding property taxes and paying for services because as the revenue allocation area grows those properties are going to require County services (public safety, prosecution, assessment, and tax collection). The taxes paid by those properties are diverted to the urban renewal agency so those services will be paid for by other taxpayers. For instance, Sky Ranch properties pay incremental tax that is billed, collected and remitted through the County so there are services provided on behalf of those properties that is not the limit of that RAA, that RAA has thousands of residential homes and they require significant amounts of services. Commercial and industrial do have a lessor pull for services, but there is residential growth and they require a higher level of service. Abbey Germain said the city originally came with two proposed RAA's and they let go of the west district (MURA West) so that was a major concession in reducing that area. She asked the question *Without urban renewal would this growth even be happening but for the funds that are incentivizing development?* Controller Wagoner said there are financial implications to this; for 20 years citizens outside of this area will pay taxes. Deputy PA Wesley, who had to leave the meeting, requested today's action item be continued to next Friday. Mayor Rule said we cannot miss the next step due to delays and he asked the Board to take action today with the understanding that the attorneys will work out the last few details on the language. Deputy PA Wesley said he does not object to having a motion to approve the agreement an ordinance and then the signing of the documents will take occur October 27, 2022. The County wants the

documents to denote that for unincorporated parcels Canyon County will administer its own ordinances and comp plan. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the Intergovernmental Agreement and Transfer of Powers Ordinance. The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: The Board was scheduled to meet with The Hartwell Corporation and ESIS to review the Third-Party Administrator Agreement today at 1:00 p.m. however, the meeting was rescheduled to November 2, 2022 at 10:00 a.m. A request was made to go into Executive Session which was held as follows:

Commissioner Smith made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alex Klempel, Deputy PA Zach Wesley, HR Director Kate Rice, Chief Deputy Sheriff Doug Hart, and Shannon Kinney and Brian Baughman from The Harwell Corporation. Clerk Chris Yamamoto arrived at 1:43 p.m. The Executive Session concluded at 2:15 p.m. with no decision being called for in open session.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 24, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – Out of the Office
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2302

The Board approved payment of County claims in the amount of \$2,162,592.92 for a County payroll.

APPROVED CLAIMS

- The Board has approved claims 588748 to 588768 in the amount of \$26,419.00
- The Board has approved claims 588773 to 588800 in the amount of \$40,083.25
- The Board has approved claims 588801 to 588835 in the amount of \$267,532.09
- The Board has approved claims 588836 to 588871 in the amount of \$216,270.66
- The Board has approved claims 588872 to 588905 in the amount of \$24,293.61
- The Board has approved claims 588906 to 588947 in the amount of \$177,589.42
- The Board has approved claims 588948 to 588990 in the amount of \$68,345.28
- The Board has approved claims 588991 to 589037 in the amount of \$308,685.43
- The Board has approved claims 589082 to 589134 in the amount of \$491,629.93
- The Board has approved claims 589135 to 589143 in the amount of \$4,992.75
- The Board has approved claims 589144 to 589147 in the amount of \$5,740.44

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Robert Baird-Levine, PA Deputy Attorney II.

MEETING WITH DIRECTOR OF DEVELOPMENT SERVICES

The Board met today at 9:09 a.m. with the Director of Development Services. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida and Deputy Clerk Jenen Ross.

Discussion topics included the following:

- Email from a constituent and possible response answers
- Director Minshall is looking for direction from the Board on what they would like to see in terms of the org chart and the direction they'd like to see the department go; there are several open positions that they've not received a lot of interest in so there needs to be a change somewhere. Commissioner Smith encouraged Director Minshall to continue working on getting a grasp of where the department is at and then determining what the needs are in regard to pay; she encouraged her to work with Mr. Baldwin in HR on evaluation of comparable salaries.
- Workload in regard to staff within DSD, the hearing examiner, P & Z commission and Board hearings
- Open positions
- Possibly messaging to the community and constituents
- Creating a flowchart to show and understand process

- At the request of Commissioner Smith, Director Minshall will follow up with Elizabeth Allen regarding the final paperwork for the comprehensive plan; Commissioner Smith also wants to make sure there is clear messaging as to when an application falls under the old comprehensive plan or the new comprehensive plan as they cannot be blended.

The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION APPROVING A NEW ALCOHOLIC BEVERAGE LICENSE FOR CRAFT LOUNGE

The Board met today at 9:39 a.m. to consider signing a resolution approving a new alcoholic beverage license for Craft Lounge. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to sign the resolution approving a new alcoholic beverage license for Craft Lounge. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-218). The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CERTIFICATES OF NONCOMPLIANCE

The Board met today at 10:32 a.m. to consider signing certificates of noncompliance. Present were: Commissioners Keri Smith and Leslie Van Beek, Code Enforcement Officer Eric Arthur, and Deputy Clerk Jenen Ross. A review and presentation of each property was given with reasons necessary for the certificates of noncompliance. The properties were considered as follows:

- **209 Crestview Drive, Nampa** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **5103 Sunny Ridge Drive, Nampa** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **11973 Moss Lane, Nampa** - Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **16485 Orchard Avenue and 0 Riverside Road, Caldwell** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **16820 Sand Hollow Road, Caldwell** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **20147 Linda Lane, Caldwell** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.

Copies of the recorded certificates of noncompliance are on file with this day's minutes. The meeting concluded at 10:52 a.m. and an audio file is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 25, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Attending offsite meetings**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – **Out of the Office**
Deputy Clerks Monica Reeves/Jenen Ross

No meetings were scheduled this day.

APPROVED CLAIMS

- The Board has approved claims 589148 to 589160 in the amount of \$5,960.00
- The Board has approved claims 589038 to 589081 in the amount of \$231,973.69
**Commissioner Van Beek is not in favor of paying invoice 03384 in the amount of \$165,737.75 until the issues with the quality have been resolved. Vendor/sub information clarified.*
- The Board has approved the September Jury claim in the amount of \$3,631.60

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - **Out of the Office**
Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- WCP in the amount of \$39,480.00 for the Information Technology department
- Carbon Networks in the amount of \$28,950.00 for the Information Technology department
- Avaya in the amount of \$49,723.08 for the Information Technology department

APPROVED SICK TO VACATION TIME TRANSFERS

The Board approved sick to vacation time transfers for Dawn Pence and Mark Tolman.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Michael B. Mauldin, Deputy Judicial Marshal.

CONSIDER SIGNING PROCLAMATION DECLARING NOVEMBER 6TH DAY OF PRAYER & FASTING FOR GRATITUDE

The Board met today at 8:51 a.m. to consider signing a proclamation declaring November 6th a day of prayer and fasting for gratitude. Present were: Commissioners Keri Smith and Leslie Van Beek, Kelli Jenkins, Julie Yamamoto, Jim Porter, Chris and Becky Smith, Jason Neilson, Lynn and Renee Hardy and Deputy Clerk Jenen Ross. Commissioner Smith read the proclamation into the record and a copy is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the proclamation declaring November 6th a day of prayer and fasting for gratitude. The meeting concluded at 8:56 a.m. and an audio recording is on file in the Commissioner's' Office.

MONTHLY MEETINGS WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:17 a.m. for monthly meetings with directors to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, IT Director Greg Rast (left at 9:40 a.m.), Assistant IT Director Eric Jensen (left at 9:40 a.m.), Project Manager Shawn Adamson (left at 9:40 a.m.), Weed and Pest Superintendent AJ Mondor (arrived at 9:38 a.m.), Deputy P.A. Oscar Klaas (arrived at 9:44 a.m.), Lead Weed Applicator Cory Flatt (arrived at 9:51 a.m.) and Deputy Clerk Jenen Ross.

Information Technology:

Director Rast reviewed the following with the Board:

- A PO for a truckload of paper was presented to the Board for approval. \$26,000 was budgeted for paper but due to increased demand and reduced supply the cost has increased and will cost an additional almost \$14,000 this year for a total of \$39,480. The county currently has a limited supply of paper so half a truckload can be delivered now and the second half in mid-November. Director Rast wanted to make the Board aware that the line item will be overspent at the end of the fiscal year due to this increase.
- The second PO was presented for replacement of the Skype phone system, being replaced with Avaya. A review of budget numbers was provided by Director Rast noting that this project will be done in 3 phases this fiscal year and will be paid once each phase is completed. This project needs to be completed by June 2023 in order to remove the Skype

licenses when the Microsoft contract is renegotiated. At this time the projections for this project are coming in \$75,000 under budget.

A copy of the document reviewed with the Board is on file with this day's minutes.

- The digital PO project is almost complete; IT is continuing to work with Audit on the claim portion of the process. The project is anticipated to be completed by the end of the calendar year and Director Rast would like to do a demonstration with the Board.
- The DSD CAPS project is still in progress; discussion ensued regarding tracking of the code enforcement complaints that come in thru the website and ones that are forwarded to weed and pest.

Weed and Pest:

Director Mondor reviewed the following with the Board:

- They are working on spraying grasses throughout the county; there are some new species and new invasive species.

Consider signing Addendum to Services Agreement with Cintas: This is a basic contract which will provide a savings by signing this addendum. Mr. Klaas said legal has reviewed and approves of the addendum. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the addendum to services agreement with Cintas (see agreement no. 22-123).

- Discussion ensued regarding the Board's direction to Director Mondor at the September meeting to work with legal to start the RFP process for contracted, as-needed help for mowing, spraying and gopher trapping. Mr. Mondor expressed his hesitation in contracting for assistance in gopher trapping as his department has a good reputation and he doesn't want to diminish that. After the discussion it was determined that the goal of the Board is to get the weed and pest department help during the busiest times but there may still be some data missing in trying to accomplish that. The Board requested that Director Mondor compile a scope of work in the next two weeks for each of the areas that could be used in either the RFP or RFQ process. They asked him to provide an update via email and request more time if necessary. Additionally, the Board requested that workload numbers also be emailed to them.
- Approximately 30 owl boxes have been ordered and are in the process of being built; charge for an owl box is \$159.99.
- Truck 107 was in accident - it has recently been returned and equipment will be pulled out of it in order to be installed in a new truck; They will also be transferring equipment from old 6-wheeler to the new 6-wheeler vehicle; a tractor is back from repair.
- Two new chemicals are being used.

- Wilbur Ellis University is happening soon; all weed and pest staff is planning to attend.

The meeting concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FINAL PLAT FOR SKM ESTATES SUBDIVISION, CASE NO. SD2021-0028

The Board met today at 1:41 p.m. to consider signing a final plat for SKM Estates Subdivision, Case no. SD2021-0028. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister and Deputy Clerk Jenen Ross. Mr. Lister confirmed that all conditions have been met and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve and sign the final plat for SKM Estates Subdivision, case no. SD2021-0028. The meeting concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETINGS WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:45 p.m. for a monthly meeting with the Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Tasha Howard with the Extension office (left at 1:57 p.m.), Extension Educator Cheyenne Meyers (left at 1:57 p.m.), Chief Public Defender (Aaron Bazzoli arrived at 2:00 p.m.) and Deputy Clerk Jenen Ross.

County Agent 1:45 p.m.:

- Introduction of Cheyenne Meyers; she spoke about programming she's involved in and advertising for the 'living on the land' program
- Two candidates have been interviewed for the open Horticulture Educator position; no word has been received yet on acceptance of the position.
- 4-H Coordinator position has been filled by Johanna Harness who will be starting Monday
- Jerry Neufeld will retire Monday, October 31st. The Board is supportive of refilling that position once Mr. Neufeld is officially retired.
- 4 of 5 educators are new so they are working on a need's assessment. A listening session will be held on Nov. 10th. There will also be a session to take input from county citizens in order to get input on what the community would like to see.

The Board took a brief break from 1:57 p.m. to 2:00 p.m.

Public Defender 2:00 p.m.:

- Update on hiring of new attorneys who've recently passed the Bar and how caseloads will be transitioned to them.
- FY case number information was provided to the Board
- Year-end reports are being worked on for the PDC
- A brief review of given of what Mr. Bazzoli and the IACDL committee has been working on in regard to the state taking over indigent public defense; a meeting with the governor and board will take place in early December

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 27, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589161 ADV in the amount of \$398.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Ferguson Waterworks #1076 in the amount of \$3240.00 for the Landfill
- Acco in the amount of \$3580.00 for the Facilities department
- Dell in the amount of \$1660.24 for the Information Technology department
- SHI in the amount of \$2486.00 for the Information Technology department
- Dell in the amount of \$1515.00 for the Information Technology department

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 11/4/22, 11/5/22, 11/6/22, 11/11/22, 11/12/22, 11/13/22 and 11/28/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Garrett Saucedo, Maint. Tech.; Becky Kearsley, Office Manager; Gisela Moreno Garibay, Sr. Administrative Specialist; Mark Ehrman, Maint. Tech II; Dustin Moore, Maint. Tech. II; Troy Mikolyski, Mental Health Clinician; Sue Britton, Sr. Administrative Specialist; Dalton Kelley, Deputy Attorney (limited license); Jamie Siewert,

Temp. Elections & early voting help; Trina Harrell, Temp. Elections & early voting help; Shane Sears, Temp. Elections & early voting help; Bonnie Wood, Temp. Elections & early voting help; Colleen Lorenz, Temp. Elections & early voting help; Holly Murray, Clerk IV (Mag. In-court Lead Clerk); Johnathan Hurn, Clerk II.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AGENDA ITEMS

The Board met today at 9:11 a.m. with county attorneys for a legal staff update and to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, DSD Director Sabrina Minshall (left at 9:18 a.m.), DSD Planning Official Dan Lister (left at 9:15 a.m.), DSD Office Manager Jennifer Almeida (left at 9:18 a.m.), Planner Jenna Petroll (left at 9:15 a.m.), Planner Elizabeth Allen (left at 9:15 a.m.), HR Director Kate Rice (left at 9:16 a.m.), HR Generalist Kendra Elgin (left at 9:16 a.m.), HR Generalist Cindy Lorta (left at 9:16 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Meeting to consider adopting of the Canyon County 2030 Comprehensive Plan Update: Elizabeth Allen explained the resolution has been provided with the comprehensive plan as well as FCOs attached. The attached comprehensive plan includes the changes that were approved by the Board at the hearing. In response to a question from Commissioner Smith, Mr. Wesley said the body of the plan should be non-appealable, however, some of the procedural issues could potentially be appealed. He said he is not aware of any procedural issues and he has reviewed the comprehensive plan which meets the minimum criteria in LUPA. He also reviewed it for any issues relating to the maps and they all looked to be labeled correctly and in place. He has no facial legal issues with the plan. Commissioner White made a motion to sign the FCOs and resolution adopting the Canyon County 2030 Comprehensive Plan. The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners Smith and White voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. See resolution no. 22-220.

Consider the request for reconsideration for Case No. CU2022-0010-APL: At the request of Mr. Wesley, Commissioner Van Beek made a motion to continue this item to 1:30 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

Consider signing Resolution Authorizing the Destruction of Files of Former Employees with Employment End Date Prior to October 1, 2012 maintained by the Canyon County Human Resources Department: This is a regular resolution in line with county standards for retaining documents with the usual exclusion of any files which may involve pending litigation. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the destruction of files of former employees with employment end date prior to October 1, 2012 maintained by the Canyon County Human Resources Department (see resolution no. 22-219).

Consider signing Independent Contractor Agreement with Bruce Eggleston: In response to a question from Commissioner Smith, Director Minshall said there are not a lot of hearing examiners out there but that Mr. Lister has a few in mind. This agreement is not exclusive, another hearing examiner could be added and there is no guarantee of work. They may look into doing a RFQ in the future for a second hearing examiner. Upon the motion by Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement with Bruce Eggleston (see agreement no. 22-124).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:19 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:52 a.m. with no decision being called for in open session.

The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY TREASURE VALLEY, LLC (MIKE TITERA), REPRESENTED BY MATT WILKE, FOR A CONDITIONAL REZONE FROM "A" (AGRICULTURAL) TO "R-R" (RURAL RESIDENTIAL), CASE NO.CR2021-0008

The Board met today at 10:06 a.m. for a public hearing to consider a request by Treasure Valley, LLC (Mike Titera), represented by Matt Wilke, for a conditional rezone from "A" (agricultural) to "R-R" (rural residential, case no. CR2021-0008. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Director Sabrina Minshall, Matt Wilke, Athila Csikos, April Wilke, Lee Hearst, Toni Gibson, Marcus Michaels, Davis Morgan, David Michaelis, Simone Elison, Edie Hearst, Anita Rex, Myra Garrison, Doug Bruhner, Katie Vandenberg VanVliet, Marnie Vandenberg, Norm North, Heidi Miller, Roger Miller, W.P., Konnie Michalis, Jamie Michaelis, John North and Deputy Clerk Jenen Ross.

Dan Lister provided the staff report and summary stating that the request is for a conditional rezone of approximately 55-acres of a 120-acre parcel from an agricultural zone to a rural residential zone. This conditional rezone includes a development agreement that limits development of that 55-acres. The applicant has provided a draft development agreement that limits development to 15 residential lots with a minimum lot size of 3.5 acres, would provide pressurized irrigation thru individual wells and drainage would be kept on-site and preserved not to impact the drainage on-site. This property is 2 original parcels created prior to September 6,

1979 so there is ability to divide it further thru the land division process. There is no recorded land division application and they've looked at the historic use of the land which has primarily been leased for livestock grazing. In looking at the site, a majority of the properties in the area are agricultural, it is not located within an area of city impact or identified growth area. The average lot size in the area is 44.51 acres and the 2020 Canyon County Comprehensive Plan designates the property as agricultural. Five platted subdivisions are located within a 1-mile radius of the property with a 7.99-acre average lot size. The primary zone is agricultural. The most recent plats were completed in 2017 which is Small Wood Trail Subdivision with a 5.23-acre average lot size and consistent with the conditional rezone that was approved in 2013. Two conditional rezones have been approved in that location one in 2013 which was divided for family and one in 2014 to make an illegally split lot a buildable parcel. Site photos were shown to the Board. The only uses that have been approved for this location is an animal cremation service approved in 2019 thru a conditional use permit. Approximately 66-acres is considered farmland of statewide importance if irrigated, used primarily for livestock grazing. Aerial photos show that most of the properties adjacent to the subject property are agriculture or rangeland in nature. The property is located over 1.5 miles from Vandenberg & Sons Dairy, there is a letter in opposition from them regarding this request. The property is not located within an area of city impact, city services are not available to the subject parcel therefore future development will require individual wells and septic systems. The property is not located within a nitrate priority area and wells in the area exhibit low levels of nitrate. The property is located within Black Canyon Irrigation District's jurisdiction but does not have water rights. Future development will be required to provide pressurized irrigation water to all future lots as only one ½ acre can be irrigated by a well and these lots are much larger. The Conway-Gulch lateral bisects the property, stormwater must be retained on site. The subject parcel accepts significant drainage from the north and east, these natural drainages should be preserved thru drainage easements although the drainage path can be reconfigured as part of platting. Middleton School District no. 134 is experiencing significant growth with some schools being over capacity and others near capacity. This development is anticipated to bring an increase of 9 students to the district. For bussing and safety, the district requests the appropriate street size and turnarounds be included for bus access at the time of platting. No comments were received from Middleton Rural Fire District. The property has access and frontage along Harvey Lane which is classified as a major collector by Canyon Highway District no. 4. Access is currently provided by a private driveway along the southern property boundary along Harvey Rd. Access for future residential development would need to be planned through one or more public road approaches. There appears to be adequate site distance along the majority of Harvey Rd. however, site distance would need to be verified prior to preliminary plat approval. Per Canyon Highway District no. 4 standards, any grid of arterial and collector roads will be acquired within or contiguous to the frontage of the development to serve future transportation needs. As conditioned by the development agreement, the proposed 15 lot development is not anticipated to exceed the threshold requiring a traffic impact study and proposed traffic impacts will be mitigated through right-of-way dedication, public road improvements and impact fees. The parcel is located within a 1280-acre TAZ; COMPASS maintains and uses the data as part of the Communities in Motion Regional Transportation plan which uses future population, household and job forecast to determine future transportation needs for the valley. COMPASS forecasts little to no residential growth in the area; this is primarily due to the area not being within an identified

growth area or city impact area and that the area is still maintaining conditions, uses and character that support an agricultural use and lifestyle. The Canyon County Comprehensive Plan designates the future land use as agricultural. The parcel is not located within an area city impact. The request aligns with 1 goal and 3 policies of the comprehensive plan but does not align with 7 goals and 5 policies, including policies within the residential land use category. At the time of the staff report, five comments were received from neighbors in opposition of this request citing the following concerns: the lot sizes are inconsistent with the surrounding area, the development will promote more traffic on existing/burdened infrastructure, the development promotes the loss of farmland, agricultural character and promotes residential development outside the city impact area where amenities and services can be provided, the development will be piecemealed, the developer owns property that touches Freezeout Rd. and could open the door for future development resulting in a large housing development in the middle of ag, the Middleton School District is over capacity and the development will add to the schooling issue, strain on the water table and irrigation access, invasive weeds are encouraged by residential uses of larger lots, lots of open space and impact to wildlife. On July 7, 2022 the planning and zoning commission recommended denial of this request. The FCOs provided to the Board today support that recommendation of denial. The decision options today are to deny as recommended, approve with direction to staff to change the FCOs (approval will require renotification) or table for more information. Late exhibits were received, 4 of those exhibits were provided to the Board yesterday – the PowerPoint from Jamie Michaelis (exhibit 11A), opposition letter from Carol Watkins (exhibit 11B), opposition from Heidi and Roger Miller (exhibit 11C) and Matt Wilke's presentation and a letter he received from Canyon Soil Conservation District (exhibit 11D). Exhibit 11 E is an opposition letter from Bonnie Goodell and Exhibit 11F is an opposition letter from Sullivan Vains.

Matt Wilke offered testimony in favor of the application stating they submitted their letter of application on August 6, 2021. There is an equestrian trail around the perimeter of the property which they believe is a good point they'd like to focus on with the BLM land in close proximity. The site is approximately 55-acres with a conditional rezone on the SE corner. The entire parcel is 120-acres and to them it made sense to rezone 55-acres on the east side of the lateral. Part of the reason they chose to the 55-acres vs. the entire 120-acre is because they are doing a conditional rezone and there is a two-year timeframe to get it finalized after approval. Mr. Wilke said he would have preferred to go with a straight rezone to rural residential for the whole 120-acres but after speaking with Kate Dahl in DSD, she suggested the equestrian easement. He said Ms. Dahl's input is what influenced them to go with a conditional rezone of the 55-acres vs. a straight RR rezone of the 120-acres to keep with the character of the area. The average lot size is 3.67-acres per lot, and he noted several subdivisions within ½ mile. There are 82-homes within a one-mile radius of the site. There are many homes within the immediate vicinity which contradicts page 5 of the staff report that states it is predominantly ag with widely scattered homesteads. A property toward the SE corner of the subject property has quite a few lots that are smaller than the proposed lot size. Mr. Wilke addressed taxes paid on other area properties noting that his client only paid \$61 in 2021 for their 120-acre site but other smaller parcels that have been developed paid significantly more. The surrounding area includes BLM ground and the Idaho Youth Ranch. The Middleton Fire Station no. 2 is located 2 miles directly south of the property and was officially purchased earlier in the week. A remodel of fire station will begin in the spring and be fully staffed and operational

within 3 years. This development will help pay for the fire station with impact fees and taxes. He feels the development meets land use goal no. 4 which staff has indicated wasn't met. He cannot foresee a piece of ground in the county that is better suited for residential without disturbing active farm ground; this is absolutely non-viable farm ground, there is no water whatsoever. Historically, this property hasn't been classified with water on 38 of the 55 acres as it was above the lateral. Only about 25-acres had water but the water was removed many years ago. Without water it is impossible to farm the ground and make any money. It is predominantly class 4 soils if it was irrigated, without water they are class 6 soils. Additionally, the property has slopes, and he feels it is much better suited for residential. Mr. Wilke spoke to the uses and limitations of class 4 and class 6 soils. The applicant only makes \$550 annually on the 120 acres for grazing. There are a lot of concerns regarding the aquifer and groundwater; IDWR has a monitoring well 1830' from the site and data shows that over 40 years the aquifer has only dropped about 3' and other well logs around the site have similar static water levels. As part of his presentation, Mr. Wilke showed pictures of the site being in dry ground, nearby homes, sloping landscape and the lateral running thru the middle of the property. A 50-year history of the aquifer – 1969 to 2000 - shows 4' decrease. He feels this development is in a really good area for water.

At the request of Commissioner White, a review of the conceptual drawing with roadways was provided. Mr. Wilke feels they are doing their best to protect the surrounding farmland.

Mr. Wilke explained the property was purchased 2 years ago and has 5 administrative splits available for residential, but this made more sense if you're going to bring in the infrastructure and put in roads. He feels they are taking more strain off ag land by putting residential on non-viable farm ground and thought that was the goal of the county to develop non-viable vs. viable ag ground. Mr. Lister explained that under the non-viable farm ground ordinance, a total of 8 lots could be developed.

Commissioner Smith asked if they would be opposed to applying under the non-viable farm ground ordinance as it is now an option when it wasn't when they originally applied. This would allow them 8 lots on the entire property and give them lots that are more comparable to average lot sizes in the area. Mr. Wilke thinks this might be a viable option for his property owner but thinks the best use of the property would be a little smaller average lot sizes, comparable to the neighboring property. He thinks it's better to have higher density but still a low density at 3.5-acre averages. Per Mr. Lister, the ag zone does allow residential. In this case a lot of the parcels you see with development are original parcels or a land division that created those. There were some conditional rezones that adds a couple splits but code states not to use those decisions as presumptive proof that this area has changed. Mr. Lister also noted that there are older subdivisions that came between 2001 and 2008 – those have 16.6-acre average lot sizes and 5-acre lot sizes - those are older subdivisions or done thru the land division process to keep that same ag zone which is allowed.

Athila Csikos offered testimony in favor of the application. He spoke about the importance of property rights, noting that he is a real estate broker and property rights proponent. He offered suggestions on how to get the younger generation excited about ag land in order to preserve it.

The following people offered testimony in opposition of the application:

Doug Bruhner said he owns 40 acres in the area that they actively farm. He read from FCOs about how this doesn't fit citing concerns he has about the decline in water capacity they are seeing, increased property taxes due to increased housing in the area, and his belief that this will open the door for other subdivisions in the area. He summarized his concerns as being the increased taxes, noise, traffic and threats to water levels. He believes in property rights as long as it doesn't impact others. He doesn't want his lifestyle changed and worries this development will destroy that.

John North spoke about his well that went dry, his inability to get water from Black Canyon Irrigation District noting that any livestock will need to be fed hay as grass won't be able to be grown.

Katie Vandenberg Van Vliet made a request for denial based on recommendations from planning & zoning and staff. She is an attorney with Sawtooth Law Offices and her firm represents the Vandenberg family and their business, Vandenberg and Sons Dairy. She read a statement into the record requesting that the Board deny the case consistent with the recommendation by both staff and planning & zoning. The dairy is family owned and operated and less than 2 miles from the proposed site, they also own land in this general vicinity and purchase feed from the fields that sit directly adjacent to the site. She feels there are 4 major reasons this should be denied – 1. application does not meet the conditional rezone criteria, 2. it is not consistent with the comprehensive plan and the public's desire to preserve open ag space, 3. It allows for irresponsible development in the middle of farms that is outside of city sewer and water services which necessitates the construction of individual wells and sewers 4. Residential subdivisions are an incompatible use next to farms and dairies and threaten their future. Constituents have spoken loud and clear in opposition to this. Everyone here has spoken about how their property rights will be injured and she encouraged the Board to listen to those concerns. According to the Secretary of State website, this applicant is an LLC out of California. She urged the Board to hear the voice of the constituency that elected them, they are here today and should matter more than this investment entity from out of state. She feels it is irresponsible to allow growth that is not contiguous with the city, out in the middle of farm ground, where there is not infrastructure to support it. Infill development should be encouraged in and near the city and not allowing urban sprawl out into the middle of farms. She is concerned that under the domestic well exemption these parcels are only going to be able to irrigate ½ acre but they are proposed to be 3.5 acres, so when you're not eligible to irrigate that much without water rights they will essentially just become wastelands; she doesn't foresee this being a beautiful productive ag development as is being proposed. This subdivision is in the middle of farms, it may not be productive ag ground because it doesn't have water rights, but it is in the middle of farms and threatening all the farms around it. It is not compatible, it makes it hard to continue agriculture and it is going to set bad precedent by setting it this far out in the county.

In response to Commissioner Van Beek's question, Ms. Vandenberg Van Vliet provided suggestions for people who would like to move farther out in the county and live a more rural lifestyle. She doesn't believe it is practical to think that young families are going to be able to afford these 3.5 acre lots and build right now and that it is the solution that's been proposed to get younger families out into this area.

Marnie Vandenberg grew up in this area, she has horses but there is no way she could ride a horse down any of the roads and you're not allowed to take horses on anyone else's property including ditch banks. So, while she likes the idea of people being able to ride horses around this subdivision she worries it will lead people to ride in places they cannot be riding. She would rather see them apply for water rights and water this parcel to plant a crop of potatoes or beets and farm the property. She doesn't believe their claim that there are 82 homes in the surrounding area. They have a parcel that is very sandy and are able to farm hay on it without issue. For the record she noted that she agrees with previous comments and the staff report.

Heidi Miller moved here in 2013 looking for a quiet peaceful place but since that time the neighborhood has grown. She is asking for respect for her property rights and privacy. Over the years she has noticed the impact to wildlife and how traffic has increased.

Konnie Michalis explained that the subject property borders her property on the west and north. Her family has rented the space [subject property] for cattle grazing for the past 25 years, previous to that it was rented for cows; the property has been used continually for grazing for 40+ years. She provided a history of the property ownership and how it is now owned by a gentleman who lives out of state, Mike Titera. Although she likes the gentleman she believes his intent was to purchase the land in order make money and she is against his plan for this subdivision. She believes he fully intends to develop the entire 120 acres as he has purchase two properties adjacent to the SW corner of Freezeout Rd. and Sandhollow to provide for easy access to the back portion of the 120 acres. Her concern regarding the 15-home development is the water table, there are older wells in the area that are not as deep. She feels that the domestic use and a ½ acre of irrigation will cause a real strain on the water table. She doesn't feel that the established neighbors should have to shoulder the costs of \$25K or more for new wells so that Mr. Titera can have his subdivision. The 120 acres is dry land but it is dry grazing land which is agricultural and has been used as such for the past 40+ years. She said that Mr. Wilke argued the property wasn't suitable for growing crops, however, the Board pointed out that well drilling and agricultural irrigation well could make it suitable. She thinks this reinforces the idea as stated in a September 25th Idaho Press article that direct development to areas with less suitable soil is not a cut and dry answer to the question of where development should happen. The property is almost completely surrounded by farmland and she concurs with all the previous testimony. She hopes the Board will agree this negatively affects the character of the area and should be denied.

Jamie Michalis agrees with all previous comments. She feels this ground is an asset to agriculture, can be used as grazing land and is beneficial. She provided slideshow photos of her family's farming on sloped ground irrigated by pivot. She believes it is possible for this ground to be converted to viable farm ground, there are productive farms with similar topography and soil all over this area

and if this ground was indeed converted to viable farm ground, whether it remains as grazing land or reserved for future farming, it is an important piece of the agriculture and should remain as such. As stated at the previous hearing by a planning & zoning commissioner the best use for this space is to leave it as open space. She implored the Board to deny this zoning request.

In response to Lee Hurst's question regarding the ability to rezone, Commissioner Smith confirmed that it is possible to rezone just a portion of a property and that property rights allow a person to make application to rezone any portion of their property. He also had questions about how current the test well data is. He thinks that if this development was restricted to 8 homes they would have more space and believes they can apply for a super-well permit which would allow them to pump increased water to irrigate more than the ½ acre. By merely increasing the lot size you may not reduce the amount of water drawn on the aquifer.

David Morgan said he agrees with what has already been said. He owns property in the area and feels the whole 120 acres will probably be developed.

Simone Elison moved to this area about 3.5 years ago. She spoke about how her and her husband started with a smaller piece of ground and were eventually able to buy something larger; that it takes a lot of hard work and sacrifice to continue acquiring more land if that's what a person chose to do. Idaho is about agriculture and farming and western heritage. She feels like people are coming in from out of state and exploiting native Idahoans and the western lifestyle. She agrees with everything already said and fears Canyon County may be on a slippery slope in destroying fertile farm ground similar to what has happened in Meridian. She thinks that people won't be able to do much with 3.5 acres, that 5 or even 10 acres parcels would be better.

Anita Rex lives outside the notification area and is upset that she was not included. She agrees with everything that has been said. Her well has already run dry and they had to drop the pump lower. She spoke about the school district, stating that Purple Sage Elementary is at 85% and the only school not over capacity; it is not fair to the students already there.

The following rebuttal testimony was offered:

Matt Wilke spoke about test well water logs refuting testimony provided in opposition. The test well was drilled in 1981 and the static water level is 149'; it has only dropped about 3' since monitoring began in 2000. The bottom of the fluctuating use is due to seasonal use. The aquifer is very stable and if surrounding wells are drilled correctly the depth of the water has been very consistent. He reiterated that there is no water on the site. They are not going to do a pressurized irrigation system because they don't have service water, they cannot get it from Black Canyon Irrigation District as they will not give them water rights for this property. He said that once water has been removed you can't get it back. He feels that just because someone says their well went dry or they had to drop their pump lower doesn't mean that there is an issue with the aquifer. Mr. Wilke spoke about the revenue his family has been able to generate from just a few acres of ag ground; these smaller 3-acre parcels are still ag and can have ag uses. He doesn't feel that these residential areas threaten the dairies, they too need housing for employees. He said there are public roads between this site and the public BLM ground, horses can be ridden down these public

roads. They are not imposing on private land owners surrounding the site. He said not everyone wants to live in the city, there needs to be some county development where people can live and do these ag type uses.

Mr. Wilke addressed Board questions about where he lives in proximity to this property, slopes on the property, mitigation for fire hazards, water rights with Black Canyon Irrigation District, the ability to request additional irrigation rights from domestic wells, well log data presented by the opposition, his experience in farming, viability of the ground and how the property was sold/purchased.

The Board accepted late exhibits 11A thru F into the record.

Commissioner Van Beek made a motion to close testimony. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Smith said she agrees with the recommendation made by planning & zoning and staff for the reasons as stated in the FCOs. She agrees with the community that this would change the character of the area and that the property owner has rights that need to be explored such as the non-viable land division application.

Commissioner Van Beek said she understands a rural lifestyle can be very desirable. She is not supportive of a super well and acknowledges there are water issues. She fully agrees with Simone Elison and the sacrifice that may need to be made to own ag property. She concurs with Commissioner Smith in that there are options that may not have been explored at this point, such as the non-viable farm ground option. To her this feels like it would be more of an elite development not a starter development and doesn't believe that farm wages would support ownership of this type of development; there are other options that would be more consistent with the area.

Board discussion ensued as to actions that may be taken to obtain approval.

Commissioner White said that at this time this is neither consistent nor compatible with the area. She thinks there are other ways to approach this.

A motion was made by Commissioner Van Beek to deny case no. CR2021-0008 with direction to staff to include the following actions that could be taken to obtain approval: 1. Explore administrative land division options, 2. Conditional rezone with development agreement with lots sizes consistent with the median lot size in the area and mitigation measures to address impacts to the surrounding agriculture 3. Verification of water rights. The motion was seconded by Commissioner White and carried unanimously. Staff will make updates to the FCOs for Board signatures later today.

Commissioner Smith noted that this is a final decision pursuant to Idaho Code Section 67-6535 (b), the applicant or affected person may first seek reconsideration within 14 days prior to seeking judicial review.

The meeting concluded at 12:20 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTION TRANSFER OF POWER ORDINANCE AND INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(B)

The Board met today at 1:40 p.m. regarding the execution transfer of power ordinance and intergovernmental agreement for roles and responsibilities under Idaho code section 50-2906(3)(b). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Assessor Brian Stender, Middleton Mayor Steve Rule, Attorney Abbie Germain for the City of Middleton and Deputy Clerk Jenen Ross.

Mr. Wesley reviewed the changes that were made based on discussion at the last hearing. Ms. Germain feels that the intent of the commission was covered to clarify the jurisdictional elements of the county until a time in which parcels are annexed into the city. Commissioner Van Beek made a motion to sign and execute the transfer of power ordinance and intergovernmental agreement for roles and responsibilities for Middleton East Urban Renewal District under Idaho code section 50-2906(3)(b). The motion was seconded by Commissioner White and carried unanimously (see agreement no. 22-135).

The documents will be delivered to Middleton City Council for approval prior to Mayor Rule's signature.

The meeting concluded at 1:43 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER THE REQUEST FOR RECONSIDERATION FOR CASE NO. CU2022-0010-APL

The Board met today at 1:44 p.m. to consider the request for reconsideration for case no. CU2022-0010-APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Planning Official Dan Lister, Planner Jenna Petroll and Deputy Clerk Jenen Ross.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 1:44 p.m. to consider the request for reconsideration for case no. CU2022-0010-APL. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 1:45 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 White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planning Official Dan Lister and Planner Jenna Petroll. The Executive Session concluded at 2:06 p.m.

At the conclusion of the executive session the Board considered the request but due to an inadvertent error the first two (2) minutes of the recording does not have audio.

Commissioner Smith addressed subsections within section 7 of the 'Applicable Law' portion as follows:

- Subsection 4 – *Will the proposed use be injurious to the property in the immediate vicinity and/or negatively change the essential character of the area?* The subject property is located just outside the City of Caldwell's R-1 zone and if it were ever to be annexed a dog kennel would not be an allowed use in that zone. The Board feels that the use will be injurious based on testimony regarding the noise that the dogs create and that the neighbors are already having the enjoyment and use of their property limited. There was also testimony at the hearing in regard to the dust impacts caused by kennel employees and customers specific to Polk St. and Polk Lane, which is a private road. Commissioner Smith did note that the property owner acknowledged the noise and dust issues but there was no consistent plan and some ambiguity for mitigating these conditions. Language has been added to the FCOs to address each of these issues.

There was a request to introduce new evidence. Commissioners Van Beek and Smith are not in support of allowing the introduction of new evidence. The neighbors did not have the opportunity to review and/or respond to the new information so it would not have created a fair record.

- Subsection 7 – *Will there be undue interference with existing or future traffic patterns?* The Board concurs that the conclusion needs amended to state that there will not be undue interference with existing or future traffic patterns and that the findings staff has drafted are appropriate. The Board normally relies on the highway districts that operate the roads to provide their professional feedback; on this case the highway district did not issue any comments or concerns that this use would have a negative impact so adjusting this is appropriate. Commissioner Van Beek provided reflections from the hearing in regard to the difficulty in navigating the roadway and feels the burden of proof was illustrated by the users of the road.

Commissioner Van Beek made a motion to approve amending the August 19, 2022 written findings of fact, conclusions of law and order as presented on case no. CU2022-0010. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners Smith and

Van Beek voting in favor of the amended FCOs and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote.

The meeting concluded at 2:14 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerk Jenen Ross

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Barbie Getchell, Interpretive Specialist; Michael A. Aldava, Juvenile Probation Officer; Elizabeth Joy Hayes, Customer Service Specialist – Booking; Mary Ann Davis, Deputy Sheriff – Inmate Control; and William Allen Hamilton, Deputy Sheriff – Inmate Control.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 31, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman - **Attended offsite meetings**
 Commissioner Pam White – **Out of the office**
 Deputy Clerk Jenen Ross

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Tom Crosby, Building Official.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Participated remotely**

There were no Board of Equalization matters that came before the Board.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Matthew Brown – Deputy Public Defender I; and Trevor G. Lenz – Staff Attorney.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:09 a.m. to consider agenda items. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via teleconference, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Landfill Director David Loper (left at 9:15 a.m.), Facilities Director Rick Britton and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public hearing to receive comment regarding the sole source procurement for the installation of a gas well, the sole source procurement for the construction and installation of a candlestick flare and skid station and the sole source procurement construction of a skid station compressor building at the Pickles Butte Landfill: No one appeared for today's hearings to offer comment. Mr. Laugheed said that there were inquiries regarding the project but nothing that amounted to an objection. Today's action items will close out the procurement portion of the project and contracts will be brought back at a later time. Commissioner Van Beek made a motion to authorize the purchase from SD Drilling, Inc. for the installation of a gas well, the purchase from Perennial Energy to construct and install a candlestick flare and skid station and the purchase from Compressor World to construct a skid station compressor building at the Pickles Butte Landfill.

Consider signing Alarm Monitoring Agreement with StateFire for the Canyon County Expo Building: Director Britton explained this contractor is installing the fire system at the new fair expo building and in order to cover any warranty work would like to continue using this company for the next year. In future years this contract will be moved to the company that handles the rest of the county. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the alarm monitoring agreement with StateFire for the Canyon County Expo Building (see agreement no. 22-125).

The meeting concluded at 9:18 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 11:00 a.m. to consider matters related to medical indigency. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via teleconference, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Case nos. 2022-502 and 2023-1 meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue approvals with writing decisions within 30 days.

The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 2, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED SICK TO VACATION LEAVE TRANSFER FORMS

The Board approved sick to vacation leave forms for Leticia Vance, Elda Catalano and Adrian Chavez.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Real Environmental Products, LLC, in the amount of \$47,853.53 for the Solid Waste department
- CDW-G, LLC, in the amount of \$70,200.00 for the Information Technology department
- Gunarama in the amount of \$5,165.00 for the Sheriff's Office
- Curtis Blue Line in the amount of \$2,728.50 for the Sheriff's Office
- K. Safety in the amount of \$2,444.31 for the Sheriff's Office
- Salt Lake Wholesale Sports in the amount of \$41,738.79 for the Sheriff's Office

PUBLIC HEARING TO CONSIDER A REQUEST BY GARY STARK FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-RR" (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, CASE NO. CR2021-0013

The Board met today at 9:01 a.m. to conduct a continued public hearing in the matter of a request by Gary Stark for a conditional rezone from an "A" (Agricultural) Zone to a "CR-RR" (Conditional Rezone – Rural Residential) Zone, Case No. CR2021-0013. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Gary Stark, Brian Smith, Laurie Smith, and Deputy Clerk Monica Reeves. Today's hearing was continued from October 18, 2022 so that more information could be obtained regarding setbacks or a reconfiguration. Commissioner Smith said did not participate in the first hearing because a homeowner asked her not to because she knew the applicant, Mr. Stark. Commissioner White is not present today so Commissioner Smith listened to the audio of the second hearing and will participate today in order to move the case forward. Dan Lister gave the oral staff report and advised that the applicant and the neighbor, Brian Smith, have come to an agreement regarding the fencing and setback. A condition has been added to the development agreement which states, in part: *1. A permanent fence to be built on the property line separating the two properties and will be constructed in a timely manner coinciding with construction. To be built using pipe and succor rod or may be a solid fence if desired by the owner. Fence may be a combination of both types of fencing and will run full length of the lots on north side. 2. Allow a buffer/setback on the north side 100 feet from the property line for residence (home) building only. To clarify, this buffer/setback restriction applies to residences (homes) only.* Mr. Lister said having the language in the development agreement sets an expectation that it will happen and it gives peace of mind to the neighbor that there is an agreement. Commissioner Van Beek said it's always best if the parties involved in a decision-making process have a say so, that's the highest level of success you are going to achieve in a mediation process. Commissioner Smith appreciates the parties working together and the amount of work that went into this case. Commissioner Van Beek made a motion to approve the request for Case No. CR2021-0013 for a conditional rezone from an "A" (Agricultural) to "CR-RR" and approve the FCO's, the development agreement (No. 22-126), and the ordinance (22-023). The motion was seconded by Commissioner Smith and carried unanimously. The following statement was read by Commissioner Smith: This is a final decision. An applicant or other affected person may request reconsideration of this Board's decision by filling a request for reconsideration with this Board that identifies specific deficiencies in the decision within fourteen (14) days of the Board's final written decision. The Board will have sixty (60) days to respond to such requests in writing. An applicant or other affected person who intends to seek judicial review must first request reconsideration with this Board. The twenty-eight (28) day time frame for seeking judicial review will be tolled pursuant to Idaho Code §67-6535 until the Board issues a written decision regarding reconsideration or the sixty (60) days has passed. The hearing concluded at 9:10 a.m. An audio recording is on file in Commissioners' Office. **Note for the record - the recording system stalled at the beginning of the hearing resulting in approximately two (2) minutes of audio that were not captured.*

MEETING WITH FACILITIES DIRECTOR TO REVIEW JUVENILE DETENTION CENTER GYM FLOOR

The Board met today at 1:35 p.m. with the Facilities Director to discuss the Juvenile Detention Center gym floor. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director

Rick Britton, Assistant Director of Juvenile Detention Shawn Anderson, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Director Britton explained that the current flooring has been in place since 1992, is worn out and needs to be replaced. The gym space is used not only for activities for the juveniles but also staff trainings and over the years there have been a couple of claims due to participants being injured. Several options were explored and the rubber flooring option was decided upon which will be less labor intensive for the Facilities staff in regard to care and maintenance. A moisture test was done and came back at 96% so it was decided to go with a slightly more upgraded version of the rubber flooring which will allow for proper ventilation under the flooring. The upgraded flooring has an increased cost of \$9123.78 which can be split between the Facilities budget and the Juvenile Detention budget which will make use of cigarette tax monies; the total cost to replace the floor is \$36,331. Controller Wagoner confirmed that there are funds available to absorb this extra cost and also feels there will be cost savings in reduced maintenance hours spent on the current flooring. He appreciates the work and thoughtfulness Director Britton, Director Brown and Assistant Director Anderson have put into this project. The Board is supportive of this continuing forward.

The meeting concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH HR DIRECTOR AND CLERK OF THE COURT TO CONSIDER ACTION ITEMS

The Board met today at 2:03 p.m. with the HR Director and the Clerk of the Court to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via teleconference, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kate Rice, HR Generalist Kendra Elgin, Director of Court Operations Jess Urresti and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving changes to the job title and job description of five (5) positions in the Clerk of the Court Department (Court Support Service Clerk to Court Clerk I): Mr. Urresti spoke about how the Court Support department has historically focused on the manual "backroom" kinds of tasks but with the Odyssey program most tasks are now electronic and the job has become more of a Clerk I type position. This change was budgeted for in the FY2023 budget, the resolution just completes the transition in changing the Court Support Service Clerk to Court Clerk I titles. Ms. Elgin confirmed the compensation is consistent with the 2023 compensation plan and there are no significant changes to the min, mid and max pay scale between the two titles; currently the employees filling these positions are at the mid-level and there will be no change to compensation. Ms. Elgin also noted that with this change the title of Court Support Service Clerk will no longer exist. Commissioner White made a motion to sign the resolution approving changes to the job title and job description of five (5) positions in the Clerk of the Court Department (Court Support Service Clerk to Court Clerk I). The motion was seconded by Commissioner Smith. A vote was taken with Commissioners Smith and White voting in favor

and Commissioner Van Beek abstaining from voting. The motion carried in a 2-to-1 split vote (see resolution no. 22-221).

Consider signing a resolution approving changes to the job title, job description, and salary range of four (4) positions in the Clerk of the Court Department (Court Clerk II to Court Clerk III): Commissioner White made a motion to sign the resolution approving changes to the job title, job description, and salary range of four (4) positions in the Clerk of the Court Department (Court Clerk II to Court Clerk III). The motion was seconded by Commissioner Smith. A vote was taken with Commissioners White and Smith voting in favor and Commissioner Van Beek abstaining from voting. The motion carried in a 2-to-1 split vote (see resolution no. 22-222).

The meeting concluded at 2:14 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS FUNDING SOURCE FOR 2022 YOUTH BEHAVIORAL HEALTH COMMUNITY CRISIS CENTER

The Board met today at 2:20 p.m. to discuss the funding source for 202 Youth Behavioral Health Community Crisis Center. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, SWDH Director Nikki Zogg, and Deputy Clerk Monica Reeves. The County received a request from Southwest District Health (SWDH) to help with startup funds for a teen crisis center that will be a standalone building like an adult crisis center, but it would be geared towards youth. The Board wanted to write a letter of support for SWDH, but it needs the Clerk and Controller to help identify the funding source especially since we have opioid funds. Controller Wagoner said we need to make the best use of our available resources. The County chose to participate in the opioid matter and a settlement has been awarded and over 18 years the County is slated to receive over \$2.2M. To date we have received \$457,000, and none of those monies have been expended for opioid abatement/response measures. The monies are restricted and need to be used as part of a response to the opioid crisis. He shared with the Board earlier today a 12-page document that outlines some approved uses, and one that caught his attention was to support crisis stabilization centers that serve as an alternative to hospital emergency departments. Director Zogg said SWDH is also receiving opioid settlement funding and there are several areas where she feels like general support for the youth crisis center could be supported and one of those was investing in infrastructure or staffing at government or non-profit agencies to support collaborative cross-system coordination with the purpose of preventing overprescribing, opioid misuse/overdose, treating those with OUD and other co-occurring side and mental health conditions. The vision for the youth crisis center is to provide the center and go above and beyond that minimum expectation and provide other support services so she feels like funding could also potentially be used if it wasn't just for infrastructure, but for counselling and support services. Commissioner Van Beek said it sounds like it qualifies but we want to ensure that we are within compliance. Director Zogg said SWDH is preparing to make a recommendation to the board of health to commit a good portion of their funding in the first year to the youth crisis center. Commissioner Smith said the request for startup funds was \$600,000 but the County only has \$457,000, and she asked if that can get it started knowing the next amount comes in 2024.

She asked if the County can use COVID funds for the balance. Controller Wagoner is hesitant to use the COVID or ARPA monies for the balance but said we could use other general County balances. Director Zogg estimates the startup costs to include renovation and operational costs around \$3.6M. SWDH has applied for \$1,060,000 in funding and will know by December 1st if they will be awarded the funds. They anticipate a six-month lead time to identify a contractor to run the center and renovate the space, and if they receive state funding they hope to open by July 1st. The other funding commitments they have are going towards infrastructure, renovation/remodel or wraparound services and support. She wants to renovate as much as possible to allow community partners to co-locate there and provide a one-stop shop for youth and their families. The district will lease the facility with the intention of purchasing it; the lease is expensive and so she is hoping their partners will help share in the costs. Commissioner Smith asked if the County allocates all the opioid funds (the 2 years in the bank) towards this project and there is still a funding need, does SWDH want the County to find funding for the balance? Director Zogg said if that is not feasible she could come back in FY2024 and make another request. If SWDH is awarded funding they plan to fundraise to help with the startup costs. Clerk Yamamoto said he was opposed to being part of the opioid settlement because it's like a government grant that doesn't cover all the costs and then the taxpayer must cover the rest. Do we utilize what we have and see where we can go with that, or provide more funding? He said it should not come from COVID funds. A third option is to wait and see where we're at. Director Zogg said this is a one-time request in that they are looking for funds to get the facility up and running, and in terms of operation their goal would be to make it as self-sustaining as possible with the primary income being based on medical billing for services. They will work with insurance payers to use the existing reimbursement rate for the adult crisis or if they want to do a different rate for the youth model to do that. Youth need intensive outpatient services and partial hospitalizations. Currently the state sends youth out of state for inpatient care and there is a shortage of so if we could add that service at this location it would meet a lot of current needs and gaps but also help make the model sustainable. The need is estimated to be 2,000 youth a year, and this facility will only have 8 beds initially. Commissioner Van Beek agrees with Clerk Yamamoto's that we have not contemplated outside the budget process. Director Zogg said the state is planning to award 3-4 centers in the state and have said they plan to fund a facility up north, and in eastern Idaho and potentially two in the Treasure Valley. She is planning to add more space than what they will be allowed to serve initially so they can plan for the future, noting it is important to build in transitions of care so that partial hospitalization and intensive outpatient services are step downs to help the youth stay out of crisis. Commissioner Smith said the County will commit funding and Director Zogg will come back if we need to allocate more from another funding source. Controller Wagoner said the settlement monies are limited in their use, we cannot just deposit those into current expense and spend how we want. Commissioner Van Beek said currently aren't any other projects that qualify for using these funds, and this one appears to be a good fit for a good purpose and it's not competing with something else in the community. Controller Wagoner said he is not aware of other conversations regarding the use of these specific Opioid settlement monies. Director Zogg said SWDH is also receiving settlement funding this year and is putting a large majority toward this effort, but they are holding a little back so they can assess the opportunities and gaps that exist for future use of the opioid funds. Their plan is to collect that across the 6-county region and use that information to share with the cities and counties that receive opioid settlement funding, and

for SWDH to use and try to be strategic as they move forward knowing they will be receiving the funds for 18 years. They can look at opportunities to use the funds to implement in a way that establishes sustainable policy change, or a system change or medical billing so it's not just going in and disappearing after 18 years. Commissioner Smith said Commissioner Pam White sent a message stating she supports the use of opioid funding, per the email from Controller Wagoner, and it sounds like the full Board is in support as well. Director Zogg will know by December 1st if they are awarded the funding, and she will keep the Board informed. The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 3, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2303

The Board approved payment of County claims in the amount of \$2,076,857.72 for a County payroll.

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Young Elevator in the amount of \$1,900.00 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Warna Sears, temporary elections and early voting worker.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Controller Zach Wagoner (left at 9:09 a.m.), Chief Deputy Sheriff Doug Hart, Recording Supervisor Emily Howell (left at 9:09 a.m.), CCSO Sr. Administrative Specialist

Margaret Spurgeon (left at 9:15 a.m.), CCSO Deputy Jay Warren (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Traffic Enforcement Grant Project Agreement with Idaho Transportation Department: Deputy Warren explained this is a yearly grant that CCSO regularly takes part in. These monies are granted from the Idaho Transportation Department Office of Highway Safety for specialized mobilization project. A list of FY2023 projects was provided to the Board and is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Traffic Enforcement Grant Project Agreement with Idaho Transportation Department (see agreement no. 22-129). *Note for the record: Mr. Wesley addressed a previous question stating that the State is the higher tier and the county is the lower tier recipient.*

Consider signing Delivery Agent Electronic Document Recording Agreement with Four Tier Software, LLC: This vendor has requested to become established as a new vendor in order to submit electronic documents. There is no cost to the county for this service – any e-recorded documents are revenue to the county. Mr. Klaas said that legal approves of the agreement. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the delivery agent electronic document recording agreement with Four Tier Software, LLC (see agreement no. 22-128).

Consider signing the Federal Annual Certification Report and Annual Equitable Sharing Agreement: Ms. Spurgeon explained this is the yearly report for assured assets and by complying CCSO receives a percentage of the proceeds received from seized property. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Federal Annual Certification Report and Annual Equitable Sharing agreement (see agreement no. 22-127).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY RACHEL BURGO FOR A CONDITIONAL REZONE, CASE NO. CR2022-0008, AND A SHORT PLAT FOR DIRT ROAD RANCH SUBDIVISION, CASE NO. SD2022-0015

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Rachel Burgo for a conditional rezone of Parcel R37627101 from an “A” (Agricultural) zone to an “CR-R-R” (Conditional Rezone – Rural Residential) zone. The request includes a development agreement restricting division of the parcel into no more than three lots. The request also includes a short plat for Dirt Road Ranch Subdivision (formerly Rustic Acres West Subdivision). Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Rachel Burgo, and Deputy Clerk Monica Reeves. There was no one in opposition to the request. Commissioner Smith disclosed that she is very familiar with the area. Dan Lister gave the oral staff report. The property is located at 34103 Rustic Court in Star and is located within the existing plat of Rustic Acres Subdivision. The development agreement limits the development to a total of three lots; their homesite on approximately five acre, and two smaller lots along the frontage of Blessinger Road. There was a review of conditions, site characteristics, zoning designations in the area, and agency comments. The preliminary plat is ready but the final plat is not. It’s a 7.5-acre property and the applicant is requesting a total of 3 lots with an average lot size of 2.5 acres. It is located within the Middleton and Star Impact Areas. The City of Middleton did not provide comment. The City of Star has requirements for subdivisions, road width, landscaping, and roadway connections unless waived. The City of Star sent a letter waiving those requirements and provided some corrections on the final plat. On September 15, 2022, the P&Z Commission recommended approval of the conditional rezone and preliminary plat for Dirt Road Ranch Subdivision, subject to conditions. Staff is recommending approval as well. Following his report, Mr. Lister responded to questions from the Board regarding the irrigation plan, the agricultural well, water rights, and access. Commissioner Smith said there needs to be some cleanup done regarding the preliminary plat: have a shared easement on Lot 2 and Lot 3; wait for information from IDWR regarding water rights; have a clear record of what is happening with the water rights; and have the development agreement state that the applicable irrigation plan must be provided as part of the preliminary plat. Rachel Burgo provided testimony regarding the irrigation system and the mylar final plat. They have three water rights: the ½ acre domestic right, the 7.5 acres of ground water irrigation; and the 1.5 acre from the Mills Slough. They installed a full irrigation system and have irrigated the entire property. They have submitted an application and have confirmation from IDWR that the statement of completion for the permit and the ownership change has been submitted. IDWR will confirm that the irrigation is installed before they approve it, however, they are about one year behind so they may not have the transition from the permit to the water right for another year. The property is irrigated, but they do not have underground irrigation for the two lots. Ms. Burgo said they will not sell the water right for monetary value for themselves, but if they sell two lots when the permit is approved it will be approved for 5 acres versus 7.5 acres. The mylar plat still needs three signatures. Following her testimony, Ms. Burgo responded to questions from the Board. Commissioner Smith said there are a lot of unknown related to the irrigation plan and she wants the applicant to do some more work on the plat. There was discussion regarding conditions that would require the shared easement for the access off Blessinger Road, and a standalone condition that prohibits secondary dwellings on Lots 2 and 3. An irrigation plan must be submitted

prior to preliminary plat approval. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said an irrigation plan needs to be submitted with the preliminary plat and she asked staff to make amendments to the FCOs that discuss Lots 2 and 3, designate access off Blessinger Road with a shared access and easement, and to add a condition that secondary residences are prohibited on Lots 2 and 3. She supports the rezone to a CR-RR zone. Commissioner Smith wants staff to amend the FCO's to state that two new homes will not increase the anticipated 500-trip per day threshold, and to remove the verbiage about generating new traffic. A condition of approval will require a shared easement, so the finding needs to reflect the agreement for the shared easement. They have legal access, and it will be via Rustic Court for one lot and via a shared easement for the two lots off Blessinger Road. Add a finding stating irrigation must comply with state law which requires utilizing surface water rights prior to using domestic well for irrigation. The applicant will submit an irrigation plan. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the conditional rezone for Rachel Burgo, Case No. CR2022-0008, and to direct staff to amend the FCO's as discussed during deliberation, and to sign the ordinance and development agreement with conditions of approval. (See Agreement No. 22-130 and Ordinance No. 22-024.) The preliminary plat portion of the hearing will be continued so the applicant can update the plat with the changes noted in today's hearing including the zoning designations that are listed on it and showing the easements. The Board went off the record briefly and then went back on the record for additional comments regarding the new hearing for the short plat. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing for the short plat to November 14, 2022 at 9:00 a.m. The hearing concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 4, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Sandra Ayala, Housekeeper.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Treasure Valley Road Runners, LLC to be used 11/06/22.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589162 to 589164 in the amount of \$462.00
- The Board has approved claims 589165 to 589178 in the amount of \$8,369.00
- The Board has approved claims 589179 to 589223 in the amount of \$195,636.85
- The Board has approved claims 589224 to 589261 in the amount of \$65,547.09
- The Board has approved claims 589262 to 589302 in the amount of \$60,900.74
- The Board has approved claims 589303 to 589347 in the amount of \$580,105.68
- The Board has approved claims 589537 to 589546 in the amount of \$1,645.86

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Christina Jeffes, Jury Commissioner.

APPROVED SICK LEAVE TO VACATION LEAVE TRANSFER FORM

The Board approved a sick to vacation leave transfer form for Linda Hall.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- VSL Live in the amount of \$2,200.00 for the Information Technology Department
- Carbon Networks in the amount of \$5,768.00 for the Information Technology Department
- Dell in the amount of \$1,475.00 for the Information Technology Department
- Dell in the amount of \$1,660.24 for the Information Technology Department
- Dell in the amount of \$30,985.50 for the Information Technology Department
- Western States CAT in the amount of \$1,227.21 for the Sheriff's Office
- B&H Photo in the amount of \$1,783.80 for the Sheriff's Office

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:51 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case no. 2023-2 meets the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue an initial denial with written decision within 30 days. The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY PAMELA CARLTON FOR A CONDITIONAL REZONE FROM AN "R-R" (RURAL RESIDENTIAL) ZONE TO A "CR-R-1" (SINGLE FAMILY RESIDENTIAL) ZONE, CASE NO. RZ2022-0008

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Pamela Carlton for a conditional rezone of a 2.04-acre parcel R30591 from an "R-R" (Rural Residential) zone to a "CR-R-1" (Single Family Residential) zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Pamela Carlton, and Deputy Clerk Monica Reeves. Cassie Lamb gave the oral staff report. The request includes a development agreement that limits the number of divisions of the parcel. The property is located at 620 N. Robinson Boulevard in Nampa. The parcel is considered an original parcel created prior to September 6, 1979. If approved, the owner will proceed with an administrative land division application to divide the parcel into two one-acre parcels. The Hearing Examiner recommended approval subject to the dev agreement. The parcel is located within the Nampa impact area; the city's future land use is low-density residential which aligns with Canyon County's 2020 comprehensive plan as residential. The property is considered prime farmland if irrigated, and contains moderately suited soils. An active gravel pit site is located to the east. There are 41 subdivisions located within the vicinity with a 1.24-acre average lot size. The property will be served by a domestic well. Wells in the area have had nitrate issues but do not that exceed DEQ's threshold. Individual septic systems will be utilized, and irrigation from a domestic well will be used in accordance with Idaho law. Access will be along the frontage to North Robinson Boulevard, and the Nampa Highway District has already approved an approach for the split application. The City of Nampa stated a water line is approximately 1,000 feet south of the property and a sewer line is located 900 feet east on the adjacent Nampa School District parcel. Nampa Planning and Zoning is requesting pre-annexation approval and agreement with the city prior to obtaining a rezone with the County, and they are asking for a 25-foot landscape buffer from the property line on East Orchard Avenue and Robinson Blvd., along the frontage. Located within the city's future land use low-residential density designation, lot sizes shall not exceed 32,000 square feet. With the acreage configuration and the size of 2.04 acres only approximately two 32,000-square foot parcels could be created. City utilities are not close enough to the parcel to be feasible for one owner and platting is not required. Staff did not find any parcels in the subject are to have a landscape buffer. The nearest parcel located in the city limits is approximately one mile away from the subject parcel, which is not contiguous with city limits. Neither staff nor the Hearing Examiner required a condition requiring a pre-annexation agreement. On September 14, 2022, the Hearing Examiner

recommended approval subject to the conditions of the development agreement. Following her report, Ms. Lamb responded to questions from the Board. Pamela Carlton testified that when she agreed to remove the driveway on the south side they were going to split it off and use it, however, she has decided she does not need another access so instead she will install a small fence through the driveway so it cannot be used. She is agreeable to not having a secondary residence on her site. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek agrees with staff's position to not condition this project as the City of Nampa requested as the property is not contiguous with city limits, and it meets the criteria for the average lot size in the City of Nampa. Commissioner Smith agreed with Commissioner Van Beek's comments as well as the analyses of staff and the Hearing Examiner. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the conditional rezone for Pamela Carlton, Case No. RZ2022-0008, including the FCO's, ordinance (22-025) and development agreement (22-131.) Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review. The hearing concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH HR AND THE FACILITIES DIRECTOR TO CONSIDER AN ACTION ITEM

The Board met today at 2:03 p.m. with HR and the Facilities Director to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via teleconference, Facilities Director Rick Britton, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution to adopt changes to the job title and description of one (1) position in the Facilities Department: Director Britton said that he originally thought he'd like a Project Analyst to assist himself and the Office Manager but after discussion with the HR department it was decided that the Sr. Customer Service Specialist is a better fit for the tasks that would be required. Commissioner Van Beek made a motion to approve the resolution to adopt changes to the job description of one (1) position in the Facilities Department (see resolution no. 22-226).

The meeting concluded at 2:08 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 2:34 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via teleconference, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, DSD Planning Official Dan Lister (left at 2:47 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to Gennie & Justin Fishburn for a withdrawn property boundary adjustment application fee: The applicant opted to withdraw the application. Staff completed some initial consultations and a case file was created and assigned to a planner. Staff is recommending a refund of \$280.50. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Gennie & Justin Fishburn for a withdrawn property boundary adjustment application fee (see resolution no. 22-223).

Consider signing a resolution granting a refund to Lorinda Norton for a conditional use permit that was not necessary: Initial consultations were completed, a case file was created and assigned to a planner and some noticing was completed. Staff is recommending a refund of \$637.50. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Lorinda Norton for a conditional use permit that was not necessary (see resolution no. 22-224).

Consider approval/denial of a resolution to grant a fee reduction/partial refund to William Werhane for a conditional rezone fee: Ms. Almeida and Mr. Lister provided a timeline of events which coincide with the county's adoption of the 2030 comprehensive plan and new fee schedule. Mr. Werhane would like to reapply under the new comprehensive plan but under the original fee schedule. The difference between the two fee schedules would result in a refund of \$465.00 if approved. Commissioner Van Beek is in favor of granting the refund as she feels he acted on the advice of a department director. Commissioner Smith is not in favor of this as she feels it would set a precedent; the new comprehensive plan and old fee schedule cannot be mix-and-match. Commissioner Smith made a motion to deny the request for a refund of \$465. The motion was seconded by Commissioner White. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote (see resolution no. 22-225).

As part of her regular meeting with the Board, Director Minshall provided the Board with a presentation which is on file with this day's minutes. The following items were reviewed and discussed:

- FY2023 PCN Budget
 - Fill open positions (8 per the PCN report, 6 proposed positions)
 - "Hold" on 2 positions (1 Planner, 1 Chief Inspector – Building)
 - Repurpose 2 positions (1 Planner to a "new" Permit Supervisor, 1 Community Outreach to "new" GIS Specialist)
- Proposed org chart as of November 2022
 - 33 full-time positions and 2 part-time positions
 - Planning
 - (2) Planner III: One filled, one filled but contingent on background check
 - (1) Planner III: Underfill as a Planning Tech

- Re-purposing of Community Outreach position to GIS, this will open (1) Planning Tech to be filled as a Planning Tech or Planner I (DOQ)
- (1) Planning position to be left open
- Add a part-time intern position
- Building
 - Building Official has been hired internally
 - Building Plans Examiner position is open
 - Permit Tech position is open
 - Chief Inspector position will be left open
 - Repurposed a planning position to a new Permit
- GIS
 - Repurpose Community Outreach position to GIS Specialist

Discussion regarding prioritization of how workload within the office. Ms. Almeida spoke about her conversations with IT about a possible kiosk system in order to improve processes at the front desk.

The Board is supportive of repurposing the positions as outlined.

Commissioner Smith asked Director Minshall to create a list of cases that still have outstanding findings and a list of cases that have been continued indefinitely. This Board made decisions that have not been signed and those needs to be done before the end of the year. Cases that have been tabled indefinitely need to be addressed ASAP. The Board is supportive that with these items being prioritized it will change some of the prioritization of other tasks in the office.

The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589348 to 589393 in the amount of \$63,705.75
- The Board has approved claims 589394 to 589440 in the amount of \$135,734.44

- The Board has approved claims 589441 to 589489 in the amount of \$110,160.57

MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER THE REQUEST BY NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board met today at 10:03 a.m. to continue the public hearing to consider the request by Nick and Hailey bland for a conditional rezone, case no. CR2022-0002. The applicant has requested that this hearing be continued to a later date and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to continue the hearing to December 6, 2022 at 10:00 a.m. The meeting concluded at 10:05 a.m. An audio recording is ion file in the Commissioners' Office.

MONTHLY MEETING WITH PARKS DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today 10:05 a.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. The following topics were reviewed with the Board:

- Campsite posts have been installed at Celebration Park and campsite designations are being added.
- Discussion regarding vehicles parking in the RV turnaround area; following discussion the Board is supportive of Director Schwend adding 'no parking' signs in the turnaround area, 'day use' parking signs in the appropriate areas and to speak with the BLM to see if parking signage can be added to their property.
- Working to apply for the FY24 Idaho State Parks – Waterways Improvement Fund Grant to replace an existing dock system at Celebration Park; the grant application is due January 27, 2023, notification of award will be in the summer of 2023 but any work relating to this project done in FY23 will count as match toward the grant if it is awarded. The Board is supportive of making application.
- Director Schwend and two HPC members recently attended the Idaho Heritage Conference; at the conference Ms. Schwend met Yvette Towersap who makes rabbit fur blankets, one of which she is willing to sell to the Parks department as part of the 'artifake' collection at the Crossroads Museum – the Board is supportive of this purchase.
- Director Schwend is now the Director of Programming for the Idaho Archaeological Society.
- BSU Archaeology Field School intends to return in the Summer of 2023.
- Parks Master Plan update/status – Agnew: Beck has suggested additional public comment; as an alternate the Board suggested putting the masterplan online noting that the Board will be hearing this and accepting comment either via the public hearing or by email.
- Director Schwend has been recreating several 'artifakes' that have been well loved and starting to degrade.

- They are currently at winter staffing levels and continuing to move forward with several projects.
- The MOU with the Deer Flat Wildlife Refuge is still in process but has been a bit delayed due to some personal issues on the refuge's part. Additionally, Director Schwend spoke about how the MOU may need to be more encompassing of the county as a whole vs. just with Parks.

The meeting concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER APPROVING ABATEMENT COSTS FOR 11488 W. FLAMINGO AVENUE, NAMPA (PARCEL NO. R31451)

The Board met today at 11:07 a.m. to consider approving abatement costs for 11488 W. Flamingo Ave, Nampa (Parcel no. R31451). Present were: Commissioners Keri Smith and Leslie Van Beek, Code Enforcement Supervisor Eric Arthur and Deputy Clerk Jenen Ross. Mr. Arthur explained this property has been in violation for approximately 2 years. It has been sent to the PA's Office and two notices of violation have been posted however, they continue to operate the trucking operation. Code Enforcement has requested that the contractor also abate the weeds as it is believed more trash will be found there; the trailers will not be able to be removed because they are titled property. NW Land Services has provided a bid of \$4900 for abatement. The Board is supportive of moving forward with abatement and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the abatement costs for 11488 W. Flamingo Ave., Nampa (Parcel no. R31451). The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 9, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589547 to 589590 in the amount of \$80,934.97
- The Board has approved claims 589490 to 589536 in the amount of \$335,063.23
- The Board has approved claims 589591 to 589613 in the amount of \$92,409.66

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- W2W Flooring in the amount of \$9,123.78 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Paul McGrew, Interpretive Specialist.

MEETING TO CONSIDER TRANSFERRING PROPERTY TO THE NAMPA HOUSING AUTHORITY

The Board met today at 9:31 a.m. to consider transferring property to the Nampa Housing Authority (NHA). Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Oscar Klaas, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy Clerk Monica Reeves, and other interested persons. On October 20, 2022 the Board signed a notice of grant of real property setting a public meeting date of November 10, 2022 to hear comments on the proposed transfer of property located at 132 Owyhee Avenue in Nampa (Parcel No. 08419000 0) to the Nampa Housing Authority. On October 20, 2022 the Board also signed a notice of surplus property auction, which listed six (6) properties, including the Owyhee Avenue parcel, announcing that the properties would be offered for sale on November 9, 2022. Today, Andy Rodriguez was invited to attend a meeting and discuss with the Board the NHA's interest in the property. He spoke talked about NHA obtaining blighted properties and fixing them up; the goal is to better the neighborhood and paying off the tax deed and putting them on the market at a rate where investors can put money into the property themselves and create an opportunity for them to make money off the property while the NHA works on their mission of beautifying the neighborhood and creating affordability in housing for the community. Mr. Rodriguez responded to questions from the Board and a roundtable discussion followed. Commissioner Smith does not believe it's in the best interest to transfer the property when there are people here to bid on it and they will likely renovate it and put it back on the tax roll. She prefers it be auctioned and if it doesn't sell the Board can reconsider giving it to the NHA. Commissioner Van Beek said given the current conditions where we are potentially looking at downturn she made a motion to transfer the property to the Nampa Housing Authority. The motion was seconded by Commissioner Smith. When the vote was taken, Commissioner Van Beek voted in favor of the motion, and Commissioner Smith voted against the motion. The motion failed, and therefore tomorrow's action item regarding the property transfer will be cancelled and the parcel will be offered for sale at today's public auction. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

SURPLUS PROPERTY AUCTION

The Board met today at 10:04 a.m. to conduct a surplus property auction (tax deed property sale). Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Oscar Klaas, Treasurer

Tracie Lloyd, Deputy Treasurer Tonya May, other interested persons, and Deputy Clerk Monica Reeves. The following parcels were sold:

PIN: 02170000 0

ADDRESS: 523 KEARNEY ST CA ID

ACRES: 0.18

MINIMUM BID AMOUNT: \$12,236.26

PREVIOUS OWNER(S): RAFAELA G REYNA

Sold for \$145,000 to Eric Bowen

PIN: 02231000 0

ADDRESS: 114 PLYMOUTH ST CA ID

15-4N-3W SE GOLDEN GATE ADD LOT 14 & E 25' OF LOT 15 BLK 84 & 85

ACRES: 0.28

MINIMUM BID AMOUNT: \$8,905.14

PREVIOUS OWNER(S): CHERYL K MOONEY

Sold for \$75,000 to Eric Bowen

PIN: 08419000 0

ADDRESS: 132 OWYHEE AVE NA ID

ACRES: 0.16

MINIMUM BID AMOUNT/AMOUNT DUE TO TAX COLLECTOR AS OF 11/9/2022: \$10,988.06

PREVIOUS OWNER(S): TERRY CRAIG OHRT

Sold for \$145,000 to Jason Thompson

PIN: 19509000 0

ADDRESS: 110 E STOCKTON ST PA ID

ACRES: 0.16

MINIMUM BID AMOUNT: \$3,181.04

PREVIOUS OWNER(S): MARIA A SANDOVAL

Sold for \$15,000 to Pablo Guzman

PIN: 24658014 0

ADDRESS: 0 N PIT LN NA ID

ACRES: 0.07

MINIMUM BID AMOUNT: \$701.46

PREVIOUS OWNER(S): FRANK E PALMER
JANET PALMER

NOT SOLD – NO BID

PIN: 34528010 0

ADDRESS: 0 EL PASO RD CA ID

ACRES: 0.49

MINIMUM BID AMOUNT: \$881.12
PREVIOUS OWNER(S): JERRY L BURNIE
JULIA A BURNIE

Sold for \$20,000 to Rosa Oviedo

The deadline for payment is 4:00 p.m. today. Once payment is received for the parcels the Board will schedule the signing of the quitclaim deeds. The meeting concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 10, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – **Out of the office**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 11/25/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- D&B Supply in the amount of \$34,560.00 for the Solid Waste department
- Flow Serve in the amount of \$28,860.00 for the Solid Waste department
- Idaho Precast in the amount of \$47,572.04 for the Solid Waste department
- Northwest Pipe Fittings, Inc. in the amount of \$11,239.90 for the Solid Waste department
- Northwest Land Services, LLC in the amount of \$4,900.00 for the Development Services department (Code Enforcement)
- R&H Wholesale Supply in the amount of \$20,557.00 for the Facilities department
- Mountain Home Auto Ranch in the amount of \$39,202.00 for the Fleet department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Brad Snell, Computer Network Technician; Nina Diane Lautenschlager, Cust. Serv. Specialist – Driver's license 41003; Ariel Nicole Perez, Cust. Serv. Specialist – Records 41004; Henry Gomez, Deputy Sheriff – Courts and Transports 51002; Tamera Tilford, Hazardous Waste Screener; Sheila Warner, Juvenile Detention Officer; Debbie Root, Planner III; Maira Martinez, Clerk II; Valerie Cruz, Clerk II; Aldo Fortanelly, Clerk III; Heidi Schultz, Clerk III; Mariah Rezendes, Clerk III; Margaret Witt, CSS Clerk to Clerk I; Michael Daniels,

CSS Clerk to Clerk I; Shelby Savage, CSS Clerk to Clerk I; Anjelina Rivera-Gaspar, Housekeeper; and Jacob Stuart, Maint. Tech I.

APPROVED SICK LEAVE TO VACATION LEAVE TRANSFER FORM

The Board approved a sick leave to vacation leave transfer form for Gabriel McCarthy.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 2:04 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Treasurer Tracie Lloyd, Sgt. Rob Whitney and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Notice of Sole Source Procurement with Linear Systems for Upgrade to Digital Information Management System: Sgt. Whitney provided a review of the system which was installed in 2010 and stores all CCSO digital evidence. The company is offering a discount of nearly \$23,000 if the county continues to use them via sole source vs. going out for RFP. Sgt. Whitney provided several reasons for continuing with sole source which include the investment of county time in knowing how to properly operate the system and the data that is already stored and will need to be stored indefinitely; he is not sure data would be able to be transferred to a new system. The cost with the discount for the upgraded machine is \$69,248.80; there is also a yearly maintenance fee. Mr. Klaas said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the notice of sole source procurement with Linear Systems for upgrade to Digital Information Management System.

Consider Signing Resolution Authorizing the Issuance of Quitclaim Deeds to Successful Bidders at the November 9, 2022 Auction of Surplus Property: Treasurer Lloyd said all funds were received yesterday. Commissioner Van Beek made a motion to sign the resolution authorizing the issuance of quitclaim deeds to successful bidders at the November 9, 2022 auction of surplus property. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-227). Treasurer Lloyd said letters to the parties in interest will be sent in the next 30 days.

Ms. Klempel explained to the Board that there was a contract with Aumentum signed in March where the Board inadvertently signed an extra page. In order to correct this Ms. Klempel would like to just remove the extra signed page and replace it with a blank as it should be until the contract is fully executed. The Board is supportive of this course of action and Ms. Klempel said contact would be made with Aumentum to advise them of this. Once a fully executed copy is obtained the Board's records will be updated.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Smith made a motion to go into Executive Session at 2:13 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas and Deputy P.A. Alex Klempel. The Executive Session concluded at 2:50 p.m. with no decisions being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Peter Donovan, Deputy Attorney I; Hayden Stauffer, Deputy Sheriff – Inmate Control 51003; Garrett McRae, Deputy Sheriff – Inmate Control 51003; Jacob King, GIS Mapping Tech; Christine Smith, GIS Land Records Supervisor; Aurora Morris, Customer Service Specialist; and Stephanie Soto, Customer Service Specialist.

PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DIRT ROAD RANCH SUBDIVISION, CASE NO. SD2022-0015

The Board met today at 8:40 a.m. to conduct a public hearing in the matter of a short plat for Dirt Road Ranch Subdivision (formerly called Rustic Acres West Subdivision). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Rachel Burgo, and Deputy Clerk Monica Reeves. On November 3, 2022 the Board approved the conditional rezone, development agreement, and ordinance for Rachel Burgo's request, Case No. CR2022-0008. The short plat was continued to November today's date. Dan Lister gave the oral

staff report. The updated preliminary plat shows the private driveway access has been added and note #9 states how that access will be utilized. The Board wanted the zoning changed from agriculture to the conditional rezone - rural residential. The irrigation plan is note #5 and it states the sub-divider shall comply with I.C., Section 31-3805 regarding irrigation and water rights. Lots 2 and 3 of Block 1 will each utilize a half-acre domestic well right. Lot 1 of Block 1 will maintain a half-acre domestic well right, a 1.3-acre Farmer's Union Ditch right for use in irrigation and additional irrigation rights covering the remainder of the property as approved by IDWR. Lot 1 of Block 1 will be obligated for assessments from IDWR and the Farmer's Union Ditch Company. The final plat is not yet ready for Board approval because the applicant needs to work with the Middleton Fire District to provide a wildfire interface plan and appropriate fire access. An agreement between the applicant, developer, and Middleton Fire District shall be included in the CC&R's for the subdivision or recorded as part of an agreement. Rachel Burgo testified she has obtained signatures on the mylar, but did not realize she needed an agreement with the Middleton Fire District. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the preliminary plat and FCO's for Dirt Road Ranch Subdivision, formerly Rustic Acres West Subdivision, Case No. SD2022-0015. The final plat will come back for Board consideration once the applicant has submitted the fire wise plan. The hearing concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE TRANSFER FOR BIG SMOKE #102

The Board met today at 8:54 a.m. to consider approving an alcoholic beverage license transfer for Big Smoke #102. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the alcoholic beverage license transfer for Big Smoke #102. (Resolution No. 22-228.) The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY WESTERN CONSULTING REPRESENTING CORY AND CRISTINE CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 9:03 a.m. for a continued public hearing in the matter of a request by Western Consulting, representing Cory and Cristine Codr, for a conditional rezone, Case No. RZ2021-0055, of Parcel R37431017A from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting future development to no more than six (6) lots. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Cory Codr, Dennis Codr, Rocky Yoneda, Steve Peterson, Lisa Trexler, Mark Rich, Brian Fisher, Bobbi Yoneda, Morgan Trexler, other interested citizens, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 9:54 a.m.

The Board previously heard this case on July 28, 2022 and August 16, 2022, and subsequently a Board majority decided to reverse the decision of the P&Z Commission and approve the request with changes to the FCO's and with the addition of conditions for a development agreement with a conditional rezone.

Commissioner Smith disclosed that this morning she asked the Codrs if they had talked to the neighbor to the east of the property and their answer was no, and she spoke with Lisa Trexler about an email she sent this morning pertaining to exhibit #14 that includes additional neighbors that signed the petition.

Dan Lister gave the oral staff report noting this is the third hearing regarding the conditional rezone request. On May 5, 2022, the P&Z Commission recommended denial. On August 16, 2022, the Board asked staff to re-notice the case to consider approval subject to conditions (enumerated in the development agreement as Attachment "A"). He reviewed the late exhibits which included a letter from the Arkoosh Law Firm regarding a 25-foot easement that goes through the Lippert property to the east. Mr. Lister said the subject property was created illegally so the 25-foot easement does not meet County code, it has to be at least 28 feet, subject to a Director's decision. The letter from Arkoosh says it's meant for one use, but it's not meant to have six residences coming off it. The easement would have to be brought up-to-date and would require working with the neighbor. Exhibit #14 was an exhibit provided by Lisa Trexler which represents a number of neighbors south of the property and it cites that the parcel is illegal and that the Canyon Highway District section line would impact some people off that section line setback-wise; surrounding acreages need to be considered and alternative accesses should be explored; that the Board should support the P&Z Commission's decision to deny as they found the access would take a while to fix; that the property was not inspected properly to show the true impacts; concerns about water availability and well issues; that the road provided would impact trash services and EMS; and they are unclear about the expense of the access and if the developer can actually complete that. As requested by the Board, Mr. Lister has provided FCO's to support the decision. It's a rezone application and the Board has found it is appropriate in this area. Access is an issue but it would have to be proven at the time of platting, and they would have to work with the highway district even though there is not a clear existing access point. Canyon Highway District mentioned all the options they are willing to work with the applicant on and the best one is through Gloria Road, Merlin, and to Gilbert Lane. There is an attainable access. The conditions would require the applicant to work with the highway district to establish the access at the time of platting, and if two years expire then the development agreement will expire and the zoning would revert back. Following Mr. Lister's report, he responded to questions from the Board regarding access, easement, and right-of-way issues.

Testimony in support of the request was as follows:

Cory Codr testified that since the last hearing his attorney drafted a letter regarding access to the property. Prior to purchasing the property, he met with Canyon Highway District and discussed what access was possible; the district said opening the closed access of Gilbert Lane would be a good option. Precedent was set by the highway district when the closed rights-of-way were

opened in addition to Merlin Lane. There were favorable conversations with DSD staff about the possibility of rezoning the property to residential. The P&Z Commission's decision denied the case because it believed there was not legal access to the property; however, Mr. Codr obtained legal access one week later during a meeting with the Canyon Highway District where they approved access. He has approached Middleton Fire Department and they have no opposition to the request, and he has agreed to their recommendations. In discussions with the highway district, they asked him to research a different access besides going through Gloria/Merlin Lane and then to Gilbert Lane, and they asked if he could purchase an easement from Mr. Lippert who owns the property to the east; however, Mr. Lippert declined to proceed with any type of easement allowance because it could impact development of his own property. With regard to the 25-foot easement that was received through Title One, Mr. Codr said he discussed it with Lenny Riccio from the highway district who said it would be difficult if not impossible to put a road in there considering it was not up to the district's standards. The road did not have to meet their standards considering it would be a private road; the only part where the highway district would have input is on how the road was built on the approach to the public road, which would be Gilbert Lane/Breezy Lane. Mr. Codr said his attorney believes it would be possible to build a private road, but realizing there may be a lawsuit from Mr. Lippert if they did more than one (1) residential property. The 25-foot easement will face a lot of challenges. The highway district did not have much input on what Mr. Codr could do because they did not have input on private roads. He has legal access through Gloria Road/Merlin Lane, and he will do everything he can to gain access through Gilbert Lane from the east and continue on that process. He asked for approval conditional on finalizing access through the easement. He believes he has proven that this land is in a situation where residential fits the area, and he recognizes access has been the challenge, but there are legal options to grant the conditional rezone. Following his testimony, Mr. Codr responded to questions from the Board. To access his property, he will travel along Purple Sage Road, north on Lansing Lane, and left on Gloria Road and around; that is the current legal access today to Merlin Lane to Gilbert Lane. The division is intended for his family; there are three households and three will mostly likely be developed to sell.

Testimony in opposition was as follows:

Rocky Yoneda testified he has done research on the Gilbert Lane concept and he believes Canyon Highway District is not following their own codes as they pertain to highway standard and development procedures. The required width of the right-of-way indicates the Gilbert Lane concept should be 56 feet wide for a low volume local rural road. The highway district approved at 20-foot public road in a 40-foot right-of-way to the subject property. The Gilbert Lane concept only meets the private road and driveway requirement. Also, fire district road requirements state: the construction of driveways and private road longer than 150 feet from a public street right-of-way line to the most distant portion of the inhabited building must be approved in writing from the applicable fire district. Driveways and private roads requirement state minimum standard driveway and private roads shall be built to the following minimum standard: a private road that is estimated to serve 180 average daily trips or less should be 20-feet wide all weather drivable. Private roads that are estimated to serve more than 180 average daily trips, should be 24 feet for local roads and 26 feet for collector roads. How can Canyon Highway District allow a 20-foot public

low volume, local rural road into the subject property when they are planning to have six lots in the subdivision? Mr. Yoneda asked the Board to deny the rezone until they find access off Breezy Lane. Commissioner Smith said it is correct that those were the standards, but variances can be granted for those non-standard road construction conditions, and a variance was approved in this case. She asked Mr. Yoneda if he is opposed to the rural residential zoning if access comes from the east, and Mr. Yoneda said yes, he is to rezoning that if it came in from Gloria, Merlin, and Gilbert. However, he does not oppose the rezone if access comes from Eric to Gilbert Lane.

Deputy PA Zach Wesley arrived at 9:54 a.m.

Commissioner Smith requested to go into Executive Session to ask for a legal interpretation.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Commissioner Van Beek made a motion to go into Executive Session at 10:01 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, and DSD Planning Official Dan Lister. The Executive Session concluded at 10:18 a.m. with no decision being called for in open session.

Commissioner Smith put on the record that the discussion with legal counsel was about access and she said the Board is obligated to make a finding about access and it was found at the last hearing and today's hearing that the information provided by Canyon Highway District is legal access. Exhibit No. 4B has many pages and includes a Canyon Highway District Board decision authorizing access. She said we might not like that access but it is an approved legal access and there isn't anything the Board of Canyon County Commissioners can do about that.

Testimony in opposition resumed as follows:

Lisa Trexler said the extra 25 feet along Gilbert Lane is only along the east coming from Eric, it does not extend the entirety of Gilbert Lane, it's only along the Lippert property. She is opposed to Condition No. 2b listed in development agreement. She understands the highway district has the ability to grant variances but said the neighbors' last hope is if the rezone is denied because it's not right and because the proposed road will be 17 feet off from her home and through her backyard. Ms. Trexler believes a lot of things have been done illegally: the parcel was created illegally; the easement around the Lippert property is illegal; and the access points are only through variances. If the rezone is approved the neighbors will have to question for the next two years if the road will be built and if their yards will be torn up. The neighbors have had to attend numerous meetings with the highway district and the County to protect what stands to be destroyed. Ms. Trexler said she sent in pictures of the property and today is the first time they

have gone on record and talked about how nobody has ever asked to see the site they are talking about tearing up. There was a variance granted for Merlin Lane coming from Gloria, so why couldn't there be a variance coming from Breezy Lane or some other direction that doesn't egregiously harm properties that have been there for decades. Ms. Trexler said she asked Mr. Codr if he would consider selling the property to the neighbors, and he was open to that idea but said he would have to be reimbursed for the cost and time he has invested. Following her testimony, Ms. Trexler responded to questions from the Board.

Dan Lister said the highway district chose the option through Gloria to Merlin Lane through Gilbert Lane from the west side going into the property. The district looked at the other options of Eric to Gilbert through Breezy Lane but he doesn't think they understood that there was a 25-foot easement there but there is a 40-foot easement that is an unopened right-of-way that could be opened, but they preferred not going through that location due to the grade on Eric Lane. He believes they chose option 1 because it gets closer to the highway district's requirements. It does not stop the applicant from trying to get a variance to go through a different location. The question is working with the highway district to see if they would allow that, but at the end of the day, they are sticking with option 1. Commissioner Smith said the district reopened the Gilbert Lane right-of-way so it's not applicable to the easement to the east. It does not need to exist to the west because the Gilbert Lane right-of-way was reopened. She believes it's terrible what is happening to the neighbors, but the highway district did it and it is legal access, and if the County made a different finding the taxpayers would be responsible for the taking on the Codr property, so the County should be making the decision to let the highway district handle that. Ms. Trexler said she understands the legality, but if we start from the origination of the parcel it was created illegally. Commissioner Smith said the Codrs have the right to make an application, and neither Idaho law nor the zoning ordinance has "any stop to that property just because a parcel was divided outside of the ordinance standards for a land division." We do not have a standard that addresses whether there were legal issues with the property. Ms. Trexler asked if the language in Condition No.2B, which references hiring a professional to evaluate the existing easement and to explore as an access option, leaves that issue open for debate/discussion. She would like the matter tabled. Commissioner Smith said it acknowledges legal access exists, but that condition layers an extra standard to evaluate access to the east and if they cannot get access to the east it still gives them legal access to the west.

Mark Rich said from the beginning this proposal has been opposed by the nearly every resident in the neighborhood and he would like consideration given to the amount of time, effort, and expense the neighbors have had to go through. He does not believe highway district staff has accessed the property to look at the site, and he asked the Board to deny the rezone and find in favor of the taxpayers. He also noted that Cory Codr is not a resident of Idaho. Mr. Rich said when he spoke to Mr. Lippert he wanted to complete his own subdivision process, but it seemed he would be willing to help negotiate/cooperate on this issue, and he seemed open to the idea of selling an easement. Mr. Rich is concerned the project will affect his quality of life, safety, and traffic, and he is feeling let down by local government. He has a shooting range along the east side of the property going to northwest and that will go away and he won't be able to enjoy his

hobby. The shift in use that will come with the rezone will change the entire dynamic of the neighborhood.

Steve Peterson said his property sits 20 feet off the south edge of the Gilbert Lane right-of-way. The highway district will not be able to fit a road in the 40-foot right-of-way which has opened Gilbert apparently because of the steep topography. With side slope on either side plus the 20-foot road, it won't fit in the right-of-way or in the 25-foot easement. The district is not going to allow part of the road to be in their right-of-way and the other part in an easement. Mr. Peterson said the rezone is going to impact public safety with a house being 17 feet away from the road as well as the convoluted road situation and steep topography. The highway district has said they will not maintain a private road that will serve six parcels and for that reason the rezone needs to be denied.

Rebuttal testimony was offered by Cory Codr who said he recognizes this has been a challenging process for everyone involved and it's taken a lot of time and effort. Access is the main issue and he has stated again and again that he has gone through the hearing process with Canyon Highway District for six months and those rights-of-way were set out in the 1960s and 1970s. As was stated in the final hearing with the highway district commissioners, they said the way Mr. Codr is accessing his property is the same way everyone else has accessed property in that area. He spoke to Mr. Lippert who said he wanted \$100,000 for an easement on to the Codr property, but then one week later Mr. Lippert said he had consulted with his real estate agent who recommended he do nothing until his own property development was finished. According to Mr. Codr, although Mr. Lippert was able to finish the breakoff of his 5 acres to the north and it has since stalled and there is no recourse that Mr. Lippert will do anything to move forward with it. When Mr. Codr originally discussed this with the highway district they stated as long as it wasn't a major public health hazard these could go through; they have been there for many years and people who purchase property have access to those records. Mr. Code said he did his due diligence before purchasing the property.

Commissioner Smith believes some of the issues could be resolved if the Lipperts and Codrs met with DSD staff and worked through the application process. She provided clarification on the Condition No. 2B which was referenced by Ms. Trexler regarding having a professional evaluate the existing easement from Gilbert Lane as shown on the map to the east of the subject property. It means we acknowledge the Codr property has legal access to the west, but you have to at least explore the access to the east. Mr. Codr agrees and he said he prefers that direction and he will explore those options, but until he knows the property is residential it could potentially cost him a lot of money to not get anywhere. Commissioner Smith said it would mean the rezone would be approved for a conditional rezone to rural residential and before he submits the preliminary plat he would submit evidence that a professional evaluated that easement and access with the highway district coming from the east.

Commissioner White asked about a shared easement as part of a good neighbor effort to mitigate some of the opposition and fear. Mr. Codr said it's an option he will explore, however, contacting Mr. Lippert is a challenge because it's difficult to get him to answer his door and so Mr. Codr wants

the Board to state what he is required to do and then if he has exhausted those that he can move forward.

Dan Lister questioned whether Condition No. 2B needs to be there because we already have approval by Canyon Highway District saying there is legal access. We have a letter from the applicant's attorney looking at the 25-foot easement saying it might be good for one use, but not for all six uses and there could be litigation on that. Perhaps at the time of platting the applicant needs to demonstrate why they cannot come in from the east. We could eliminate the part of the condition about legal access because we already have proof of that.

Mr. Codr wants specificity on what he is required to do because when he went through this with highway district and tried to approach Mr. Lippert it caused delays for months. With regard to the shooting range Mark Rich referenced, Mr. Codr said he opposes the range if it would impact his property, and he wants safety features such as berms and barriers in place.

Mr. Lister proposed this language: *At the time of preliminary plat approval, the development shall demonstrate either access from the east via breezy and Gilbert Lane or demonstrate that they tried to gain access and provide proof as to why they couldn't.* They have already stated on the record that it's been difficult getting that access. He wants to draft a condition that allows them to continue to try prior to preliminary plat submittal.

Commissioner Smith suggested this language: *At the time of preliminary plat the applicant shall submit demonstrated work on private road construction to the east of the subject property within the Lippert property.* She believes the request is consistent with the 2020 comprehensive plan map and text in support of staff's findings. As conditioned the proposed conditional rezone is more appropriate than the current zoning designation. It's compatible with the existing uses in the area and promotes a rural character. With regard to whether the use is compatible with surrounding land uses, both properties to the east and west area already conditionally rezoned to rural residential; nearby subdivisions have an average lot size of 6.73 acres and 3.16 acre. The proposed subdivision will be denser than the one to the south, but the land is dry and has no water rights. The rezone will not change the character of the area. There was testimony that the reopening of Gilbert Lane could change the character of the area, but the Board does not have the latitude to change that because it falls with the scope of the highway district. It's important to acknowledge the concern and tie that into the condition of approval; the purpose of the conditional rezone is we are trying to limit any negative impacts by exploring access to the east. Adequate facilities and services are available, and the applicant will comply with Black Canyon Irrigation District as well as SWDH regarding the sewer systems. There is no evidence this proposal would change traffic patterns in the area. It does add additional residences to the street system, but the highway district did not indicate there would be any public street improvements required for this development. There should be a finding stating Canyon Highway District is working in establishing a right-of-way and associated street improvements for the property owners. Staff added a condition that would require compliance with that. Legal access does exist today, per Exhibit No. 4B so the FCO's should be modified to state that. If access is changed to be accessed from the east, that access will need to be established and approved by Canyon Highway District at the time of platting. We need to acknowledge that both options are on the table. There should

be a note in the conditions that the preferred access by Board is to the east of the property to minimize impacts. There is no evidence submitted that the rezone would impact essential services. There was testimony regarding response times, however, it was not confirmed by any agency that they would have a hard time serving this property.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony.

Commissioner Van Beek said her position is significantly different from Commissioner Smith's proposal. As we are moving out to the non-developed potentially BLM ground, if you look to the north there would not be a big precedent for the kind of development and increased density Commissioner Smith spoke of, and so we could make an argument that the agricultural zone is more consistent with this area. She said Mr. Lippert is an anomaly in that area as he has no water rights and because access is very limited and undefined. The Board could find the proposed rezone would negatively affect the character of the area. It is rural and people do not expect to have cars go by a home that sits just 17 feet from road. This was a risky piece of property to purchase given the illegal split, and because there isn't an open right-of-way on Gilbert Lane that extends to the west, and the major opposition, and that there is a shooting range nearby, and the topography. If we look at COMPASS for what's anticipated in this area, you could make an argument that growth has not occurred in this area on the platted subdivisions for a number of years and putting a subdivision there would negatively affect the character of the area. The rezone will change traffic routes so undue interference is there and mitigation methods are inadequate to compensate for one over the other. Possession is nine-tenths of the law, and there has been a lot of testimony that Mr. Lippert is unwilling to help the applicant with access. The Board should wait until the area is ready for development to accommodate the infrastructure. The Board should review the original findings of this case and deny it based on amending the findings for #2, #4, #6, #7 as being inadequate.

Commissioner White is concerned that a house will be located 17 feet from the road and she wanted to know if Ms. Trexler had accurate information and did she encroach into the right-of-way, or will there be an encroachment on the Codrs part? Dan Lister said the right-of-way was closed and homes were built there; Ms. Trexler's home was built in 1996. Commissioner White said access has been granted, but there are still some avenues to pursue, and she encouraged the applicant to discuss how they can do things together as a community and work this out because access from the east is preferred. Her concern was access, but she has clarity on it now, so she supports approval and supports the FCO's as outlined by Commissioner Smith.

Commissioner Van Beek said Commissioner White has expressed a desire for Mr. Codr to continue to work with those in opposition but there is no standard of what that looks like. There should be a motion to deny based on the concern for safety, and the information she has provided on the findings. Commissioner Smith said the Board is directing staff to make changes in accordance with the FCO's she outlined, and they will be brought back for future approval. She made a motion to approve the conditional rezone and direct staff to modify the FCOs and the development agreement conditions in accordance with the conversation and deliberation she made on the

record for the changes to the FCO's. The motion was seconded by Commissioner White. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The FCO's and development agreement will be brought back at a later date and will be placed on the Board's agenda with 48-hours' notice. *Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review.* The hearing concluded at 11:38 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 16, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2304

The Board approved payment of County claims in the amount of \$2,223,038.31 for a County payroll.

APPROVED CLAIMS

- The Board has approved claims 589615 to 589645 in the amount of \$51,788.42
- The Board has approved claim 589614 ADV in the amount of \$23,176.77
- The Board approved the October Jury claim in the amount of \$8,783.65
- The Board approve the Grand Jury claim in the amount of \$1,137.33

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$14,496 for the Sheriff's Office
- Elkins Earthworks, LLC in the amount of \$14,939.50 for the Solid Waste department
- Pacific Steel & Recycling in the amount of \$31,637.65 for the Solid Waste department
- Desktop Alert, Inc. in the amount of \$7,500.00 for the Information Technology department
- VSL Live in the amount of \$1,000.00 for the Information Technology department
- Delcom Products, Inc. in the amount of \$6,066.00 for the Information Technology department
- Zoho Corp. in the amount of \$4,555.00 for the Information Technology department
- Carbon Networks, LLC in the amount of \$5,000.00 for the Information Technology department

SICK TO VACATION LEAVE TRANSFER FORMS

The Board approved sick leave to vacation leave transfer forms for Sophie Confalone, Celia Asumendi, Gisela Moreno Ganbay and Esmeralda Romo.

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Undiscovered Barrel to be used 11/18/22.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:47 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:07 a.m.), Planning Official Dan Lister, Office Manager Jennifer Almeida, Associate Engineer Devin Krasowski, Other interested citizens and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Findings of Fact, Conclusions of Law, and Order for Martinez/Collias Family Trust – Comprehensive Plan Map Amendment Request, Case No. OR2021-0018: Mr. Lister reviewed the requested revisions. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Findings of Fact, Conclusions of Law, and Order for Martinez/Collias Family Trust – Comprehensive Plan Map Amendment Request, which is a denial of Case No. OR2021-0018. A copy of the FCOs are on file with this day's minutes.

Consider Findings of Fact, Conclusions of Law, and Order for Martinez/Collias Family Trust – Conditional Rezone Request, Case No. RZ2021-0023: At the request of Commissioner Smith, Mr. Lister spoke about what can be done to gain approval. With the new comprehensive plan in place it would require another comprehensive plan amendment and a conditional rezone. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted

unanimously to sign the Consider Findings of Fact, Conclusions of Law, and Order for Martinez/Collias Family Trust – Conditional Rezone Request, Case No. RZ2021-0023 with Commissioner Smith’s noted changes. All requested changes were made by Mr. Lister and are reflected in the FCOs. A copy of the FCOs are on file with this day’s minutes.

Consider signing a resolution granting a refund to Optimum Electric for a withdrawn building permit:

The customer cancelled the job so the permit is no longer needed. The permit was issued on July 21, 2022 however, no inspections have taken place so a refund of \$424.00 is being recommended by staff. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Optimum Electric for a withdrawn building permit (see resolution no. 22-229).

Consider signing Renewal No. 3 to Master Agreement for Professional Engineering Services with Keller Associates:

This contract is for reviews already done in FY23 and once Mr. Krasowski has his license Keller and Associates will continue to work on applications that have already been sent to them and as back-up for engineering services. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign renewal no. 3 to the master agreement for professional engineering services with Keller Associates (see agreement no. 22-132).

Public hearing to consider a request by Darren Goldberg/LGD Ventures, LLC for a conditional rezone with development agreement and preliminary plat for Lewis Heights Sub.: Case no. RZ2021-0030 & SD2021-0018:

Mr. Lister explained that yesterday they received a request from the applicant to remand the hearing of the case back to the planning and zoning commission. The applicant is making some substantial changes to the application and feels that the planning and zoning commission should review it again in order to make a recommendation based on the changes. New notification fees will be incurred by the applicant. The Board is supportive of letting this case be remanded back to the planning and zoning commission.

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners’ Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 17, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

SICK TO VACATION LEAVE TRANSFER FORM

The Board approved a sick to vacation leave transfer form for Eric Eskew.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Patrick Collins, Deputy Sheriff – Patrol 41006; Michelle Barron, Planner III, and Jenna Petroll, Planner II.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Curtis Blue Line in the amount of \$3,686.84 for the Sheriff's Office
- Dell in the amount of \$15,997.16 for the Information Technology department

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P. A. Oscar Klaas (arrived at 9:10 a.m.), Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker, Weed and Pest Superintendent AJ Mondor (left at 9:14 a.m.), Lead Weed Applicator Cory Flatt (left at 9:14 a.m.), Outdoor Recreation Planner Alex Eells (left at 9:06 a.m.), Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Other interested citizens and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Professional Services Agreement with J-U-B Engineers: Mr. Eells explained that the Parks department would like to use J-U-B Engineers for consulting on the application process for a waterway's improvement fund grant which they plan to submit in January. The grant monies will be used for improvements to parking, boat ramps, mooring and an improved dock. Any expenses related to the engineering work done by J-U-B Engineers can be used as grant match. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the professional services agreement with J-U-B Engineers (see agreement no. 22-133).

Consider signing FCOs for Peckham Road Trust, case no. CU2020-0001 - This matter has been vacated until the attorneys have time to gain clarification from the judge.

Consider signing Request for Proposals for Weed and Gopher Services Assistance and the Legal Notice Requesting Proposals for Canyon County's Weed and Gopher Services Assistance:

This RFP is to request proposals from companies to assist with noxious weed, gopher trapping and mowing as back-up during busy times for the Weed and Pest department. Mr. Klaas clarified that this RFP is specific to one company being able to provide all 3 services. The Board decided to

continue forward with the RFP to see what kinds of bids are received. If there are no satisfactory proposals received this RFP could be vacated and broken into separate services. Commissioner Van Beek made a motion to sign the request for proposals for weed and gopher services assistance as presented with the information on record that we could potentially break out the services depending on the response to the RFP and that we sign a legal notice requesting proposals for Canyon County's Weed and Gopher Services Assistance. Commissioner White asked for additional clarification in regard to the motion. Commissioner Van Beek amended her motion to sign the RFP as presented and the legal notice. The motion was seconded by Commissioner White and carried unanimously.

Consider approving FY2022 budget adjustments: Controller Wagoner explained that FY22 ended September 30th however invoices for services performed before September 30th are still received, processed and the books remain open thru November 7th which is consistent with Idaho Code. At this point all FY2022 invoices have been processed and based on the results the below adjustments are being requested. These adjustments are covered by either underspent areas within the budget or by fee revenues; there is no change or increase to FY2022 property taxes.

Emergency Communications: \$50,000 budget increase funded by E-911 user fees to cover salaries, benefits and other operating expenses.

Consolidated Elections: \$25,000 transfer from other expenses to salaries and benefits for personnel costs resulting from elections operations.

Public Information Officer: \$1,500 transfer from other expenses to salaries and benefits for fiscal year end recognition compensation.

Public Defender: \$40,000 transfer from salaries and benefits to other expenses for evaluations and conflict counsel expenses.

Juvenile Probation: \$40,000 transfer from salaries and benefits to other expenses for juvenile justice reentry programs to ensure community safety and reduce recidivism.

Treatment Courts: \$7,500 transfer from salaries and benefits to other expenses for testing costs associated with treatment courts operations.

Canyon County Landfill: \$50,000 transfer from other expenses to salaries and benefits for fiscal year end recognition compensation.

Office/Department	FY 2022 Budget	FY 2022 Budget Adjustment	FY 2022 Amended Budget
Emergency Communications - salaries and benefits	\$ 288,576	\$ 10,000	\$ 298,576
Emergency Communications - other expenses	980,800	40,000	1,020,800
Total Emergency Communications	\$ 1,269,376	\$ 50,000	\$ 1,319,376
Consolidated Elections - salaries and benefits	\$ 267,964	\$ 25,000	\$ 292,964

Consolidated Elections - other expenses	264,550	(25,000)	239,550
Total Consolidated Elections	\$ 532,514	\$ -	\$ 532,514
Public Information Officer - salaries and benefits	\$ 100,434	\$ 1,500	\$ 101,934
Public Information Officer - other expenses	3,250	(1,500)	1,750
Total Public Information Officer	\$ 103,684	\$ -	\$ 103,684
Public Defender - salaries and benefits	\$ 5,649,182	\$ (40,000)	\$ 5,609,182
Public Defender - other expenses	1,009,200	40,000	1,049,200
Total Public Defender	\$ 6,658,382	\$ -	\$ 6,658,382
Juvenile Probation - salaries and benefits	\$ 1,990,651	\$ (40,000)	\$ 1,950,651
Juvenile Probation - other expenses	567,650	40,000	607,650
Total Juvenile Probation	\$ 2,558,301	\$ -	\$ 2,558,301
Treatment Courts - salaries and benefits	\$ 313,250	\$ (7,500)	\$ 305,750
Treatment Courts - other expenses	161,422	7,500	168,922
Total Treatment Courts	\$ 474,672	\$ -	\$ 474,672
Canyon County Landfill - salaries and benefits	\$ 2,037,441	\$ 50,000	\$ 2,087,441
Canyon County Landfill - other expenses	7,241,378	(50,000)	7,191,378
Total Canyon County Landfill	\$ 9,278,819	\$ -	\$ 9,278,819

The total change for all adjustments is \$50,000 specific to the Emergency Communications fund. Commissioner White made a motion to approve the FY2022 budget adjustments. The motion was seconded by Commissioner Smith. Commissioner Van Beek stated for the record that she is going to abstain as she believes there is a greater need for a more careful evaluation in budgeting, greater documentation/notations. While she appreciates that there are financial needs that are directly tied to fund balance, which is the county savings account, that it is a limited source and not a new source of funding for those and she will push for greater transparency to the public and that there is a way to look back historically. That is provided for in Power Plan and there are departments that are doing that – that are looking at 12-year trends in history and getting all of the line items to match back in detail to what is budgeted for. There were line items this year that did not contain that detail. She feels it makes it look like the county is coming in under budget and the reality might be that the county is over taxing citizens. That historical trend is evident. Commissioner Smith added to the record that her and Commissioner White approved a tax decrease and that everyone has been very transparent and she appreciates that effort. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek abstained from voting. The motion carried in a 2-to-1 split vote. See resolution no. 22-230.

The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

NOTE FOR THE RECORD: After the conclusion of the meeting Commissioner Van Beek provided addition written comments via email. A copy of the email is on file with this day's minutes.

MEETING WITH THE HR DIRECTOR TO DISCUSS RESOLUTION FOR PART-TIME EMPLOYEES AND CONSIDER AN ACTION ITEM

The Board met today at 10:02 a.m. with the HR Director to discuss a resolution for part-time employees and associated action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice, Assessor Brian Stender, Controller Zach Wagoner (arrived at 10:14 a.m.), Deputy P.A. Alex Klempel (arrived at 10:15 a.m.), Deputy P.A. Zach Wesley (arrived at 10:15 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution accepting recommendations from the HR Director regarding the minimum hourly wage for all Canyon County part-time positions: Director Rice said that for some, this was assumed as part of the original request but for others it was not specifically laid out, so today's resolution is the request to move the part-time minimum salary to \$18/hour the same as has been done for fulltime employees. Along with the resolution a spreadsheet has been provided which indicates the annual cost if all the part-time employees worked the maximum 19.5 hours per week for a full calendar year would be \$18,475.08. She has had some elected officials as well as department administrators make this request individually but rather than doing it piece-meal one at a time thought it would be better to do them all at once. Assessor Stender said he has one part-time employee at the DMV and historically they have paid the person in the part-time position the same as entry level employees. He explained that during the budget process his interpretation was that the base minimum wage throughout the county was going to be \$18/hour, Commissioner Smith confirmed that was her understanding also. The only time he heard a differential between fulltime and part-time employees was in regard to the appreciation/retention pay. Director Rice confirmed with Assessor Stender that his part-time employee maintains the same responsibilities as the full-time counterparts. There are 17 people that would be affected by this change. There are 2 people not included in the list, one is a volunteer and the other is a very part-time person working in Juvenile Detention, however that is a unique situation that is very different than other part-time employees. Commissioner Smith expressed her concern about this particular person not being included in the resolution and asked if there was any input from legal. Director Rice said she had not yet spoken to legal in regard to this specific situation.

Commissioner Van Beek said she appreciates all the information that has been provided by Director Rice but for her it is a source of frustration that this was not vetted more carefully. She feels that there have been multiple requests for changes since the final budget hearing in August. She feels that it is unfortunate that there is not a new source of revenue, fund balance is a saving account, it is not an ongoing source of revenue to pick up the number of requested increases that are ongoing; there is no projected impact to the 2024 budget. Commissioner Van Beek spoke about how this is not a hearing where citizens could make comment. She feels there is a significant impact post the budget hearing that citizens did not get to weigh in on. This change does not take tenure, performance or any of those things into consideration. It is just a blanket covering that in fairness and protection of the taxpayer she objects to. She looked at the most recent payroll report and said there will be an analysis over the last 4-years of the increases and submits that the private sector is not experiencing that and the expectation that they can fund the kind of proposal that was approved by 2 Commissioners is unsustainable.

In response to Commissioner Van Beek's comments, Commissioner Smith noted that this was a legally noticed meeting and anyone from the public is welcome to attend. She recognized

Commissioner Van Beek's lack of support for equitable wages for county employees has been duly noted along with the assumption that her and Commissioner White did not follow a legal process that is sustainable for this county. She feels that Commissioner Van Beek's continued non-recognition of the lack of retention that this office had because of low wages and continued non-signing of all these types of documents is a dereliction of duties in her opinion. She noted that prior to the start of the meeting, Director Rice provided statistics of how she believes the increased salaries have contributed to retention and recruitment. Commissioner Smith said that her and Commissioner White did the right thing and the county is seeing employees stay and new hires applying.

Commissioner White stated she was also under the impression that part-time employees were included in the original adjustment to bring all employees up to \$18/hour.

Director Rice apologized for presenting another adjustment to the Board and confirmed that it will not happen again. As these issues have been brought to her attention she has done her best to correct the missteps that have occurred. She explained that part-time employees were provided with a 9% COLA but no increase to their hourly wage.

Discussion ensued in regard to backdating the wages to the start of the fiscal year and the logistics of that being able to happen. Mr. Wesley said that he doesn't see a legal issue either way as it was not communicated in writing to anyone or included in any formal process. Ms. Rice noted for the record that part-time employees do not receive any holiday pay so when offices are closed they receive no remuneration for holiday pay.

Commissioners White and Smith confirmed that since they were both under the impression that change had already take place they are supportive of the change.

Commissioner Smith asked legal about the two employees that will remain below the \$18 hourly wage even with this change and at the request of Mr. Wesley the Board went into an executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Smith made a motion to go into Executive Session at 10:25 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and HR Director Kate Rice. Controller Wagoner and Assessor Brian Stender participated from 10:25 a.m. to 10:37 a.m. The Executive Session concluded at 10:52 a.m.

At the conclusion of the executive session, Commissioner Smith explained there needed to be some further revisions made to the resolution and Director Rice will work with Mr. Wesley on those which will be brought back to the Board at a later time. She said this meeting will be continued to 1:30 p.m. today.

The meeting concluded at 10:53 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

NOTE FOR THE RECORD: After the conclusion of the meeting Commissioner Van Beek provided addition written comments via email. A copy of the email is on file with this day's minutes.

CANVASS THE NOVEMBER 8, 2022 GENERAL ELECTION

Today the Board canvassed the November 8, 2022 election results.

PUBLIC HEARING - REQUEST BY OREGON TRAIL CHURCH OF GOD FOR A REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "C-1" (NEIGHBORHOOD COMMERCIAL) ZONE, CASE NO. RZ2022-0009

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Juanita Glaubitz, representing Oregon Trail Church of God, for a rezone of an 8.21-acre parcel, R34536, from an "A" (Agricultural) zone to a "C-1" (Neighborhood Commercial) zone. The subject property is located at 23057 Old Hwy 30, Caldwell. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, Victoria Moreland, Srinivasa Nookala, Juanita Glaubitz, Brian Seidel, and Kim Lillenthal, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 1:39 p.m. She disclosed she is familiar with the area. Dan Lister gave the oral staff report. The applicant is requesting a rezone because they want to expand their operations to include a daycare/preschool, which is an allowed use along with a church in the C-1 zone. They are not proposing any new buildings as they will utilize the already existing structures. The church has owned the property and has been operating as a church since 1984. The proposed use is consistent with several goals and policies of the 2020 Comprehensive Plan. The future land use map designates the site and immediate surrounding area as commercial. Staff has found that the requested rezone is compatible with the area's existing character. The use will not change, they are already using it for assemblage. On September 14, 2022, the Hearing Examiner recommended approval of the request. Staff is recommending as well. Following his report, Mr. Lister responded to questions from the Board. Juanita Glaubitz is the secretary/treasurer for Faith Journey Church, formerly known as the Oregon Trail Church of God. They want to operate a faith-based daycare/ preschool and the rezone will put them in a position of being consistent with Canyon County's 2020 Comprehensive Plan as well as the 2030 Comprehensive Plan. Additionally, the property is already in the Middleton Area of City Impact and they too have the property designated as commercial. They will employ 14 additional employees. Kim Lillenthal, Srinivasa Nookala, and Brian Seidel offered testimony in support of the church's request. Upon the motion of Commissioner Van Beek and the second by Commissioner

White, the Board voted unanimously to close public testimony. Commissioner Smith is very supportive of the application, the area is ripe for the C-1 zone and it is more appropriate than an agricultural zone. Commissioners White and Van Beek support it as well. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the requested rezone for the Oregon Trail Church of God, Case No. RZ2022-0009 and to approve the FCO's and the ordinance (No. 22-026.) Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review. The hearing concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES FOR AN UPDATE ON PROCESSING OF DEVELOPMENT APPLICATIONS

The Board met today at 2:19 p.m. with the Director of the Development Services Department for an update on processing of development applications. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, and Deputy Clerk Monica Reeves. Today's discussion is the second round regarding the process the department has gone through in terms of staffing, timeliness, processes (recognizing there is a backlog) and ideas for improvement, as well as a status update of where the numbers are and how they're broken down. Director Minshall gave PowerPoint presentation summarized as follows:

Process

- Pre-App Meeting (Optional)
- Submittal Meeting Required
- Engineering Review Plats Only
- Planning Review
- Hearing Preparation
- Hearing or P&Z Commission
- File Prep
- BOCC Hearing Preparation
- BOCC Hearing
- File Prep/Closure

Simplified, similar process for Administrative Decision cases
Shorter timeframe, but additional staff level review and decisions.

Final plat applications, different as requires submittal meetings, site visits, condition compliance verification, plat review (multiple cycles), construction drawing review, confirm construction or bonding, agency signatures and record drawing review. Then, BOCC approval and closure.

Status of DSD Submittals - Public Hearing Cases: 166

- BOCC: 28
- In Process: 138

Status of DSD Submittals - Administrative Cases: 63

- 10 in planning review
- 15 with planning official for review/decision
- 16 in planning review, additional applicant information or corrections required
- 1 in engineering review
- 1 unassigned
- 20 complete and being closed

Other Improvements

- Improved Customer Service
 - “Handle once”
 - Public office hours adjusted
 - Rotating “counter” planners
- Public office hours to consider team need for team training, team case review, long range planning, etc.
- Communication to applicants on status on submittal and any missing information and deadlines (by 12/30)
- Streamlined project management and accountability for case documentation
- Staffing - 2 planner III's hired, 2 open planning positions
- County Engineer PE license expected soon, Keller to supplement

Director Minshall spoke about the project management software (Monday.com) the department will use to track the status of a case, who it's assigned to, what the last action was, the day of submittal and notes. Commissioner Smith advised that the Star Impact Area is final so staff should follow up with Legal to update the comprehensive plan map and notice needs to be sent to the City of Middleton and the City of Star that it has been finalized. The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING A RESOLUTION ACCEPTING RECOMMENDATIONS FROM THE HR DIRECTOR REGARDING THE MINIMUM HOURLY WAGE FOR ALL CANYON COUNTY PART-TIME AND TEMPORARY POSITIONS

The Board met today at 3:18 p.m. to consider signing a resolution accepting recommendations from the HR Director regarding the minimum hourly wage for all Canyon County part-time and temporary positions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Smith said per the conversation with Legal, the Controller and the Assessor, it was recommended to add some temporary positions and amend the resolution. Legal has prepared an updated resolution which states:

To accept the following recommendations from the Human Resources Director for the Canyon County part-time and temporary positions identified in Exhibit 'A':

1. Increase the wage for the identified Canyon County part-time and temporary positions to \$18.00 per hour.
2. Make the effective date of this resolution consistent with the start of the first pay period after the start of FY23 – October 3, 2022

Commissioner Smith is supportive of the changes for all the reasons that were put on the record earlier. Commissioner White made a motion to sign the resolution for the minimum hourly wage for all Canyon County part-time and temporary positions. The motion was seconded by Commissioner Smith. Commissioner Van Beek abstained with the cited reasons from this morning's meeting. The motion carried unanimously with the two votes that were recorded. (Resolution No. 22-231.) The meeting concluded at 3:20 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 18, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589856 to 589879 in the amount of \$8,720.75
- The Board has approved claims 589953 to 589992 in the amount of \$12,298.76
- The Board has approved claims 589807 to 589823 in the amount of \$26,655.60

- The Board has approved claims 589824 to 589855 in the amount of \$43,321.85
- The Board has approved claims 589766 to 589806 in the amount of \$142,343.90
- The Board has approved claims 589880 to 589921 in the amount of \$36,526.23
- The Board has approved claims 589922 to 589952 in the amount of \$700,935.62
- The Board has approved claims 589646 to 589685 in the amount of \$74,570.36
- The Board has approved claims 589726 to 589765 in the amount of \$545,073.27

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Monday.com Work Management in the amount of \$1,920.00 for the Development Services Department
- Dell in the amount of \$26,069.74 for the Information Technology Department
- Right! Systems, Inc., in the amount of \$12,254.80 for the Information Technology Department
- SANS Institute in the amount of \$6,480.00 for the Information Technology Department
- ManageEngine/Zotto in the amount of \$12,114.00 for the Information Technology Department
- Tri-Tech Forensics, Inc., in the amount of \$1,378.00 for the Sheriff's Office

APPROVED SICK LEAVE TO VACATION LEAVE TRANSFER FORMS

The Board approved sick leave to vacation leave forms for Victor Holliday and Terrence Martinez.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Mikayla Barrera - Clerk III and Katherine Fortuna - Deputy Attorney I.

PUBLIC HEARING - REQUEST BY DONALD GULLEDGE FOR A CONDITIONAL REZONE FROM AN AGRICULTURAL ZONE TO A CONDITIONAL REZONE – RURAL RESIDENTIAL ZONE, CASE NO. RZ2022-0014

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Donald Gulledge for a conditional rezone of Parcel R20804 from an "A" (Agriculture) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Donald Gulledge, and Deputy Clerk Monica Reeves. Cassie Lamb gave the oral staff report. The 8.56-acre property is located at 25894 Legacy Lane in Middleton, and the request includes a development

agreement restricting division of the parcel into no more than three lots. The parcel was created via an administrative land division with a private road application in 2001. If the request is approved the owner will proceed with an administrative land division to divide the parcel into a total of three parcels with an average lot size of 2 acres. The property is approximately one mile from the Middleton area of city impact. The future land use designation is residential. The parcel is surrounded by active agricultural and residential uses. A dairy is located to the northwest, and there are 10 subdivisions located within a one-mile vicinity with an average lot size of 1.76 acres. There are five recent subdivisions totaling 203 acres with an average lot size of .68 acres. Wells in the area have high nitrate issues and any future development will be required to comply with the Idaho Department of Water Resources (IDWR) regarding placement and systems needed for the area. Individual septic systems will be used. The property has a valid water right and if an administrative land division is approved, the water rights will be divided accordingly. The approach off Galloway Road was approved by Canyon Highway District. Approach improvements will be triggered at the time of approach permits being issued for any new building permits upon bringing the approach up to highway standards. Agency comments were received from: Black Canyon Irrigation District, Canyon Highway District, and the Canyon Soil Conservation District. Southwest District Health and IDWR will monitor placement and regulations regarding those systems at the time of development. The applicant has agreed to limiting no secondary dwellings and has agreed to a condition that the right-to-farm act shall be disclosed to all future parcel owners. On October 6, 2022, the P&Z Commission recommended approval subject to the conditions listed in the development agreement. Following her staff report, Ms. Lamb responded to questions from the Board. Donald Gullede testified that he agrees with the staff report. He believes none of neighbors are here today to object because he's discussed it with them throughout the process. He likes the farming activities and has no intention of selling the property; the three parcels are being gifted to his children and held in a trust. They will take their portion of surface water to provide a single pressurized system for all four lots. He has a good relationship with a neighbor who has offered to give Mr. Gullede the easement. They are currently using the existing farmstead on the property, but the electrical and plumbing are in need of repair and when the house goes away Mr. Gullede will give back the easement to the neighbor and he will create the 60-foot-wide full driveway all the way through on his property and the neighbor will have complete rights to it so she can get rid of her driveway and increase the amount of property she is farming. Another neighbor is using Legacy Lane who's not entitled to it, but Mr. Gullede has no issue with him continuing to use it. Following his testimony, Mr. Gullede responded to questions from the Board. The Board reviewed conditions with staff regarding the right to farm statement, the irrigation plan, and time requirements for a conditional rezone. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the conditional rezone from agricultural to rural residential for Case No. RZ2022-0014 and to sign the FCO's, ordinance (No. 22-027), and the development agreement (No. 22-134) with the changes identified during discussion. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:08 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

The Center/Event Center site improvements:

- A walk-thru for temporary occupancy took place last week.

Fair Building/The Center rental fees

- Discussion ensued as to how rental fees should be calculated. Some options for calculating the rate include basing it on facility utilities, maintenance and staffing, square footage and/or market rate. The Board would like Director Sinner to develop a proposal for rental fees for Board consideration and/or approval.
- Further discussion ensued in regard to Director Sinner's desire to eventually have the Fair be a self-sustaining enterprise fund and the difficulty in doing that solely from the Fair event only.
- Director Sinner asked for Board direction if a county Office or department want to reserve the space.
 - Commissioner Smith feels that if it for a cause, the cause would need to pay for it. If it's being requested to be used for an Office/department event, nothing else is scheduled and it's not taking away from revenue it should be allowed.
 - Director Sinner said she does have some SOPs in the works that could be the guiding document.
 - The Board suggested that 'bigger' asks such as utilizing the entire event center vs. just a meeting space would need to be approved by the Board.
 - Commissioner Smith asked about the ribbon cutting – to have it in December as part of a holiday event. However, due to only having temporary occupancy in the building the public cannot be allowed in until there is permanent occupancy. Permanent occupancy will not occur until all the site work is complete and Director Sinner isn't sure that can be achieved in the next couple of weeks.

Fair Building/The Center rental events

- Booked every week thru the end of May.

2023 Fair

- Mainstage concerts are book for Thursday, Friday and Sunday.
- Awards are starting to be order.

- 'Sunday Showdown' and a coloring contest are new events that will be included in the 2023 Fair.

IAFE Convention

- Director Sinner, Samantha Ball and Lindsay Thompson will be attending the conference November 26-December 1.

The meeting concluded at 2:34 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE HR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:34 p.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice and Deputy Clerk Jenen Ross. Director Rice updated the Board on the following:

- HR participated in a job fair last week where their new display poster was showcased.
- Surety Bonds for all EOs will be signed by the Board administratively and Director Rice will coordinate with the other EOs for signatures. A copy will need to be kept on file at the county either in HR or with Chief Deputy P.A. Sam Laugheed or possibly in both places.
- She is working with legal on a contract with Salary.com for salary research and was able to get the cost reduced from \$8000 to \$4800.
- A document showing HR statistics from March thru October was proved to and reviewed with the Board. Ms. Rice believes there is a direct correlation between increased salaries and retention and applications/hiring. A copy of the document is on file with this day's minutes.
- A document showing the 2023 holiday schedule has been created. The Board is okay with the document being sent out county-wide by either Director Rice or PIO Joe Decker. Discussion ensued regarding using MLK Day vs. Idaho Human Rights Day. The Board and Director Rice decided both identifiers could be included.
- Director Rice asked the Board what they would like to do with the COO position; the job description and pay range are both finished. Commissioner Van Beek would like to see the position wait until a new Board is in place, she feels it is a disrespectful process and that there needs to support from the new Board members and the public, both of which are not in favor of the position at this time. Commissioners White and Smith would like to see it continue forward and have the position posted internally first. Director Rice said there was a Department Administrator meeting recently where a DA indicated they would be interested in the position; there was favorable response from the other DAs indicating that it would be beneficial to have someone internally take the position as they are already familiar with process. Director Rice also noted that there is no requirement to make a job offer to either an internal or external candidate. Commissioners White and Smith provided

direction to Ms. Rice to post the position internally. Although Commissioner Van Beek is not in favor of posting the position she wanted to ensure that interviews do not take place while she is out on medical leave in December.

- Director Rice has completed a review of the 'personnel manual' which she would like to retitle to an 'employee handbook'. Revisions have been made and it is now back in the PAs Office; she will be meeting with Zach Wesley in early December to discuss the revisions. After her meeting with Mr. Wesley, she will provide a draft copy to the Board for review prior to adoption. In response to a question from Commissioner Van Beek about an update to the Fleet policy, Ms. Rice said it has been attached as an appendix to the manual. There was further discussion about holiday pay for employees who are out on an extended unpaid leave such as FMLA, military, etc. Employees must now be in 'pay status' to receive holiday pay.
- Open enrollment ended last week, and Ms. Rice provided statistical numbers of the employees who completed enrollment. At the Board's request, communication will be sent out regarding the change in FSA debit cards. With the change in providers, rollover monies may not be immediately available.
- Director Rice would like to do both a food drive with a barrel in the HR office and possibly somewhere else within the county and possibly provide help the animal shelter.

The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Norco in the amount of \$3,991.90 for the Solid Waste department

APPROVED CLAIMS

- The Board has approved claims 589686 to 589725 in the amount of \$114,637.11

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Kelsey Keslar, Clerk I; Christine Ferguson, Clerk I; Elizabeth Atkinson, Deputy Sheriff – Inmate Control 51003; and Trevor Heim, Corporal.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Solid Waste Director David Loper (left at 9:08 a.m.), Treasurer Tracie Lloyd (left at 9:04 a.m.), Assessor Brian Stender (left at 9:04 a.m.), Chief Deputy Assessor Joe Cox (left at 9:04 a.m.), Facilities Director Rick Britton (left at 9:10 a.m.), HR Director Kate Rice (left at 9:25 a.m.), Comp/Benefits Manager Bosco Baldwin (left at 9:25 a.m.), HR Generalist Cindy Lorta (left at 9:25 a.m.), Sheriff Kieran Donahue (left at 9:25 a.m.), Lt. Travis Engle (left at 9:25 a.m.), Lt. Martin Flores (left at 9:25 a.m.), Controller Zach Wagoner (left at 9:25 a.m.), Chief Deputy Sheriff Doug Hart (left at 9:25 a.m.), CCSO Financial Manager David Ivers (left at 9:25 a.m.), Lt. Brian Crawforth (left at 9:25 a.m.), Chief Deputy P.A. Sam Laugheed (arrived at 9:17 a.m. and left at 9:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Deliverable Acceptance Statement with Aumentum Technologies: This agreement was signed by the Board in March of this year and now that it has been signed by Aumentum it is ready for final county signatures. Commissioner Van Beek made a motion to sign the Deliverable Acceptance Statement with Aumentum Technologies. The motion was seconded by Commissioner White. An amended motion was made by Commissioner Van Beek to authorized Assessor Stender to sign the agreement. The amended motion was seconded by Commissioner White and carried unanimously (see agreement no. 22-017).

Consider signing Cooperative Agreement with Valley Regional Transit: This is an annual agreement and the terms are the same as last year. The agreement includes the approved amount of \$50,000. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Cooperative agreement with Valley Regional Transit (see agreement no. 22-138).

Consider signing Agreement with Compressor World, LLC for the skid station compressor building package and Perennial Energy, LLC for Canyon County for the candlestick flare and skid station at the Pickles Butte Landfill: Director Loper explained both of these items have gone thru the sole source process and have pending purchase orders. The vendors have signed the contract and just need Board approval for finalization. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with Compressor World, LLC for the skid station compressor building package (see agreement no. 22-136) and the agreement with Perennial Energy, LLC for Canyon County for the candlestick flare and skid station at the Pickles Butte Landfill (see agreement no. 22-137).

Consider signing a Resolution Declaring Certain Property as Not Necessary for County Use and for the Exchange of County Property: Lt. Crawforth said this is for older model firearms that are worn out; the trade-in value can be applied to the purchase of new firearms. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property (see resolution no. 22-232).

Consider signing Letter to All Detainment Solutions regarding Third Extended Term for Temporary Detention Facility Equipment Lease Agreement: This is the annual letter to renew the lease term for Pod 6. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the letter to All Detainment Solutions regarding the third extended term for temporary detention facility equipment lease agreement. A copy of the letter is on file with this day's minutes.

Consider signing a resolution to approve the funding and title change of one (1) position in the Sheriff's Office (Professional Standards Investigator to Customer Service Specialist): A document was provided by Chief Hart to the Board beforehand providing information and background on the necessity of this position. A new garnishment company has recently moved to Canyon County and is overwhelming for the Sheriff's Office creating the need for this position. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving the funding and title change of one (1) position in the Sheriff's Office (Professional Standards Investigator to Customer Service Specialist). See resolution no. 22-233. Commissioner Smith noted that she would like more information on how the fees garnishment companies pay to the county are established - set by the county or set by statute.

Consider signing a resolution to approve the change in job title, job description and salary range of one (1) position in the Sheriff's Office (Deputy Sheriff to Corporal): Chief Hart said that during an evaluation of process and staffing it was discovered that Trevor Heim has been working as a corporal for many years but his paperwork was never changed from Deputy Sheriff to Corporal. This resolution will correct that error. Ms. Lorta has provided a status change form for Corporal Heim changing his position from deputy to corporal. Commissioner Van Beek made a motion to sign the resolution to approve the change in job title, job description and salary range of one (1) position in the Sheriff's Office (Deputy Sheriff to Corporal) See resolution no. 22-234.

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 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with

Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

FILE IN MINUTES

- Treasurer's Monthly Report for September 30, 2022
- Treasurer's Quarterly Report July 1, 2022 through September 30, 2022
- Treasurer's Yearly Report October 1, 2021 through September 30, 2022

RESCHEDULE PUBLIC HEARING TO CONSIDER AN APPEAL BY DUSTIN AND KRISHINA RIGGS OF THE HEARING EXAMINER'S APPROVAL OF CU2022-0022, CASE NO. CU2022-0022-APL

The Board met today at 10:00 a.m. to go on the record to determine a new hearing date for the public hearing regarding an appeal by Dustin and Krishina Riggs of the Hearing Examiner's approval of CU2022-0022, a conditional use permit on Parcel R32942010A to allow a telecommunications facility. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Maddy Vander Veen, interested citizens, and Deputy Clerk Monica Reeves. There was an exchange of emails between staff and the appellants regarding the request to table the hearing and a new date of January 24, 2023 was suggested; however, the Board did not want to continue the hearing for that long and suggested a new date of December 1, 2022. Dan Lister said the applicant for the wireless facility contacted him and about his lack availability on January 24th and questioned why the hearing was pushed out that far and that's why the earlier date of December 1st was selected. Dustin Riggs contacted staff and said the December 1st date would not work for him. Commissioner Smith does not want to delay the hearing for two months especially since there wasn't a valid reason from the appellant beyond their request to wait until after the holidays but that is not a reason to stop business. Board discussion ensued. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to table the appeal hearing for Dustin Krishina Riggs, Case No. CU2022-0022-APL to December 1, 2022 at 9:00 a.m. The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS AND PROVIDE DIRECTION ON TEMPORARY CERTIFICATES OF OCCUPANCY FOR TIMBER HILLS

The Board met today at 10:10 a.m. for a meeting to discuss and provide direction on temporary certificates of occupancy for Timber Hills. Present were: Commissioners Keri Smith, Pam White

and Leslie Van Beek, Tyler Hess, Spencer Kofoed, DSD Director Sabrina Minshall, Building Official Tommy Crosby, County Engineer Devin Krasowski, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The developers of Timber Hills contacted the Board to intervene with an issue affecting the Timber Hills project where they tried to tile a ditch but due to supply chain issues they couldn't get it done. They bonded for the improvements and now work is in process, but a change in engineers at the Black Canyon Irrigation District (BCID) has caused a delay in getting the work done and as a result there are affected homeowners who are trying to get a certificate of occupancy so they can lock in their interest rates and close on their loans by December 15th. The tile work has begun, and piping is done, and the work on the catch basin boxes is scheduled to be done the first week in January. The project is bonded. Mr. Hess and Mr. Kofoed have discussed the issue with County Engineer Devin Krasowski who stated in email communication that County ordinances are clear that we are not to issue certificates of occupancy until the bonded work is completed. Staff discussed the idea of a temporary certificate of occupancy being a possibility if BCID was on board; however, they are not agreeable to any sort of certificate of occupancy being issued prior to the bonded work being completed. Staff also had reservations with granting a temporary given the language in the ordinances, and their position is the County does not issue certificates of occupancy of any kind for Timber Hills until the bonded improvements are completed and certified. Commissioner Smith believes tiling is bad for the aquifer recharge in our communities. Commissioner Van Beek agrees. According to Mr. Hess, the costs is \$200,000 for engineering, tiling and labor. Devin Krasowski said from his perspective it's about the inconsistencies and the enforcement of ordinances because we have a condition saying the development will comply with the requirements and so if we violate the condition they don't know what to expect from us. Director Minshall said we have a specific part in our code that says all subdivision improvements covered by surety bonds or other guarantees shall be completed prior to the issuance of a certificate of occupancy. The code does not address temporary certificates of occupancy so it's more a matter of what the comfort level is, and it could set a precedent for what type of improvements are we going to start issuing temporary certificates for. In this case our bond isn't really \$50,000, the cost is \$200,000 so worst case if it doesn't get constructed we wouldn't have the ability to complete it by our bond, so we are not enforcing the condition so if we go that route we have to be clear of what conditions are we going to issue temporary certificates of occupancy. What kind of discretion does the Board want DSD to have to implement the code versus should they be coming back to the Board. Mr. Krasowski read an email from Carl Hayes, the BCID district manager dated 11/21/22 (a copy of which is on file with this day's minute entry). Mr. Kofoed said the district manager is detached from the engineers and the people on site where the district engineer said don't start the construction until he has reviewed the plans, and it took him four weeks to review the plans and then added guidelines about sealing concrete pipes to get pressure. Tommy Crosby said he is okay with a temporary occupancy if the other parties could agree to it, but if something goes wrong down the road and we must hire a construction team to put this together we would only have \$50,000 to complete the work on a \$200,000 project. Director Minshall said the issue here is we have a partner agency who put that condition in place, and they are opposed to lifting the condition and that's why we brought it to the Board. Commissioner Smith said we have to be clear and push back - we still re not issuing a certificate of occupancy and we are still enforcing the conditions and we will enforce the bond and ensure they are developed. Commissioner Van Beek likes the idea of issuing a letter from the

BOCC stating the terms of the agreement and ask the irrigation district to agree given that the County is not issuing the final certificate of occupancy. Mr. Kofoed said they have been trying to get this done for a year; their frustration is the continual moving target and the timeline delays. Mr. Hess said there are 30 homesites involved and 3 who have closing dates scheduled for this week and next week. Director Minshall said if the County can get something in writing that says as of December 1st "x percent" is complete, all materials are onsite, and the \$50,000 bonding remains then we can issue a temporary certificate knowing that information and saying there is some discrepancies in the path of information that has occurred and then if we can put a hard date on the backend by saying it will be completed by "x date" and that when proven the County can issue the final certificate of occupancy. Dates are in place, and it would have the percentage of completion and here is the date for the temporary certificate, and the rest would be subject to the final certificate. BCID would know we are listening. Zach Wesley said we could tie the expiration of the temporary permit to the dates. Mr. Kofoed said they can increase the bond amount to \$100,000. Director Minshall said they should get the full bond and if we can have assurances that if we had to hire somebody to construct BCID knows it will get done, and if it's not done by the end of January the County can execute the bond and it gets the homeowners in. Mr. Krasowski said the intent is that BCID's facility gets constructed and this will satisfy the intent; the timeline won't be exactly what BCID is hoping for, but they will get their infrastructure and it will be to their standards. The discussion about what type of pipe they are using is one to have with the district's board. Director Minshall said with the understanding that the developers will provide a percentage complete as of December 1st; the County will issue a temporary certificate of occupancy with the certificate of occupancy when all improvements are completed by January 31st. Prior to the temporary certificate occupancy, the developers will issue a bond to the County for what would cover the full cost needed for the remaining construction. It will be tied to the specific addresses. The rest of the certificates of occupancy will not be issued until completed. Commissioner Smith said we want to follow the ordinance and conditions of approval, but there is an exception with what we have right now; it will be a temporary certificate of occupancy. Tyler Hess said he will push the contractor to finish as soon as possible. Mr. Kofoed said they will reach out to builders and specify the houses that are under contract and have interest rate lock issues. Mr. Kofoed is appreciative of the help but said it continues to be an issue as he has another project where Idaho Power and Intermountain Gas are saying the utilities are not deep enough and it's because Canyon Highway District made the developer dig out the swales deeper for drainage after the engineering was complete and now it's caused an issue with the shallowness of utilities, and he has some easy solutions but they won't do it. It's an issue the district caused by overriding engineering during construction and they continue to have issues with Canyon Highway and Black Canyon Irrigation District, and they delay projects and cause tremendous headaches. Commissioner Smith said the County doesn't have any authority over the highway district and we need to make sure the elected board knows what the will of the community is. Mr. Krasowski asked for a list of the scenarios Mr. Kofoed mentioned so he can watch for those and help when possible. Director Minshall said we want to make sure we enforce our codes and facilitate the work and perhaps there could be a staff-level discussion and then bring it to a workshop with the Board and the highway district and talk about some of these scenarios and brainstorm. The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioner' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 23, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- ElmrIDGE Protection in the amount of \$2,984.85 for the Juvenile Detention department

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Garden City Bar LLC dba 1918 Lounge to be used 12/3/22 and 12/14/22.

MEETING WITH COUNTY ASSESSOR TO DISCUSS INCREASING THE ADMINISTRATIVE FEES CHARGED BY DEPARTMENT OF MOTOR VEHICLES

The Board met today at 10:06 a.m. with the county Assessor to discuss increasing the administrative fees charged by the Department of Motor Vehicles. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DMV Supervisor Kimbra Asqueta and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing notice of public hearing regarding increasing administrative fees charged by DMV:

Assessor Stender provided an overview of the necessity for this increase which includes a reduction in revenue with online, mail-in and QR transactions being handled by ITD. The transactions now coming thru the brick and mortar DMV are often the more time-consuming transactions and with the loss of revenue it increases the overall cost per transaction. Discussion ensued regarding the importance of staffing levels and wait times. A document was provided to the Board which outlines the statistical numbers of transactions at the DMV; a copy of the document is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of public hearing regarding increasing the administrative fees charged by DMV.

The meeting concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING WRITTEN DECISION REGARDING THE REQUEST BY CORY AND CHRISTINE
CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 11:15 a.m. to consider the written decision regarding the request by Cory and Christine Code for a conditional rezone, Case No. RZ2021-0055. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The Board held a hearing on November 14, 2022, and a Board majority approved the conditional rezone request and staff was directed to make changes to the FCO's, development agreement, and ordinance amendment. Planning Official Dan Lister reviewed the changes made to the findings as follows:

- No. 4 notes that it is an impact, however, Canyon Highway District found this to be the best option based on their review of the right-of-way, so he added language regarding the history.
- Condition #2 b. was changed to provide documentation that they are still trying to get the access to the east, and if not, they need to show how they tried to gain that access. If they can obtain access from the east they will show it on the plat and they are going to use that instead.

Commissioner Smith reviewed the language in the updated FCO's and believes they represent what the Board requested in its decision. Commissioner White made a motion to approve the FCO's, ordinance amendment (No. 22-028), and development agreement (No. 22-139) for Case No. RZ2021-0055. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Nemo-Q, Inc., in the amount of \$7,731.00 for the Information Technology department

PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DEL ROSARIO ESTATES NO. 3, CASE NO. SD2022-0012

The Board met today at 9:02 a.m. to conduct a public hearing for the short plat for Del Rosario Estates No. 3, Case No. SD2022-0012. Present were: Commissioners Leslie Van Beek and Pam White, County Engineer Devin Krasowski, DSD Director Sabrina Minshall, DSD Planner III Michelle Barron, Eric McLaughlin, and Deputy Clerk Monica Reeves. Devin Krasowski gave the oral staff report. The subject property is located at 24433 Hartley Lane in Middleton and is a preliminary replat of Lot 1, Block 1 of Del Rosario Estates No. 2. The applicant, Erick McLaughlin, is requesting to split the existing 4.26-acre (Lot 1, Block 1) of Del Rosario Estates No. 2 into Lot 1 and Lot 2 of Del Rosario Estates No. 3 and those lots will be 3.26 acres and one-acre residential lots respectively. The property will utilize individual wells, and septic systems and a pressurized irrigation system. The preliminary plat has been reviewed and meets the standards of Canyon Highway District, Black Canyon irrigation District and the Middleton Fire District. The Hendersons, who are neighboring property owners, want to ensure the residential lots are not less than one acre. The City of Middleton requested the applicant enter into a pre-annexation agreement, but the applicant has declined to sign the pre-annexation agreement. The preliminary plat and irrigation plan were found to be completed by Keller Associates subject to eight conditions of approval. On July 7, 2022 the P&Z Commission recommended approval of the preliminary plat and staff is recommending approval with conditions. Following his report, Mr. Krasowski responded to questions from the Board regarding access. Eric McLaughlin testified in support of his application regarding access and the irrigation easement. He has lived there for 30 years and accesses his property from Hartley Lane and he thought it would be easier to access the other properties on a private road which is Cowboy Lane. A road users maintenance agreement is in place. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White believes this case is straightforward and has no objections to the request. Commissioner Van Beek noted the case was approved by the P&Z Commission. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Del Rosario Estates No. 3, Case No. SD2022-0012. *(The Board closed the hearing but then staff advised they had a final plat summary as well so the record was reopened.)* Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reopen testimony to consider the final plat. Mr. Krasowski said the applicant has met the conditions of approval and obtained the necessary signatures on the final plat. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner

Van Beek, the Board voted unanimously to sign the final plat for Del Rosario Estates No. 3. The hearing concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - HESS PROPERTIES, LLC, FOR APPROVAL OF A PRELIMINARY PLAT (IRRIGATION & DRAINAGE) FOR RIDGELAND ESTATES SUBDIVISION, CASE NO. SD2020-0036

The Board met today at 10:31 a.m. to conduct a public hearing in the matter of a request by Hess Properties, LLC, for approval of a preliminary plat (irrigation and drainage) for Ridgeland Estates Subdivision, Case No. SD2020-0036. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Sabrina Minshall, DSD Planner III Michelle Barron, County Engineer Devin Krasowski, Tyler Hess, Stephanie Hopkins, Robert Grimes, Steve Scott, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed she had a conversation with Devin Krasowski to seek clarification on conditions of approval. Devin Krasowski gave the oral staff report. The subject property is located approximately 152 ft. south of the intersection of Purple Sage Road and Kenridge Road in Caldwell. The development consists of 39 acres and contains 18 residential lots. The property is in the Middleton Impact Area and is in the northeast Canyon County nitrate priority zone. The property was rezoned to rural residential in 2007, and the average residential lot size is approximately 1.8 acres. Access is provided and pressurized irrigation will be provided to each lot using existing shares to Black Canyon Irrigation District, and there will be individual wells and septic systems for each lot. A nutrient pathogen study has been completed and will be submitted to SWDH for approval. Conditions of approval have been proposed to attempt to mitigate concerns, and concerns regarding irrigation will be adequately addressed at the final plat stage. Mr. Krasowski reviewed the agency comments. Even with the conditions there are still some concerns with the proposed individual wells and septic systems from his perspective:

1. Minimal impacts to water quality but from several adjacent developments can result in a significant effect down gradient.
2. Between Ridgeland Estates and Green Hills Estates there will be 60 new wells and septic systems which means more potential pathways for surface water and the contaminates into the aquifer. It's good to consider that type of information along with the source water protection map that DEQ creates.
3. There is potential for people to purchase homes in these subdivisions and similar ones without knowing the condition of the groundwater supply, granted there is some personal responsibility but even with an information document being supplied to the lot owners as they apply for a building permit, it's not always the people who pull the building permit that live in the house.

He is not sure encouraging unregulated drinking water sources in this type of area is the best thing to do from a public health perspective, and he does not think drilling several individual wells alongside subsurface waste water disposal is the most responsible thing to do when considering our public natural resources and the neighbors downgradient. Keller Associates has reviewed the

preliminary plat and found it to comply with the zoning ordinance, and their conditions of approval have been added to the recommended conditions. The County's ordinance says when the slope is greater than 15% and we have a string of required submittals and things the developer and the County need to consider if the slopes are going to be developed on. The applicant has decided to use the southeast corner of the property to place the excess material from the irrigation pond that's being dug. Ridgeland Estates has hillside development as defined in the ordinance which requires a site-specific soils, geology, and hydrology report and a revegetation plan as well as other things to be considered. The applicant's engineer submitted some materials, and they are proposing to designate the area they have filled in as a non-buildable area. Ordinances aside, the main concern for Mr. Krasowski is there are limitations that need to be placed on the use of the land due to the nature of the fill material and those restrictions need to be made clear to the future lot owners, and they need to make sure the newly configured slope does not create any new runoff concerns of the property boundaries. His first concern is addressed by proposing a non-buildable area and the second is addressed by proposing a condition to require all runoff to be retained on site. There are still a few things missing that are required; the main issue being there was no information provided from geotechnical engineer detailing the fill itself and the placement procedures. In addition, none of the information was presented to the Hearing Examiner because we did not know the situation until after the hearing. He recommends we add a condition of approval requiring the non-buildable area to be designated on the final plat as noted in Exhibit No. 17. The cleanest thing would have been for the plan to be made explicit in the beginning and the required submittals to have come in, and as an alternative to the recommended condition of approval listed in Exhibit No. 17, we could have one requiring the geotechnical investigation occur that addresses the outstanding comments he has in Exhibit No. 16b to put the appropriate limitations on the area instead of declaring all that land as non-buildable. Following his report, Mr. Krasowski responded to questions from the Board.

Stephanie Hopkins, the project engineer provided technical testimony. The property is next to Green Hills Landing, and they have coordinated with Canyon Highway District on the construction of Ranch Road which is the collector that will go through both properties. There are some one-acre lots and the average lot size is 1.8 acres. The project will include private streets, 18 lots, and they will dedicate 100 feet for the northwest corner of the site as conditioned by the highway district and they will coordinate with the district on improvements to Purple Sage and Ranch Road. A nutrient pathogen study has been coordinated with SWDH and they will develop advanced treatment systems they are required. The pond in the center of the subdivision will provide a nice amenity and will be used for pressurized irrigation. The southeast part of the site will be kept as non-buildable. Following her testimony, Ms. Hopkins responded to questions from the Board.

Tyler Hess said the staff's question about the community well will be a good discussion to have down the road, but at this time the rezone is already approved and there are things he wants to dive in further to get more information and it could be something they could look at. He has been working on this project for three years; he bought the land from the Vavolds who wanted large lots, so they kept the lots larger to accommodate them and having individual septs makes that work. There will be a 2.5-acre pond that will be an amenity, and it allows them to order their pressurized irrigation so the residents can water their lawns and the other water inches can be

passed on to farmers who need the water. The ponds allow them to re-energize the whole area and they are seeing a good return. The pond can be used by the fire department in the event there is a fire in the development. The fire district found this to be an acceptable solution. The development will be a gated community and so the roads will remain private. The project meets the requirements of Canyon Highway District. The irrigation system will be redesigned and redirected to accommodate more water and they are working with Black Canyon Irrigation District to make it a private system. The canal is open so they will pipe down Kenridge to the property to the northeast which will take care of the erosion problem and they will work with the neighbor to provide a pressurized irrigation stub for him.

Robert Grimes offered neutral testimony regarding irrigation. Currently the irrigation pipe is 12 inches and runs across the property, but it will now run along the bottom left corner along the southern property line and cuts across hopefully in front of the backfill and then up along Kenridge. It will add a lot more feed and will restrict the water flow the residents are allowed to have so he wants to confirm that the 12-inch pipe needs to go to a 14-inch pipe. He said there is a plan to put boxes at the corners to keep things from getting stuck which is an issue. Tyler Hess said the system will be inspected by Black Canyon Irrigation District and then it will go around the perimeter and they will have a couple cleanout corners. They will coordinate with homeowners to make they get the water they need. Mr. Grimes said there is compaction on the right corner and the original plan had it going on top before it got to that corner, and if the compaction isn't right the pipe could settle and cause a breakage if it's routed through the corner. The main issue is the angle going across and if someone drills they could easily cut into the pipe, but he likes knowing that the HOA will be responsible for that. Mr. Grimes offered comments on behalf of Steve Scott who owns two acres to the northeast corner of the property. He said it sounds like they are going to stub in irrigation for him which is great. Mr. Scott is concerned about the impacts to his well not only from this development but from Green Hills as well.

Tyler Hess responded to questions regarding irrigation box and said during construction they will address concerns and make sure the compaction is done and they will make sure the homeowners know that crossing is their water, and the HOA must maintain it. He hopes the ponds will recharge the shallow wells. He has no problem identifying where they want to stub out for the pressurized irrigation so he will work with them to make sure they have the correct location so the neighbor continues getting his surface water rights.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said her questions have been answered and she appreciates Mr. Hess addressing the neighbors' questions. She is familiar with the projects Hess Construction does and she believes this will be a nice product when it's completed. Commissioner Van Beek is in favor of the proposal as presented, with the exception on the conditions of approval, in lieu of Condition No. 5 regarding the slopes that can be taken off the final plat with the submission of the engineering information which would eliminate that condition if it met Devin Krasowski's approval. Mr. Krasowski said we can remove that condition; it was crafted before we had the discussion about the southeast corner of the property, and if we are going to add that other condition then he has no problem with removing Condition No. 5.

Commissioner Van Beek said there is nothing for enforcement of Condition No. 7 and she wants something that identifies that area, and she wants to expand on Condition No. 8 to say the developer shall submit a letter that supports his statements that the 2.5-acre pond is sufficient for pressurized irrigation and fire suppression. There also needs to be a condition that the non-buildable lot remains non-buildable. Mr. Krasowski said the simple thing is to not build on the filled area, and the safe bet is to designate it as non-buildable. Commissioner Van Beek said Mr. Hess should submit a letter from the fire district indicating it will be a source of pressurized irrigation and mitigation for fire flow. There was a review of the language for the proposed conditions, and a complete list of the conditions of approval is included in the FCO's. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat, and the irrigation and drainage plan for Ridgeland Estates Subdivision, Case No. SD2020-0036 and to sign the FCOs as amended in the discussion. The hearing concluded at 11:50 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE FOR THE CHAPP WINE & TAP

The Board met today at 11:50 a.m. to consider approving an alcoholic beverage license for The Chapp Wine & Tap. Present were: Commissioners Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the alcoholic beverage license transfer for The Chapp Wine & Tap (Resolution No. 22-235.) The meeting concluded at 11:51 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

PUBLIC HEARING – APPEAL BY BORTON-LAKEY LAW, REPRESENTING SYMMS FRUIT RANCH, INC.,
OF THE P&Z COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT, CASE NO. CU2022-0007-
APL

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of an appeal by Borton-Lakey Law, representing Symms Fruit Ranch, Inc., of the Planning & Zoning Commission's decision to deny Case CU2022-0007, a conditional use permit (CUP) to allow an agritourism purposed recreation vehicle (RV) resort within an "A" (Agricultural) Zoning District. The subject property is located on the southwest corner of Highway 55 (Sunny Slope Road) and Lowell Road, Caldwell on Parcels R33566 and R33567. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planner Jenna Petroll and other DSD staff, Todd Lakey, Matt Dorsey, Dar Symms, John Starr, Jim Mertz, Tristan Bounds, John Orrison, Jamie Mertz, Will Mason, Keith Green, Megan Green, Eva Symms, Sally Symms-Gotschall, Judy Leathers, Mike Krantz, Janet Northrup, Rich Hellwege, Morris Ledford, Fred Confer, Mary Confer, July Rundall, Wayne Rundall, Donna Schultz, Gerri Smith, Ann Ledford, Sara Arjona, Margie Robinson, Megan Lee, Jeff Hibbard, Gary Brown, Robert Salabar, Mary Salabar, other interested persons, and Deputy Clerk Monica Reeves.

Commissioner Van Beek disclosed that her family has been friends with the Symms family for nearly two decades. Several months ago, she attended an informational seminar at the Symms Fruit Ranch, but when she accepted the invitation she did not know it was a presentation on an agritourism proposal, however, there was reference to the proposal being considered today. She does not have any declarations that would inhibit her ability to make an unbiased decision today. Because audience members were saying they could not hear Commissioner Van Beek's comments, Commissioner Smith summarized her comments as follows: She accepted an invitation that was sent to the BOCC and she went to the property and met with the Symms family and talked about a proposal which included an amphitheater at a sperate location, but in Commissioner Van Beek's opinion that will not impact her decision today. Commissioner Van Beek said it was not just with the Symms family, it was with other farm families in the area. Commissioner Smith disclosed that Will Howard is a distant cousin by marriage.

DSD Planner Jenna Petroll gave the oral staff report. Borton-Lakey Law filed a notice of appeal on September 12, 2022. The appellants feel the P&Z Commission incorrectly focused on only three components of the comprehensive plan and did not consider the other components of the plan that do support the proposed use. They also believe the P&Z Commission based its decision on the principle that the proposed use may impact traffic. The appellant's letter of appeal states that those who testified about traffic impacts are not traffic or engineering experts nor did they have specific data to support their stance. The P&Z Commission denied the case on September 1, 2022 and found the addition of 105 RVs is not compatible with the agricultural uses that also border the property. They were also concerned that the addition of 105 RV spaces has the ability to negatively impact the intersection of Lowell Road and Highway 55. The P&Z Commission said the applicant would need to rezone the property to commercial or industrial where an RV park is an allowed use. A revised site plan and new renderings were provided on November 23, 2022, but this information was not the information the P&Z Commission was provided during its hearing and was therefore not considered in their decision. Additionally, the revised site plan is not what was available to the public during the P&Z Commission hearing. The subject parcel is zoned agricultural, and the area is predominately agricultural with associated uses. The general area is surrounded by active agriculture and homesites with a rural setting and character including

associated noises, smells, and ag-related impacts. Highway 55/Sunnyslope Road is a busy arterial roadway and other roads in the area are narrow country roads. The site is not located within an area of city impact nor is it near city services. The site is partially located in a nitrate priority area; the maximum contaminate level (MCL) is the maximum permissible level of a contaminate that is delivered in a water system. The EPA's MCL for nitrates is 10 parts per million. Nitrates above 10 mg per liter are expected to cause significant health problems, and wells in the area have nitrate levels ranging from .005 to 49.8 mg per liter. Based on the conceptual site plan, access to the RV park is proposed on Lowell Road and a traffic impact study found the area intersection currently meets minimum thresholds and no turn lanes are warranted based on ITD turn lane guidelines, and no improvements are needed to mitigate existing or future traffic operations. The study identified the need for a right turn lane in 2029; however, the RV resort would be built out by then and would not be responsible for the intersection improvement. Golden Gate Highway District and ITD had no objections to the proposed use. The applicant is proposing a centralized water and sewer system. Site development will require review by the Idaho Dept of Water Resources, Southwest District Health, Idaho Dept of Environmental Quality, Idaho Power and other agencies to ensure facilities are provided. The applicant is proposing to use surface irrigation and pressurized irrigation to serve the uses. All essential service agencies were notified of the request and no comments were received. The closest fire station is in Marsing, which is 2.3 miles from the site. The proposed use aligns with five goals and nine policies in the 2020 comprehensive plan. It does not align with one goal and two policies. The economic development section of the comprehensive plan states the County should actively promote tourism assets such as wineries, county fairs, outside recreation, and annual events like the Caldwell Night Rodeo. The County should work to actively recruit new business that supports tourism requirements. The proposed use has benefits which will enhance and promote agritourism for the region and will showcase the Sunnyslope region to visitors. The applicants are working to provide wine shuttle services to tour local wineries from the RV resort. The following are some potential negative impacts the proposal may have on the community: a residential and commercial use could have negative impact on surrounding farms and neighbors; more traffic in the area will affect the movement of farm equipment; noise generated by guests could be disruptive; the potential of guests using the resort as a long-term housing option; incompatibility with active ag operations in the vicinity. The P&Z Commission denied the case based on insufficient evidence to support Findings #3, #4, and #7. They believe the proposed use is not consistent with multiple goals and policies of the comprehensive plan, and it would be injurious to properties in the immediate vicinity, and would negatively change the essential character of the area, and may cause undue interference with existing or future traffic patterns. Ms. Petroll reviewed public comments which were summarized as: Positive comments: It's an ideal location to serve the growing needs of the wine region and to support the area with lodging opportunities that are currently lacking; it will benefit the community and surrounding businesses; and will be a good addition to the area. Negative comments: Concerns with taking agricultural land out of production; impacts to the water table; additional traffic; the fire department, water, sewer, and roads are inadequate for the proposed use; a lack of infrastructure; the potential for guests to use the resort as a long-term housing option; Highway 55 is a dangerous road and the other local roads are narrow and used for farm equipment; and that the proposed use does not fit under the agritourism category as it has nothing to do with agriculture. Staff is recommending the Board deny the appeal and uphold the P&Z

Commission's denial of the CUP. Following her staff report, Ms. Petroll responded to questions from the Board.

The following people testified in support of the request:

Todd Lakey, the appellant's representative, testified that the Symms family has lived and farmed in the area since 1914 and they plan to keep farming in this area. They know the land, the area, and the agricultural industry and they understand the future opportunities for agriculture, and this is a unique agritourism RV resort based on that experience. The RV resort supports the Symms' existing ongoing farming operations and the operations of many other farmers in the area. They have submitted a revised site plan that better shows the intent and compatibility of the proposal, and they have addressed the technical issues by engaging those with the necessary experience. Residential uses do more to change the character of Sunnyslope than this application will. The Symms are taking a very small portion of their property and using it to support continued agricultural operations on the vast majority of the rest of their property and that should be supported, not dictated by nonfarmers. Mr. Lakey spoke of the importance of agritourism to the ag industry. The property is located in the heart of the Sunnyslope Wine Trail that includes 17 wineries and vineyards and this is an opportunity to support them. It's located on the Ag Venture Trail and in the heart of the Snake River Viticulture Area, a nationally recognized wine region. He said the P&Z Commission had questions about the design, buffering, and landscaping. The open area was for future development and shows some accesses onto Hwy 55. Some of those in opposition attempted to describe the application as a Walmart parking lot, and based on the comments/questions received the applicants decided to clarify and improve the site plan and make sure it better reflects their vision for the area. The revised site plan shows the amount of greenspace and landscaping that's been enhanced and provides more clarity about their use of the open space. They have reduced the number of spaces from 105 to 98, and they have shown the irrigation pond that will support irrigation on this property and another Symms property. They added the working orchard along Hwy 55 that will be a buffer and an agricultural amenity as it provides a supply for those who want to come to the area for u-pick fruit and agritourism. The accessory use buildings are ag-related buildings. They are looking at a fruit packing and processing shed and a fruit stand, but those are not part of the CUP application because they are accessory or ag-related uses and do not require a CUP, but they wanted to talk about the plans for that portion of the area. The property is not located on a quiet country road, it's located along a major transportation corridor, and it's located in the epicenter of agritourism for the County and the state. They are limiting the length of stay to 20 days and will be engaged in active marketing and supporting various agritourism groups. They already have providers that want to be part of the resort, and their buildings and design will be consistent with agriculture and agritourism in the area. They have completed a traffic impact study that's been independently reviewed by the highway district and ITD; there are no additional improvements required to Hwy. 55 which has five lanes. The project will utilize a community water system, and there is already a community public-rated well on the Symms site across the highway, and they will utilize a community wastewater system that meets agency requirements. They will have quiet hours from 10:00 pm to 7:00 am. The site plan shows they are tying it to agriculture on the site and agritourism off the site. They agree with staff's recommended conditions of approval to the P&Z Commission, except for

Condition No. 3, they want to exclude the term *individual* in that condition. The project will have a 24/7 resident manager. Project lighting will be directed downward. They are close to the Marsing Fire District facilities. The limited length of stay will provide a positive economic impact to the schools because it has no burden but it does provide a tax base. They will use up to 15% of vintage models (owned and operated by the applicants) that are refurbished, historic, modern, and high-quality on the inside. Mr. Lakey said the application conforms with the comprehensive plan and zoning ordinance. Following his testimony, Mr. Lakey responded to questions from the Board. Commissioner Smith asked if the applicants would be willing to reduce the 20 days length of stay onsite. Mr. Lakey said it's targeted to those who are vacationing, or enjoying the scenic byway, engaging in recreation opportunities, fishing on the river, etc. They feel 20 days is an appropriate limitation but are open to expanding that condition to a maximum per year. The open space areas will be improved as part of the development of the site. The proposal is to target those who come to the area for agritourism, not for housing or long-term stays. They intend to irrigate portions of the landscaping, the orchard, and the trees but they want to reduce the overall impact of the need for water and the irrigation pond will help facilitate that. Commissioner Van Beek asked if they have looked at other means of promoting agriculture such in a way that people can see the fruit harvested, processed, and tasted at the end and perhaps have a nonalcoholic portion where kids can grow and process their own apples. She believes an expanded concept for diversity would be beneficial. Mr. Lakey said they see the potential to utilize and generate different types of products from the fruit itself whether cider or dried fruit. The emphasis on the winery is because it's in the Snake River AVA, but the Ag Venture Trail has other things such as a beef operation, honey operation, and an operating farm. The focus will not just be on the wineries, but on the agricultural products themselves. There was further discussion related to the scale and use of the packing processing shed; the traffic impact study; access plans; proposed conditions; soil types; COMPASS comments regarding urban connectivity; whether input was received from community members; and ties to agritourism.

DSD Director Minshall said it appears that the accesses in the traffic impact study were just on Lowell Road and because staff did not receive comment from ITD or comments on the appeal, if the Board chooses to make conditions on the approval she suggests a condition that ITD approve those accesses which would be required anyway because they would likely be looking at turn lanes with the speeds on Hwy 55. There could be clarification with the highway district of working through what improvements they may or may not require at Board direction.

Will Howard, a landscape architect with the Stack Rock Group, testified about the project design. The luxury RV resort will be tucked in the back and will be surrounded by buffers to help mitigate the other uses that might not be as friendly. The resort functions on its own but is still tied to agricultural uses. The main entrance will be off Lowell Road to tuck the traffic around the backside rather than bringing it off Hwy 55. The spaces are meant for luxury RVs, rather than day-use camping. Amenities include a pool, dog park, picnic areas, pavilions, fire pits, playgrounds, walking paths, bocce ball, pickle ball, and large berms and buffers around the outside to bring in the higher-end RVs. The orchard will screen the front of the project. There will be native drought tolerant landscaping that they will water for the first few years and then they will cut the water completely. The irrigation pond will irrigate everything and it will be an amenity for the site. There will be a

water reclamation system; local agriculture systems, and sustainable landscaping practices. Site buffers include: a 35-foot buffer on the bottom; a 55-foot buffer on Lowell Road; an 85-foot buffer along the back, and a 100-foot buffer which will be the working fruit trees along the front. Following his testimony, Mr. Howard responded to questions from the Board.

Tristan Bounds is a wastewater engineer who offered testimony regarding the nitrogen priority zones and the wastewater reclamation facility planned at this location. He has designed multiple RV resorts around the country and has 20 years' experience working on centralized wastewater treatments. Because of the nitrate concerns they have elected to look at getting a water reclamation permit through IDEQ and they will treat all of the wastewater to reuse for irrigation. Being able to reuse the water and the nutrients to grow vegetation around the property has a multi-beneficial use and mitigates a lot of the concerns about the nutrients in the nitrogen priority zone but also with regards to concerns about odors, and other issues associated with wastewater. He estimates the proposed wastewater system will cost \$1.5 million. Following his testimony, Mr. Bounds responded to questions from the Board.

(The Board took a recess from 10:41 a.m. to 10:51 a.m.)

John Starr is a real estate advisor for the Symms family and he offered testimony about the history of the property. He grew up in the area and worked for the Symms family, and his father managed the packing shed for Symms for decades. They have spent a lot of time over the last five years talking about what they can do to enhance business and take advantage of agritourism. For over 100 years this has been a core area of commercial development where businesses have operated as a commercial produce development area. The neighbors are speaking against the application but are actively pursuing residential development on two of the Troost parcels that border the property. The Symms Fruit Ranch is a commercial operation, and this proposal is an extension of that operation by taking advantage of agritourism. They have over 1,500 acres of farmland in Sunnyslope and much of the character of that area is because of those 1,500 acres. An RV resort will enhance the agritourism of the area, which is a community operation, not just something for the Symms family. A typical RV park is built-out at 7 units per acre and on these 30 acres that would be 210 units, but the applicants are seeking a higher quality resort and have reduced the number of units by over half. Mr. Starr spoke of the demand for this type of proposal noting there has been a 30% increase statewide in camping in the last 2 ½ years and RV use is "exploding". The Symms family has spent five years talking about the future of the business and said there has been communications with the neighbors, some of whom very much support the proposal. Following his testimony, Mr. Starr responded to questions from the Board.

Dar Symms gave testimony regarding the state of the commercial fruit business in Idaho, and how the commercial packing sheds are a difficult business. He spoke about plans to use the accessory buildings on the site for packing and processing and their plans to utilize some of the culled fruit (dried fruit, juices, freeze dried fruit) and turn it into a processed product, pack it onsite, and then it will go their fruit stand with the fresh fruit. He testified about the irrigation pond that will serve over 100 acres, including their property across the road; their plans to utilize a licensed water

operator to serve the community; and the tank that will be utilized for fire suppression. Following his testimony, Mr. Symms responded to questions from the Board.

Jamie Mertz has been a resident of Sunnyslope for over 50 years and believes the location of the RV resort is perfect because of the five-lane highway. His family's goal with this proposal is to keep farming, noting that the subject property represents 1% of the total ground they farm. The Symms are a fifth-generation farming family and they have been very diversified in their fruit and they look at this proposal as another way to diversify so they can stay in business. The RV resort will bring agritourism dollars to the area and will put less stress on services than a residential housing development would. They want to display historic farm equipment onsite and talk about the history of farming in the Sunnyslope area. Their business plan is having a fruit stand onsite that would be open year-round to create income that is not straight wholesale fruit related. They have not made a financial business plan. They will have someone onsite at the resort and they will oversee the fruit stand processing operation as well. Following his testimony, Mr. Mertz responded to questions from the Board.

Matt Dorsey testified he attended the comprehensive plan hearing and had objections to the agritourism portion and after listening to the questions being asked today it proves his point as to why he has a problem with agritourism. He said before the "*Save Sunnyslope*" people moved to the area, the existing residents had already made Sunnyslope, and they have a track record of protecting it/farming it. The farmers in the area are still there because they have adapted. He believes the roads in the area are sufficient for the project and he spoke about improvements that have been made to Lowell Road. He said the Symms have made Sunnyslope and they are good neighbors and they are spending millions of dollars on the project and are doing it right. Mr. Dorsey's family has been farming in the area for several generations and they have done everything they can to stay here. Farmers should be able to continue to save their farms and keep Sunnyslope. Following his testimony, Mr. Dorsey responded to questions from the Board.

Neutral testimony was as follows:

Janet Northrup offered neutral testimony both as a local resident and an owner of a small vineyard and winery. She holds the Symms family and other orchard owners, farmers, and ranchers in high regard because their families had a vision and passion early on to create the Sunnyslope community. Initially when she heard about the proposal she opposed it but after more research and conversations she is supportive if certain conditions are met. We cannot avoid growth but we can support responsible growth. She was part of the group that wrote the agritourism definition and overlay in the comprehensive plan and she researched successful implementations in surrounding areas in the Pacific Northwest and she believes the proposed RV resort provides a reasonable land use balance for several reasons: 1. It fills a void; there are very few places for people to stay in this area. 2. RV agritourism is growing rapidly. RVs and agritourism go hand in hand and there is a large and growing community of people who seek opportunities to engage in agritourism activities while staying in an RV resort. The Symms are longstanding community members, and she believes they will listen to concerns and take them into consideration and design a process that moves forward. The design, style, and size need to align with the agritourism

goals of the comprehensive plan. The new design includes orchard buffer zones, a fruit stand, u-pick opportunities, and a cider facility among another agritourism opportunities. She believes the Board should approve the request with continued discussion requests, and additional information with specific conditions. She encouraged people to call or meet with John Starr or Dar Symms to express concerns, make suggestions and learn more about the project.

Testimony in opposition was as follows:

Craig Davis testified he empathizes with the applicants and Ms. Northrup and the perspectives they brought. He is representing his winery along with other Sunnyslope wineries. There are 17 wineries in Sunnyslope, and except for Ste. Chappelle Winery and another who has remained neutral, the others are trying to preserve Sunnyslope. He referenced a petition that contains over 1,700 signatures of people who want to protect Sunnyslope and keep it agricultural, and the question is whether an RV park is part of the flavor they want to keep in Sunnyslope. The wineries do not need an RV park. The proposal has really changed its emphasis to be a fruit stand and potentially have a crush pad and he thinks that's great, but when he was initially approached about the proposal he encouraged the Symms to engage with the wine trail and its members but those conversations never happened. Two weeks ago, he visited River Haven, an RV park along the river that originally started out as a destination for people to park RVs and visit wineries and enjoy the beautiful view of the river, but it is a trailer park and the RVs are there permanently. He appreciates the 20-day stay contingency with this project, but questions who is going to enforce it. His concern is that with the housing shortage the business model will collapse, and it will become a trailer park for people to stay permanently. There has to be a contingency for fines or a process to ensure that does not happen. Mr. Davis said if the applicants had accepted the offer to talk with him about how agritourism truly fits in to this RV park he would have suggested the stay be no more than five days. The comprehensive plan recognizes the area as agricultural and that's what he is asking for. He spoke about the shortage of grapes in the area, and said if we are trying to adapt we need to adapt within the agricultural boundaries of the comprehensive plan because if we don't we'll bury our precious resource of land under concrete and asphalt.

Wayne Rundall testified about traffic and road safety concerns. He referenced an upcoming CUP application for an amphitheater on the Symms property, and said he can envision an issue with people staying at the RV park and attending concerts/events on the other side of Hwy 55 creating a safety hazard for pedestrian traffic.

Sarah Arjona is a planner with Salabar and Associates and she has experience with ITD as well. This is not a commercial zone, this is an agricultural zone, and the P&Z Commission requested the application be for a rezone because it would be an allowed use. Agritourism is defined as agricultural activities that are supported by commercial, but that's not what this proposal is. She spoke of the differences between the original site plan and the new plan which shows amenities, but they are not part of the application. She said the Board should consider the application that's before it with the uses that are defined.

Gerri Smith testified there is so much more at stake than just the RV park. On December 1st the applicants will request a 5,000-seat amphitheater across the road and we cannot ignore that. This is a gateway area so we have to be careful and it's better to say no rather than change the entire area. She is concerned the traffic safety issues along Hwy. 55 and the other roads in the area will be exacerbated with large RVs trying to slow down and turn onto Lowell Road. Other concerns include fire safety and the response time from the Marsing Fire Department which is a volunteer organization; light pollution; noise; and the density of the project. Ms. Smith said the plan itself is beautiful, but the location is horrible.

Robert Salabar testified he lives on Frost Road and he has an office at the corner of Lowell Road and Plum Road. He is a developer and has respect for the Symms family, but that does not give them full rein to do whatever they want. They have submitted a pretty picture that's very different from what they saw at the first hearing. It looks like a park, but at the end of the day it's a 15-acre parking lot and is twice the size of the Walmart parking lot on Caldwell Blvd. The size and scope of the project are massive, and allowing 105 units in the middle of farmland in the wine region will drastically change the ambience and character of the community. This is the gateway to the wine region, Canyon County, and the state and the first major project you will see is the RV park and he questions if that is the vision and standard we want to set for the area. He's concerned approval of the project in this location will set a course we won't be able to stop. Mr. Salabar is a civil engineer and has been involved in transportation development for 30 years. He sent an email to John Starr 2 ½ months ago and asked about getting a third-party planning consultant to assist with a general master plan of the area, which he offered to share in the cost of. He believes approaching Sunnyslope with a more global view would benefit everyone in the community and result in a better financial future for everyone and offer a clear direction and vision for the future of this region. Unfortunately, the response was that Ms. Symms did not have an interest in pausing the process and engaging with Mr. Salabar at this time. Mr. Salabar said his offer still stands to plan together, share in the cost, and make it a destination location. He believes an RV park will devalue the area. Following Mr. Salabar's testimony he responded to questions from the Board. Commissioner Smith asked if he considering overnight stays in his development proposal. Mr. Salabar said he is considering overnight stays and added that his proposal is trying to preserve the area. The density of his residential subdivision is one residence per 8.9 acres. The Symms proposal is for 7 residents/mobile homes on one acre, which is 62 times denser than the one that will be considered in the future. Commissioner Smith asked him to refrain from discussing his project in case it comes to the Board for consideration.

Gary Brown testified that unprecedented growth requires a lot of due diligence and although the plan itself looks fine his concern is the law of unintended consequences and what will happen in the future. Already we are seeing proposals for an amphitheater, and he questions what else is going to come along. His concerns include: a dramatic change in the area; impacts to traffic patterns, law enforcement, fire/EMS services. If the proposal were located somewhere else it would probably be favorable.

Megan Lee testified she purchased her property 15 years ago because she wanted a safe place to raise her children and to teach them how to work hard and they grew up taking care of an alfalfa

field, bucking hay and gratefully they both work for Symms. She feels safe in the community but feels the proposal will change the area. Lowell Road is a quiet country road and she is concerned about the amount of traffic an RV park will bring.

Judy Leathers testified she's heard good things about the Symms family, and she believes the plan would be wonderful, but not at this location. She is concerned about hundreds of RVs going by her house and the resulting road and traffic safety issues, and she asked if the Symms will pay for the upgrades and new turn lanes if road improvements are required.

At approximately 12:30 p.m., Commissioner Smith said the Board would take a lunch break and she asked the applicants to consider the testimony for rebuttal and to consider possible conditions. She asked them to consider the Land Use Planning Act, specifically section 67-6512 regarding plans for social, economic, fiscal, or environmental effects. There isn't a business plan and so she doesn't know if this proposal can get off the ground. The Board should now what the cost to construct the project is, and it needs to consider economic and fiscal impacts before deciding. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to this afternoon at 1:30 p.m.

(The Board took a break at 12:37 p.m. and went back on the record at 1:39 p.m.)

In response to a question from Commissioner Smith regarding roads, DSD Planner Jenna Petroll said it looks like the roads within the RV park would need to be paved and they would need to be private roads because the project will serve more than two inhabited buildings and will have more than 100 average daily trips. Director Minshall made some clarifications: 1. related to previous testimony about the other buildings and usages on the property that were in the second site plan, but not the first, those were not part of the CUP because they are considered agricultural accessory, they were not commercial. That's why they came through with the CUP because those are explicitly allowed; it was the RV park that would require a CUP. The P&Z Commission's discussion was about an RV park being allowed in a commercial zone so they were saying that was another path forward. 2. There has been discussion about Hwy. 55 improvements, and she reported that the Hwy. 55 ITD study only goes to Pear Lane, it doesn't come the rest of the way down which is something we may want to have later conversations about continuing to advocate with these kinds of developments of the further four-lane cross-section further down, but even up to Pear Lane it's only preliminary engineering and design that is scheduled in 2026. Any funding for that section is long-term which means it's past 20 years. Currently there is only 120 feet of right-of-way with four lanes. If there is discussion about the traffic impact study and what it may or may not need with turn lanes if there is access on Hwy. 55, that may necessitate some additional right-of-way that would have to come through ITD.

Rebuttal testimony was offered by Todd Lakey. This is an agritourism use by a longtime ag operator who understands the land and the area and wants to continue to contribute the agricultural operations in Sunnyslope. Symms Fruit Ranch is best suited to decide how to support their ag operations and utilize other revenue opportunities in the form of agritourism which is recognized by the County and this location is an agritourism area. This application supports the

agricultural character of the area and will provide additional revenue for Symms and other ag operators in the area for their ongoing operations. It's a very small percentage of their marginal ground, about 1% of their total property. It's better to put an agritourism-type use on 30 acres than breaking up 350 acres for residential use as Mr. Salabar is proposing to do. The Symms' view supporting agriculture in the area differently and this is an effort to support their ongoing operations in the area. There will not be undue interference with existing or future traffic patterns. This was scoped with ITD and has been reviewed by the highway district. ITD reviewed the traffic study and was involved in the scoping and they noted they had no objection to it would not require any additional improvements. The only difference would be the accesses onto Hwy. 55 that would require additional review and they may be relocated potentially. There was testimony from Matt Dorsey who spoke about Lowell Road being widened and it designed and built so it could handle farm equipment. We have a proposed condition that will limit access to a left turn in from Hwy. 55 and right turn out to Hwy 55, so they will not be going down Lowell Road. The community well is already there and approved on the Symms property across the road. The community wastewater system has been addressed and they will be utilizing that system and meet the requirements. With regard to the petition referenced by Craig Davis, Mr. Lakey said the petition is very vague and very general - it just says *Support Sunnyslope*. It is not applicable to the application; the Symms application comes from an ag operator that built Sunnyslope and this is the best way to support their continuing ag operations on their other 5,000 acres. If you want to support Sunnyslope approve the project on this smaller scale of only 30-40 acres versus moving forward with the residential uses on the Salabar. They will utilize rules to prohibit ATVs from being unloaded on the property and being taken off the property. The opposition is largely from those aren't involved in farming but want to watch agriculture the way they want to watch it, but the Symms are the ones living it every day and having to make a living farming their property and this agritourism, ag-supported use will help them continue. As far as a business plan, they are confident in their ability to fund and generate revenue for their other ag operations. It's approximately \$4.2 million to finish the RV portion of the site; \$4.7 to \$5 million to include the fruit stand and packing shed. They are looking at a 6% return on investment and calculating about a 50% vacancy rate just to be practical with a \$65-\$75 charge per night. They are hoping to generate \$1 million a year in revenue to support their other agriculture operations.

There was a review of the proposed conditions as follows:

Condition No. 3: The applicants propose a change to strike the word ~~individual~~ because they are going to form a separate LLC that will be overseen/managed by Symms Fruit Ranch.

Condition No. 4: The applicants are agreeable that RV spaces shall not be available for rent until the entire site is built, in compliance.

Condition No. 7: The number of RV spaces has been reduced from 105 to 98

Condition No. 8: The applicants will maintain records of their business use of the property on the length of stay for individuals so the County can request a copy to make sure people are not exceeding the 20-day stay condition. They have a large motivation to comply with the conditions

because the CUP can be revoked if they violate the conditions. They will agree to a length of stay of no more than 20 days within a 6-month period

Condition No. 10: Requires those renting a resort space to sign a statement acknowledging they are staying in an agricultural area and that the right-to-farm applies. It can include information that guests of the resort are not to trespass onto ditch banks.

Condition No. 12: Requires the exterior be shielded and more directed. The site plan has to be generally conformed with. They had a 35-foot buffer in lieu of a 50-foot buffer on the southern edge.

Condition No. 13: The applicant will utilize trees and landscape buffers and maintain trees and other landscaping in a living condition and such that they will not interfere with existing agricultural production or orchard operations so that comes back to the Symms having expertise and they want to make sure whatever they plant does not interfere with other operations in the area.

With regard to location, Commissioner Van Beek asked if there is a different location that would be more sequestered. Mr. Lakey said the Symms did a thoughtful process in where to locate the facility, and the positive aspects are that it's on Hwy. 55 which is a major corridor and it's where the comprehensive plan calls for these things to be located. When people drive by it will look like an orchard with agricultural outbuildings and it will be designed to be very compatible with the area.

When talking about traffic and parking in Conditions No. 15 through 18, their intent was to have some kind of hard, but permeable surface. They will comply with ordinance requirements as well as highway district and ITD requirements. The property is in close proximity to the Marsing fire facilities, and they will meet the requirements of the fire district. A public water system and a community sewer system are required.

The applicants propose the following language for the additional conditions:

The site plan and noted improvements on the subject property will be completed prior to opening use of the RV resort by clientele.

Additional accesses on Hwy 55 are subject to ITD approval and may be different than those noted on the site.

The entrance on Lowell Road will be constructed to require RVs entering the site to turn left into the site and RVs leaving the site to turn right which so they are not going further down Lowell Road.

The rules for the RV resort will include a prohibition on ATVs being unloaded or used on the property. If they bring them to the site, they have to keep them loaded. This is an area where

clientele is meant to walk or bicycle. Golf carts may or may not be allowed, but if they are allowed they will be required to stay on site.

The internal roads will meet County ordinance road standards.

They went through the business plan and the costs and they thought about the rates and revenue that would be generated and they are confident it will be a positive economic impact to their ag operations. They have not done a study to look at the economic benefits overall. There are general studies that were done by the Wine Commission, for example, that talk about the millions of dollars generated by agritourism in the state and the jobs created.

Commissioner Smith said it seems the cost to build is much higher than what the Symms thought they could build it for. Mr. Lakey said they are looking at \$5M that included the fruit stand and the ag buildings, keeping in mind the Symms can do some of the earthwork themselves. Commissioner Van Beek asked if there were any other ideas that would include a natural setting or services and amenities, for example. Mr. Lakey said the Symms have been talking about this project for five years and a lot of thought and planning have gone into it. Breaking the property into residential parcels that can be used for an Airbnb at a much higher rate per night would do more to change the character of the area than focusing on an agritourism supportive use on 30+ acres. It provides the same appropriate public services, it may not be city sewer but it is a community system. There was further discussion about how this proposal supports and facilities agritourism; it's designed to fit with the area.

Commissioner Van Beek wants to know the information that was referenced from ITD on the potential accesses. Commissioner Smith said the traffic study does not include the accesses onto Hwy. 55 and did not consider the agricultural businesses that will be located on that property. If you considered Craig Davis's written testimony about the amount of effort it took to get his access for the winery because of the average daily trips, there could be changes to the traffic impact study when considering the entire use.

Commissioner Van Beek said that's a segue to the ensuing hearing that's coming for the cumulative effect of those applications; they are not joint applications but they are by the same applicant so we've had a lot of discussion as a Board and a lot of those proposals fall under studies or the effect to the entire area. Commissioner Smith said from her understanding the Symms own the land but somebody else would be developing the events center. Mr. Lakey said he wants to be careful on the topic; the applicants in that case do own the property, they purchased it from the Symms and the Symms own the property surrounding it. It is a separate application. Commissioner Smith said we don't have anything in our ordinance that would consider the cumulative impacts. Commissioner Van Beek said the Board needs to know what the plan is for the buildout in the County whether it's in an area of city impact or rural Canyon County. Commissioner White said this decision is going to be predicated on what is coming down the pipe and she should decide based on the merits of this project and how it's going to fit and the compatibility. She does not need any additional information. Commissioner Smith thinks there are a lot of unknowns on the feasibility of the project; the fire department being volunteer and

the response times; ITD is as big player but they have not provided comment; the impact study doesn't acknowledge ITD. She wants more information on the impacts on ITD and what those conditions might look like and she also thinks the Board could condition that. Commissioner Van Beek said during her first term in office she observed where 42 conditions were placed on a proposal which felt like if we had to go to those lengths to condition a project there was something that was either not a fit or it was a timing issue. This is not a bad proposal but it feels undeveloped and we don't have the necessary agency comments and she needs to be more convinced on the nature and character of area. She agrees that this area was highlighted as being unique and she's balancing that with the Symms' right to own property, develop property, to make a living at what they do, and the diversification of that. If this is the gateway to allowing other uses, and if it is then we should consider the P&Z Commission's recommendation to require a rezone to a commercial designation. Commissioner Smith said that would be spot zoning. Commissioner Van Beek said it seems inconsistent to lobby hard to have an ag overlay on everything and then to allow this proposal as conditioned used. Perhaps they should put in a restaurant. It seems limited in scope and we cannot enforce what we are trying to condition so there needs to be more persuasion that this is a right fit in allowing a very different use in an ag area from what's historically been there. Commissioner Smith said the balance needs to flip, there needs to be fewer RV spaces and more agritourism. Commissioner Van Beek said she struggles with how this will fit in the middle of the Sunnyslope region with the bulk being RV spaces. Commissioner White likes the proposal because there are a lot of events in the area and she thinks people will use it for a staycation. She doesn't have an issue with the 20-day timeframe.

Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony.

Commissioner Smith noted that the staff report provided RVs for denial that was provided with the most recent updated staff report. There were also RVs that were included in the P&Z Commission, and Mr. Lakey reviewed some of the conditions of approval that are available and that has findings that support approval of the plan. This is a difficult case for her because she supports agritourism. In the nearly 10 years she devoted to Destination Caldwell she's had hardly any interaction with the Symms on supporting agritourism and what that means. She sees an RV park and agritourism is a little bit of an afterthought and although she would like to be able to support the proposal it needs more work on developing fewer units and real plan that can be shared with the decision body. She does not find that it's truly an agritourism proposal and for that reason she will not support it today unless someone persuades her in the next couple minutes. The actions the applicant could take to gain approval would be a plan that fully analyzes the cost to build and a "full look" at the property not as planned unit development but what the real uses are and a plan that shows the full traffic impacts and what a person could expect when they go there, and we don't have that today.

Commissioner Van Beek said the proposal is a little bit underdeveloped and even though she has great respect for the Symms family and she understands what they are trying to do, but this is a decision that will be a significant impact like the Karcher Farms development on Hwy. 55 and those traffic mitigation plans have not gone through and the property is up for sale because they were

unable to mitigate that. We have key pieces in this, specifically whether the proposed use will be injurious to the immediate vicinity or negatively change the essential character of the area. She had a conversation with the DSD Director and some of the overlays were removed and then put back in and as a Board member who is moving forward with that she wants to see what that overlay... and she wants to include developers and the Symms family, and the cities and she wants to have a workshop with a roundtable discussion that helps us understand and gets buy-in to projects because the reality is we are not going to stop growth. This proposal represents a stark change and would almost be a whiplash effect in the Sunnyslope area and she cannot in good conscience do that. It's concerning to think there could be foot traffic or bicycle traffic on that road. There are unanswered questions on who will provide the services, how quickly we can get them there. There are some great plans on the engineering side, but there are a lot of unanswered questions on the effluent and things like that, and at this time she does not have enough of a plan.

Commissioner White believes the proposal is something that's needed because we don't have anything like it in the valley and if somebody has the financial backing and they can do something that will be a first-class project. She supports the proposal.

Commissioner Smith said the Board was looking specifically at the RVs, Exhibit 1, Page 2: Is the proposed use consistent with the comprehensive plan? That finding should be strengthened. Staff listed three policies that are not consistent and an analysis should be added to the conclusion because there are goals and policies that support this type of development, but if this were to be overturned a judge would look at that and ask for additional information on the comprehensive plan. She directed staff to look No. 3 and include an additional analysis for what's in favor and what's not and then make a finding based on that. As to whether the proposal is injurious to other property in the vicinity or will change the essential character of the area? Staff should include today's testimony as well as the exhibits about how it would negatively change the character of the area. With regard to undue interference with existing or future traffic patterns, she thinks there should be a statement about the impact study not including the full development proposal which includes the allowed agricultural businesses and the impacts to the accesses along Hwy. 55 should be added to the finding. Staff was asked to include language that says a public notice to all the service agencies was completed. The property is located within the Marsing Fire District which is a volunteer district and this Board has participated in a few hearings where people have talked about how the response times for the Sheriff's Office and the volunteer fire district are above the norm, and that definitely should be a consideration for a reason for denial. Commissioner Van Beek said where it says no evidence has been provided, you could interpret that that there was something returned but it wasn't substantive enough. Commissioner Smith said those agencies did not provide any information or data that there would be a negative impact to the services, however, there was public testimony regarding response times. They are inadequate for a growing area. Commissioner Smith does not like actions that the P&Z Commission stated as to what the applicant could do to gain approval, they recommended a commercial or industrial zone. It would be spot zoning. The steps they could take to gain approval in the future from Commissioner Smith would be reducing the density and increasing the agritourism opportunity plan. She directed staff to make those changes to the RVs for the Board to consider at a future date. Commissioner Van Beek made a motion to uphold the decision of

the P&Z Commission and deny the appeal for Case No. CU2022-0007-APL for Symms Fruit Ranch, noting the enhanced reasons for denial on Condition No. 3, 4, 7, and 8, and to refine the reasons on how to move forward with reducing density and increasing the agritourism components of this proposal, as well as including public testimony in response to findings of fact no. 8. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to deny. The motion carried by a two-to-one split vote. The RVs will come back to the Board at a later date. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND ACTION ITEM

The Board met today at 1:32 p.m. with county attorneys for a legal staff update and an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Oscar Klaas, Deputy P.A. Alex Klempel, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution designating surplus property and donating to the Payette County Sheriff's Office: Ms. Wendelsdorf explained that the Payette County Sheriff's Office is working to get onto the 700MHz radio system which is what is currently used for emergency communications. The radios being considered for donation are no longer used by the Sheriff's Office as they are not supported and have been upgraded for first responders. There are 16 portable and 16 mobile (for vehicles) units to be donated; they are no longer supported by Motorola and have an estimated nominal value of \$250/radio. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating surplus property and donating to the Payette County Sheriff's Office (see resolution no. 22-236).

The meeting concluded at 1:39 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 30, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – Out of office (Participated remotely in the morning)
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIM

- The Board has approved claim 589994 ADV in the amount of \$55,000.00

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jordan French, Maint. Tech I; and Kelsey Manwelier, SAUSA Attorney.

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/2/22.
- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 12/10/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Riverside Trailers in the amount of \$5,349.00 for the Fleet department
- Best Buy in the amount of \$6,764.80 for the Sheriff's Office
- KVM Switches Online in the amount of \$6,683.31 for the Sheriff's Office
- Dell in the amount of \$34,015.00 for the Sheriff's Office
- Quadient, Inc in the amount of \$22,581.33 for the Information Technology department
- Best Buy in the amount of \$4,082.25 for the Information Technology department
- ESRI in the amount of \$11,340.00 for the Information Technology department
- Oracle America, Inc in the amount of \$1,000.00 for the Information Technology department
- Neurilink in the amount of \$2,714.34 for the Information Technology department
- PEI – Perennial Energy in the amount of \$332,801.00 for the Solid Waste department
- Compressor World in the amount of \$96,164.00 for the Solid Waste department
- Stormedia Spirit Zone in the amount of \$5,232.10 for the Facilities department

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:20 a.m. to consider action items. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, Code Enforcement Supervisor Eric Arthur (arrived at 9:22 a.m.), Code Enforcement Officer Gary Westerfield (arrived at 9:32 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving a change in job title, job description and salary range of one (1) position in Development Services department (Planner I to Permitting Supervisor): Director Minshall explained this is part of her plan to adjust staffing to meet the needs of the department and grow employees. This will repurpose a Planner I position to a Permitting Supervisor to help with customer service at the front desk. The position has been reviewed by HR and a wage analysis has been done by Bosco Baldwin. Upon the motion of Commissioner Smith and second by

Commissioner White the Board voted unanimously to sign the resolution approving a change in job title, job description and salary range of one (1) position in the Development Services department - Planner I to Permitting Supervisor (see resolution no. 22-237).

Consider signing certificates of noncompliance for zoning/public nuisance violations as follows:

Mr. Arthur provided information on each of the following properties:

- 17481 Upper Pleasant Ridge Road (Mark and Virginia Clark) – Zoning and Public Nuisance
- 12885 Dennis Drive (Frank Skogsberg) – Zoning and Public Nuisance
- 23941 Freezeout Road (Mark and Mary Guijarro) – Zoning and Public Nuisance
- 28510 Harvey Road (Lawrence and Edna Logan) – Public Nuisance
- 21977 Duff Lane (River Bend Ranch LLC) – Zoning
- 5207 Joe Lane (Candice and Stacy Martin) – Zoning and Public Nuisance
- 5022 S. 10th Avenue (Thomas Wilson and Lea Knight) – Zoning

Commissioner Smith made a motion to issue the certificates of non-compliance on the above listed properties. The motion was seconded by Commissioner White with discussion. A vote was taken with the Board voting unanimously to issue the certificates of non-compliance.

23797 Boehner Road (Matthew and Opal Shaffer) – Zoning: Commissioner Smith will speak with Mr. Shaffer this week about working thru the conditional use permit process. However, if he doesn't apply soon the certificate of non-compliance will be issued.

Discussion ensued regarding an annual "free dump day" for property owners with active code enforcement violations. The Board suggested that DSD work with Director Loper and legal in order for a resolution to be created for consideration.

The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

Note for the record: unknown at the time, audio for remote participants was not working.

MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TCA TO DISCUSS GENERAL ISSUES

The Board met today at 1:32 p.m. for a monthly meeting with the Administrative District Judge and TCA to discuss general issues. Present were: Commissioners Keri Smith and Leslie Van Beek, Judge Davis Vander Velde, TCA Jamie Robb and Deputy Clerk Jenen Ross.

Discussion topics were as follows:

- Commissioner Van Beek asked about homicide cases making it thru the court system
- Payroll/salary issues will not be evaluated individually by the Board; a county-wide review will be done by Bosco Baldwin. No action will be taken on any one individual at this point.
- Courts will only be closed the regular federal holidays

- Office space is still an issue

The meeting concluded at 1:39 p.m. and an audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:47 p.m. with directors to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, County Agent Tasha Howard (left at 1:59 p.m.), Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour, Outdoor Recreation Planner Alex Eells, Aaron Mondada with Agnew::Beck Consulting and Deputy Clerk Jenen Ross.

County Agent:

- An info sheet with 2022 quick facts & impacts which gave numbers on community member and youth participants in direct education/ engagement, volunteer hours, social media numbers, contact with minority populations was provided to the Board and is on file with this day's minutes.
- Commissioner Smith asked about goals for the 2023 Fair and how it looks between the Extension office and Fair staff. Ms. Howard will reach out to Director Sinner to set a meeting.

A brief break was taken from 1:59 p.m. to 2:20 p.m.

Parks:

Discussion ensued regarding the Parks Master Plan and a copy of the presentation was given to the Board which is on file with this day's minutes. The topics covered in the presentation were as follows:

- Project motivations:
 - Partnership and coordination
 - Community
 - Priorities
 - Take action
- Project Timeline – input and engagement from: key informant interviews, technical advisory group, general public, special recreation groups, best practice research – there is still one more round of public input
- Engagement Key themes:
 - Review of the 7 themes

1. Parks, Open Spaces, Trails, Cultural and Natural Resources are vital assets for Canyon County that improve quality of life and help define the character of the area.
 2. The Snake River, Boise River, Lake Lowell, and Celebration Park are popular recreational destinations within Canyon County and offer significant opportunities for more development and investment in community parks and pathways.
 3. Preservation and sustainability should guide decision making around parks, pathways, and open spaces.
 4. Creating a parks and pathways system that supports a diversity of user groups is of utmost importance.
 5. Rapid regional growth and development are anticipated to continue, putting a strain on existing facilities and posing a risk to undeveloped land that in many cases would be ideal for open space and pathway utilization.
 6. Funding and staff capacity are challenged in the face of a growing population and expanded demand for assets and services.
 7. There was a high level of support for the County to explore additional funding mechanisms to support Parks, Pathways and Cultural Resources.
- Plan Vision and Guiding Values
 - Vision statement
 - Values: Access for Everyone, Sustainable Places and Practices, Build Community, Preserve and Share History, Culture, and Nature, Encourage Health, Create Fun

Right now, the Parks Master Plan will be passed as a stand-alone but it could be an addendum to the comprehensive plan as it complements the overall plan.

- Goal areas
 - Parks, Cultural and Natural Resources
 - Pathways and Connectivity
 - Special uses and recreation opportunities
 - Management and Policy
- Priority Investment Areas:
 - Snake River Recreational Corridor
 - Boise River Greenbelt
 - Lake Lowell Pathway and Improvement

Discussion ensued regarding a letter of support and/or also possibly developing a Parks impact fee committee.

The Board went off the record from 3:05 p.m. to 3:24 p.m.

Once back on the record, an update on the process of getting an agreement with the Deer Flat Wildlife Refuge was provided. The Board gave direction to Director Schwend to continue moving the project forward. They would like to have a meeting on December 13th at 3:00 p.m. for possible adoption of the agreement. The meeting concluded at 3:26 p.m. and an audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589995 ADV in the amount of \$265.50
- The Board has approved claims 589996 to 590036 in the amount of \$75,201.00
- The Board has approved claims 590037 to 590073 in the amount of \$89,840.55
- The Board has approved claims 590074 to 590109 in the amount of \$91,972.25

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Cardio Partners in the amount of \$2,726.00 for the Parks Department

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/3/22, 12/7/22, 12/8/22, 12/10/22, and 12/11/22.

CONSIDER SIGNING A RESOLUTION GRANTING A TRANSFER ALCOHOLIC BEVERAGE LICENSE FOR CALDWELL BOWL

The Board met today at 1:23 p.m. to consider signing a resolution granting a transfer alcoholic beverage license for Caldwell Bowl. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. There were no questions or comments regarding the transfer and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license for Caldwell Bowl (resolution no. 22-238). The meeting concluded at 1:23 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 1:31 p.m. for a monthly meeting with Directors to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed (left at 1:39 p.m.), Solid Waste Director David Loper and Deputy Clerk Jenen Ross. The action items were considered as follows:

Director Loper explained this project has been budgeted for in FY2023 and will include improvements to the ingress and egress off Missouri and improve asphalt around the site. Mr. Laugheed said this is a standard IFB template. The project architect has supplied names for several companies that may be interested in submitting a bid that this IFB will be sent to along with being open to the public. The project won't begin until the spring or summer and Mr. Loper will need to work with the contractor on timing and logistics regarding security and ensuring the landfill remains open during business hours.

Consider Signing Legal Notice Inviting Bids – Canyon County Pickles Butte Sanitary Landfill Beautification Project: Hardscaping: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the legal notice inviting bids for the Canyon County Pickles Butte Sanitary Landfill Beautification project: Hardscaping.

Action Item: Consider Signing Invitation for Bids: Pickles Butte Sanitary Landfill Beautification Project: Hardscaping: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the invitation for bids for Pickles Butte Sanitary Landfill Beautification project: Hardscaping.

Other updates included: tonnage numbers for October and November; notification that IFBs for the dust control system and for the building of the gas collection system will be coming forth in 2023; household hazardous waste event will take place on December 14th at O'Connor Fieldhouse; Director Loper will work with Code Enforcement Supervisor Eric Arthur on free dump events for residents with current code enforcement issues.

The meeting concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: AN APPEAL BY DUSTIN AND KRISHINA RIGGS OF THE HEARING EXAMINER'S APPROVAL OF CU2022-0022, CASE NO. CU2022-0022-APL

The Board met today at 9:08 a.m. to conduct a public hearing in the matter of an appeal by Dustin and Krishina Riggs of the Hearing Examiner's approval of Case No. CU2022-0022, a conditional use permit (CUP) on Parcel R32942010A to allow a telecommunications facility within an agricultural

zoning district. The case was approved on August 17, 2022. The 0.20-acre property is located roughly 875 feet south from the intersection of Karcher Road and Wagner Road in Caldwell. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Maddy Vander Veen, Dustin Riggs, Krishina Riggs, Stacy Gulley, Colby Lampman, Mary Tomlinson, Jennifer Boersma, Lamon Loucks, Andy Cockle with Maverick Towers, Tera Hudson, and Deputy Clerk Monica Reeves. Commissioner Pam White arrived at 9:35 a.m.

Commissioner Smith said the Board has received a lot of late exhibits and she and Commissioner Van Beek discussed taking the representative's testimony and hearing the staff report this morning and taking a break at 10:00 a.m. so they can have time to read the exhibits to have a full understanding of everything that's been presented. The hearing will resume at 3:00 p.m. this afternoon and the rest of the case will be heard. Commissioner Smith disclosed that she knows Colby Lampman on a professional level but has not discussed this case. She is very familiar with the site as she drives by it frequently.

Maddy Vander Veen gave the oral staff report. On April 15, 2022, Andy Cockle with Maverick Towers, LLC, representing Lamon and Melissa Loucks, submitted a CUP application for a telecommunications facility. On August 17, 2022, the Hearing Examiner approved the request. On August 31, 2022, Dustin and Krishina Riggs filed an appeal and described multiple concerns: the distance of the tower to the house located at 15775 Wagner Road, and the proximity of other houses; the flight paths of migratory birds; and the impact on property values and aesthetics of the area. The tower height was originally proposed to be 199 feet, but was reduced to 150 feet at the previous hearing. Public comments include concerns about: radio frequency emissions which are regulated by the FCC; and a negative impact to migratory birds, property values, crop dusting pilots, and to the skyline. Two letters of support state that cell towers do not decrease property values and argue against the opposing comments. Ms. Vander Veen reviewed the late exhibits that were submitted. Staff is recommending the Board deny the appeal and uphold the Hearing Examiner's approval of Case No. CU2022-0022.

The following people testified in favor of the appeal/opposition to the conditional use permit:

Krishina Riggs is the property owner at 15775 Wagner Road in Caldwell, and she asked the Board to overturn the Hearing Examiner's decision for the following reasons:

The staff report and accompanying exhibits did not accurately include or portray the close proximity to the home she and her husband built next to the .02-acre parcel of which the applicant is seeking a CUP. Dustin and Krishina Riggs own Idaho Impact Homes and they build beautiful quality homes on acreages in the country where people can experience their dream of rural living. They were unaware of the necessity to submit evidence prior to the hearing and did not provide the Hearing Examiner exhibits to present their case. The Hearing Examiner expressed being very divided on the decision he had to make with only the evidence he had in front of him and felt the proximity of the Riggs house to the structure would have some effect on the resale value of their property and its livability. The appeal is intended to bring accompanying evidence forward so the Board can decide with complete and accurate evidence. Ms. Riggs referenced a scaled rendering;

the sheer mass of the tower being alarming close to her house, the neighbor's house and the Snake River Valley Wine Region surrounding it. The updated comprehensive plan states this region needs to be protected as it's a major source of tourism and agriculture. The feedback from potential buyers has been overwhelming negative to having a 5G tower in the area, and when buyers learn a tower could go up next door the interest has died time and time again. The Riggs have decreased the asking price of their home by \$300,000, and as of today have yet to sell the home with the possibility of a tower being constructed next to it. If they were to sell for the current asking price they would incur a devastating loss of \$200,000. They are 17 months into and well over \$900,000+ into this project and the only prospect they have of selling the home is with a buyer who is awaiting the outcome of this appeal. The Riggs' and private investors have significantly more at risk than Maverick Towers in this case as their home cannot be moved, but the proposed site for the tower can be moved.

In response to questions from the Board, Dan Lister gave testimony regarding property divisions, including requirements and exceptions. The parcel where the cell tower is being proposed is an illegally divided parcel which is why a CUP would give it a use. It's not a buildable lot for residential use, it was a split that was done to create the applicant's parcel, and for the wireless site; it was not done according to County code.

(Commissioner Pam White arrived at this point in the hearing at 9:35 a.m.)

Stacy Gulley testified she is an investor in Idaho Impact Homes and when they were looking at this piece of property, they were told the small piece that was split off the property would be used as an entrance to a subdivision behind the house. At no time was it disclosed that a tower would be put there. As part of the investing group, they would not have invested in the property had they known a tower was going there. The tower going on the property has hurt their investment by several hundred thousand dollars already. Following her testimony, Ms. Gulley responded to questions from the Board.

Mary Tomlinson testified she has lived on Wagner Road for 50 years and is opposed to the placement of a 15-story cell tower in a country setting. She is also concerned about the flight patterns of migratory birds and the impacts on the bee population which is vital to agriculture. She submitted a photo of a large cell tower in the area. Commissioner Smith noted the cell tower shown in the photo is located near her previous home on Farmway Road and Linden Street.

Jennifer Boersma lives in close proximity to the proposed cell tower, and she stands in opposition to the application. The size, stature, and lack of appeal violates CUP condition #4 as it is injurious to other properties as well as the Snake River Valley region, and the residents one mile north and one mile south of the site. This is an agricultural area and the residents expect a rural lifestyle. She is not against development but the nature of this development is very opposed to a rural lifestyle. Furthermore, the property is a suboptimal location for a tower and is in the flight pattern of migratory birds. She believes an environmental impact study should be requested prior to the construction of the tower. Ms. Boersma and DSD staff responded to follow-up questions from the Board. Mr. Lister advised that a hearing notice was sent to the Deer Flat National Wildlife Refuge,

but they did not provide comment. Ms. Boersma said she spoke with the refuge biologist who indicated to her he was surprised he had not heard about the application.

Commissioner Smith said the Board should not consider alternative locations; the application is for the subject property and we should not be considering whether it could be located in a different location.

Colby Lampman, a real estate broker, offered testimony regarding the negative impacts and the loss of value for properties that are within visible range of cell towers, and his personal experience is clients have turned away from them. The National Association of Realtors is a reliable source of information and there is a lot of research and economic studies, specifically three different ones that the NAR website provides, and he shared that information with Dustin Riggs. One study found the homes that are close to cell towers sell for a discount of up to 7.6% and that any noticeable affect or decrease in value disappears at 1,500 feet away from the property that's been sold. Another study found on average the potential external costs of wireless tower have a negative impact of 9.7% and is much more severe for properties within visible range of a tower compared to those not within visible range of a tower. The negative impact vanishes at distance exceeding .72 kilometers. A third study found that cell towers negatively affect adjacent property values, and the negative impact decreases with the distance to the tower, and the largest effect occurring within the first 200 meters. Despite various towers having different visual affects which demonstrate that the residents' concern is more on the health impact and visual effects and that's the reason it impacts property values because people have that concern, assumption, or overbearing fear. There is a range of anywhere between \$83,600 up to \$107,600 based on the data and the statistics, and he knows the Riggs are having to sell the home for significantly less than that, the difference could be a reflection of how unsightly the tower might be or other factors. There has been an impact in property values naturally overall, but he wholeheartedly believes a big portion of what the Riggs' loss in value is, is attributed to the cell tower. Mr. Lampman believes the cell tower is injurious to properties in the area. He offered testimony regarding property appraisals and market economics, and there were follow-up questions from the Board and further discussion ensued.

Commissioner Smith wants staff to provide information regarding the \$225,000 value that was included on the building permit. She referenced information on Zillow that shows the home had a price cut on November 10 and is priced at \$799,000. Mr. Lampman said Zillow has limited information and is known for following the agent's asking price when they do their estimates of what they predict the value to be. He said Mr. Riggs just closed on another property with the exact same floor plan in the same vicinity, with a buyer at \$1,050,000. Commissioner Smith said Zillow shows the listing in May at \$1.1M and it shows a continual price drop until today at \$799,000 with a home value of \$777,000. She asked for confirmation of what the comparable home was and the date of sale, including comparable location. Commissioner Van Beek said the Associated Taxpayers of Idaho have experts evaluating residential and we could look at that website for home valuation sales, how long they're on the market.

At 10:16 a.m. Commissioner Van Beek made a motion to continue the hearing to this afternoon at 3:00 p.m. The motion was seconded by Commissioner White and carried unanimously.

The hearing resumed at 3:08 p.m.

Commissioner Van Beek said she Googled 5G emissions and said the applicant references ionized versus non-ionized radiation but makes no distinction on what types of emissions are from the proposed tower. Dan Lister said as stated in the staff report, the FCC regulates RF emissions as part of their review of wireless facilities. Typically, they need local approval first and they go to the FCC for their final review and approval and at that point they are making sure it meets their standards and requirements for RF emissions that are guided and mandated by the FCC. Staff's conditions of approval say they have to meet the regulations and standards of the FCC. The County cannot decide based off RF emissions. Commissioner Van Beek disclosed that on July 18, 2022, she scheduled a tour with Eddie Owens, the manager of the Deer Flat National Wildlife Refuge and highlighted nesting areas for an endangered species. It is Manager Owens' job to provide protection and habitat for that species and we are absent that information. Commissioner Smith said the property is very close to the reserve and a comment from them would be helpful when we are looking at whether it would be injurious. That conversation could be had at the end of the hearing. Commissioner Van Beek disclosed that she contacted the Associated Taxpayers of Idaho and they agreed provide information on housing sales and what that's doing for this area, but she has not yet received the information but asked if the Board wants it produced. Commissioner Smith said maybe; she knows housing prices are dropping versus the impact on value because of a cell tower. Commissioner Van Beek disclosed that she had the County's facilities director measure 100 feet so she could get a visual of what the height looks like. Discussion ensued with staff about the height of the tower.

Testimony in favor of the appeal/opposition to the conditional use permit was as follows:

Dustin Riggs is a homebuilder and the owner of the property at 15775 Wagner Road and he testified about the sales data for comparable homes that are not located adjacent to a cell tower. A property that is an exact comparable for his house on Wagoner Road sold a few weeks ago for \$1,085,000. An appraisal for the home on Wagner Road shows the house was given a value as determined by a licensed appraiser of \$1,056,000, but buyers are not buying because a 150-foot cell tower has been approved to be installed. They had an offer to purchase the property for \$1,099,990, but it was rescinded by the buyer once they discovered a cell tower was going next to the property. Mr. Riggs said he would not have invested so much time and money had he known a tower was being built next to the home. He spoke about other proposed sites, but Commissioner Smith said the Board cannot consider alternative sites. Mr. Riggs spoke about cell tower safety. In March of 2021 a settlement was reached by plaintiffs in the collapse of a cell tower and the judgement was for \$3.2M due to loss of life and property. OSHA has detailed over a dozen cases of tower deaths in a two-year span from 2011 to 2013, several of those were from towers or equipment falling or collapsing.

Dan Lister provided testimony on the program DSD staff used to determine the value that was listed on the building permit, see Exhibit #21.

Tera Hudson is the listing agent for the property and for the Riggs and she testified that marketing efforts have been halted in producing a buyer for this property. There have been over 11,000 contacts on this property; 1,779 visits to the property, and several buyers that have come to the property in hopes to buy, but due to the proposed cell tower buyers have backed out time and time again. Concerns include: the tower's proximity to a residence, and the impact to migratory birds.

Testimony in opposition to the appeal/in favor of the conditional use permit was as follows:

Andy Cockle testified that Maverick Towers is a small locally owned wireless infrastructure development and tower owner company that has been in business for quite a while. All the issues mentioned today were brought up at the CUP hearing and there hasn't been anything new that wasn't considered by the Hearing Examiner, nor has he seen any new evidence. He referenced Attorney Josh Leonard's letter dated November 30, 2022 which covers a lot of the concerns raised by the appellants from a legal perspective and it provides a substantial amount of evidence countering all the concerns raised by the appellants. Mr. Riggs stated they were not aware of the tower but that's not true. Lamon Loucks, the property owner, is present today and he will speak about his conversations regarding the tower and when he sold the property to Impact Homes to build their speculative home. Mr. Loucks' attorney, David Leroy, submitted a letter which Mr. Cockle summarized as follows: Loucks and Maverick Towers negotiated reciprocal quitclaim deeds with Dustin Riggs of Idaho Impact Homes. The transaction from the outset through Pioneer Title with two contemporaneously prepared documents was designed to accomplish two purposes: obtain and utilize a building permit for a residence for Impact Homes, and reserve allowing a 60-foot-wide parcel site for the T-Mobile cell tower. It was also stated that when they first heard about this Mr. Loucks was seeking an access road instead of a tower, but that's not true. If he wanted an access road he would have requested an easement; there was no reason to parcel off the property. The only intent in parceling off the property was to place this tower on it and that was disclosed to Mr. Riggs before he purchased the property. When he did disclose it he asked if he would like to buy the property back and he made the decision to move forward and build the home knowing the tower was being proposed next door.

The Board asked questions about the documents referenced in Mr. Leroy's letter. Dan Lister said staff found the quitclaim deeds conveying the 0.205 acres from Impact Homes to Mr. Loucks on March 30, 2022, recorded on April 1, 2022.

Mr. Cockle said they are claiming it was for an access road, but there is no need for Lamon Loucks to have an access road, he didn't own other property in the area. You would not do that through quitclaim deed, you'd do it through an easement. He said the Riggs have identical properties listed in the valley and one has been for sale since March of 2021, the other has been on the market since July 10, the same as the property on Wagner Road, and they've had similar price reductions on both properties. The market conditions have changed, interest rates have doubled. He believes they inflated the values of homes; the appraisal would need to be done based on the current real estate market. Properties have been on the market and they've had repeated price

reductions similar to the Wagner Road house. It's the market that has changed dramatically since last year. There are no windows in the house that look toward the tower, it won't be visible from inside the house. Regardless of where he builds a tower, there are birds and he has to address that each time. The industry is regulated by the federal communications Commission (the FCC) and it's one of the most regulated industries in the U.S. Part of the approval process includes the National Environmental Protection Agency, the State Historical Preservation Office, and Indian Tribes; hazmat testing, soils testing, as part of the environmental review at the federal level he has to go through the Endangered Species Act and they evaluate if there is a problem with migratory birds and he either has to mitigate those issues or they tell him he cannot build a tower in that location. He is vetted very heavily at every level and the federal government will not let him install a tower if it's a problem for migratory birds or he must come up with some type of mitigation on the tower, whether that's netting or a nesting platform or some kind of deterrent that would keep the birds away from the tower. There is a rigorous approval process at the state and federal levels. The first part of the process is getting the land use approval before he spends a lot of money to jump through the hurdles. The Board had follow-up questions regarding his experience with the FAA and FCC review/approval process. Mr. Cockle has provided recent studies that found there is no measurable impact on the value of real estate from cell towers. The appellant has not provided any evidence, other than oral testimony, to show a difference and the Board should make it's a decision based on the evidence presented. He agrees with the recommendations from staff and from the Hearing Examiner. Following his testimony, Mr. Cockle responded to questions from the Board.

Commissioner Smith believes the Hearing Examiner exceeded his scope by approving it at 150-feet as a condition of approval, because we can only look at 100 feet until we have FAA approval. Mr. Cockle said 100 feet won't work because when they did their analysis of this location they used software that analyzes certain heights, topography, and demographic and they came up with a general height they thought would work and that is 199 feet. After getting some pushback they used radio instruments and measurement tools and did a drive test to figure out the level of coverage/noncoverage in the area and they determined they could lower the height to 150 feet. That's the minimum height that will accommodate multiple carriers and provide the coverage. Setbacks are determined based on the engineering of the structure, and he has met the County's standard setbacks. There was further discussion regarding setbacks, height restrictions, insurance coverage, location selection based on search ring, radio frequency technology, radio frequency emissions. Mr. Cockle said the emissions are regulated by the FCC and he is not required to provide health related information per the 1996 Telecom Act, and it cannot even be considered in this hearing as a reason for denial of the tower. Commissioner Smith said this site is a thoroughfare to the number one recreational area in the County and this is the main road to the dam so it should look nice. She asked if irrigation is available. Mr. Cockle said there's been no need for irrigation at this point but if the Board is considering some kind of landscaping buffer he is open to that if required. Commissioner Smith said it would be nice to have the approval from the FAA, so we understand what they require and it's more of a partnership working together on mitigation conditions. What about a response from the wildlife refuge? Mr. Cockle is not opposed to it but he'll defer to federal regulators and the experts in the environmental review. He is willing to comply with any rules and regulations imposed. In response to a question asked by

Commissioner Smith regarding injurious, Mr. Cockle said he's aware of court cases with other developers that are in federal lawsuits with Ada County and Boise County because they met all the conditions of the code and the counties used certain criteria to deny the towers that is not allowed by the 1996 Telecommunications Act.

Lamon Loucks testified that he sold the entire parcel to the Riggs and then they quitclaimed a piece of the land to Mr. Loucks knowing he was going to apply for a cell tower. He stated he disclosed the tower to Dustin Riggs, with Pioneer Title Company and attorneys involved. The property behind that Mr. Riggs said was going to be used for a road was either under contract with or already sold to the Troost Family Trust and he had already received a check from the Troosts for \$350,000 because he had to wait until a certain date before they could close. He said Dustin Riggs called him approximately four (4) weeks after the deal and said he did not make a very good deal so Mr. Loucks offered to return his money so Mr. Riggs could find something else, but Mr. Riggs said he had already pulled the building permit. The 1.5-acre parcel was created before 2013 and was owned by Scott Frerichs. The 60-foot parcel was the only one his engineers created. He believes the parcel may have water rights but they are not deliverable, because if they were his family would have farmed it. There is no water on that side of the canal, they would have had to pump it from somewhere and get it on the other side of the canal. He may be able to get an easement from the Troosts to get water to the property if they need to make that happen. Mr. Loucks is a real estate professional and has sold many listings. He spoke about property appraisals, comparable properties, and the increase in interest rates. Mr. Loucks said he would consider buying the property back from Mr. Riggs at a value of \$700,000 to \$750,000. Following his testimony, Mr. Loucks responded to questions from the Board.

Rebuttal testimony was offered by Krishina Riggs who addressed the questions about the height of the tower. She testified that the claims by the applicant's representative that this case is "wild and baseless" have been proven to be inaccurate as shown in the testimony, legal real estate documents, and photographic evidence. The only baseless claim is the claim that the Riggs had prior knowledge of the .20-acre parcel being intended for the site of a 150-foot cell tower. The first time they heard about the tower was the letter they received from Maverick Towers for the public hearing notice and community meeting. They were unable to attend the meeting because they were out of state. The only reason they reluctantly agreed to quitclaim the property back to Lamon Loucks was because they were looking for land to build upon for their next project, and land was hard to come by and they didn't know a lot of people and they were introduced to Mr. Loucks. They agreed to purchase the 1.5 acres on Wagner Road with the understanding that it was ready to build on. The land did not have a building permit as they were told. The purchase and sale agreement expired in the timeframe it took Mr. Loucks to acquire the building permit, and the Riggs still intended to purchase the 1.5-acre parcel. When the building permit came through and it was time to pay for the property they were aggressively told they would need to quitclaim him back 60-feet off the 1.5-acre parcel for a road access for the property behind Wagner Road to the west to access the future subdivision was intended for 5-acre parcels. Mr. Loucks said if the Riggs would not quitclaim the 60-feet he would raise the price of the land they had previously agreed upon. The Riggs felt strongly the property would be a great investment even with the .20-acre loss so they verbally agreed to quitclaim it. Dustin Riggs had a conversation

after the purchase and wanted to discuss with Mr. Loucks the possibility of being compensated for the .20 acres they gave back to him, but Mr. Loucks was very upset by the request and threatened to sue if the Riggs did not quitclaim back the acreage. The Riggs consulted an attorney and were advised that it would cost more money than they were seeking to resolve it in court with Mr. Loucks. The Riggs never knew the land was intended for a tower and they were never approached by Mr. Loucks to buy it back from them. People do not like cell towers which is why they have been unable to sell the home. They realize the current market has affected the sales of houses and the house is being compounded by the difficult market with the potential of a cell tower being its neighbor. The significant financial loss they are incurring is not just because of the decrease in the real estate market; their house was put on the market before the downturn of the market showing that the tower is the primary reason why property has not sold. Their property on Chanel Drive in Wilder has been on the market for quite some time, but it's not a comparable property to the Wagner Road property due to its location. Mr. Loucks represented the buyer and the seller on that property and there is an easement directly north of that property that is affecting the desirability of the specific home. Despite the unique challenges of Chanel Drive, that property is pending at a full list price. The property at 25388 Bur Oak in Caldwell has been on the market for an amount of time that is within the expected timeframe given the current state of the market for a million-dollar listing. They have several interested buyers who are waiting for their homes to sell before the Riggs will accept an offer; they are will not willing to take the house off the market for a contingent offer at this time. The distance of the tower from the house is too close, if the tower were to fall, 40 feet of the equipment would crash into the RV garage, primary bedroom and living room. The purpose of including the letters for the landowners in the area that were never approached to be considered for the site of the tower is only to prove the statement made by the applicant in the initial hearing that there are no properties willing to lease them land, is untrue. Ms. Riggs said the Hearing Examiner was surprised to find out the house they built was not included in the photos provided at the hearing and said it would have been helpful evidence for him to make a decision. The evidence is accurate, factual, has merit and multiple reasons why the CUP must be denied. Ms. Riggs responded to questions following her rebuttal testimony.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek said both sides have persuasive arguments that are well researched. She can make a finding that the cell tower would negatively change the essential character of the area which is heavy, large scale agriculture. Also, there could be impacts to crop dusting activities. The area is a gateway to one of the most heavily used amenities in Canyon County which is Lake Lowell, and the wine region. She said it appears a cell tower may impact property values. She also believes the appellant's statement that there was an aggressive intimidation to get what they wanted on a cell tower. She believes the testimony provided by the Riggs outweighs the applicant's testimony. Commissioner Smith said in her opinion there is no legal evidence that it will change the agricultural character because there are cell towers in the agricultural areas and agriculture still thrives. There isn't any evidence for a finding for the Board to make that conclusion. During the hearing she said the Board cannot consider different sites for the tower because that's not what the application is for. There was a recent case where a judge looked at the Board's decision on a land use case and he stated there will be a decrease in property values which is a form of being injurious, and so if we can craft a

finding that there was evidence that proved that it was injurious in that nature that would help with a single negative finding. Commissioner Van Beek said in the testimony there appears to be injury based on the evidence provided that a buyer would purchase the property if not for the cell tower. That is injurious. We have nothing indicating there was an offer to buy back property and so the property owner appears to be injured in the process or a potential buyer would be injured in the process. Commissioner White said there is a compatibility issue with placing a tower right next to a home. Commissioner Smith said there could be a condition that the tower be no more than 150 feet with FAA approval, but if we do that we are giving up conditions that could be required based on aerial spraying, or the light on the tower. Commissioner Van Beek said she stands on her position that the tower changes the character of the area. Commissioner Smith said the comprehensive plan appears to be silent on telecommunication facilities, and she feels like that should be improved in what's said in the conclusions section. The conclusion said read: The proposed use is consistent with the comprehensive plan map and the written plan; however, there should be a statement that it's consistent because the plan is silent for the most part on these types of facilities. She agrees with population policy #2 that we should be looking at planning a base for anticipated populations and providing those services and back to the relevant testimony about the need for a cell tower and the need for highspeed internet. That is supportive of those policies, but she directed staff to address the plan and the map in the conclusion and the add information for the finding. There should be a reference for the question about whether it's injurious to other property in immediate vicinity – review the attachments that were provided and be specific on including the verbal testimony from a professional broker in the area on not the loss of value, but specifically the testimony regarding the loss of value with homes within 200 meters. We have two people in opposition who live within 200 meters that would be impacted. We should add a statement that there isn't anything in the area that has that type of character with that look and feel, however, she thinks a judge would throw it out because they place towers in residential areas all the time and they don't look like residential areas. We should focus on whether it will be injurious, however, there should be a general statement that it does not fit the character. Commissioner White said it's not about the zoning, it's in an agricultural area but she cannot approve it in the close proximity of the residential aspect of this farming area. Commissioner Van Beek said there is no way to impose a condition that would adequately mitigate for the aesthetics and the site. Commissioner Smith said the findings should state adequate irrigation is not provided in the proposal to adequately condition the property with landscaping that could help mitigate the character of the area concerns. With regard to what actions the applicant could take to gain approval, Commissioner Smith said they could: Provide an irrigation and landscaping plan; obtain preapproval from the FAA on the height and what the light restrictions or requirements would be so that the BOCC can evaluate what that impact would look like on the surrounding property; and obtain information from an independent source on the impacts of aerial spraying for agriculture so the Board can adequately condition the tower to minimize those impacts. There was evidence provided on the reduced property value on properties within 200 meters, and so the applicants could propose some type of mitigating condition that would be to perhaps pay a fair value for the loss of the road expansion. The applicant could obtain a statement from the Deer Flat National Wildlife Refuge regarding impacts and/or potential conditions that would reduce those changes to the character of the area or impacts to the property in the vicinity. Commissioner Van Beek made a motion to reverse the Hearing Examiner's approval and deny the CUP for Case No.

CU2022-0022, with the changes to the FCO's as per the Board's discussion and to add what the applicant could do to obtain approval. The motion was seconded by Commissioner White and carried unanimously. Staff will make changes to the FCO's and bring them back for Board approval. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 5:46 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING NOTICE OF LIEN FOR ABATEMENT OF PROPERTY LOCATED AT 11488 W. FLAMINGO AVE., NAMPA

The Board met today at 5:46 p.m. to consider signing a notice of lien for abatement of property located at 11488 W. Flamingo Avenue in Nampa. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The property was previously approved for abatement by the Board and the work was completed and the invoice was paid and today's approval will meet the requirement for the County to put a lien on the property and recoup the money the County spent on abatement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the notice of lien on the property in the amount of \$4,900 for work performed by Northwest Land Services on Parcel R31451. The meeting concluded at 5:48 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM
CALDWELL, IDAHO DECEMBER 2, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$1,162.51 for the Information Technology department

APPROVED CLAIMS ORDER NO. 2305

The Board approved payment of County claims in the amount of \$2,083,667.90 for a County payroll (approved electronically)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Devin Krasowski, Engineer; Debra Stufflebeam, Clerk IV (Magistrate Judicial Secretary Lead); and Cassie Lamb, Permitting Supervisor.

APPROVED JUNE 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of June 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.

PUBLIC HEARING: APPEAL BY SAGE POINT RV, LLC, OF THE P&Z COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT TO ALLOW A PLANNED UNIT DEVELOPMENT, CASE NO. CU2021-0009-APL

Today's hearing was scheduled to start at 9:00 a.m., but in order to have all three Commissioners participate, the start time was delayed to 12:00 noon.

The Board met today at 12:06 p.m. to conduct a public hearing in the matter of an appeal by Blue Terra, representing the property owner, Sage Point RV LLC, of the P&Z Commission's decision to deny Case No. CU2021-0009, a Conditional Use Permit (CUP) to allow a Planned Unit Development (PUD) for a mixed-use storage and business complex on parcels R34542 and R34535 (approximately 20.85-acres). The parcels are zoned "C-1" (Neighborhood Commercial). The uses proposed include 89 storage condos, 428 mini storage units, 56 boat and RV parking stalls, and a business park consisting of five lots approximately one (1) acre in size. The property is located on Old Highway 30 approximately 1,000-feet south of the Old Highway 30 and Mink Road intersection. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Jenna Petroll, Michael Fife, Hunter Christensen, Ben Holt, Jeffrey Phipps, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she drives by this location frequently and is very familiar with the area.

Jenna Petroll gave the oral staff report. The appellant's letter of appeal states the entitlements on the property for commercial use already exist and several commercial uses could be developed without a CUP. The parcels are eligible for an administrative land division therefore the applicant would be able to create four parcels and put a different business on each parcel. The P&Z Commission denied the request on September 1, 2022 with the main concern being the safety of the Old Highway 30 and State Highway 44 intersection which has a level of service F. They believe the proposed use will cause undue interference with existing or future traffic patterns. Ms. Petroll reviewed the agency comments as well as the comments received by citizens. The appellant believes several commercial uses could be developed without a CUP that would create significantly more traffic than the uses proposed with a CUP. Based on the letter of appeal, the proposed mixed-use storage facility limits traffic more than the uses that are permitted outright and the traffic generated by storage facilities is typically on the weekends and during nonpeak hours. Staff is recommending approval of the appeal and to grant approval of the request with conditions of approval, some of which are general in nature and others that address access, traffic and internal

circulation, fire, utilities, domestic water, signage, light mitigation, irrigation and landscaping. Following her report, Ms. Petroll responded to questions from the Board.

The following people testified in support of the request:

Michael Fife offered testimony on behalf of Blue Terra Development who develops an array of different things and they have brought a use they thought would be the most compatible with the area and with the traffic situation because they recognize that's an issue. There are major transmissions lines going through the property so they will work closely with Idaho Power to design a use that will work around the power lines. He talked about the uses that are approved in a C-1 zone: assisted living facility, motel, and hotel daycare indoor recreation, restaurant, tavern, bar, bank, retail uses. They are great uses, it just comes down to traffic. We are willing to do a proportionate share contribution to the improvement of that intersection but there isn't even a fund set up yet to do that. The original use they contemplated was an RV park but the further they looked into it and the impact it would on fire, police, schools, traffic - so they pulled their original application that had that component and redesigned it to be more traffic friendly. Reviewed the site plan for the storage units. They five one-acre lots will be business use with some retail component with storage base to support that business. Have met with the neighbors to mitigate impacts. They will participate in an acceleration and deceleration lane as well as a turn lane. The condos will be a quiet use that will be aesthetically pleasing. They have worked closely with the agencies: highway district, Black Canyon Irrigation District, DEQ, ITD, City of Middleton, Middleton Fire District, and Idaho Power. Following Mr. Fife's testimony, he responded to questions from the Board.

Ben Holt is the facilities manager at the nearby church, Faith's Journey, and he is in favor of the proposal because it will help beautify the neighborhood because the property is currently an eyesore. He is hoping they can work together on the approach and the landscaping.

The following people testified in opposition to the request:

Jeffrey Phipps said he's neither for nor against the proposal but he wanted to express concerns about the traffic issues including congestion, and frequent accidents at the intersection. He is also concerned about how the proposal will impact his well.

Rebuttal testimony was offered by Michael Fife who said they are trying to build something that is appealing to the community and won't create more problems for the intersection. Traffic is an issue but they don't want to be punished for proximity to the intersection; there are projects being approved all over that are directly affecting this intersection and even if they were to do a proportionate share they would be less than a 1% impact to that intersection. The proposal will create jobs and will be a well-designed, well managed project that will have the least impact to the neighbors, the community, and to the intersection. In regards to the concern about impacts to wells, this project will consume very little water; one household will draw more than every use that's proposed for this site. Mr. Fife responded to questions from the Board regarding plans for the site design and landscaping. There was discussion regarding proposed conditions.

The late exhibits were entered into the record. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek believes the Board has enough information to overturn the P&Z Commission's denial and to approve the request with enhanced conditions or modified conditions on #6, #8, #16 and the addition of a condition of approval #17 under building design and review. Commissioner Smith agreed and said there are a couple of areas in the FCO's where we should tie the conditions of approval that we added; for example, #4 where we added the design to protect the corridor including the landscaping and fencing on the other three borders; and #7 for the interference with existing or future traffic patterns she wants to add language about the testimony today and deliberation about the existing uses allowed in a C-1 zone versus the proposed, and that we are intentionally supporting reducing that burden. Commissioner Van Beek said we understand there is a level of service of "F" and we acknowledge the failure of the intersection; however, the applicant's testimony supports reduced traffic impacts. Commissioner White supports the request. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to overturn the P&Z Commission's denial and approve the request by Sage Point RV, LLC, Case No. CU2021-0009-APL, and to direct staff to make the directed changes to the FCO's and the conditions of approval. Staff will bring back the approval documents at a later date. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 1:44 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

As properly noticed the Board met today at 2:03 p.m. for a legal staff update. *A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:04 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. DSD Director Sabrina Minshall and DSD Planning Official participated from 2:23 p.m. to 2:57 p.m. The Executive Session concluded at 2:59 p.m. with no decision being called for in open session.

MEETING TO DISCUSS SALARIES FOR THE SHERIFF'S OFFICE

The Board met today at 3:35 p.m. to discuss salaries for the Sheriff's Office. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Sheriff Doug Hart, Wage

and Compensation Analyst Bosco Baldwin, HR Director Kate Rice, Controller Zach Wagoner, Lt. Martin Flores, IT Director Greg Rast and Deputy Clerk Jenen Ross.

NOTE FOR THE RECORD: This meeting was originally agendized as an executive session regarding personnel matter, pursuant to Idaho Code Section 74-206(1)(b) and (d). Commissioner Smith noted that the items to be discussed are better for open session. Commissioner Van Beek made a motion to amend the agenda to change the meeting from executive session to open session. The motion was seconded by Commissioner White. A vote was taken on the motion which carried unanimously.

A PowerPoint presentation and spreadsheet were provided by Mr. Baldwin which are on file with this day's minutes. Topics of discussion included the following:

- Canyon County is the only employer of law enforcement officers in the Treasure Valley that does not have a defined compensation schedule.
- Turnover rates and the cost associated with turnover including overtime pay and training.
- Review of the existing pay plan with comparisons to other area agencies including Ada County, Nampa PD, Meridian PD and Caldwell PD.
- Breakdown showing comparison to other agencies with proposed compensation schedule for Corporal, Sergeant, Command Staff, Lieutenant, Captain and Chief Deputy.
- Financial impact of implementing the proposed solution and conclusion
 - Implementation will increase impacted salaries by 7.1% or \$851,093.
 - This cost would be maintained thru FY24 meaning these employees would not see a pay increase until FY25.
- Benefits of this solution:
 - Creates a pay schedule for sworn staff
 - More competitive within the community providing the ability to attract top talent.
 - Anticipated reduction in turnover rates.

Mr. Hart expressed his thoughts on the proposal stating that he feels it is a plan that works in perpetuity. As it is right now, Canyon County recruits, hires and trains law enforcement officers for other agencies – it is the cost of losing that experience and talent that concerns him the most. He believes this will be a direct impact to the law enforcement services that are provided to the citizens of Canyon County.

Mr. Wagoner spoke to the financial side of the proposal, stating that for many years there have been a significant number of vacancies in the Sheriff's Office. When a position is vacant no monies are paid out which has financially benefitted the county and been a factor in the county not needing to take a 3% increase or a new construction increase. Further discussion ensued as to the financial impact this proposal will have on the county budget.

Commissioner Van Beek expressed her thoughts on the need to create a capital improvement fund for a new detention facility.

Mr. Hart spoke about some of the steps he's taken to fill patrol teams that are short staffed. He also expressed his lack of support for the Sheriff's Office continuing to be the "savings account" for the county with unfilled positions.

There were no motions, action items, or Board direction entertained or given. The meeting was for informational purposes only.

The meeting concluded at 4:43 p.m. and an audio recording is on file in the Commissioners' Office.
CONSIDER SIGNING CLAIM AND RISK MANAGEMENT SERVICES AGREEMENT WITH ESIS, INC.

The Board met at 4:46 p.m. to consider signing claim and risk management services agreement with ESIS, Inc. Present were: Commissioner Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Assessor Brian Stender, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Mr. Laugheed spoke about the process of getting to this point and how they had to streamline the process to get to what mattered most to the county within the contract in order to move forward. He believes that the most important things to establish are the definition of "claim" and associated with that being clear in the written document, what kind of payments will erode the self-insured reserve on this portion of the policy. The purpose of this is to align the language of what a claim is and the kind of cases that we get with the coverage that ESIS is providing. Mr. Laugheed believes the contract is lawful and provides a base for the county to move forward and answer the operational questions as claims arise.

Discussion ensued regarding outside counsel on pre-claims where the client doesn't want the Prosecutor's Office involved. Mr. Laugheed explained that the client could choose to have outside council on pre-claims but the Prosecutor's Office would participate and those costs would not erode the reserve. However, once a claim (a written demand by either tort or lawsuit) is received and is referred to ESIS and appointed counsels are involved those expenses will count.

In response to a question from Commissioner Van Beek, Mr. Laugheed said the activity guide was requested to be part of the contract but ESIS was not amenable to that being included. Currently it is a separate document which the county could ask again to have included; he believes this is where the operational issues will be found. Mr. Laugheed's hope is that after the contracts are signed the ability to communicate efficiently in a short turnaround time with ESIS will improve.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Claim and Risk Management Services agreement with ESIS, Inc (see agreement no. 22-140)

The meeting concluded at 4:56 p.m. and an audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM
CALDWELL, IDAHO DECEMBER 5, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- United Rentals in the amount of \$28,395.00 for the Facilities department
- ACCO in the amount of \$8,227.00 for the Facilities department

APPROVED CLAIMS

- The Board has approved claims 590110 to 590143 in the amount of \$96,287.26
- The Board has approved claims 590336 to 590411 in the amount of \$38,621.35

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Case nos. 2023-3 and 2023-4 meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial approvals with written decision within 30 days on the cases as read into the record.

The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:54 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a changed alcohol beverage license to Italianesque: The only change is to the address; there were no other changes or fees collected. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign

the resolution granting a changed alcohol license beverage license to Italianesque (see resolution no. 22-239).

Consider signing ballot confirming appointment of Payette County Commissioner Jennifer Riebe to the SWDH Board of Health: This is the recommendation by Payette County which is supported by SWDH Director Nikki Zogg. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the ballot confirming appointment of Payette County Commissioner Jennifer Riebe to the SWDH Board of Health. A copy of the appointment ballot is on file with this day's minutes.

The meeting concluded at 8:58 a.m. An audio recording is on file with this day's minutes.

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 9:01 a.m. for a monthly meeting with director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Juvenile Probation Division Supervisor Linda Hall, Director of Juvenile Detention Sean Brown, Sr. Administrative Specialist Sue Britton, Mental Health Clinician Troy Mikolyski, Director of Jeff Breach and Deputy Clerk Jenen Ross. updates and action items were provided as follows:

Director of Juvenile Detention:

- Introduction of Sue Britton and Troy Mikolyski
- Population numbers ranging between 19-31; generally, numbers are reduced during the holidays.
- 3 current openings - one starting on the 19th, one is in background, one is still outstanding.
- Smoking cessation recently conducted a class and teamed up with Fine Arts to create posters which will be hung at the Mayor's office; Caldwell Fine Arts put on an exhibition to support the program; working with schools for the CWI GED program and getting the program loaded on the Chromebooks; a science class is now coming in once a month along with several groups coming in right now.
- A self-defense program happening in December for POs.
- The new gym floor will start to be installed on December 12th.
- Christmas party for juveniles will be held December 23rd hosted by the Public Defender's office.
- Team decoration contest is happening; may ask the BOCC to judge.

Director of Juvenile Probation:

- 5 new POs have been hired in the last 6 months; one open position is still outstanding.

- For Thanksgiving the department provided 5 complete meals for 5 families in with the juvenile probation system and will do the same for Christmas.

Consider signing the Annual Juvenile Justice report to the Idaho Department of Juvenile Corrections:

Ms. Hall provided an overview and explanation of the report numbers and a copy of the report is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Annual Juvenile Justice report to the Idaho Department of Juvenile Corrections.

Consider signing the Juvenile Justice Annual Financial report: Director Catalano provided an overview of the 3 sources of funding and dollar amounts that make up this report. All of the funds were used last year so there is no rollover. Commissioner Van Beek made a motion authorizing the Chair's signature on the report. The motion was seconded by Commissioner White and carried unanimously.

Director of Misdemeanor Probation:

- They are in the middle of replacing computers but not enough was budgeted so some replacements will have to be delayed to next year.
- POs will be getting laptops with docking stations so they will have access to case files while working in the field or while in court. Most files have been scanned into Odyssey and will be available digitally.
- There is currently one vacant position and one that will be coming vacant at the end of the month so they are in the process of getting those filled.
- Senior POs have just completed a rewrite of the FTO manual. Additionally, they are also taking on more supervisory roles and responsibilities.
- The Board is supportive of staff front loading the week of December 19th so the office can close early on the 23rd.

The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING PUBLIC OFFICIAL BONDS AND CRIME INSURANCE AS TO FORM AND LEGAL SUFFICIENCY

The Board met today at 9:32 to consider approving public official bonds and crime insurance as to form and legal sufficiency. Commissioner Smith said that Director Rice assisted in collecting signatures and legal has reviewed and approved the forms. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the public official bonds and crime insurance as to form and legal sufficiency. Copies of each form is on file with this day's minutes.

The meeting concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:16 a.m. with directors to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Facilities Rick Britton (left at 10:37 a.m.), Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross.

Facilities:

- A sample of the new project tracking software built by IT was provided to the Board.
- The Board is supportive of continuing the lease agreement for the building being used by the Guardian ad Litem program (previously known as the CCOA building).
- Discussion was had in regard to bids received for a deep cleaning of the expo building once construction is complete. The lowest bid was over \$9000 however it was not budgeted for. Director Britton believes he has some monies available that could be used and the Board thought perhaps the Fair budget may have something available that could also be used. Additional information may be necessary from the Controller on options available for this expense.
- Footings for the pedestrian bridges were poured Friday and the bridges arrived Friday. Director Britton is hoping for TCO tomorrow. Pedestrian bridge forms, abutments and the flagpole base will be poured this week. Phase 3 will begin once these items are complete.
- Before the ribbon cutting is scheduled Director Britton would really like to make sure everything is complete.
- The Pod 5 roof is completed. Director Britton is not entirely happy with the esthetics but it does not affect the functionality or security of the roof.
- Christmas lights have been installed on the Courthouse and the Admin. Building will be done today. The goal is to add more each year.
- There are continued discussions with the City of Caldwell regarding the LID to add streetlighting along Albany St. in front of the courthouse.
- The Facilities department is nearly fully staffed; only down one employee.
- The Board has requested a small tabletop podium be built for use during public hearings.

IT:

- Audio in the BOCC meeting room will continue to be worked on by both the IT team and Neurilink.
- The open Computer Network Technician position and an IT Operations position have been filled; two open positions still remain.
- The public portal website is still being worked on; the Android application is being worked on first and then will move to the Apple IOS system.
- The panic button system is still being worked through.

- Citizen access for BOCC minutes is being worked on.
- The Fair expo building fiber has been connected, the wireless is set up and Facilities is now working on the security.
- Avaya phone system servers are being installed this week and once tested they will start migrating users over.
- .gov transition has gone well.

The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 6, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT (Called in for a meeting)**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

There were no Board of Equalization matters that came before the Board.

APPROVED CLAIMS

- The Board has approved claims 590144 to 590184 in the amount of \$230,678.38
- The Board has approved claims 590185 to 590224 in the amount of \$239,793.63
- The Board has approved claims 590266 to 590292 in the amount of \$27,103.00
- The Board has approved claims 590293 to 590335 in the amount of \$131,334.12
- The Board has approved the November Elections claim in the amount of \$39,241.00
- The Board has approved claims 590225 to 590265 in the amount of \$120,608.50

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 12/17/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Wood in the amount of \$5491.74 for the Facilities department

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:09 a.m. for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, IT Director Greg Rast (left at 9:14 a.m.), EOM Christine Wendelsdorf (left at 9:14 a.m.), Chief Deputy Sheriff Doug Hart (left at 9:16 a.m.), Cpt. Harold Patchett (left at 9:16 a.m.), Sgt. Rob Whitney (left at 9:12 a.m.), County Agent Tasha Howard (left at 9:24 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Resolution Declaring Sole Source Procurement for Certain Personal Property, Digital Information Management System and agreement with Linear Systems for upgrade to Digital Information Management System: Prior to the meeting there was additional information requested from Linear Systems that has not yet been received. As part of the sole source procurement process it was noted that there were no comments received from any member of the public. Commissioner Van Beek made a motion to continue these items to Thursday, December 8th at 10:00. A vote was taken with the Board voting unanimously to continue these items to Thursday.

Consider Signing FEMA Integrated Public Alert and Warning System (IPAWS) MOU: Ms. Wendelsdorf explained this system allows for her to put alerts out to the public in the event of a disaster. Commissioner Van Beek made a motion to sign the FEMA Integrated Public Alert and Warning System (IPAWS) MOU. A vote was taken on the motion with the Board voting unanimously to sign the FEMA Integrated Public Alert and Warning System (IPAWS) MOU (see agreement no. 22-145).

Consider Signing Resolution Designating Surplus Personal Property with Nominal Value – Old and Unserviceable Canyon County Sheriff's Office Uniforms and Coats: Cpt. Patchett explained there are a fair number of jackets that go with a class of uniform that is no longer used. He has reached out other agencies and the vendor that supplied the jackets and there is no one is using this style of jacket any longer. They will be donated to the Boise Rescue Mission who will have the jackets destroyed by a company who will then provide proceeds back to the rescue mission. There is no value to the surplus property. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution designating surplus personal property with nominal value – old and unserviceable Canyon County Sheriff's Office uniforms and coats (see resolution no. 22-240).

Consider signing University of Idaho Extension Office Cooperative Agreement for University of Idaho Extension Programs and Agreements for Loaned Employees with University of Idaho: Mr. Wesley provided a history of how these agreements come to be and the lengthy discussions between the county and the university to work thru the details. The basic MOU specifies all the duties, legal authority and budget for fiscal year 2023. The loaned employee agreements are for each of the three (3) county employees that work at the extension office under the direction of the University of Idaho. Responsibility for the employee will fall to whichever entity provided the direction to the employee. The university would not have the authority to discipline or terminate the employee, that would be at the discretion of the county. If the university is unhappy with the loaned

employee the solution would be to terminate the contract and the employee would revert back to being solely a Canyon County employee to determine the best course forward. The contract can be terminated at any time by either party. Ms. Howard spoke about the three employees and what they provide for the extension office. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign both the University of Idaho Extension Office Cooperative Agreement for University of Idaho Extension Programs (see agreement no. 22-144) and Agreements for Loaned Employees with University of Idaho (see agreement nos. 22-141, 22-142 and 22-143).

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 White made a motion to go into Executive Session at 9:25 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:41 a.m. with no decision being called for in open session. The legal staff update will be continued to 4:30 p.m. today.

The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE

The Board went on the record at 4:32 p.m. for a continued legal staff update. A request to go into executive session was made as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Smith made a motion to go into Executive Session at 4:33 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 Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 4:48 p.m. with no decision being called for in open session.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HC Company in the amount of \$90,000 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jacob Petras, Deputy Sheriff – Inmate Control 51003; Jodi Edwards, Sr. Customer Service Specialist; Cristina Mares, Customer Service Specialist (Training Coordinator); and Cassandra Betram, Customer Service Lead.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT (Participated remotely)**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT (Participated remotely)**
 Deputy Clerks Monica Reeves/Jenen Ross

MEETING TO CONSIDER MATTER RELATED TO MEDICAL INDIGENCY

The Board met today at 8:54 a.m. to consider matters related to medical indigency. Present were: Commissioner Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross. Commissioner Pam White participated via teleconference.

Commissioner White made a motion to continue case no. 2022-501 to January 3, 2023 at 8:45 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek made a motion to sign a release of lien for case no. 2008-892. A vote was taken on the motion which carried unanimously.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND 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: Commissioner Leslie Van Beek, Commissioners Pam White and Keri Smith participated via teleconference, Deputy P.A. Oscar Klaas, Deputy P.A. Alex Klempel, Fleet Director Mark Tolman (left at 10:11 a.m.), DSD Planning Official Dan Ister, DSD Planner Jenna Petroll, Weed and Gopher Superintendent AJ Mondor (left at 10:07 a.m.), Lead Weed Applicator Cory Flatt (left at 10:07 a.m.), DSD Director Sabrina Minshall (arrived at 10:04 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Addendum No. 1 to Canyon County Request for Proposals for Weed and Gopher Services Assistance: There were no attendees at the proposers' conference and no questions have been submitted. The only item the addendum addresses is a change in time of the proposals being opened. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign addendum no. 1 to Canyon County request for proposals for Weed and Gopher Services Assistance.

Consider signing Legal Notice of Intent to Sell Surplus Property to City of Wilder Police Department: Director Tolman said these are vehicles that have been taken offline. The City of Wilder has several vehicles in disrepair and these will help get them thru until they are able to purchase newer vehicles. At the request of Commissioner Van Beek, Director Tolman addressed how idle time is converted to mileage (a copy of Commissioner Van Beek's calculations are included with this day's minutes) Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the legal notice of intent to sell surplus property to the City of Wilder Police Department.

Consider signing FCO's for Sage Point RV, Case No. CU2021-0009-APL: Commissioners White and Smith confirmed they had a chance to review the FCOs prior to the meeting. Ms. Petroll put on the record the changes they made to the findings based on information received at the public hearing. Discussion points included buffering around the site, commencement and completion timeframes, parking and building design and review and roadway improvements. Based on the Board's requests, DSD will make adjustments to the FCOs. Commissioner Smith made a motion to approve the FCOs as amended. The motion was seconded by Commissioner Van Beek and carried unanimously.

A request to go into executive session was made as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Smith made a motion to go into Executive Session at 10:21 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Leslie Van Beek, Deputy P.A. Alex Klempel and Deputy P.A. Oscar Klaas. Commissioners Pam White and Keri Smith participated via teleconference. The Executive Session concluded at 10:24 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 9, 2022

PRESENT: Commissioner Keri K. Smith, Chair - OUT
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - OUT (participated remotely)
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Capital Cleaning in the amount of \$9,286.00 for the Facilities department

EXECUTIVE SESSION TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS, PURSUANT TO IDAHO CODE § 74-206(1)(E)

Commissioner Van Beek made a motion to go into Executive Session at 9:17 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioner Leslie Van Beek, Commissioner White participated by teleconference, Chief Deputy Assessor Joe Cox, Steven Jenkins with the City of Caldwell and the project representative participated by teleconference. The Executive Session concluded at 9:37 a.m. with no decision being called for in open session.

CONSIDER SIGNING A RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE FOR 208 BURGER Q

The Board met today at 10:02 a.m. to consider signing a resolution granting a new alcoholic beverage license for 208 Burger Q. Present were: Commissioner Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Pam White participated via teleconference. Commissioner Van Beek noted that the application indicates the business is within 300' of a school. The Board has requested additional information that the Middleton City Council or the school district has signed off on this.

The Board went off the record from 10:05 a.m. to 11:36 a.m. in order to obtain the requested information.

Once back on the record documentation was provided by the Recorder's office indicating that the Middleton City Council approved of the license in a 2-to-1 vote.

Commissioner Van Beek made a motion to approve the resolution granting an alcoholic beverage license to 208 Burger Q. The motion was seconded by Commissioner White and carried unanimously. See resolution no. 22-241.

The meeting concluded at 11:38 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM
CALDWELL, IDAHO DECEMBER 12, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 590413 to 590446 in the amount of \$34,143.37
- The Board has approved claim 590412 ADV in the amount of \$88.50
- The Board has approved claim 590447 in the amount of \$123.75

APPROVE EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Michael Bruce Mauldin, Deputy Judicial Marshal.

APPROVED PURCHASE ORDERS

- Coble Company Promotional in the amount of \$1,190.00 for the Sheriff's Office
- Smart Deploy in the amount of \$8,010.00 for the Information Technology department
- Avaya, Inc. in the amount of \$13,885.20 for the Information Technology department
- SHI in the amount of \$8,147.80 for the Information Technology department
- Henrickson Butler in the amount of \$5,940.07 for the Prosecutor's Office
- Intermountain Wood Products in the amount of \$1,868.83 for the Prosecutor's Office

MEETING REGARDING PROPOSED PAY SCALE/SCHEDULE FOR CANYON COUNTY SHERIFF'S OFFICE SWORN PERSONNEL AND CONSIDER AN ACTION ITEM

The Board met today at 8:35 a.m. for a meeting regarding proposed pay scale/schedule for the Canyon County Sheriff's Office sworn personnel and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy Sheriff Doug Hart, Controller Zach Wagoner, other CCSO personnel and Deputy Clerk Jenen Ross. Due to lack of a full quorum and at the request of the Sheriff's Office this meeting was rescheduled to 10:30 a.m. The meeting concluded at 8:35 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING AMENDED FCO'S FOR PECKHAM ROAD TRUST, CASE NO. CU2020-0001

The Board met today at 8:30 a.m. to consider signing the amended Findings of Fact, Conclusions of Law and Order (FCO's) for Peckham Road Trust, Case No. CU2020-0001. Present were: Commissioners Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, Todd Lakey, other interested citizens, and Deputy Clerk Monica Reeves. Because Commissioner Keri Smith was not present for this item, which was scheduled for this morning at 8:15 a.m., Commissioner Van Beek said the matter would be rescheduled to this morning at 9:30 a.m. so all three Commissioners can be in attendance.

The matter resumed at 9:41 a.m. with the following persons in attendance: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, Todd Lakey, Brenda Abbott, other interested citizens, and Deputy Clerk Monica Reeves.

Deputy PA Wesley said DSD staff prepared draft amended FCO's. There was a digital file prepared for the Board that has the record which contains the original staff report, the original FCO's, and all of the exhibits submitted during the original proceedings, as well as the transcripts

from the Board's deliberation in those hearings. A judicial review case came back from Judge Petty who found that we had an erroneous finding in the original written record concerning the consistency with the comprehensive plan finding which is found in the ordinance in section 07-07-05(3). The first page of the amended FCO's sort of how we got we here, the record, and includes a note that we are not taking additional testimony or written comment and are just engaging in a new written finding and deliberation. There is a draft finding that begins on Page 2 just for section 07-07-05(3) and the question there is, is the proposed use consistent with the comprehensive plan. Between Pages 2 and 10 staff has gone through the record as it exists and the Board's deliberation and put together a point-by-point walk through of the comprehensive plan and made findings based on prior comments and testimony. This goes through the 13 components of the comprehensive plan and evaluates each policy and goal in that plan and provides a finding based on the prior deliberation and the evidence that's in the record. Deputy PA Wesley referenced Page 10 of the amendment and said it readopts the original findings for the rest of the document because Judge Petty only found the error with this single component portion of the prior written decision and so you have that prior written decision from August 2, 2021 and this would readopt that original finding with this amendment to the section 07-07-05(3) finding and had all the original conditions of the development agreement and conditional use permit remain in place if the Board adopts the finding. Deputy PA Wesley presented the Board with the amended findings, the original August 2, 2021 findings, and the 2020 comprehensive plan for the Board to review point-by-point.

Commissioner Van Beek asked Deputy PA Wesley to address the perceived injury because in her mind that was not something that the Judge remanded back to the Board or was an issue of contention. Deputy PA Wesley said the finding that the Judge has to make in order to find that error to set the Board's findings aside has to first find the error and then find that there was an injury. That finding is one that the Judge takes based on the assertion of the applicant and so our job on remand is not to go through that and argue with the Judge on those points but to look at the error that was pointed out to the County in the original decision and see if it's possible for the Board to make a new finding or to correct the error that was found on the 07-07-05 (3) finding, on Page 2 of the original decision. The finding says that the conclusion is the proposed use is consistent with the Canyon County Future Land Use Map which designates the original as agriculture, and in the original finding the Board did not address the comprehensive plan affirmatively. We pointed to the map when we should have pointed to the comprehensive plan and that's what this amended finding does, it goes through that component of the CUP procedures the Board has to answer in issuing a CUP and response to that. We do not have anything that addresses the perceived injury or where the Judge finds on injury, that is not something we would address in these original findings.

Commissioner Van Beek said we did establish that this has been operating as a feedlot since 1966 and it's acknowledged that it was agriculture and the comprehensive plan has not changed from that designation and with the change in ownership to a new person with good faith that those are the mitigating and amending forces that would drive this in a way that helps for the perceived injury on the comprehensive plan map. This has been there and predates most of the people that have chosen to locate in that area and even with some of the complaints that have been their right

to submit, but there hasn't been anything that would substantiate an injury even to the original CUP. Deputy PA Wesley said that touches upon some of these findings that are in the amended FCO's that are based on the Board's original hearing and deliberation to that end so you will find every point she just spoke to is in here somewhere and so on the first component of the property rights, this document goes through the record, there is an aerial photo that shows the feedlot was in use as early as 1966 and with the CUP as of 2004 and the Board in the economic development component and the land use component, in its original deliberations had found that based on the testimony of the local business operators and the applicant, that this would improve the conditions out there. There are findings in this amended document that would address those comments and the issue of when everything came into place is in the document as well, both in discussing the hazardous area component which had to do with the village of Wilder's use of that as a dumping ground partially. The community design component talks about those issues and when you go through the document you will find that original finding and deliberation the Board had those points are represented in the document in the appropriate place in the comprehensive plan discussion.

Commissioner Van Beek said there is some debate pertaining to the follow-up remittitur that was issued by the Court on October 14, 2022, and she's looking for clarification on that. To comply would be to amend the findings as we propose to do today on specifically addressing the comprehensive plan for this decision. Deputy PA Wesley said that is the position the County has taken in this judicial review litigation. The Judge's order did not give the County a specific directive on what was necessary for the Board to do on the remand and so in review of this order, the 07-07-05(3) finding was the only error that was attributed to the County's written decision and so because the error is in the written decision there is no need to have an additional hearing, or re-notice this for additional public testimony, nor is there a need to take additional exhibits, but the Board is within its jurisdiction to correct its error and proceed from that point.

Commissioner Van Beek asked Deputy PA if it's his opinion that Judge Petty's decision did not invalidate the CUP? Deputy PA Wesley said he wouldn't use that term; it did partially set aside the CUP because we now do not have complete findings and so the County's position has been because that one finding is in complete, the corrective step is to issue a new finding if it's possible, and if it would not be possible then the CUP would be dead.

Commissioner Smith said Legal and DSD staff did an excellent job reviewing the comprehensive plan and those policies and she supports the updates as presented.

Commissioner Van Beek said she's tried to look at the substantive points in addition to the document in its entirety to make sure we are complete and so we have addressed the remittitur and that there was no specific directive from the judicial review process other than to meet the goal of the comprehensive plan in that. She asked Deputy PA Wesley if it would be typical of a Judge to overturn a Board decision on that. Deputy PA Wesley said in the County's argument in judicial review we acknowledged that there was a problem with that finding, it's superficial. In the course of the number of applications the County processes and the speed we go through these things because there is so much development pressure in the County, the Board reads through

staff's prepared documents and so that 07-07-05(3) finding is a normal one that you make but when we got to the Court we said there was a scrivener's error or a clerical error. The finding was phrased one way at the P&Z Commission level and we carried it over to the Board's finding and said there is a problem in the paper form. We had argued to the Court that the Board had made the finding orally, verbally, and deliberated on it but the Court said our written finding was insufficient anyway and that's why we are back here.

Commissioner Van Beek asked if we are hearing from the applicant's attorney? Deputy PA Wesley said we had this on the calendar one month ago and engaged in some negotiation about what that would look like but were not able to come to a resolution. The Board had proposed at one point having an expedited hearing and taking additional testimony but we couldn't reach an agreement on that and so that's why we are back here with our original plan. These documents are drafted in a way where no additional testimony or written comment is taken, we are simply going back to the original record that's in place and making the finding for 07-07-05(3) based on that original record with no new information.

Commissioner Van Beek said our job is to decide whether the Board, our Legal staff and DSD staff has met the conditions laid out in what we believe in our interpretation from Judge Petty in deciding this case in the affirmative by addressing the comprehensive plan and with that the documentation that's been provided. She believes the Board has met its diligence for that and she made a motion to sign the amended FCO's for Peckham Road Trust, Case No. CU2020-0001. The motion was seconded by Commissioner White. Commissioner Smith asked if this action will result in two (2) sets of FCO's as we are amending one section and the remainder of the FCO's will be applicable. Deputy PA Wesley said the order would be to first amend the written findings from the August 2, 2021 order to replace the 07-07-05(3) finding with this one and then make a finding that there was no other alteration to that original order and then the Board will re-issue that August 2, 2021 order with the amendment and all the original findings and terms and development agreement as they were from August 2, 2021. The motion carried unanimously. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The signed document is on file with this day's minute entry. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY KENTON REED FOR A CONDITIONAL REZONE, CASE NO. CR2021-0014

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Kenton Reed, represented by Craig Kulchak of RCK Consultants, for a conditional rezone of parcel R33188010B, approximately 3.98 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single-Family Residential) zone, Case No. CR2021-0014. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planner Cassie Lamb, Craig Kulchak, Jerry Bates, Susan Anderson, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that Jerry Bates made a brief statement to her about this case prior to the start of the hearing but she informed she cannot talk about the case.

Cassie Lamb gave the oral staff report. The subject property is located at 0 Lonkey Lane in Caldwell. In 1991 approximately 16 acres were split off Parcel R33188 creating two parcels for an additional homesite. In 1992 approximately 17.5 acres were divided into two additional parcels. Following these divisions there have been multiple divisions of the abovementioned parcels that are not in accordance with the zoning ordinance. The subject parcel was created via a split in 1991, but there is no record of this administrative land division. The surrounding properties are zoned primarily agricultural with an average lot size of 7.9 acres. The parcel consists of moderately suited soils and is considered prime farmland if irrigated. Most of the land within a one-mile vicinity is in agricultural production with scattered homesites on large parcels. There are seven platted subdivisions within a one-mile radius with an average lot size of 2.46 acres, all of which were approved prior to 2008 and are still zoned agricultural. City services are not available to the parcel, therefore, individual domestic wells and septs would be required. The property is located within a nitrate priority area with wells in the area exhibiting high levels of nitrates. Future development will be required to go through the platting process and a nitrogen pathogen study with the health department may be required if platted. The property has a valid water right. The roads around the parcel are private and are not in accordance with the zoning ordinance therefore future development will either be required to gain access from Lonkey Lane or bring the existing roads to County code. If the rezone is approved it could establish a development pattern that is inconsistent with the current zone of the area as well the future land use designation in the 2020 comprehensive plan. The request is not in general conformance with some of policies and goals of the comprehensive plan. The Boise Project Board of Control was the only agency to comment and stated the property does have a valid water right, but there are no irrigation facilities located on the parcel. The P&Z Commission recommended denial on July 7, 2022. Following her report, Ms. Lamb responded to questions from the Board. Craig Kulchak is the owner's representative and he testified in support of the request. In addition to the surrounding parcels that have manufactured homes, there are several custom homes across the street and in the surrounding area. They want to split the 4 acres into 2 separate lots with access off Lonkey Lane. They have the proper width for the road that accesses down the middle; they plan to have two separate wells with the stipulation that the homes that are built on the two lots will have a reverse osmosis system. Due to high nitrate content, they will stipulate within a development agreement that the septic systems will be designed to address the nitrogen contents in the soil. This area whether agriculture or not has several custom homes and they are only asking for four acres to be changed to residential zoning that would match the existing homes in the area with two-acre lots. The remaining areas are agriculture. This is a good project, and it will not affect the agricultural community or be a detriment and it will match the surrounding areas as far as custom homes. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith agrees with the findings which recommend denial. The parcels were created through administrative land divisions and conditional use permits and they did not set a precedence for a predominately single-family area, and she would not want to rezone the property and create that precedence. If the applicant had requested a conditional rezone to rural residential she would support it so they could build on the lot. Commissioner Van Beek doesn't necessarily think it's a bad application but to meet the criteria, there needs to be a little due diligence especially with it being outside the impact area, and in the truest sense she cannot make positive findings on all of that. Commissioner Smith

made a motion to uphold the P&Z Commission's decision to deny the case in accordance with the proposed FCO's as presented. Staff should amend the FCO's to include the actions the applicant could take for approval in the future: wait until the property is within an area of city impact, or included on a comprehensive plan map change, or consider a rural residential request that is more in character with the area. The motion was seconded by Commissioner Van Beek. Commissioner White was opposed to the motion to deny. The motion carried by two-to-one split vote. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

MEETING REGARDING PROPOSED PAY SCALE/SCHEDULE FOR CANYON COUNTY SHERIFF'S OFFICE SWORN PERSONNEL AND CONSIDER AN ACTION ITEM

The Board met today at 10:33 a.m. regarding proposed pay scale/schedule for Canyon County Sheriff's Office sworn personnel and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy Sheriff Doug Hart, Lt. Martin Flores, Cpt. Harold Patchett, Lt. Travis Engle, Other CCSO personnel, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kate Rice, Wage and Compensation Analyst Bosco Baldwin, CCSO Financial Manager David Ivers, IT Director Greg Rast, PIO Joe Decker and Deputy Clerk Jenen Ross.

Commissioner Smith noted for the record that on December 2nd a meeting was held regarding this proposal.

Sheriff Donahue explained that historically this has been an issue that the county has not been able to solve even though many years have been spent trying to fix it. The people who've put this proposal together have gone farther than ever before. He feels this is a model that possibly all county entities could be brought into, this could give the county a roadmap for moving forward in compensation. Just as importantly it is imperative to take care of the taxpayer dollars and he feels this proposal does that – there will be a reduction in overtime, and overturn of employees and the reinvestment of county dollars. The enormity of the money being lost in overtime and the turnover of employees needs to be considered when factoring in personnel costs. The longer the county can retain people gaining higher levels of experience and knowledge, the lower the exposed liability will be to the county and the taxpayer.

Clerk Yamamoto asked about the comparison to other law enforcement agencies in the area. Sheriff Donahue pointed Clerk Yamamoto back to the presentation given on December 2nd which detailed those comparisons. Sheriff Donahue explained this proposal makes Canyon County more comparable to other area agencies. Discussion ensued in regard to more specifics about the comparisons.

Commissioner Van Beek said she appreciates the work that has been done but asked about budget increases she's seen over recent years. She also has questions about what the boomerang affect will be for 2024 and evaluation the property tax budget. She feels there is missing information to

ensure that the county is solvent and she can't properly evaluate the cumulative effect. Controller Wagoner disagrees and does not feel there is a lot of missing information.

Commissioner White spoke about the information that was presented by Chief Hart and Mr. Baldwin noting that she felt the information provided was very thorough and that all the pieces are in place.

Controller Wagoner feels this process has been very transparent. His concern is countywide - what does a compensation plan/study look like county-wide? When looking at November 2022 vs November 2021 salaries and benefit spending is up 15% due to investment in human capital and seeing vacant positions being filled.

Discussion ensued addressing fund balance numbers, how the number is derived, factors that have impacted the fund balance and a theoretical FY2024 budget of what could be levied if the county were to take the 3% increase and new construction increase.

Clerk Yamamoto said that Canyon County is in good a financial shape due to good financial planning. He knows this increase is a lot of money but spoke to the money being lost in turnover. It's not about culture, it's about the money and the results of the implemented compensation increase can already been seen. He is very comfortable with where the county is at.

Sheriff Donahue said that he and Chief Hart are committed to filling positions and providing better law enforcement services. Canyon County is at the same number of patrol officers that it's been at since the 1990's and it's time to do something different than what has always been done.

Commissioner Smith is glad Mr. Baldwin started with CCSO as there is a public responsibility to ensure safety and security for the county. The leakage needs to stop and she feels it's irresponsible to keep investing in the cost of turnover.

Sheriff Donahue understands this is a big expense but it will only increase as people continue walking out the door. This is been a problem that has been created over many years.

Commissioner Van Beek wants to see the impact on projected revenue and feels the revenue portion is missing. Controller Wagoner said that the "other revenues" potion of the budget are readily available in PowerPlan, they are thoroughly vetted and discussed during the budget process and included in the annual financial report. Mr. Wagoner said that fund balance has grown by \$26M in two years without increasing taxes or taking 3% or new construction. There are sufficient funds available to cover salaries for FY2023.

Consider signing resolution adopting proposed pay scale/schedule for Canyon County Sheriff's Office sworn personnel: Commissioner Smith made a motion to approve the resolution as presented. The motion was seconded by Commissioner White. A vote was taken with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote (see resolution no. 22-242).

The Board went off the record at 11:30 and back on at 11:31 a.m. to clarify that the resolution is approved and effective as of today's date.

Clerk Yamamoto noted for the record that he believes this is a move that should have been made before today and will be back to talk about the rest of the county.

The meeting concluded at 11:32 a.m. and an audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FCO'S FOR THE APPEAL BY SYMMS FRUIT RANCH, INC., FOR A CONDITIONAL USE PERMIT, CASE NO. CU2022-0007-APL, AND FCO'S FOR THE APPEAL BY DUSTIN AND KRISHINA RIGGS, CASE NO. CU2022-0022-APL

The Board met today at 1:20 p.m. to consider signing the FCO's for the appeal by Symms Fruit Ranch, Inc., for a conditional use permit, Case No. CU2022-0007-APL, and the FCO's for the appeal by Dustin and Krishina Riggs, Case No. CU2022-0022-APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, DSD Planner Jenna Petroll, and Deputy Clerk Monica Reeves. The items were considered as follows:

Appeal by Symms Fruit Ranch, Inc., for a conditional use permit, Case No. CU2022-0007-APL – DSD Planner Jenna Petroll reviewed the changes that were made to the FCO's as follows: They added a summary to finding #3 as to why it's not consistent with the 2020 comprehensive plan; they changed finding #4 and tied in the testimony and late exhibits that were provided during the hearing as to why the proposed use would be injurious to other property in the immediate vicinity and negatively change the essential character of the area; to finding #7 they added information regarding the two new access points on Highway 55 that the applicant added to the application and site plan; and they added information about the allowed uses that the applicant was proposing to do on site that was not included in the traffic impact study and therefore the study was not adequate.; and to finding #8 they stated the Marsing Fire Department is a volunteer fire department and the response time is inadequate for the requested use. In the order they added steps the applicant may take to gain approval: provide a development plan that reduces the RV density and increase agritourism operations; coordinate with local agencies, such as the Marsing Fire Department, and the Boise Project Board of Control, Canyon County Sheriff's Office, Canyon Highway District, Idaho Transportation Department, etc., to ensure adequate services and infrastructure will and can be provided including fair share in to future infrastructure improvements. There was Board review and discussion of the proposed language. Commissioner Van Beek made a motion to approve the FCO's as amended for Symms Fruit Ranch, Inc., as per the Board's discussion on Case No. CU2022-0007-APL. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to deny. The motion carried by a two-to-one split vote.

Appeal by Dustin and Krishina Riggs, Case No. CU2022-0022-APL – Planning Official Dan Lister reviewed the proposed FCO's as follows: Staff noted the request is consistent with the

comprehensive plan, however, the plan doesn't provide much guidance regarding telecommunication facilities. They added a policy that talks about encouraging the co-location of these type of facilities. The request will be injurious to other property in the immediate vicinity and will negatively change the character of the area. Testimony includes information from professional broker Colby Lampman of Homes of Idaho who demonstrated the appellants' difficulty in selling the property due to the location of the telecommunications facility and the loss of property value within 200 meters. The area consists of large agricultural properties with residential dwellings near the site; the site plan does not provide landscaping for fencing design that would mitigate use impacts. The plan does not adequately provide information regarding FAA approval, aerial spray operations and Deer Flat National Wildlife Refuge review regarding migratory birds and that the refuge is less than one mile from the site. Commissioner Smith noted that there had been concern by Legal counsel regarding some of the wording of the FCO's. Mr. Lister said the FCO's were drafted them in line with what Legal recommended. The language was changed to show the appeal was approved which overturns the Hearing Examiner's decision and they provided actions the applicant could take to gain approval, which are: submit an irrigation, fencing, and landscaping plan that would mitigate the use near adjacent properties; provide FAA approval, and any restrictions and improvements required by the FAA; obtain information from an independent source to evaluate aerial spray operation impact and any mitigation measures to minimize potential impacts; obtain comments from the wildlife refuge regarding potential impacts to migratory birds and mitigation measures to minimize potential impacts; and proposed mitigation measures to pay a fair share value of the loss in property values in the area. Commissioner Smith said Legal advice was we should not worry about fair value aspect. She also wants the Board's order to clearly state that the conditional use permit is denied. Language was added to finding #5 and staff stated it meets the adequate facilities requirements, however, the applicant does not adequately demonstrate irrigation water rights and the use of surface water rights. The Board finds adequate irrigation information and an irrigation plan are necessary to consider landscaping conditions that could mitigate potential impacts. Following the Board's review, Commissioner Van Beek made a motion to amend the order and to uphold the Board's decision to overturn the Hearing Examiner's recommendation of approval and deny the application. The motion was seconded by Commissioner White. Commissioner Smith stated the motion is to approve the FCO's with the changes read into the record, to approve the appeal and overturn the Hearing Examiner's decision to deny the case for a telecommunications facility. The motion carried unanimously. The meeting concluded at 1:40 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: REQUEST BY MASON & ASSOCIATES REPRESENTING ESSEX HOLDINGS VI, LLC, FOR A REZONE FROM AN "A" ZONE (AGRICULTURAL) TO AN R-1 ZONE (SINGLE FAMILY RESIDENTIAL), AND A PRELIMINARY PLAT FOR GENEVA ESTATES, CASE NOS. RZ2020-0023 AND SD2020-0042

The Board met today at 1:45 p.m. to conduct a public hearing in the matter of a request by Mason & Associates representing Essex Holdings VI, LLC, for a rezone of Parcels R32989 and R32989010 from an "A" Zone (Agricultural) to an R-1 Zone (Single Family Residential). The request includes a

preliminary plat with an irrigation and drainage plan for Geneva Estates Subdivision, a 28-lot residential subdivision. The 40.43-acre property is located at 12064 Lone Star Road in Nampa. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, D. Roy Bassett, Scotty Miller, and Deputy Clerk Monica Reeves. Commissioner Smith noted that neither the applicant nor their representative were present today but they did receive notice of the hearing. Dan Lister gave the oral staff report. At the last hearing which was held on October 5, 2021, Mason & Associates presented an idea to do a conditional rezone to meet City of Nampa requirements and to provide services to the development, however, the property is located outside of the Nampa area of city impact and they cannot bring services outside of that. One year has gone by with no information from the applicant on this proposal. State law requires the Board to make a decision on the application, we cannot prolong or table a case indefinitely so staff is bringing it back to put it rest and let the applicant reapply when they can bring information forward. Mr. Lister summarized the request which was for a zoning map amendment of 40 acres from an agricultural zone to an R-1 single-family residential zone. They submitted an application for a 28-lot subdivision, with five common lots. The proposal includes internal roads off Midway and Lonestar Road, and it will be served by domestic wells and septic systems. Irrigation will be provided through water rights from the Nampa Meridian Irrigation District. On July 28, 2021, the Board denied the rezone because the request would impact existing viable farm ground and the rural character of the area. Also, the City of Nampa plans to have medium-density residential in this location when annexed into the city. The Board found the request does not promote orderly growth; it promotes sprawl into an agricultural zone, and the extension of infrastructure and services would ultimately create an enclaved parcel. The applicant had testified they would be willing to do a conditional rezone subject to bringing services, however, there is no path at this point until the area of impact includes other properties so they could meet these smaller lot sizes and bring services into a pre-annexation agreement. Today staff presented the Board with the original FCO's from October of 2021 and has added as part of the denial order that the applicant should consider a conditional rezone subject to section 07-06-07 of the zoning ordinance and the new comprehensive plan. The rezone shall include working with the City of Nampa on the extension of services and the pre-annexation agreement and prior to that the impact area boundary must be amended to include this property. Following his staff report, Mr. Lister responded to questions from the Board. Commissioner Van Beek said the Board provided the applicant an opportunity to come back and they could have developed it with that plan in working with the City of Nampa. Commissioner Smith said this is beautiful farm ground and there is a lot of criticism from the community on the amount of farm ground between Nampa and Caldwell that's being developed. We should protect this farm ground. Scotty Miller testified that his family farms in the area and due to the increase in population it's become more difficult to safely move their farming equipment down the roads. The roads are too narrow and there are too many people on the road during all hours of the day. D. Roy Bassett testified it will be a shame if farmland is turned to concrete. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to uphold the recommendation of denial and sign the FCO's as presented for Case NO. RZ2020-0023 and SD2020-0042. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith read into the record the request for

reconsideration/judicial review procedures. The hearing concluded at 2:06 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 13, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Western Building Supply in the amount of \$2,397.18 for the Facilities Department
- A-Core in the amount of \$3,735.00 for the Facilities Department
- LEDLightExpert.com in the amount of \$1,049.95 for the Facilities Department
- Fulcrum Biometrics in the amount of \$1,149.00 for the Information Technologies Department
- Dell in the amount of \$1,162.51 for the Information Technologies Department
- Curtis Blue Line in the amount of \$1,819.00 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Kevin Alvarez, Eviction Mediation Services Coordinator.

FILE IN MINUTES: OWYHEE COUNTY BOARD OF COMMISSIONERS' ORDER ESTABLISHING THE HOMEDALE LIBRARY DISTRICT

The Board filed the Owyhee County Board of Commissioners' order which establishes the Homedale Library District.

FILE IN MINUTES: CANYON COUNTY TREASURER'S MONTHLY REPORT FOR OCTOBER OF 2022

The Board filed the Canyon County Treasurer's Monthly Report for October of 2022.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, Wage and Salary Analyst Bosco Baldwin, DSD Director Sabrina Minshall, Engineer Devin Krasowski, DSD Planning Official Dan Lister and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider Signing Agreement with Salary.com: Commissioner Smith noted that is an agreement for \$4800 and requested by HR. This is a standard contract to help with salary analysis. Ms. Klempel said terms within the order form supersedes terms on the Salary.com website, especially in regard to indemnification related to Idaho law. HR intends to mainly use the service for research on salary analysis and do not intend to upload any personnel information; if any information were to be uploaded it would be anonymous. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement with Salary.com (see agreement no. 22-146).

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 10:07 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 Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel and Deputy P.A. Zach Wesley. DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, Engineer Devin Krasowski participated from 10:07 a.m. to 10:34 a.m. Oscar Klaas participated from 10:34 a.m. to 10:37 a.m. The Executive Session concluded at 10:37 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.

OPENING OF REQUEST FOR PROPOSALS FOR CANYON COUNTY'S WEED AND GOPHER SERVICES ASSISTANCE

The Board met today at 10:37 a.m. to open the request for proposals for Canyon County's Weed and Gopher services assistance. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Oscar Klaas, Weed and Gopher Superintendent AJ Mondor, Lead Weed Applicator Cory Flatt and Deputy Clerk Jenen Ross.

One proposal was received from Code 4 Home Defense and Maintenance on December 13, 2022 at 9:14 a.m. The proposal will be reviewed by legal and Director Mondor.

The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS MOU BETWEEN CANYON COUNTY, BY AND THROUGH ITS DEPARTMENT OF PARKS, CULTURAL AND NATURAL RESOURCES, AND THE US FISH AND WILDLIFE SERVICE DEER FLAT NATIONAL WILDLIFE REFUGE

The Board met today at 11:05 a.m. to discuss the MOU between Canyon County, by and through its Department of Parks, Cultural and Natural Resources, and the US Fish and Wildlife Service Deer Flat National Wildlife Refuge. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Park Director Laura Barbour, Facilities Director Rick Britton, Weed and Pest Superintendent AJ Mondor, Lead Weed Applicator Cory Flatt, Eddie Owens and Charlie Kidawa with Deer Flat National Wildlife Refuge, CCSO Lt. Ray Talbot (arrived at 11:10 a.m.), Sgt. Jason Roberts (joined by phone at 11:17 a.m.) and Deputy Clerk Jenen Ross.

Director Schwend explained that there has been an agreement in place for several decades but it is no longer relevant. General discussion ensued regarding the cooperative efforts between Deer Flat National Wildlife Refuge and county departments and Offices including Parks, Weed & Pest, Facilities and the Sheriff's Office – all have been working together well for many years this MOU would just memorialize each area's roles and responsibilities. A copy of the draft MOU is on file with this day's minutes. Commissioners Van Beek and Smith are both in favor of the MOU and moving the document forward. Commissioner Smith encouraged the Sheriff's Office to make any comments prior to the MOU being signed.

The Board requested another meeting with an action item to sign the MOU be added to the calendar for the first week of January.

The meeting concluded at 11:49 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY SAMUEL & MARIA GARCIA, GISELLE GARCIA & LYNETTE GARCIA FOR A CONDITIONAL REZONE AND SHORT PLAT; CASE NOS. RZ2021-0025 AND SD2021-0014

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Samuel and Maria Garcia, Giselle Garcia and Lynette Garcia for a conditional rezone of approximately 2.71 acres from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Single Family Residential) zone which includes a development agreement. Also requested is a Short Plat for Lakhota Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Samuel Garcia, Maria Garcia, Lynette Garcia, Jesse Christensen, Rachel Johnson, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. On

September 9, 2022, the Board of County Commissioners heard the case for a rezone and voted to table the decision to allow the applicant to apply for an amendment to the application to consider a conditional rezone with a development agreement that restricts the property to two lots with no secondary dwellings. The amended application was submitted on November 14, 2022. The request includes the short plat for Lakhota Subdivision. The property is designated as residential on the future land use map. The surrounding land use mostly consists of rural residential homesites and agricultural properties and within a one-mile radius there are six platted subdivisions with a total of 103 lots and a 2.13-acre average lot size. The property consists of moderately suited soil and most of the property is considered nonprime farmland. The proposal will utilize individual domestic wells and septic systems, and stormwater will be retained on site. Keller Associates has reviewed the preliminary and final plat and found them to be compliant with County code. The highway district performed a review and noted that legal access appears to exist and will be no undue interference with existing or future traffic patterns. Mr. Lister reviewed the proposed conditions and said the final plat is not ready to be signed today because they are still working with the irrigation district regarding the water right issue.

The following people testified in favor of the request:

Lynette Garcia testified the parcel will be limited to one division and no secondary dwellings will be allowed on the resulting two lots. She reviewed how the conditional rezone will mitigate the Board's concerns with the original request for a straight rezone. Regarding the subdivision, they have reached an agreement with the Boise Project Board of Control on the utilizing water rights; they have water rights and they intend to use them, they just need to work on finding an effective way to utilize the rights. They have been allotted 2.2 acres from the Wilder Irrigation District but they do not have access to their designated point of access at this point and so they have proposed moving their access point to the Watson Lateral which runs adjacent to the property. They have obtained legal counsel to assist with the water agencies to find a workable solution preferably before the end of the year. The County surveyor is ready to sign the plat as soon as they demonstrate utilization of the water right and the County Treasurer's signature will be obtained after the surveyor's signature. Following her testimony, Ms. Garcia responded to questions from the Board.

Jesse Christensen is the project engineer and he testified about the water delivery system and his plans to meet onsite with the irrigation district to further investigate the irrigation water. There needs to be a note change on the final plat stating where the water will come from and whether it will be from individual wells or from their water right. There will be individual wells and septic systems.

Rachel Johnson offered testimony in support of the proposal and said she is impressed with the Garcias diligence in working hard to meet the County guidelines.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the proposal based on the applicants' presentation and their diligence. Commissioner Smith said the applicants

did a good job on their proposal and she supports the request because this is not prime farmland and is moderately suited soil. There are four platted subdivisions within one mile that were platted prior to the 1979 subdivision ordinance, however, there are over 70 lots within that mile that have an average lot size of 1 to 1.5 acres. The subject parcel is wedged between rural character lots, but the agricultural zone allows for a single-family residence and it's not going to change the character of the area by completing the conditional rezone. The requested zone change is more appropriate than the current zoning and it should be noted the four subdivisions within the area have a similar average lot size. Staff should reference that 6. D2 shows there is similar development in the area and the agricultural zone allows for a secondary dwelling and that as conditioned this does not change the use of the property as it will still just have the two homes that were already allowed with the correct designation. With the two lots and conditions of approval the proposal will be compatible with the surrounding land uses because it does not change the use. Commissioner White made a motion to approve the request by Samuel and Maria Garcia, Giselle Garcia, and Lynette Garcia for a conditional rezone and preliminary plat for Case Nos. RZ2021-0025 and SD2021-0014 with the suggested changes to the FCO's as discussed. The motion was seconded by Commissioner Van Beek and carried unanimously. (Ordinance No. 22-029 and Agreement No. 22-147.) Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded 2:12 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR CHIEF OPERATING OFFICER POSITION

The Board met today at 3:02 p.m. to interview and evaluate candidates for the Chief Operating Officer position. Commissioner Van Beek made a motion to go into Executive Session at 3:03 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Van Beek, White, and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Commissioner-Elect Brad Holton, Commissioner-Elect Zach Brooks, HR Director Kate Rice, and candidate Greg Rast. Mr. Rast left at 4:01 p.m. and Director Rice left at 4:05 p.m. The following directors arrived at 4:06 p.m.: DSD Director Sabrina Minshall, PIO Joe Decker, Weed and Pest Control Director AJ Mondor, Juvenile Detention Director Sean Brown, County Agent Tasha Howard, Chief Public Defender Aaron Bazzoli, Director of Misdemeanor Probation Jeff Breach, Fleet Director Mark Tolman, Facilities Director Rick Britton, Parks Director Nicki Schwend, and Solid Waste Director David Loper. Mr. Bazzoli left at 4:40 p.m. The Executive Session concluded at 5:15 p.m. While in open session, Commissioner Smith said she wants to give additional direction so she wants to continue the Executive Session to tomorrow. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the Executive Session to December 14, 2022 at 9:00 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman – Out of the office
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

The Board approved claim no. 2306 in the amount of \$2,196,309.56 for county payroll.

PUBLIC HEARING REGARDING AN INCREASE TO THE CANYON COUNTY ASSESSOR'S DEPARTMENT
OF MOTOR VEHICLES ADMINISTRATIVE FEE AND CONSIDER AN ACTION ITEM

The Board met today at 9:13 a.m. for a public hearing regarding an increase to the Canyon County Assessor's Department of Motor Vehicles administrative fee and to consider and associated action item. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Motor Vehicle supervisor Kimbra Asqueta, HR Director Kate Rice and Deputy Clerk Jenen Ross.

Ms. Klempel this hearing and associated resolution are for a fee increase related to actual expenditures but not to exceed expenditures. Assessor Stender said there were a few revisions made to the proposal since the previous meeting – they removed building rent, reduced maintenance costs and maintenance staff in calculating the increased fee in order to err on the side of caution. Discussion ensued regarding the removal of building rent in the equation. No one appeared for today's hearing to offer comment nor were any comments received prior to the hearing. The three option being considered for the increase are as follows:

- No staffing level change – increase admin fee to \$9.50
- Reduce staff by 2 fulltime – increase admin fee to \$9.00
- Reduce Staff by 4 fulltime – increase admin fee to \$8.50

Recommendation from legal is the no change in staffing level change.

Consider signing resolution increasing the Canyon County Assessor's Department of Motor Vehicles Administrative Fee: Commissioner White made a motion to approve the resolution increasing the administrative fee from \$4.00 to \$9.50. The motion was seconded by Commissioner Smith. After further discussion regarding the effective date, Commissioner White made an

amended motion to include an effective date of January 3, 2023. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-243).

The meeting concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED EXECUTIVE SESSION - INTERVIEW AND CANDIDATE EVALUATION FOR CHIEF OPERATING OFFICER

Commissioner White made a motion to go into Executive Session at 9:27 a.m. pursuant to Idaho Code, Section 74-206(1) (a), (b) and (f) regarding personnel matters and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel and HR Director Kate Rice. The Executive Session concluded at 10:00 a.m. with no decision being called for in open session.

DECEMBER 2022 TERM CALDWELL, IDAHO DECEMBER 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - Out of the office
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Bob Barker in the amount of \$5,201.64 for the Sheriff's Office
- Apex Container in the amount of \$10,000.00 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Carlin Taylor, Juvenile Detention Officer; and Marcus Gomez, Permit Technician I.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Case nos. 2023-5 and 2023-6 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials on the cases as read into the record.

The meeting concluded at 9:04 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 9:05 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Controller Zach Wagoner (left at 9:07 a.m.), Weed and Pest Superintendent AJ Mondor (left at 9:10 a.m.), Lead Weed Applicator Cory Flatt (left at 9:10 a.m.), DSD Director Sabrina Minshall (left at 9:12 a.m.), Engineer Devin Krakowski (left at 9:12 a.m.), Director of Juvenile Detention Sean Brown (left at 9:15 a.m.), Director David Loper participated by phone (left at 9:07 a.m.) and Deputy Clerk Jenen Ross.

Consider signing legal notice of public hearing to consider increasing the on-site credit card fee for the Pickles Butte Sanitary Landfill: Director Loper explained that in FY2022 the credit card fees exceeded the cost of what has been charged for the convenience fee. The proposed increase will change the fee from \$1.00 to \$1.50 per swipe. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the notice of public hearing to consider increasing the on-site credit card fee for the Pickles Butte Sanitary Landfill.

Consider signing Notice of Intent to Award Contract for Canyon County's Weed and Gopher Services Assistance: Bids were opened earlier this week and the one bid received was not responsive as it did not include the price and is lacking other pertinent details. Mr. Klaas said the Board can either sign a resolution to go to market for the services or reissue the RFP. Director Mondor prefers going out to market as each job will be very specific. A motion was made by Commissioner White to declare the bids unresponsive. The motion was seconded by Commissioner Smith and carried unanimously. Mr. Klaas prepared a letter for Board signatures which will be sent to the bidder.

Consider signing FY2023 Master Agreement for Professional Engineering and Surveying Services with B & A Engineers, Inc.: The county has previously worked with B&A Engineers and will use their services when Keller and Associates has a conflict of interest, for overflow or surveyor work and will be case specific. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the FY2023 Master Agreement for Professional Engineering and Surveying Services with B & A Engineers, Inc. (see agreement no. 22-148).

Consider Signing Agreement Between Robobem PREA Auditing LLC and Southwest Idaho Juvenile Detention Center Canyon County Idaho: An audit needs to be done every 3 years. Director Brown

researched companies and found that this one will work perfect as they are located in Washington which will reduce travel expenses. The last audit was approximately \$7800 and this one will be approximately \$5000. Mr. Wesley said this is similar to previous agreements with the only changes being to the indemnification and the non-appropriation language. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the agreement between Robobem PREA Auditing LLC and Southwest Idaho Juvenile Detention Center Canyon County Idaho (see agreement no. 22-149).

Mr. Wesley spoke briefly about the reconsideration request regarding the Codr land use case. He has been working with Mr. Lister on a response and will be incorporating some communication to the highway district about the Board's original intentions. This response will be presented for Board review at a later time.

The meeting concluded at 9:16 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:50 a.m. to consider action items. Present were: Commissioners Keri Smith and Pam White, Treasurer Tracie Lloyd (left at 9:52 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing the Treasurer's tax charge adjustments by PIN for November 2022: The total amount to be adjusted is \$281,567.90 with the majority being homeowner exemptions. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for November 2022.

Consider signing resolution approving new alcoholic beverage license for Eskimo Hut: Commissioner Smith said she has reviewed the application and it looks good as presented and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution approving a new alcoholic beverage license for Eskimo Hut (see resolution no. 22-243A)

The meeting concluded at 9:53 a.m. and an audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING DECLARATION AND NOTICE OF SOLE SOURCE PROCUREMENT WITH AVOLVE SOFTWARE CORPORATION FOR A REMOTELY HOSTED SOFTWARE AS A SERVICE ("SAAS")

The Board met today at 10:54 a.m. to consider signing declaration and notice of sole source procurement with Avolve Software Corporation for a remotely hosted software as a service ("SAAS"). Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Oscar Klaas, Engineering Coordinator Stephanie Hailey, DSD Director Sabrina Minshall and Deputy Clerk Jenen Ross.

Ms. Hailey explained this software will be used for digital submittals and plan reviews in both the engineering and the planning divisions of Development Services. There are several jurisdictions within the valley that use this service and it is already familiar with builders and developers. There are similar applications but this particular one meets the specifications of the county needs and provides continuity amongst the community; for these reasons the purchase of this service has been done as sole source procurement. Public comment and consideration of the contract is scheduled for January 4, 2023. Upon on the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the declaration and notice of sole source procurement with Avolve Software Corporation for a remotely hosted software as a service ("SAAS").

The meeting concluded at 11:00 a.m. and an audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 16, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman - **Out of the office**
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 19, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman - **Out of the office**
 Commissioner Pam White - **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 20, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - **Out of the office**
 Commissioner Pam White

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for James Insley, Deputy Judicial Marshal and Jennifer Battiato, DSD Permit Technician.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- W2W Flooring in the amount of \$45,800.00 for the Facilities department
- Curtis Blue Line in the amount of \$3321.60 for the Sheriff's Office
- Monday.com in the amount of \$2053.33 for the Development Services department
- Henricksen Butler in the amount of \$17,653.89 for the Prosecutor's Office

CONSIDER APPROVING FINAL PLAT FOR DIRT ROAD RANCH SUBDIVISION, CASE NO. SD2022-0015

The Board met today at 1:38 p.m. to consider approving a final plat for Dirt Road Ranch Subdivision, case no. SD2022-0015. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, Rachel Burgo for Dirt Road Ranch Subdivision, Deputy Clerk Jenen Ross. Mr. Lister said that all 4 conditions from the preliminary plat stage have been met and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the final plat for Dirt Road Ranch Subdivision, case no. SD2022-0015. The meeting concluded at 1:41 p.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 1:45 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Clerk Chris Yamamoto, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (left at 1:50 p.m.), HR Director Kate Rice (left at 1:51 p.m.), DSD Director Sabrina Minshall, Director of Indigent Services Yvonne Baker (left at 1:51 p.m.), Lt. Martin Flores (left at 1:51 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Resolution to Appoint Successor Trustee to Board of Health Trustees: Doug Daniels previously served as the appointee for the Sheriff's Office but he has recently retired. Sheriff Donahue has recommended that Martin Flores be named as the new appointee for his Office. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution to appoint successor trustee to the Board of Health Trustees (see resolution no. 22-244).

Consider signing Entertainment Contracts with Evan Gambardella and Jeff Evans for the 2023 Canyon County Fair: Jeff Evans is a magician and Evan Gambardella is a hypnotist for the 2023 Fair. This is a standard agreement that has been used in the past. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the entertainment contracts with Evan Gambardella (see agreement no. 22-150) and Jeff Evans (see agreement no. 22-151) for the 2023 Canyon County Fair.

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 Smith made a motion to go into Executive Session at 1:51 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, DSD director Sabrina Minshall and Clerk Chris Yamamoto. The Executive Session concluded at 2:16 p.m. with no decision being called for in open session.

Commissioner White made a motion to continue the legal staff update to 3:30 p.m. today. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS NEW ADMINISTRATION BUILDING AND RECEIVE BOARD DIRECTION

The Board met today at 2:23 p.m. to discuss the new administration building and provide direction. Present were: Commissioners Keri Smith and Pam White, Sheriff Kieran Donahue, Chief Deputy Sheriff Doug Hart, Assessor Brian Stender, Clerk Chris Yamamoto, Controller Zach Wagoner, PIO Joe Decker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Sheriff Donahue spoke about a potential new administration building to be constructed in the parking lot of the juvenile detention building to house the Sheriff's Office and vacate the Courthouse space. They currently are out of room to operate with no options for expanding. This would allow them to consolidate many aspects of the operation. He indicated that he spoke with Facilities Director Britton yesterday and feels this discussion should also include plans for a new elections' office, warehouse space and roof for the animal shelter.

In regard to a new administration building the Sheriff's Office has worked with Rick Bugatsch to create a very preliminary drawing in order to establish what a scope of work may look like. The

conceptual rendering would create at least 80 secure parking spaces for both patrol vehicles and the judiciary, would consolidate CCSO departments allowing them to move out of the courthouse which would provide additional space for the courts or other Offices/departments, and vacate the county fleet shop opening up a fair amount of space for that department. He would also propose to move pre-trial to the new building. All CCSO operations outside of the jail would move to the new building and from his perspective there really is no downside.

Chief Hart spoke about the conceptual drawing which is a proposed 4-story building that would house two floors of parking and two floors of office space; currently the Sheriff's Office has approximately 19,000 sq. ft., this new building would provide them with approximately 40,000 sq. ft.

Commissioner Smith spoke about how there were several elected officials' meetings where as an elected body it was decided that the best use for the ARPA funds would be to construct a building in the parking lot next to the juvenile detention center for this use. Director Britton has requested to move forward with a CMGC and Commissioner Smith would like to see that happen prior to January 6, 2023. Ms. Klempel said that in her last conversation with Director Britton regarding this project it was her understanding that the warehouse and the roof on the animal shelter were high priorities and she has been on stand-by with this project. She believes Mr. Britton is working with Deputy P.A. Klaas on an RFQ for those projects and thinks the format of the paperwork could be recycled for this project. She said she would follow up with Director Britton to see what he needs next from legal.

Commissioner Smith thinks that that there was direction given by this Board to construct a separate building on the lot next to the animal shelter for elections. Ms. Klempel believes this is part of the project Mr. Klaas is working on but will follow up.

Sheriff Donahue feels this is a great need for the county as a whole and doesn't just affect the Sheriff's Office. He would like to see RFQs for all 3 projects and believes it would be in the best interest to get things moving. Commissioner Smith thinks it would be helpful for the next Board to get things moving quickly.

Discussion ensued regarding the timeframe for use of the ARPA monies. The Clerk believes this is a once in a lifetime opportunity for the county to provide office space addressing the growth of the county. Controller Wagoner confirmed that the ARPA funds must be encumbered by 12/31/24 and spent by 12/31/26. By using these funds, it will be a savings to the property taxpayers because if the money isn't used by Canyon County it will be allocated to another state but local taxpayers will continue paying for those monies. The total amount awarded to Canyon County was \$44M and to date approximately \$7M has been spent for the trailer jail lease and jail operations; this money was allocated as replacement for lost revenue during COVID.

Chief Hart and Sheriff Donahue spoke to the need for a new and more functional EOC.

The meeting concluded at 2:48 p.m. and an audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 3:36 p.m. for a continued legal staff update. A request was made to go into Executive Session as follows:

Commissioner White made a motion to go into Executive Session at 3:36 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley and HR Director Kate Rice. The Executive Session concluded at 4:39 p.m. with no decision being called for in open session.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman - Out of the office
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Legends Sports Pub & Grill to be used 1/14/23.

PUBLIC HEARING - REQUEST BY TAYLOR JENE HOMES, INC., AND FTERA VIEWS SUBDIVISION (FORMERLY VALLEY VIEW RANCH #4) FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019 AND SD2020-0035

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision for a conditional rezone and preliminary plat, Case Nos. RZ2020-0019 and SD2020-0035. Present were: Commissioners Keri Smith and Pam White, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, Deputy PA Zach Wesley (left at 9:30 a.m.), Larry Leasure, Erin Sorenson, Mike Woodworth, Rebekah Ames, Casey Ames, Claudia Haynes, Kim Yanecko, Ken Yanecko, Amy Weidner, Dean Littlefield, Ray Eide, Jeanie Amen (via telephone call), Beverly Cavazos, Manuel Cavazos, Deborah Kane, Walter Kane, Sherry Wilkinson, Rachelle Campbell, Cynthia Sandford,

Benjamin Scott Wood, Kerry Greenfield, Thomas Bratcher, Angela Bratcher, and Deputy Clerk Monica Reeves.

Commissioner Smith disclosed that she has a friend who lives in Deer Sky Ranch Subdivision which is near the subject property and she has driven past the site and observed that it's dry and hilly. She said accusations have been made regarding the legitimacy of today's hearing, but she believes the County has followed code. Deputy PA Zach Wesley said the case was originally heard by the P&Z Commission who recommended approval. The case came before the BOCC on July 26, 2021 and the hearing was subsequently continued to August 2, 2021 for deliberations where the Board voted unanimously to deny the request. Because this is a rezone application the hearing procedure in the ordinance is applicable as well as in the Local Land Use Planning Act. Idaho Code, Section 67-6511 is the zoning ordinance change statute that specifies the Board is to follow the hearing procedure in Idaho Code, Section 67-6509. Section 67-6509(b) requires, if the Board issues a decision that is materially different in the recommendation or alternative options from the P&Z Commission, a second hearing must be held before it can issue a written decision on the change. That hearing would have been required after August 2, 2021, before the Board could issue its formal written findings and conclusions. Commissioner Smith said it was made very clear the Board was going to follow the code because there was a substantial change in the application and another hearing would be required. Deputy PA Wesley said there was an assertion that 67-6509(d) prevented the County from proceeding. It has to be the integrals in which the County can rehear an amendment to an application concerning an area after there's been a decision issued already. The County could elect to have a code that prevents someone from reapplying immediately, but we don't have it on the books. Because we have not even completed the initial hearing process this one wouldn't be completed. There was a reference to the County's ordinance 01-17-13 which relates to the County's guidelines to issue a written decision after a hearing and the requirement there according to the ordinance is 30 days after a hearing is complete the governing body is supposed to have the written decision issued. There is not an opportunity under state code to issue a written decision until we've had today's hearing so that part of the ordinance is not applicable to this hearing. It was noted that there have been a number of emails requesting the hearing be continued but the Board decided to move forward with the hearing.

Dan Lister gave the oral staff report. (mark 11:38 a.m. to 28.21) Taylor Jene Homes, Inc. is requesting a conditional rezone of approximately 122.51 acres from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone-Rural Residential zone). The request includes a development agreement. Also requested is approval of a preliminary plat (including grading/drainage) for Ftera Views Subdivision (formerly Valley View Ranch #4). The plat contains a total of 33 residential lots. The subject properties, R30113010 & R30101011C are located on the east side of Sky Ranch Road, approximately 1565 ft. north of the intersection of Deer Flat Road & Sky Ranch Road. The P&Z Commission recommended approval of the rezone and preliminary plat (including grading/drainage) on April 15, 2021 and their recommendations were forwarded to the Board who denied the rezone request on August 2, 2021. The original request included a plat for Valley View Ranch Subdivision #4 for 45 lots. In September of 2022 an amended application was provided as a CR from an ag zone to a rural residential and a new plat for Ftera View Subdivision containing 33 residential lots. On September 12, 2022, the Board tabled the hearing for re-noticing to consider

the amended application for a conditional rezone and preliminary plat. On October 27, 2022, the 2030 Canyon County Comprehensive Plan was adopted, but this request is not consistent with that plan because the property is designated as agriculture; however, the application was submitted prior to the plan's adoption and therefore it has to be consistent with the 2020 Canyon County Comprehensive Plan. The future land use maps designate the property as residential. The property does not have water rights. It is surrounded by residential subdivisions or properties created by land division or conditional use permit. Most of the development surrounding the property was approved before the adoption of the 2020 Comprehensive Plan and the current Canyon County Code. There are a number of large agricultural properties with historic agricultural use in the area, and there is also an aerial spraying operation in the area. The property is not located within a nitrate priority area; however, there was information demonstrating there are arsenic issues in the area. Individual domestic wells and septic systems are proposed; however, it cannot be a normal septic system, it will have to be an extended treatment system on each lot. Individual wells are proposed to be regulated by the CC&R's to regulate well depth of 150 feet below the static water level and to restrict irrigation from wells to one-quarter of an acre.

Devin Krasowski (mark 28:21 to 31:30) reviewed the water reports and said an adequate water source could be provided in the area given good well construction, adequate well depth, adequate pump setting depth, and properly operating equipment. Given the proposed water use the impacts to existing ground water users in the area would likely be negligible compared to the seasonal fluctuations of the water table that already exist. It's very unlikely the proposal would have negative impacts on the area related to water supply. If reasonable due diligence is put into understanding the groundwater source in the area, all individual wells can be reliable and a safe source of drinking water south of the lake. Equipment or electrical issues, bad well construction, or well material failure or inadequate well depth can affect water supply but there is water down there. The most robust way of providing a clean and reliable source of water is a public water system because those systems are engineered and operated by professionals and regulated by the state.

Dan Lister (mark 31:30 to 47:50) resumed his staff report and said staff is recommending the applicant put in a public water system for Ftera Views Subdivision. He reviewed the access points for the project and the agency comments that were received. Staff received over 70 comments in opposition expressing concerns regarding: impacts to the aquifer south of the lake and to existing wells, re-drilling issues and expense due to water quality issues (arsenic in the area), traffic impacts on South Ranch Road due to the site distance and the slope of the road, a lack of infrastructure, no city services, amenities, or improved roads, impacts to existing agricultural character, open space and wildlife, a lack of fire protection, impact to existing agricultural uses, not a growth area, residential density is out of character, impact to school district and school buses, and unenforceable CC&R's. After reviewing the applicant's development agreement, staff removed the language for the CC&R's because it would mean they are enforcing those CC&R's but they do not have the manpower to enforce those. They changed the language to say it has to be generally consistent with all county, state, and federal laws, and they listed the departments they need to be in compliance with. The property has to go through the platting process and has to be in compliance with the landscaping plan, and it cannot exceed 33 lots. They must preserve the

rural character of the area, and each lot would have a building envelope no larger than one-acre in size, and it must be noted on the final plat. Areas outside of it must be retained in open space with native grasses and trees, and firewise landscaping buffer standards shall be implemented in the open space landscaped design. Prior to final signature, the landscape plan design maintenance measures and enforcement shall be demonstrated by strict enforcement measures within the CC&R's. Domestic wells shall be provided through a community public water system. Prior to preliminary plat approval, the development on slopes over 15% will be required to meet County standards. The applicant has said when they place the lots showing the one-acre building envelope, they will make sure they are off slopes over 15%. The applicant shall submit a landscaping plan demonstrating the location of a designated bus stop as required by the Nampa School District. The applicant shall submit an approval letter from the Nampa School District approving the bus stop location and design. Historic irrigation laterals and drain ditch flow patterns shall be maintained and protected and modifications shall be approved in writing by the local irrigation district and the use of the irrigation water rights shall comply with Idaho Code Sections 31-3805 and 67-6537 and evidence shall be provided at the time of platting. There will be timing requirements. If the subdivision is considered today the conditions staff has applied are that all improvements must be completed or bonded prior to final plat approval. Historic irrigation laterals, drain ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company. Finished grades at subdivision boundaries shall match existing finished grades, and runoff shall be maintained on the property unless otherwise approved. The development must comply with SWDH requirements, and must meet the improvement requirements of the variance approval. The applicant shall submit a plan for fire suppression and firewise buffering with the application for final plat and the plat shall be included in their CC&R's for the development upon review by the Upper Deer Flat Fire District. At the time of final plat submittal, Lot #4 serves as the only access to a portion of Parcel R30117 to the north. The applicant shall either allow access to the owner or work with the owner to purchase the land and make it part of Lot #4. Common lot #37 does not have access, it shall include an easement for access. The final plat shall comply with the development agreement.

(The Board took a break from 9:50 a.m. to 10:00 a.m. so the IT department could assist with some technical issues with the equipment.)

The hearing resumed at 10:09 a.m., with the following people testifying in support of the request:

Larry Leasure (mark 1:20 to 15:00) with White Leasure Development Company, is the applicant's representative. He agrees with staff's report with one exception: individual wells versus a community water system. The intent is to provide the information the Board requested last September and additional information that has been presented over the last nine months. The project is an infill site for residential and fits within the 2020 comprehensive plan as residential and they are hopeful the Board will approve the project based upon the staff report only with the one discussion point, the protection of the single wells for the 25 units in this part of the project. The other 8 units are being handled through the existing subdivision that's a part of this. They held a number of community meetings to get information from the neighbors about their concerns, and they feel they have made major changes in the recommendation to the developer.

The main concern was the availability of water, but according to the experts there is water. The developer is proposing CC&R's.

Erin Sorenson (mark 15:01 to 18:52) said within the last month they received variance approval from the Nampa Highway District to enlarge the lane to accommodate for a pull-out, and they will work with the Nampa School District for the bus stop approval. Since the last hearing they have focused on well construction standards. One of the major elements would be drilling to accommodate for the seasonal fluctuation, a minimum of 150 feet below the first source of water that's found. If necessary they will language built into deed restrictions.

Mike Woodworth (mark 19:20 to 26:44) provided testimony regarding wells that IDWR has been monitoring in the area and said there appears to be sufficient groundwater resources in the area to support the development. He summarized the data consultants have looked at and the takeaway is they have looked at the groundwater resources in the area and in working with IDWR, they have arrived at the same conclusion that IDWR has, and the same conclusion that HDR and SPF have that there appears to be sufficient groundwater resources to support the development in the area. The amount of water the proposed development would use would have a negligible impact on the surrounding wells and the aquifer. IDWR notes that in the center the aquifer levels in the area appear to be stable or rising on a long-term basis. IDWR recently issued a water right in the area for significantly more water than this development proposes. The number of lots has been reduced from 45 to 33, with a limitation on the amount of irrigation. The new plan is just over 6 acres of irrigated landscape which is an approximate 2/3 reduction from the original application.

Casey Ames (mark 26:45 to 35:21) addressed the ½ acre to ¼ acre issue and said his preference would be to do ½ acre. He testified about the water conservation for landscaped plans; he understands there are well issues, but professional consultants have said there is consistent water.

The following people testified in opposition to the request:

Kim Yanecko (mark 36:48 to 1:02:25) reviewed information from IDWR's well site and spoke about the water issues in the area. There has been a decline in water and the residents are especially concerned the water issues during the summer because the drawdown is the greatest and the demand is the highest and the aquifer does not keep up. She addressed concerns with the location of the proposed bus stop at the subdivision entrance given issues with line of site; road safety issues; concerns about nitrites; and conflicts between agricultural and residential growth and the fact that CC&R's are not enforceable.

Kerry Greenfield (mark 1:02:31 to 1:04:36) testified about her concerns with the water problems in the area and the impacts the proposed development will have on existing wells. She has a well that's 40 years old and it's estimated it will cost \$32,000 to have new well drilled. The neighbors have provided evidence that there is water problem and the Board should listen to the people who have experienced the problems.

Dean Littlefield (mark 1:04:55 to 1:16:05) has been in the excavating business for 32 years and has installed over 4,000 septic tanks and drain fields. He brought a device to demonstrate how he measures water and said when he measured his well water last month it was 400 feet to the first water. When he first moved to the area the first water was at 360 feet, but said the water is declining all the time. He estimates that each house will use 1,000 gallons of water a day just through the septic tank, not counting irrigation.

Claudia Haynes (mark 1:16:27 to 1:27:30) gave testimony regarding her communications with Gary Spackman and Dennis Owsley from IDWR regarding water issues and the monitoring wells in the area. A neighbor had a new monitoring well recently installed and it showed an increase in water going into the well and into the area where the incline is and when the irrigation season began a drop occurred. She spoke about how wells have caved in and damaged pumps, and how the residents in the area have spent over \$500,000 on well repairs and drilling new wells. Ms. Haynes spoke about well drilling reports and the fluctuation of the water table and said dropping a well or doing a community well at more than 150 feet is not going to solve the problem.

(The Board took a brief recess from 11:27 a.m. to 11:28 a.m.)

Ray Eide (mark 00:25 to 10:00) gave testimony regarding impacts to the flight paths of an aerial applicator as well as the loss of views. He is in charge of his subdivision's community well and said the water table fluctuates a lot in the summer.

Claudia Haynes (mark 10:05 to 13:23) responded to questions from Commissioner Smith regarding aerial spraying.

Amy Weidner (mark 14:55 to 20:00) testified that during the CUP process for Foothill Ranch Subdivision there were concerns about water. There is a global water problem and the comprehensive plan does not override human rights to water. She said wells are not failing if they are sucking air, that's an aquifer problem. She spoke of her concerns regarding wells going dry, and CC&R's not being fool proof; as well as the need to preserve farmland. Ms. Weidner believes with a water right they could make a farm out of property that would conserve water and create recharge.

Jeanie Amen offered testimony via telephone (mark 22:51 to 27:20). She responded to questions about aerial applications, specifically the flight path for takeoff and landing and the corridor they have along the subject property. The corridor is what they use to get in/out of the field and get out of the subdivision to the east. They cannot fly over homes, but around them and the corridor was helping them do that. They had to quit flying due to complaints by residents in a subdivision. Ms. Amen said if the subject property has homes it will set them off on that side completely.

Beverly Cavazos (mark 29:11 to 35:04) brought in water filters that are stained by silt and she said the become so dirty she has to remove them every month. Water levels do not replenish fast enough to serve the existing homes let alone another 35-40 homes. Her concerns include: traffic

and road safety concerns; sight distance issues; and questioned how they will be able to build a left turn on a two-lane road with no shoulders. She said the County is approving developments when there is not sufficient water supply.

Benjamin Scott Wood (mark 35:50 to 41:00) testified that in 2018 he developed 30 acres into three 10-acre parcels. He originally wanted eight lots but reduced it to three once they learned about the water problems in the area. He is concerned about the well water and the impacts to existing residents.

Rebuttal testimony was offered by Mike Woodworth, Larry Leasure, Erin Sorenson, and Casey Ames. The Board had follow-up questions for the development team and for DSD staff. (Mark 41:45 to 1:39:10)

(The Board took a lunch break at 1:08 p.m., and went back on record at 1:58 p.m.)

Larry Leasure's rebuttal testimony resumed after the break, and Casey Ames responded to additional questions from the Board (mark 1:50 to 12:30). Late exhibits 144-172 were entered into the record.

Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close testimony. The Board's deliberation was as follows: (mark 14:01 to 47:06) Commissioner Smith wants to set aside the subdivision until there is a decision on the rezone. Commissioner White said at the last hearing we had a lot of requests for different information and she hears the residents' concerns and it is bothersome that the well construction is problematic. If the request is approved there will be well standards that will be required. The applicant is agreeing to do the things the Board asked and they are confident it will be a lasting improvement. Regarding the traffic and hillside concerns, she encouraged people who live in the area to voice those concerns to the highway district. Commissioner White said her concerns have been addressed and we have workable solutions, especially with the community water system. Commissioner Smith said this has been a difficult case with a lot of detailed information weighing both sides of the water issue. She previously worked for IDWR and has additional knowledge of water rights and water concerns. There are concerns for water; however, the water concerns are from well construction standards and all of the data and evidence shows the wells were failing because of construction standards not being where they should have been. With the agreement to have a community water system the developer has met the Board's standards so she can support the project. Staff did a detailed job of going through the standards of approval and answering those in a way that considers the conditions of approval. She wants staff to bring back changes in the language to add in the standard for the community water system; remove the canal fencing from the site plan requirement; remove common lot #20 as well as the northern common lot; and reduce the common lot of the entryway to just include the main signage feature as well as a bus pick up area. Landscaping is limited to what would be required for the homes, and staff should evaluate what type of landscaping it could enforce or the firewise information that was provided. There shall be no golf courses or secondary residences. There shall be no development on slopes over 15%. There was discussion regarding building envelopes. It's more characteristic

of the area to just have a no-build area on the slopes. The County will not enforce what and where they build. Of the three common lots, two are removed and one is reduced. We need to be very specific on the difference between phase 1 and phase 2 on what the proposals are and remove the CC&R information. Thee turn lane is important. The one-acre building envelope should be removed, and there should be a condition requiring a plan to be submitted for a pathway at the time of platting. Commissioner Smith made a motion to approve the conditional rezone and development agreement for Case No. RZ2020-0019 and have staff amend the FCO's and the conditions of approval based on the Board's summary and obtain the signature on the development agreement from the applicant in agreement with those terms. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to continue the preliminary plat to January 3, 2023 at 9:30 a.m. The approval documents for the conditional rezone will be brought back at a later date. Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review. The hearing concluded at 2:45 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - Out of the office
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Coble Company in the amount of \$2,196.00 for the Sheriff's Office

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend (left at 9:18 a.m.), Outdoor Recreation Planner Alex Eells (left at 9:18 a.m.), IT Director Greg Rast (left at 9:18 a.m.), IT Business Manager Caiti Pendell (left at 9:18 a.m.), PIO Joe Decker (left at 9:18 a.m.) and Deputy Clerk Jenen Ross.

The action items were considered as follows:

Consider signing Resolution Declaring Sole Source Procurement for Certain Personal Property Digital Information Management System: Mr. Klaas explained this is the system the Sheriff's Office uses to store digital information. The purpose for the sole source is that this would just be a continuation of what is already being used and due to the large volume of data being stored migrating information would be cumbersome. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution declaring sole source procurement for certain personal property Digital Information Management System (see resolution no. 22-245).

Consider signing Agreement with Linear Systems for Upgrade to Digital Information Management System: This will be an annual agreement with a cost of \$69,248 which is in the Sheriff's budget. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the agreement with Linear Systems for upgrade to Digital Information Management System (see agreement no. 22-152).

Consider signing a Resolution Classifying Records of the Information Technology Department and Authorizing the Destruction of Financial Records: The records to be destroyed are from 2017 and no longer legally obligated to maintained. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution classifying records of the Information Technology Department and authorizing the destruction of financial records (see resolution no. 22-246).

Consider adoption of the Parks Master Plan: Director Schwend explained how they have worked over the past year to collect public information and provided an overview of the work that they've done in compiling the plan. She spoke to some of the questions/concerns that were raised by equestrian groups and how they were addressed. This is not prescriptive plan but visionary plan and will provide good direction in moving forward. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to approve adoption of the Parks Master Plan (see resolution no. 22-247).

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner White made a motion to go into Executive Session at 9:19 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:26 a.m. with no decision being called for in open session.

The meeting concluded at 9:26 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER A CASUALTY LOSS APPLICATION FOR SCOTT AND TAMMY SNOW

The Board met today at 9:35 a.m. to consider a casualty loss application for Scott and Tammy Snow. Present were: Commissioners Keri Smith and Pam White, Treasurer Tracie Lloyd and Deputy Clerk Jenen Ross.

Treasurer Lloyd explained this is for a fire loss on parcel no. 13104631 with dates from May 11, 2022 thru the end of December 2022. The total loss value is \$137,650 with a tax cancellation amount of \$1016.06. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to approve the casualty loss application for Scott and Tammy Snow. The meeting concluded at 9:37 a.m. and an audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 23, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - Out of the office
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board has approved the Grand Jury Nov claim in the amount of \$618.82
- The Board has approved the Nov Jury claim in the amount of \$6,121.79
- The Board has approved claims 590448 to 590493 in the amount of \$247,508.29
- The Board has approved claims 590494 to 590541 in the amount of \$32,693.57
- The Board has approved claims 590542 to 590581 in the amount of \$170,343.39
- The Board has approved claims 590582 to 590630 in the amount of \$81,970.62
- The Board has approved claims 590631 to 590650 in the amount of \$10,242.00
- The Board has approved claims 590651 to 590695 in the amount of \$77,784.35
- The Board has approved claims 590696 to 590727 in the amount of \$63,369.91
- The Board has approved claims 590728 to 590789 in the amount of \$292,326.81
- The Board has approved claims 590790 to 590818 in the amount of \$27,995.19
- The Board has approved claims 590819 to 590878 in the amount of \$92,103.60
- The Board has approved claims 590879 to 590895 in the amount of \$265,137.15
- The Board has approved claim 590896 ADV in the amount of \$28,395.00

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Linear Systems, Inc., in the amount of \$69,248.80 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Masie Hancock, Court Clerk I (Underfill II); Kristina Estrada-Radke, Court Clerk I (Underfill II); Denisa McCallum, Court Clerk I; Bernie Ramirez, Juvenile Detention Officer; Dominic Antone Bertalotto, Deputy Sheriff; Eric Pesina, Deputy Sheriff; Dolan Adams, Deputy Sheriff; Kevin Manlord, Deputy Sheriff; Brian Richard, Deputy Sheriff; Tammy Bartlett, Sergeant – Field Service Admin; Jaycob Rush, Deputy Sheriff; Garrett McRae, Deputy Sheriff; Hayden Stauffer, Corporal; Beau Bolinder, Deputy Sheriff; Steven Roberts, Deputy Sheriff; and Drake Logan Neiderer, Deputy Sheriff.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 3:10 p.m. to consider action items. Present were: Commissioners Keri Smith and Pam White, HR Director Kate Rice, IT Director Greg Rast, Assistant IT Director Eric Jensen, PIO Joe Decker and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution approving new alcoholic beverage license for Aloha Island Grill:
Commissioners Smith and White have both reviewed the application and don't have any questions or concerns. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license for Aloha Island Grill (see resolution no. 22-248).

The meeting concluded at 3:11 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 27, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - Out of the office
 Commissioner Pam White
 Deputy Clerk Monica Reeves

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pake Handling Tools, LLC., in the amount of \$3,099.99 for the IT Department
- Elevate in the amount of \$1,560.00 for the IT Department (PO# 5399)

- Elevate in the amount of \$1,560.00 for the IT Department (PO# 5400)

CONSIDER DECEMBER 27, 2022 9:00 A.M. ACTION ITEMS

The Board met today at 9:06 a.m. to consider the December 27, 2022 9:00 a.m. action items. Present were: Commissioners Keri Smith and Pam White, Deputy PA Zach Wesley, Fleet Director Mark Tolman, Director of Misdemeanor Probation Jeff Breach, Solid Waste Director David Loper, Kim Yanecko, and Deputy Clerk Monica Reeves. DSD Director Sabrina Minshall arrived at 9:33 a.m. The action items were considered as follows:

Consider signing Resolution Consenting to Sale of Surplus Property to City of Wilder Police Department: Fleet Director Tolman said Wilder PD has seven vehicles in service and three that are down but the cost to repair them will be as much as the value of the vehicle. The County is in possession of the following personal property with a fair trade-in value totaling \$45,500.00:

- 2014 Ford Interceptor 4WD with 134,995 miles
- 2015 Ford Interceptor 4WD with 146,796 miles
- 2016 Ford Interceptor 4WD with 112,634 miles
- 2016 Ford Interceptor 4WD with 128,471 miles
- 2018 Ford Interceptor 4WD with 137,106 miles

According to Director Tolman the sale of the vehicles will save the County money because we won't have to tear the vehicles down and discard the equipment which does not fit our new vehicles. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the resolution consenting to the sale of surplus property to the City of Wilder Police Department. (Resolution No. 22-250.)

Consider signing Resolution Classifying Records of Misdemeanor Probation and Authorizing Destruction: Director Breach requested approval to shred the paper files that have been closed for two years. The offender supervision were closed in 2020, and the vast majority of the department's files are stored digitally. The Prosecutor's Office has reviewed the resolution and has no concerns with it. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the resolution classifying records of Misdemeanor Probation and authorizing their destruction. (Resolution No. 22-249.)

Consider signing Addendum No. 1 to Invitation for Bids for Pickles Butte Sanitary Landfill Beautification Project for Hardscaping: Director Loper said we did not receive any questions or clarifications from prospective bidders and no one showed up for the pre-bid conference; however, we have identified a change to the plans and specifications where they moved employee parking for scale house staff and so an addendum is required. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the

Addendum No. 1 to Invitation for Bids for Pickles Butte Sanitary Landfill Beautification Project for Hardscaping.

Consider signing Real Estate Lease Agreement with West Valley Humane Society: Deputy PA Wesley said only change from last year was the adjustment to the budgeted amount. Last year we had the historic amount listed which was \$300,000 (\$200,000 payment and \$100,000 for the maintenance budget). This year the Board budgeted differently so this agreement reflects the budgeted amount of \$200,000 for the regular monthly payments to the WVHS and only retaining \$60,000 in the County's maintenance account because of the amount that's been budgeted for the roof repair project. The Board wants to review who the County representative is who sits on the animal shelter board. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the real estate lease agreement with West Valley Humane Society (Agreement No. 22-153.)

Commissioner Smith wanted to discuss recent requests for reconsideration and so an Executive Session was held as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner White made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to *discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation.* The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, and Deputy PA Zach Wesley. DSD Director Sabrina Minshall arrived at 9:33 a.m. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, DEVELOPMENT AGREEMENT AND ORDINANCE FOR TAYLOR JENE HOMES, INC., CASE NO. RZ2020-0019

The Board met today at 9:41 a.m. to consider signing the Findings of Fact, Conclusions of Law and Order (FCO's), the development agreement, and the ordinance for Taylor Jene Homes, Inc., Case No. RZ2020-0019. Present were: Commissioners Keri Smith and Pam White, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, Kim Yanecko, and Deputy Clerk Monica Reeves. The Board reviewed the proposed documents with staff and suggested changes to some of the language in the findings and in the conditions. Corrections were made by Mr. Lister. Commissioner Smith made a motion to approve the FCO's as amended on the record today,

including the minor amendments to the development agreement conditions of approval, and approval of the ordinance as presented for Taylor Jene Homes, Case No. RZ2020-0019. Commissioner White second the motion for discussion. She is bothered by the proposed common lots because there should be no common lots and she's worried it will become a dustbowl or a dry area. Mr. Lister said the condition was written that way is to allow if there are intended areas where the HOA needs to manage that it's better through a common lot than an easement. For the intended purpose like an entryway with a monument sign or a bus stop area only so it could be a much smaller lot for that. Commissioner Smith said they won't be creating any dry lot areas. The motion carried unanimously. (Ordinance No. 22-030 and Agreement No. 22-154.) The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEMS: CONSIDER SIGNING A RESOLUTION APPROVING THE TITLE, JOB DESCRIPTION, SALARY RANGE AND FLSA STATUS OF ONE (1) NEW POSITION IN THE BOARD OF COMMISSIONERS' OFFICE (CHIEF OPERATING OFFICER); AND CONSIDER SIGNING AN AT-WILL EMPLOYMENT AGREEMENT FOR THE CANYON COUNTY CHIEF OPERATING OFFICER FY2023

The Board met today at 10:14 a.m. to consider signing a resolution approving the title, job description, salary range and FLSA status of one (1) new position in the Board of Commissioners' Office (Chief Operating Officer); and to consider signing an at-will employment agreement for the Canyon County Chief Operating Officer for FY2023. Present were: Commissioners Keri Smith and Pam White, HR Director Kate Rice, IT Director Greg Rast, Assistant IT Director Eric Jensen, Captain Patchett, Lt. Martin Flores, Senior Systems Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Director Rice gave a timeline of how the position was created. Earlier in the year the Board discussed the position and it was identified that there was a potential need for the position to gain efficiencies and other improvements for the County. A job description was created and was patterned after the Ada County and the Blaine County job descriptions for a similar position in those counties and a salary range is being proposed that is 5% below the Ada County range. The position was on hold for a while, but on April 4, 2022 the Board discussed the need for this position and it met on June 13, 2022 with Clerk Yamamoto and Controller Wagoner to discuss the position and the salary. The Board supported moving the position forward at that time, then on August 19, 2022 the salary budget, including this position, was approved and on that same date salaries for the Commissioners were reduced to offset a portion of the expense of the salary for the COO position. On November 22, 2022, the position was posted internally and one internal candidate applied and it was deemed that the candidate met all of the minimum qualifications. The position was posted for one week. An interview was conducted on December 13, 2022 with the candidate and the current and elected Board members. Then the second portion of that interview process was held with all the current and elected Board members and the current department administrators where the one internal candidate had unanimous and full support from all current department administrators. An executive session followed for Board members and elected Board members. The Board reviewed the employment agreement for the Ada County COO position and patterned an employment agreement after that document. The candidate had requested some modifications which were incorporated into the document. The salary offer was calculated at 5% below the candidate's current Canyon County salary which is \$152,096, and with the 5% reduction

the salary would be \$144,491 per year. Commissioner Smith said this is an exciting opportunity and she wishes the Board would have done it a year ago and she believes Mr. Rast will do incredible things for Canyon County. She was hopeful the Prosecutor's Office would be a part of this process and she thinks their concern that this is a County manager position and will create a separate office is not correct. The Board is not creating a separate office and it's important to put that on the record since the Prosecutor's Office put their opinion in writing. This position will report directly to the Board, they do not have hire/fire authority. He will not be making decisions; however, he will be a conduit to the Board and the department administrators and will provide some much-needed oversight and support to the departments and the Board. She wishes the Prosecutor's Office would have worked with the Board on supporting the position; however, she appreciates Director Rice taking the lead from Ada County and she appreciates the work they did on supporting Canyon County on this. Commissioner White said initially she was not in support of this position until it came around and was opened to an internal candidate. The COO position will answer to the Board and will not have any employees that he will directly supervise. She said Mr. Rast knows his boundaries and understands the details of the job. Commissioner White made a motion to sign the resolution approving the title, job description, salary range, and the FLSA status of one (1) new position in the Board of Commissioners Office - Chief Operating Officer - and to sign the at-will employment agreement for the Canyon County Chief Operating Officer. The motion was seconded by Commissioner Smith. (Resolution No. 22-251 and Agreement No. 22-155.) The meeting concluded at 10:23 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the office - participated remotely**
 Commissioner Leslie Van Beek, Vice Chairman - **Out of the office**
 Commissioner Pam White - **Out of the office - participated remotely**
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

APPROVED CLAIMS

The Board approved claim no. 2307 in the amount of \$2,197,897.79 for county payroll.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the office - participated remotely**
 Commissioner Leslie Van Beek, Vice Chairman - **Out of the office**
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase orders:

- Nemo Arms in the amount of \$2,795.00 for the Sheriff's Office

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioner Pam White, Commissioner Keri Smith via teleconference, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Sgt. Jason Roberts (left at 9:14 a.m.), Lt. Ray Talbot (left at 9:14 a.m.), Landfill Director David Loper (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Bid Opening for Pickles Butte Sanitary Landfill Beautification Project - Hardscaping Invitation for Bids:

No bids were received for this project so Director Loper will work with Mr. Laugheed to determine the best way to proceed. Possible options could be to put the project out for re-bid or direct solicitation. The Board is supportive of moving forward as discussed.

Consider Signing Notice of Sole Source Procurement of 2022 SJX Jet Boat Model SJX2170 from SJX Jet Boats, Inc.: This boat will be used for search and rescue especially in shallow areas. The grant has been approved and this is just for the purchase of the boat. Sole source is due to this boat not being available from any other vendor and/or at a comparable price. Additionally, SJX Jet Boats, Inc. is a local Idaho manufacturer. A hearing will be held on January 19, 2023 and absent any objections the Board can move forward with the purchase agreement. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the notice of sole source procurement of a 2022 SJX jet boat model SJX2170 from SJX Jet Boats, Inc.

Mr. Wesley presented the Board with the annual health benefit plan fidelity coverage for the health board trustees in their fiduciary capacity to insure against any theft or malfeasance on their part. This year's bid from Travelers Insurance came in at \$4413 which is reduced from last year. The Board provided support for Mr. Wesley to move forward with binding coverage and then a purchase order will be put through for Board signatures.

Commissioner Smith requested that Mr. Wesley get in touch with Commissioner Van Beek regarding a recently discussed personnel matter. She would like Commissioner Van Beek to hear the legal perspective and feels at this point she has only heard the perspective of the department administrator. Mr. Wesley indicated that he would send an email on the subject copying the entire Board.

The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner White made a motion to go into Executive Session at 10:06 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Pam White, Commissioner Keri Smith via teleconference, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Steven Jenkins with the City of Caldwell and Representatives for the applicant. The Executive Session concluded at 10:24 a.m. with no decision being called for in open session.

DECEMBER 2022 TERM

CALDWELL, IDAHO DECEMBER 30, 2022

PRESENT: Commissioner Keri K. Smith, Chair – Out of the office
 Commissioner Leslie Van Beek, Vice Chairman – Out of the office
 Commissioner Pam White – Out of the office
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.