

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 3, 2025

No meetings were held this day.

APPROVED CLAIMS

- The Board has approved claims 613356 to 613393 in the amount of \$56,536.55
- The Board has approved claims 613394 to 613423 in the amount of \$28,448.85
- The Board has approved claims 613466 to 613505 in the amount of \$31,968.23

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 4, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- B&H Photo in the amount of \$5812.90 for the Information Technology department (PO #6192)
- Wilbur-Ellis in the amount of \$5973.85 for the Information Technology department (PO #6139)
- Mountainland in the amount of \$8060.02 for the Facilities department (PO #6138)

APPROVED CLAIMS

- The Board approved claims 613538 to 613575 in the amount of \$345,720.29
- The Board approved claims 613506 to 613537 in the amount of \$24,962.81
- The Board approved claims 613737 to 613776 in the amount of \$69,993.38

FILE IN MINUTES

- Claims Compensation Bureau document regarding Visa and/or Mastercard class action lawsuit – document was signed by Commissioner Brooks and submitted by COO Rast.

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

The Board met today at 9:33 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Ben Cramer, Treasurer Jennifer Watters (left at 9:39 a.m.), Deputy Treasurer Debra Smart (left at 9:39 a.m.), Controller Kyle Wilmot, COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a Resolution Authorizing Cancellation of Taxes on Property Owned by Canyon County: Treasurer Watters explained these are taxes due on properties recently purchased by the county. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing cancellation of taxes on property owned by Canyon County (resolution no. 25-015).

Consider signing a Resolution Appointing A Successor Trustee to the Board of Health Trustees: Treasurer Watters has resigned from her position as a trustee on the health board and would like to appoint Debra Smart to be her successor. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution appointing a successor trustee to the Board of Health Trustees (resolution no. 25-016).

Consider signing a Resolution Granting Certain Property of Nominal Value to Computers for Kids, Inc.; and Consider signing Resolution Designating Surplus Personal Property with Nominal Value and Authorizing the Destruction of Canyon County Information Technology Department Equipment: Mr. Rast explained that once computers reach end of life they remove and destroy the hard drives. IT will then determine if the equipment is unusable with zero value and ready for destruction or suitable for donation. He spoke about how Computers for Kids, Inc. is able to refurbish the computers and have agreements with Microsoft to obtain hard drives and licensing for a nominal cost. Commissioner Van Beek made a motion to sign the Resolution Granting Certain Property of Nominal Value to Computers for Kids, Inc. (resolution no. 25-018) and the Resolution Designating Surplus Personal Property with Nominal Value and Authorizing the Destruction of Canyon County Information Technology Department Equipment (resolution no. 25-017).

Other discussion items as part of the legal staff update included the following:

- A real estate transaction is continuing to move forward.
- An update from Director Britton will happen on Thursday regarding an Okland project (sewer) and the removal of Pod 6 by ADS.

Commissioner Van Beek motioned to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously. The meeting concluded at 9:45 a.m. and an audio recording is on file in the Commissioners' Office.

CANYON COUNTY IMPACT FEE DISCUSSION

The Board met today at 11:02 a.m. for a Canyon County Impact fee discussion. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Director of Constituent Services Aaron Williams, Interim DSD Director Jay Gibbons, Chief Deputy Sheriff Doug Hart, Cpt. Harold Patchett, Facilities Director Rick Britton, CCAD Director Michael Stowell, Coroner Jennifer Crawford, Colin McAweeney with TischlerBise, COO Greg Rast, and Deputy Clerk Jenen Ross.

Mr. Williams explained that the purpose of today's meeting is to loop the Board in on the discussions he and Mr. McAweeney have had with the Offices and departments that are able to utilize impact fees and to review the demographics and data metrics that were used. Additionally, they will provide input on capital improvement plans they've received from the offices they've spoken with and hope to receive Board direction on those plans.

Mr. McAweeney gave an overview of the work TischlerBise does and the governmental entities they've worked with. A PowerPoint presentation was reviewed with the Board that covered the following topics:

- Impact Fee Fundamentals
- Impact Fees in Idaho
- Advisory Committee
- Impact Fee Study Process
- Canyon County Growth
- Canyon County Study
- Current Service Levels

Next steps include receiving input from the Commissioners regarding capital expansion priorities and commitments; preparing draft fee results; review with DIFAC; further input from the Board; engage with cities. Mr. William's suggested allowing the Board time to review the information that was provided and reconvene at a later time to determine priorities. The Board was supportive of this plan.

Commissioner Van Beek moved to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 11:51 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL BY KM ENGINEERING, REPRESENTING BONNIE VANCE VERMAAS, FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO AN “R-R” (RURAL RESIDENTIAL) ZONE SUBJECT TO A DEVELOPMENT AGREEMENT, CASE NO. CR2022-0022

The Board met today at 2:17 p.m. to conduct a public hearing for Case No. CR2022-0022, in the matter of an appeal KM Engineering, representing Bonnie Vance Vermaas, for a conditional rezone of Parcels R37517 & R37519 from an “A” (Agricultural) Zone to an “R-R” (Rural Residential) Zone subject to a development agreement restricting development to 13 residential lots. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, Interim DSD Director Jay Gibbons, Tracy Vance, Stephanie Hopkins, Lyle Zufelt, Joseph Strongone, Amanda McComb, Richard Trudeau, Ted Todd, other interested citizens, and Deputy Clerk Monica Reeves.

Stephanie Hopkins with KM Engineering testified on behalf of the property owner. They came before the P&Z Commission twice last year, and at the first meeting they had requested R-1 zoning and had been working with staff on their recommendation to revise the rezone request to a rural residential zone to make for larger lots. At the second hearing in November of 2024, they worked to mitigate the concerns the P&Z Commission had which was primarily the impact on the Middleton School District. The property is approximately 20 acres and has been owned by the same person since the 1970s and she is looking to retire and develop a portion of the land and retain the existing home to allow for retirement. The subject property is located at 9713 Galloway Road in Middleton, and access will be provided from Galloway Road. If approved the request will be for 8-9 lots. 2.07 acres is the average for developed lots so they think the rural residential zone will be consistent with the area. Ms. Hopkins reviewed similar developments and zoning in the area and said this request will complement existing development. They will maintain the rural character while providing sufficient housing without fragmenting the agricultural land and natural resources. The property does not have water rights and has not been irrigated for 20+ years. It is not prime farm ground; it is very hilly, and all the water would collect in one part of the property so that was the only part that was ever irrigated. The irrigation rights have been transferred to the irrigation district who then gave it to another farmer to use. Condition No. 8 has been addressed by staff on the condition to require the rural residential zone, and if the Board is amenable to that request she asks that the average lot size be 2 acres rather than 2.5 because that is consistent with the development in the area.

Tracy Vance testified that his mother is the owner of the property, and they set up a corporation to develop the property for tax purposes and he is working on his mother's behalf. She has not used any water on the property for the last 20 years. The topography is very steep, the lower eight acres were assigned water rights and they were turned over to the irrigation district about a year and a half ago.

Principal Planner Dan Lister gave the oral staff report. In August of 2024 it was a request R-1 zone and the applicant requested to revise the application to a rural residential zone. The 2030 Canyon County Comprehensive Plan designates the parcel as "agricultural" on the future land use map. However, the request was submitted before the adoption of the 2030 Canyon County Comprehensive Plan. The 2020 Canyon County Comprehensive Plan designates the parcel as "residential" and aligns with many property rights, population, land use and housing goals and policies. The property is zoned "A" (Agricultural) and surrounded predominantly by other "A" zoned properties. Within a 600' radius, the average lot size is 3.45 acres with a median of 2.18 acres. The subject parcel consists of class 3 & 4 soils. Due to slopes ranging from 9% to over 15% (approximately a five-acre portion), a majority of the parcel consists of non-prime farmland/farmland. The area is comprised of residential lots created through subdivision platting. North of the subject parcel is Lansing Heights Estates (89 lots, 3.16-acre average lot size) approved in 1973. To the south is Willowview Subdivision No. 2 (16 lots, 7.11-acre average lot size; 2.21 acres of the large field is not included) approved in 2006. To the southwest is the Thoroughbred Estates Subdivision (40 lots, 2.29-acre average lot size) approved in 2014. To the west is the Grand Estates Subdivision (14 lots, 2.86-acre average lot size) approved in 2000. Within a one-mile radius there are 23 subdivisions with an average lot size of 2.99 acres. The area is comprised of large

agricultural properties and residential developments created by old subdivisions. Lot sizes within the area consist of rural residential-sized lots (two-acre lot sizes or larger). The request will allow the development of residential lots (subject to subdivision platting), and it will be served by individual wells and individual septic systems. The irrigation water rights will be transferred and irrigation will be provided via domestic wells. The property slopes from north to south, and drainage will be needed to be maintained via storm drainage infiltration ponds. A drainage plan is required and if it slopes over 15% they have to do a hillside development plan. The property has an existing residential access to Galloway Road, which is a collector road. The conceptual plan shows the development to be served via internal public roads. Highway District #4 will not require a traffic study for developments that generate less than 500 ADT. However, a 40' wide right-of-way dedication is required along Galloway Road and a lot of mitigation would be done through impact fees. Direct lot access is prohibited. Based on the size of the development and distances from SH-44, ITD does not have any concerns about the development. Middleton School District submitted a letter identifying that two of the three elementary schools are over capacity while the middle and high schools are nearing capacity due to continued growth within the district boundaries. The rezone proposes 13 residential lots which equate to 7-9 students. If approved, the school district requests the developer include appropriate planning to ensure safe routes and bus stop spacing. No letter of comment was received from Middleton/Star Fire District, Canyon County Sheriff's Department, or Canyon County Paramedics. Fire district response time is approximately 9 minutes. The applicant's letter of intent states the development will coordinate with the fire district regarding fire suppression requirements. Most public comments dealt with concerns about the lot size being too small for the area; water equality issues due to nitrates; and school capacity issues, drainage issues, and impacts on ag use and parcels, open space and any native species that are out there. Staff recommended approval subject to conditions of the development agreement: the main one is an average lot size of 2.5 acres and no secondary residences. The P&Z Commission recommended denial due to the request not being consistent with the 3-acre average lot size, and concern about the cumulative impact to the school district regarding the capacity issue. Following his report, Planner Lister responded to questions from the Board.

Lyle Zufelt testified about lot sizes in the surrounding developments and his main concern being the effect on the water table. He appreciates the developer going from R-1 to RR and trying to accommodate the community and said it would be encouraging if the CC&Rs required the new homeowners to restrict their development and their need to maintain landscaping to their 2.5-acre lot.

Joseph Strongone testified that he lives south the subject property in a development where the average lot size is 2.3 acres and he thanks the developers for accommodating the neighbors who were suggesting 2.5 to 3 acre lot sizes. He agrees with the 2.5 acre with no secondary home if the following is agreed to: if the schools are under capacity; if there stop lights and bonds passed to relieve traffic; and if there are guarantees there will be no use of domestic well water beyond the half acres.

Amanda McComb testified about her concerns with the water and the slopes where the water swamps because the mosquitoes are bad, as well as concerns with the impact development is

having on EMS and schools. Her children attended the middle school and high school, but she pulled them out because there were 48 kids in one class in the middle school; she now homeschools her children. Development is continuing but she wants to know when are we going to take care of the children in the school district. The school buses are at capacity and sometimes children sit on the floor of the bus, which is appalling.

Richard Trudeau testified that at the P&Z Commission hearing he was primarily concerned with the water table, traffic, and the lot size. His well is down 14 feet since it was drilled in 2003, and at the time that's what he was focused on. When you have a poor school district it affects property values, and if they do remedy the problem with new schools then he pays the taxes. He questioned why Middleton is having a school overcrowding issue when the Nampa school district is closing schools for lack of enrollment. He believes the Board of Commissioners has control over where development takes place.

Ted Todd testified that the school district is in trouble and is over capacity with no end in sight, and the paramedics and fire district are in trouble financially and levies have failed several times because people are not willing to support them because they think it will support further development. There is no room to support any growth without the infrastructure. The wastewater system in the city is going to need millions of dollars in upgrades but there is no funding for it. He is opposed to more development when the infrastructure is overtaxed. He said if you put concrete on the agricultural land it will slope to the environmentally sensitive Willow Creek which is where the stormwater runoff will end up and eventually in the Boise River.

Rebuttal testimony was given by Tracy Vance and Stephanie Hopkins.

Mr. Vance said he spoke with the Middleton School Superintendent about development and school bonds and he said there were unintended consequences with what came out of the planning commission where if bonds are opposed, they will restrict development, but opposing a bond is hamstringing a school forever so you cannot send a message to the community that we are going to deny something because of the school district because then the district will never be able to pass a bond. According to Mr. Vance, the superintendent has a plan to alleviate the overcrowding if the bond passes.

Ms. Hopkins said they would be amenable to including a provision in the CC&R's to limit use to the half-acre requirement. Drainage will be improved with development of the property because it's hilly and slopes down to the south, and with development they have to keep all drainage on their site and maintain it, and it will help replenish the aquifer as well. They will capture water with each lot being irrigated through an individual well whereas right now it's not being irrigated at all. There will not be any standing water because it will be maintained within the property. She said the school district previously had open enrollment, and they have brought in a lot of people from the Vallivue and Nampa school districts.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Deliberation was as follows:

Commissioner Brooks is comfortable with the 2-acre lot size which will be a difference of 1-2 lots. He does not believe these lots are going to be attractive for families with kids, and assumes they will be more upscale. At some level he agrees with the argument that if we oppose the school bonds then we can stop development, that's a tactic people are doing, but at what point do we insert ourselves into that? Commissioner Van Beek said it's a beautiful area and there are assets in having those hillside slopes that help ensure privacy. She's met with the school district superintendent and has been involved with city council where Councilman Murray made the push to limit subdivisions, but there were already about 7,000 city entitlements. The posture of not supporting infrastructure comes directly from the taxpayer and voter, not the Board of Commissioners. This proposal is enclaved by surrounding subdivisions, and those parcels are not going to be hay or high dollar crop operations. There is a market to live in a rural area with custom-built homes and this fits that area. She agrees with staff's recommendation to exclude secondary residences. The property has no water rights and soil compatibility issues, and the request seems to make sense. Commissioner Brooks does not want to hold individual property owners hostage in something we have no control over as far as the schools and he said if we go down that path we would expose ourselves to liability. There has to be a limit to how much we hang our hat on that argument. Commissioner Holton prefers a lot size of 2.5 acres with no secondary residences. Commissioner Brooks said he is comfortable with that. Commissioner Holton said the school district wants the developer to provide an adequate bus stop spacing for school buses, but they did not address the citizens' concerns. Commissioner Van Beek said with growth comes the need for increased services, but that is beyond the Board's scope of control, that is voter-driven. Commissioner Holton said 8 acres on 20 lots is not much and the applicant seems reasonable in wanting to amend towards consideration of larger lots. The Board reviewed the eight criteria of the Canyon County Zoning Ordinance finding that the request is consistent with the area and compatible with surrounding land uses, and that prohibiting secondary residences will mitigate potential impacts. The impact of the project will be miniscule. Commissioner Brooks made a motion based upon the findings of fact, conclusions of law, and order, and the enumerated changes that were put on the record, to approve Case No. CR2022-0022, a conditional rezone of Parcels R37517 and R37519 from an "A" (Agricultural) Zone to a Conditional Rezone - Rural Residential Zone. And, to include staff's recommended conditions including a 2.5-acre parcel lot size and prohibiting secondary dwelling units. The motion was seconded by Commissioner Van Beek and carried unanimously. The Board will meet at a later date to review the FCO's and conditions. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 3:51 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 5, 2025

APPROVED CLAIMS

- The Board approved claims 613424 to 613465 in the amount of \$204,396.22
- The Board approved claims 613818 to 613871 in the amount of \$162,479.91

FILE IN MINUTES

The Board approved the minutes and synopses for September, October, and November 2024.

RECEIVE CANYON COUNTY BOARD OF COMMUNITY GUARDIANS 2024 ANNUAL REPORT

The Board met today at 1:32 p.m. to receive the Canyon County Board of Community Guardians 2024 annual report. Present were: Commissioners Leslie Van Beek and Brad Holton, Commissioner Zach Brooks joined at 1:38 p.m., Director of Indigent Services/BOCG Yvonne Baker, Case Managers Kellie George and Jenn Odom, Director of Constituent Services Aaron Williams, Communications Specialist Chad Thompson, Guardianship Monitor Janet Caufield, Board of Community Guardians members Jayne Josephsen, Bailey Wilson, and Mary Jo Campbell, COO Greg Rast, and Deputy Clerk Jenen Ross.

Commissioner Van Beek expressed her appreciation for the work done by the Board of Community Guardians.

Ms. Wilson, Ms. Josephsen and Ms. Campbell spoke about the work they do, why they do it and the challenges they face. They all concur the recruitment and retention are the biggest issues and feel that without the work done by county staff the program would fail to exist. Additionally, funding is also starting to become an issue.

At the request of Commissioner Van Beek, Ms. Caufield spoke about the work she does and how it interfaces with Board of Community Guardians.

Commissioner Holton expressed his thoughts about how he feels there are people out in the community who are willing to serve it's just a matter of continuing to look for them and getting the information out to the community.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously.

A copy of the PowerPoint referenced which provides pertinent statistics is on file with this day's minutes. The meeting concluded at 2:01 p.m. and an audio recording is on file in the Commissioners' Office.

CLERK'S YEAR-IN-REVIEW REPORT

The Board met today at 2:07 p.m. for the Clerk's year-in-review report. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam, Controller Kyle Wilmot, Auditing Supervisor Sarah Winslow, Director of Court Operations Jesse Urresti, Sr. Systems Analyst Steve Onofrei, Director of Constituent Services Aaron Williams, Communications Specialist Chad Thompson, COO Greg Rast, TCA Benita Miller (arrived at 2:40 p.m.), Assistant TCA Chris Paulson (arrived at 2:40 p.m. and left at 2:56 p.m.), and Deputy Clerk Jenen Ross.

Clerk Hogaboam noted that several documents were provided to the Board for review; those documents include the amended 4th quarter report, operational budget history for FY2012-FY2024, projected potential health insurance impacts, and annual budget & fund balance for fiscal years 2019 thru 2024. All of these documents are on file with this day's minutes.

The final numbers for FY24 were \$109,903,083 and the budget was \$107,000,000 so the county realized 102.3% of what was budgeted as revenue with 91.8% of the expense line utilized.

Clerk Hogaboam briefly reviewed the operational history budget documents comparing budget years 2012 through 2024. In reviewing these numbers, he pointed out that there looks to be a slight trend toward higher utilization of the budget and that this trend is already being seen in the current fiscal year. He noted that in FY2022, several county expenses such as liability insurance, outside auditor, inmate services, POD 6 lease, Sheriff vehicles were paid from ARPA which otherwise would have been a \$4M+ cost to the county. In FY2024, the POD 6 lease of \$1.4M was paid from ARPA and the county claimed an additional \$1.6M in revenue for capital foregone use. He spoke about how budgets shouldn't become dependent on ARPA monies as it isn't a recurring revenue source. Additionally, he noted that based on quarter 1, there may be a modest increase in state shared revenue above what was budgeted.

A brief review of the fund balance report was given.

In regard to the health trust, Clerk Hogaboam said they are bracing for some kind of appropriation and how that will be paid out. The spreadsheet provided outlines FTE count per fund, the fund balance on 10/31/24, potential of \$2M, \$2.5M, or \$3M influx, FY25 fund balance burn, and what the budgets would look like with each of the potential infusions to the health trust.

Clerk Hogaboam said that the refund to Idaho Power can be recovered in a judgment levy in FY26 if the Board so chooses, however, for cashflow purposes, right now the county is short that money for the immediate time-being.

Clerk Hogaboam stated that in looking toward the future there are needs that are mounting – the remaining ARPA projects will likely exceed the fund balance so it is still to be determined where that funding will come from. \$1.9M in maintenance costs were built into the operational budgets

for Pod 6 but there has been an operational change there so that is a budgeted amount that has not been expended.

Based on the situation with health trust, Clerk Hogaboam said they will await direction from the Board in regard to infusing funds.

A discussion ensued about the positions that were approved in the FY25 budget. Commissioner Holton said his recollection is that those positions were not held as a budget savings, they were held back because of the unknown world we'd be living in. Mr. Rast provided a recap of the positions that were approved in FY25 - 13.5 positions were approved, 1.5 have been filled with 11 remaining. Most of the positions are several months out from being filled accounting for the recruiting and hiring process so there will be some additional savings with that. Mr. Rast asked at what point the Board would like to give the greenlight to start recruiting or to continue holding the positions. Commissioner Holton would like to see this done as an agenda meeting for an official decision. Commissioner Brooks feels these positions were approved as part of the budget process so the step of making an official decision has already been done. Commissioner Van Beek said she is more inline with Commissioner Brooks and that it was also her understanding that the positions were held as a cost savings. The Board provided the verbal authorization to move forward with creating PCNs for the approved positions but Commissioner Holton said there would be an agenda meeting next week to provide official authorization. Commissioners Van Beek and Brooks feel the positions have been approved and an additional meeting is unnecessary.

Commissioner Van Beek made a motion to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 3:05 p.m. and an audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION REGARDING PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(A)AND(D) - CANDIDATE EVALUATION FOR DEPUTY CHIEF INFORMATION OFFICER POSITION AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 3:30 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) for a candidate evaluation for the Deputy Chief Information Officer position, and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Deputy Sheriff Doug Hart, HR Director Marty Danner, Deputy PA Ben Cramer, Chief Civil Deputy PA Aaron Bazzoli, IT Business Manager Caiti Pendell, and the Deputy CIO candidate. The Executive Session concluded at 4:35 p.m. with no decision being called for in open session.

APPROVED CLAIMS

- The Board approved claims 613328 to 613355 in the amount of \$21,801.62
- The Board approved claim 613872 in the amount of \$666.90

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for:

- Gino Furiani, Lead Shop Technician – promotion to vacant PCN

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Ben Cramer, Deputy P.A. Zach Wesley, Clerk Rick Hogaboam (left at 9:45 a.m.), Controller Kyle Wilmot (left at 9:45 a.m.), Auditing Supervisor Sarah Winslow (left at 9:45 a.m.), HR Director Marty Danner (left at 9:44 a.m.), CCSO Sr. Finance Specialist Bree Ann Kilbourne (left at 9:44 a.m.), CCSO Financial Manager David Ivers (left at 9:44 a.m.), Cpt. Harold Patchett (left at 9:44 a.m.), Elections Supervisor Haley Hicks (left at 9:39 a.m.), IT Business Manager Caiti Pendell (left at 9:46 a.m.), COO Greg Rast, Facilities Director Rick Britton (arrived at 9:32 a.m.), Interim DSD Director Jay Gibbons, Associate Planner Emily Bunn and Principal Planner Dan Lister (arrived at 9:37 a.m.), and Deputy Clerk Jenen Ross.

Commissioner Holton spoke to the confusion that happened during the Clerk's meeting yesterday regarding new positions. He read a memo prepared by COO Rast into the record. Commissioner Holton stated that these are not new positions being considered as of February, these were positions approved as part of the FY25 budget.

The action items were considered as follows:

Consider signing Notice of Intent to Award Contract for the HRIS and/or Payroll System: Mr. Wesley requested this action item be postponed. HR and Audit has narrowed the submissions down to three (3) companies from which they'd like to see software demonstrations. They anticipate being back before the Board within a month to make a recommendation on a new company or continuing with the system already in place.

Consider ballot for appointment of Washington County Commissioner Jim Harberd to the SWDH Board of Health: Commissioner Brooks said this is the usual process to appoint a new commissioner

to the SWDH Board of Health. He's had the opportunity to speak with Commissioner Harberd and recommends confirming his appointment to the board. Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to sign the appointment of Washington County Commissioner Jim Harberd to the SWDH Board of Health.

Consider signing Resolution Authorizing the Acceptance of State Criminal Alien Assistance Program (SCAAP) Grant Funds: Mr. Cramer confirmed this has been reviewed by legal and is just the standard agreement and terms. The grant amount is \$30,060 which is for the housing of undocumented criminal aliens after conviction during the reporting period of July 1, 2022 through June 30, 2023. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution authorizing the acceptance of State Criminal Alien Assistance Program (SCAAP) Grant Funds (resolution no. 25-019).

Consider signing Resolution Classifying Records of the Canyon County Clerk and Authorizing the Destruction of Certain Records: Ms. Hicks explained they would like to destroy the unused ballots from the November 2024 election. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain records (resolution no. 25-020).

Consider signing Financial Software Agreement: Controller Wilmot explained that the current software being used will likely be end-of-life and unsupported within the next 5-years. This agreement will allow use of the same company but will be will be cloud-based and provide additional reporting features. There is an increased cost for the upgraded version. They are hoping for implementation in the late summer/early fall. A read-only platform can be set up for the Board and training can be available once audit is experienced in using the system. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the financial software agreement with Blackbaud (agreement no. 25-013).

Consider signing Business Services Agreement with Sparklight: Mr. Rast explained this is in cooperation between the Sheriff's Office and Information Technology. With the Sheriff's Office now being an affiliate with Internet Crimes Against Children this is a designated internet link for investigative purposes and should be reimbursed by the state. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the business services agreement with Sparklight (agreement no. 25-012).

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 9:46 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session.

The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Ben Cramer (left at 10:49 a.m.), Deputy P.A. Zach Wesley, COO Greg Rast, Facilities Director Rick Britton (left at 9:54 a.m.), Interim DSD Director Jay Gibbons, Associate Planner Emily Bunn and Principal Planner Dan Lister (DSD staff left at 10:39 a.m.). The Executive Session concluded at 10:56 a.m. with no decision being called for in open session.

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

DSD GENERAL BUSINESS

The Board met today at 11:03 a.m. for a DSD general business meeting. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Interim DSD Director Jay Gibbons, Principal Planner Dan Lister, COO Greg Rast, and Deputy Clerk Jenen Ross.

Director Gibbons updated the Board on the following:

- Regarding the AOI review process that is required by law to accomplish this year with all the cities, DSD met with legal last week to review the law and explain specifically what needs to be addressed. They will now reach out to all the communities and hopefully have a joint meeting to review all the information necessary, what the county will be looking for, and what the requirements will be. It's anticipated that some cities will have the information readily available while others may need some time to collect the information. Mr. Lister provided a review of what this law is requiring and guidelines to be followed. The Board expressed their concerns about the affect this will have on smaller communities. Mr. Lister said that the county has the final say in the end but that the county really wants to work with the cities to ensure the best path for everyone.
- At the request of Director Gibbons, the Board gave direction to plan a lunchtime joint meeting between the Board, P&Z and the hearing examiner.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 11:39 a.m. and an audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING: APPEAL BY MATT WILKE, REPRESENTING RICHARD AND LORNA PENNER, REGARDING THE DENIAL OF AD2024-0001 FOR NON-VIABLE LAND DIVISIONS OF PARCEL R37792, CASE NO. AD2024-0001-APL

The Board met today at 1:34 p.m. for a continuation of the public hearing regarding the appeal by Matt Wilke, representing Richard and Lorna Penner, regarding the denial of AD2024-0001 for nonviable land divisions of Parcel R37792, Case No. AD2024-0001-APL. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Planner Emily Bunn, Interim DSD Director Jay Gibbons, Chief Civil Deputy PA Aaron Bazzoli, Connielou Aebischer, Todd Lakey, David Delihant, Matt Wilke, Richard Penner, Andrew Rule, Jerry Payne, Joni Rule, Alan Mills, Keri Smith, Kris Crookham, Dean Shafer, other interested citizens, and Deputy Clerk Monica Reeves.

Today's hearing was continued from January 8, 2025 for exhibits to be included from Canyon County's contract surveyors on their determination on how many original parcels Parcel R37792 contains, to allow the public to submit written materials related to the original parcel discussion until January 30, 2025, and to reopen testimony to discuss the original parcel determination. DSD Associate Planner Emily Bunn gave a brief summary of the recent case history and an overview of materials received, ordinance considerations and decision options as related to the nonviable land division appeal.

Connielou Aebischer testified about her background which includes experience as a planner in DSD and said one of the key issues with the argument based on the County policy is the aliquot parts alone do not establish separate parcels. The Penners attorney and agent argue that the two aliquot parts in the deed should count as separate parcels, but the flaw in that thinking is that the County's policy is aliquot parts are not enough. In her experience, staff were taught that each parcel must be described independently which includes section, township and range. It is a way of defining property, dividing it into equal parts, but it's not legally dividing it as a separate parcel, it's just dividing it so you can understand where it is. The deed is structured as one legal description, not two. The deed lists two land portions in a single continuous description separated only by commas, furthermore the deed also explicitly states the area described contains 120 acres which implies a single parcel of land. County Policy Interpretation Procedures - 4.17, dated 6/28/02, outlines that you have to be able to explain that piece separate from the other to be able to say it's two parcels rather than one.

Todd Lakey testified that the deed clearly describes two separate and distinct aliquot parcels. The best of their argument is you have two parcels that are really one, but you can take those two parcels, and they are independent. Take one off and the other still exists. He said Matt Wilke's reference in his letter to federal survey manuals are instructive since the initial legal description was generated as part of a federal land description. The County received an email from Anna Canning, a planner who mentioned several points in attempting to describe the intent of the grantor in the deed as if intent were relevant. The email recognizes two separate callouts and argues that contiguous parcels demonstrate the intent that it's one parcel, that's contrary to a subdivision lot and block approach if we are focusing on intent, but the analysis attempts to describe intent as if it's relevant. The Idaho Statute of Frauds requires that there be an exact description and the case law specifically, David and Marvel Benton Trust, states "*Whether a description is such that the property can be exactly identified is an objective determination made*

by the court. This objective determination is not affected by the understanding or the intention of the contracting parties at the time they drafted the property description. Such considerations are irrelevant.” The intent is not relevant - you look specifically at the description. At the time the stated policy of the County was that in regard to parcel inquiries the policy was this information is valid only at the time of the inquiry, and may change when the subject property, ordinances, policies change, then information becomes certain and not subject to change when DSD accepts an application and fees are paid. There was an application submitted on this parcel after that determination was made, there was no change in the policy, property, or ordinance; therefore, the subsequent determination appears to be contrary to that policy.

David Delihant complimented staff on the thoroughness of their position and said he agrees with the contracted surveyors because when they reviewed the deed they followed the longstanding interpretations that a single description without resetting section, township, and range means one parcel not two. The Penners' land was a single 120-acre original parcel, and it aligns with the memo from June of 2002. He is concern is if we start going down a path of lenient interpretation it would contradict what's been established over time.

Matt Wilke testified that the contract surveyors are from Ada County and had problems with their interpretation and did not bring up the fact that an aliquot part is clearly defined as a legal subdivision in the US code. Aliquot part means legal subdivision; the parcel was originally public land that was created by an aliquot part for a legally recognized subdivision within a section of land due to the public land survey system. The property was originally surveyed in 1907 and resurveyed in 1937, they were 40-acre aliquot part descriptions and when this brought forward in 1961 to be deeded from the government to the Andersons it was deeded as a south half of an 80, and that $\frac{1}{4}$ $\frac{1}{4}$ section, which is 40 acres. That's a legal subdivision. An aliquot part refers to a legal subdivision of a section of land typically divided in halves or quarters within the public land survey system, essentially meaning a precise fractional portion of a larger section of land that could be legally described and conveyed as a separate parcel. Being under one ownership does not change the fact that the current owner has two parcels. County code states that a parcel is a tract of land described in aliquot parts which coincides with U.S. Code, and contiguous land is two parcels of land having a common boundary line and Canyon County Code definition of a parcel is a tract of land described by aliquot parts.

Kris Crookham testified that farmers need to plan for their future, and she urged the Board to stand with longstanding policy to help them plan for their future. Dismantling longstanding policy will just make it more difficult for farmers to continue to operate.

Alan Mills testified that we have had precedent over the years, it's just recently that we have a new interpretation. Why do we treat aliquot parts differently than we do government lots, chains and rods, metes and bounds, and platted lots? We are inconsistent if we treat them differently. They have been treated the way we are describing them for many years. It's been treated differently with different leadership, but most of the time it has been considered separate. The ordinance calls for 70-foot setbacks on quarter section lines so if it's only one parcel how do you describe and say that there is no line there. They have defined the quarter section line and have

identified those lines exist. He is working with three farm families that are trying to locate their kids and grandkids on their property and if this new determination stands it will make life nearly impossible for them to stay together and go through multi-generations.

Keri Smith began her testimony with a procedural issue and stated she notified staff on January 30, 2025, that the website had not been updated, and no one had been notified unless they had attended the hearing that the deadline to submit late exhibits had been extended. When she listened to the audio of the hearing she learned it had been extended, but the deadline had already passed. She emailed staff on the day of the deadline, but they did not respond. Procedurally, the Board opened it up, and Ms. Aebischer had an exhibit, and Ms. Smith had also emailed those items after the fact because they did not know that the Board was accepting them. Commissioner Holton said the public was invited to the hearing and the criteria had been stated at the hearing and the advertisement needs were met. Today's hearing is a continuation of that hearing, and the Board discussed what they would like to do, and staff followed that. Ms. Smith said the website was not updated so it was not followed, and the staff's policy did not include the extension. She referred to the Idaho Land Use Planning Act, specifically for the subdivision ordinance, 67-6513. Each governing Board shall, by ordinance, adopt a subdivision ordinance. In CCZO 07-02-03, definitions include subdivisions, parcels, original parcels. Ms. Aebischer has 9 years of experience, and Ms. Smith was the County's zoning administrator for a very long time and worked on drafting ordinances. This is not a new determination, this determination of what a parcel is and how they are described is very old. Staff has provided an analysis that you have to have two full legal descriptions and if they had to follow federal manuals, the surveyors' definitions, it would create mayhem for staff. Staff have never followed someone else's definitions. Staff has done an incredible job in trying to describe what these descriptions are. One of the biggest arguments in this case, if you decide to make an interpretation today that there are two parcels that takes 25+ years of an interpretation, and it changes it and it will open Pandora's box and we will have no idea what that impact could look like for staff if you take this interpretation change. The surveyors' responses did not define a subdivision as part of what they doing and Mr. Wilke's point was trying to describe via aliquot parts was a subdivision, and what the definition of subdivision is. The definition of subdivision: it's the division of land into more than four parcels, and there are expectations.

Commissioner Brooks said he asked Dean Schaefer from Pioneer Title Company to attend today's hearing. He has known Mr. Schaefer for 30 years and he provided a packet of information to him for review and asked if he would be willing to testify. Commissioner Holton said he has met with Mr. Schaefer in the past about the County's definition of original parcel, and he found him to be nonprejudicial and knowledgeable. Commissioners Holton and Van Beek are in favor of having Mr. Schaefer testify. Questions were posed to Mr. Schaefer as follows:

Commissioner Brooks asked what he thought of the information he was provided. Dean Schaefer said the concern he sees is a conflict in the way things are described when talking about divisions of parcels of land. If you talk about a platted subdivision, you can describe many parcels in one deed and all those parcels can potentially have a building permit. In this case, you have described 120 acres and there are potentially three parcels in this 120-acre description. There is the south

half of the northeast quarter which is the SW of the NE quarter and the SE of the NE quarter and there this also the NW of the SE quarter. Even though the south half of the northeast quarter is one description it actually describes what seem to be, based on other evidence in this information, but he has not analyzed the ordinances, he just looked at the packet and it describes two parcels, two aliquot parts because the aliquot parts are defined as being a $\frac{1}{4}$ of a mile by a $\frac{1}{4}$ of a mile. That describes two $\frac{1}{4}$ of a mile, by $\frac{1}{4}$ of a mile parts so effectively this description may contain three actual parcels that are original parcels if you apply the same concept you would to a lot and a block in a subdivision. Regarding the information he heard today, there is a little bit of conflict in that process as he has seen over time in the County's definition of a parcel, and it specifically involves government lots. When Keri Smith talked about describing a complete parcel and how many parcels are in there that basically is one parcel under previous decisions that he's been a party to in understanding a government lot. Based on what he's seen in the past by the County, government lots 1 and 2 each are entitled to a split even though it is a description that is included in whole with the other and contiguous parcels. It is his belief that this description includes three split-able parcels. Following his testimony, Mr. Schaefer responded to questions from the Board.

Rebuttal testimony was offered by Matt Wilke. He said he has never spoken to Ms. Smith about this issue. He said on October 27, 2022, with conditional rezone Case No. 2021-0008, she asked his client if he would be opposed to applying in a nonviable farm ground ordinance because it was not an option when they originally applied. This would allow them eight lots on the entire property and give them lots that are comparable to the average lot sizes in the area. You cannot get eight lots without having two parcels, so Ms. Smith in her testimony from 2022 had stated that there was potential for eight parcels remaining, and these were two original parcels. Also, the most important part in context of U.S. code aliquot parts - a parcel refers to a specific defined piece of land within a larger tract often described using fractional parts like quarter section of half section of sections. A tract is a broader term for larger area land which can encompass multiple parcels. The Cannings stated this was a tract, meaning it was one parcel but that's wrong, it's not what the definition of tract is. A key point to remember is a parcel is a single distinct piece of property with precise boundaries often described using aliquot parts the like the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to pinpoint its location within a section. A tract is a larger area of land that can include multiple parcels usually identified by section, township, and range without necessarily specifying an exact aliquot part within each section. It is impossible to define the entirety of this property with one aliquot parts description because it's in two separate quarter sections. The two parcels are sitting in two separate quarter sections so you cannot define that as one aliquot part. Mr. Wilke referred to what he said were incorrect callouts in the Cannings' email. Commissioner Holton asked him to explain his rationale why they are not two deeds. Mr. Wilke said they could sell these two parcels separately with the current legal description. It says township 5 north, range 3 west, section 10. The south half of the northeast $\frac{1}{4}$ describes 80 acres. They could sell the 80-acre section as the south half of the NE $\frac{1}{4}$, and they could also sell the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to a separate buyer just on that definition alone. Just because it's contained on one tax parcel does not mean it isn't comprised of two separate parcels. The comma (,) is denoting two distinct individual parcels. Because of the original parcel definition prior to 1979, the deed was described as just the 80 and a 40 on this property, it was not defined as three separate 40-acre parcels.

In response to Commissioner Brooks' question, Planner Lister said we would also be looking at whatever is available closest to the date of September 6, 1979. The patent showed 1910, but we are not looking at that date, we are looking at whatever is closest to 9/6/79. Those could have changed over the years, and the patents have changed to the deeds. The definition of original parcel does not say how did it look on deed, it says what did it look like at that time. It could be deed or by Assessor's records, or ownership records. Through our history of review and in all the interpretations, the deed only came up in 2022 when they had an interpretation of how to read those deeds, and that stayed with DSD until 2023 when we made a new interpretation that we are just going to be looking at the deed. There has been a change in interpretation, but not in code. What is before the Board today is the discussion about the parcel inquiry that was done and which one we're going to use either the one that shows it as one parcel, or the one that said two original parcels, but to make an interpretation on something that has been interpreted a certain way for many years he believes that is a longer discussion and probably not one to be decided as part of this nonviable case.

Commissioner Holton wants to continue the hearing to a later date to allow for an interpretation from legal counsel clarifying what our definitions are pertaining to the issues within this application. His concern is to treat everyone the same off of the existing ordinance and we base how we are going to go forward and what we're going to decided off of what our definitions are and what the ordinance directs us to do. Commissioner Van Beek agrees, and said she does not have any information to make a decision today without further consultation. Commissioner Brooks also agrees and said we have multiple conflicts because of the vagueness of the code, and the code should not be such that it allows for different interpretations based upon who is in office or who is hired to run DSD. It may have been done a certain a way for a really long time, but that doesn't necessarily mean it was being done correctly at that time. He cannot make a determination at this point if it was being done correctly. He agrees with the direction Commissioner Holton is headed. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Holton made a motion to refer this to the PA's Civil Division and have them work with DSD staff and make a basis of both definitions and ordinance, and provide their opinions in how that may directly be applied to this application with all of the information received to date. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to February 20, 2025 at 3:30 p.m., so that legal can provide an opinion and staff can provide an update on definitions and ordinance applicability to this specific application in consideration to the testimony received. The public testimony portion of the hearing is closed. The hearing concluded at 2:37 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH DIRECTOR OF HUMAN RESOURCES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 4:04 p.m. for a meeting with the Director of Human Resources to discuss general issues, set policy, and give direction. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, HR Director Marty Danner, COO Greg Rast, and Deputy Clerk Monica Reeves. Topics of discussion were as follows:

- Dr. Jeremy Graves from BSU will conduct a 6-month leadership academy for County employees starting in March and will be geared to align with the TRUST motto. There will be a \$6,000 fee covered by the HR Department, and there will be an additional fee of \$150 to take the DiSC assessment the cost of which will be paid by elected officials and department administrators who want to send supervisors and managers to the training. Director Danner would like to charge \$300 (\$150 for the assessment and an additional \$150) to help offset the cost of Dr. Graves' fee, and she would like the academy to be held twice a year with the potential to offer it to outside people for a fee. Director Danner said the climate checks have shown that this is what our teams are missing, and so she will provide information to elected officials and directors to see if they have employees they want to attend. The Board is in favor of the leadership training.
- Director Danner has been working with the Prosecutor's Office the last two weeks so some of her priority items have fallen off, but HR has resumed work on their task list.
- HR will schedule a workshop with PA Civil to review updates to the personnel manual, and then it will be brought to the Board for review.

Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 4:17 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 7, 2025

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Troy Products in the amount of \$39,436.00 for the Fleet Department (PO #6181)

APPROVED FEBRUARY 7, 2025 PAYROLL

- The Board approved the February 7, 2025 payroll in the amount of \$2,350,444.93

APPROVED CLAIMS

- The Board approved claims 613585 to 613624 in the amount of \$64,285.44

- The Board approved claims 613680 to 613736 in the amount of \$64,074.11
- The Board approved claims 613625 to 613679 in the amount of \$309,568.22
- The Board approved claims 613576 to 613584 in the amount of \$6,059.77
- The Board approved claims 613777 to 613817 in the amount of \$271,849.56

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Elizabeth Costa, Customer Service Specialist - Assessor's Reappraisal Dept. (New Hire)
- Gerreson Spencer, Deputy Sheriff - Patrol (Transfer)
- Cory Ray Kondeff, Deputy Sheriff - Patrol (Transfer)
- William Kinghorn, Corporal - Inmate Control (Promotion)
- Garret Ray Prochaska, Deputy Sheriff - Inmate Control (New Hire)
- Muamer Hasanovic, Deputy Sheriff - Inmate Control (New Hire)

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, and Captain Harold Patchett. 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. A copy of the completed tour/inspection form is on file with this day's minute entry.

MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 10:36 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek and Brad Holton, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, and Deputy Clerk Jenen Ross.

Case no. 2020-453: The Board recently accepted a reduced final amount in order to receive a lump sum payment. The debt has now been satisfied and Indigent Services is requesting a release of lien. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the release of lien.

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

The meeting concluded at 10:39 a.m. and an audio recording is available in the Commissioners' Office.

IT TRAINING ON FINANCIAL WORKFLOW APPLICATION

The Board met today with employees from the Auditor's Office and the IT Department for training on the Financial Workflow application. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Controller Kyle Wilmot, Auditing Supervisor Sarah Winslow, IT Programmer Analyst II Ryan Cronrath, other IT employees, and Deputy Clerk Monica Reeves. The new application is designed to allow purchase orders and claims to be filled out and submitted electronically which will increase efficiency and accuracy as well as create a standard process across the County. The new program will go into effect on March 17, 2025. No Board action was required or taken as part of today's meeting. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 2:15 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM

CALDWELL, IDAHO FEBRUARY 10, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ERS, Inc., in the amount of \$16,858.40 for the Fleet Department (PO #6228)
- Federal Signal in the amount of \$82,021.56 for the Fleet Department (PO #6180)
- Tischler Bise/Galena Consultants in the amount of \$8,772.00 for the Constituent Services Department (PO #6267)

ATTEND GRAND OPENING OF NEW ELECTIONS BUILDING

The Board attended the grand opening of the new Canyon County Elections Building today at 2:00 p.m. The new building is located at 5801-B Graye Lane in Caldwell.

FEBRUARY 2025 TERM

CALDWELL, IDAHO FEBRUARY 11, 2025

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

The Board met today at 9:30 a.m. for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Prosecutor Chris Boyd (joined at 9:53 a.m.), Deputy P.A. Zach Wesley, Treasurer Jennifer Watters (left at 9:45 a.m.), Controller Kyle Wilmot (left at 9:45 a.m.), COO Greg Rast, Facilities Director Rick Britton (arrived at 9:36 a.m. and left at 9:38 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Resolution Amending Resolution No. 24-220 to Refund and/or Credit Property Taxes with Judicial Interest to Idaho Power Company and Avista Electric Company: Treasurer Watters explained this is to update the previous resolution with final numbers. \$453,939.52 will be applied toward 2024 second half taxes and a credit of \$278,079.63 will be applied toward the 2025 taxes. This is a difference of about \$72.00 as reported on resolution no. 24-220. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution amending resolution no. 24-220 to refund and/or credit property taxes with judicial interest to Idaho Power Company and Avista Electric Company (resolution no. 25-021).

Consider the Treasurer's tax charge adjustments by PIN for January 2025: A large majority of the adjustments were due to the Idaho Power adjustments; there were also several homeowner exemptions. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for January 2025.

COO Rast said he has the Builders Risk Insurance policy proposal from The Hartwell Corp. that is being requested by Okland. Mr. Wesley feels this is a matter that is contemplated in the master agreement with the builder, that the county provide this insurance coverage, so he thinks it's just a matter that is related to an already agendized and contemplated matter of business; it is just administrative and the Board can provide authorization to Mr. Rast to sign off or sign it themselves. COO Rast said he will get a PO created thru Facilities to be run thru as a ministerial item. The Board is supportive of this action.

Commissioner Brooks spoke about HB106, he said it is attempting to change the advisory Fair Board statute and asked for legal to review. Canyon and Ada counties will be grandfathered in so the advisory board will not need to be reinstated. Commissioner Brooks believes this is a bill aimed at Kootenai County. Ada County Commissioner Rod Beck is not in favor of this moving forward and is interested in possibly a joint letter or two separate letters from each county expressing opposition. Zach Wesley said he would review and provide a draft letter for the Board to review.

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

EXECUTIVE SESSION – 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 9:45 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records 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 motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy P.A. Zach Wesley, and COO Greg Rast. Prosecutor Chris Boyd joined at

9:53 a.m. The Executive Session concluded at 10:13 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 ADMINISTRATIVE DISTRICT JUDGE AND THE TRIAL COURT ADMINISTRATOR

The Board met today at 10:34 a.m. for a monthly meeting with the Administrative District Judge and the Trial Court Administrator. Present were: Commissioners Leslie Van Beek and Brad Holton, Commissioner Zach Brooks arrived at 10:36 a.m., Judge Thomas Whitney, Assistant TCA Chris Paulsen, COO Greg Rast, and Deputy Clerk Jenen Ross. The following were discussed with the Board:

- Judge Whitney feels Clerk Hogaboam and Mr. Urresti are doing a great job of working with the court system of making things run smoothly. There was an issue with filing fees and it was handled well.
- Judge parking was displaced due to the new Sheriff building and Director Britton did a great job of finding alternate parking for the judges.
- Recently a bookcase fell on a judge but facilities dealt with the issue and it was resolved quickly; additionally, all the other judge bookshelves were checked and/or fixed quickly.
- The remodel of courtroom 315 is going well.
- Mr. Rast let everyone know that budget discussions may start sooner than May this year.

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

PUBLIC HEARING: REQUEST BY TRADITION CAPITAL PARTNERS FOR APPROVAL OF A PRELIMINARY PLAT FOR FALCON RIM SUBDIVISION, CASE NO. SD2022-0047

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Tradition Capital Partners, represented by KM Engineering, LLP, for approval of a preliminary plat for Falcon Rim Subdivision, Case No. SD2022-0047. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Planner Supervisor Carl Anderson, Interim DSD Director Jay Gibbons, Stephanie Hopkins, Tyler Hess, Spencer Kofoed, other interested citizens, and Deputy Clerk Monica Reeves.

Stephanie Hopkins, with KM Engineering, offered testimony on behalf of Tradition Capital Partners. The property consists of approximately 37 acres located near Duff Lane and Galloway Road and they are proposing access to Duff Lane in alignment with the Thoroughbred Estates Subdivision to the east. The rezone was approved in 2021 to the R-1 zone and there are 26 buildable lots and 2 common lots. They will avoid any slopes larger than 15%; there are some hilly areas and there is a little bit of floodplain in the southeast corner so they will avoid those areas.

They are proposing individual wells and septics, and pressurized irrigation will be provided by Black Canyon Irrigation District via a pump station that will be within Lot 3, Block 1 and will be maintained by the homeowners association. Roads will be public and have been designed to comply with Highway District No. 4 requirements. They will dedicate some right-of-way along Duff Lane to the highway district. Following her testimony, the Board had questions for staff and Ms. Hopkins.

DSD Principal Planner Dan Lister gave the oral staff report. The property is located at 25683 Duff Lane in Middleton. The parcel was zoned to "CR-R-1" (Conditional Rezone -Single Family Residential) in 2021 which limited the development to 26 lots, required and ag disclosure be added to the development, landscaping commensurate with the Thoroughbred Estates frontage, and also served by pressurized irrigation. On November 21, 2024, the P&Z Commission recommended approval subject to 16 conditions. The development will be served by individual wells and septics. Staff has been in communication with the applicant about community systems and how they should be recommended for the project. They reached out to DEQ who said it's not required, and although they do recommend it the code does not require a community system. There was no condition at the rezone hearing to add a requirement for a community system so the developer believes it should be fine with individual wells and septics based on the findings made at that time; however, the Canyon County Code does allow the Board to add services if there is a nexus to it. Planner Lister reviewed the technical aspects of the plat and responded to questions from the Board. Irrigation will be served by Black Canyon Irrigation District and will be delivered to individual lots via the proposed pressurized system. The gravel access road is provided to the pump station which is a 20-foot wide easement. The HOA or underlying property owner is responsible for maintaining any and all amenities, lawns, sprinklers, sidewalks, pathways, etc., approved by the district to be within the public right-of-way. (This language comes from the plat provided by the applicant.) Commissioner Holton wants the HOA to be able to deal with somebody upstream rather than it fall on the property owner who happens to have the drain on their property. Planner Lister said there were agency concerns but the applicant was able to address them throughout the process and there are conditions related to some of those concerns. One comment was received from a neighbor who wants to make sure the landscaping matches what Thoroughbred Estates has. There was a review of the recommended conditions.

Tyler Hess testified that he is one of the developers working with the owners and the engineers, and they have met all requirements and addressed the concerns. They have done 10-12 developments in the area which are similar in size and they take pride in doing quality work. They have given the highway district the right-of-way needed for the turn lane and have widened the road. One of the reasons they bought this project is because it was approved for individual wells and septics. He believes more investigation needs to be done on the possibility of placing community wells in future developments, but for now he believes individual wells and septic is the best option. He spoke about the requirements of the health district, and the concerns that have been addressed in the CCR's. Following Mr. Hess' testimony, he responded to questions from the Board.

Spencer Kofoed testified that the development community has done research and hired water professionals to do studies, and it was found that 95% of the individual wells go back into the

groundwater through the septics. He had a community well system in Willow Tree Estates in Nampa and it was a disaster. It had trace amounts of arsenic where on an individual well it would have been fine, but because it served 15 homes it cost hundreds of thousands of dollars in cleanup costs with DEQ and the EPA. It has been so much better to have individual wells and individual accountability. A lot of research has been done on individual septics and the high nitrate septics are far better at cleaning up than a community septic. Regarding fire flow, they have worked with the fire district and if they have to put in fire sprinklers they will. All septics and wells are designed with a very robust NP study, and when they are installed the health district will make sure there are proper distances. The lots and landscaping will be similar to Thoroughbred Estates. The Kelly Family Revocable Living Trust was his partner on this project, but it's taken so long they had to exit because it took much longer than anyone thought it would. He would appreciate any help the Board can provide in trying to streamline the processes and improve timelines.

Stephanie Hopkins offered rebuttal comments by stating they are excited to start on the construction documents to build the project. In response to a question from Commissioner Holton, she said they have not had any recent discussion with the school district; they commented on the rezone application and there was a requirement that the developer provide a space for them to do a drop-off for the school bus, but nothing outside of that as far as capacity is concerned. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony.

Commissioner Van Beek said Spencer Kofoed builds quality projects and she is in favor of approving the application as presented with the conditions and recommendations of the P&Z Commission. Commissioner Brooks said the applicant answered questions regarding spacing for wells and septics and fire flow, and he has no issues with the P&Z Commission's recommendations. Commissioner Holton agreed and said his concerns were answered, and the Board has not received any public comments or concerns that would lead him to a different conclusion. It is a well-planned project, and they are aware of the high nitrate area. He agrees with the P&Z Commission's findings and with staff's recommendation and the 16 individual conditions. Irrigation is the lifeblood to this area and we understand the fact that Black Canyon Irrigation District supplies it, but he wants it on the record that the developer is doing everything within their power to be amenable to the irrigation district's concerns and he wishes there was a better way for the Board to put that one condition in rather than what is stated, but at this point he doesn't know how else to do it. Principal Planner Lister said they will provide a final drainage plan with notes that staff will review prior to it coming to the Board for signature. Commissioner Holton hopes it goes well for them and they can reach an agreement with the highway district. He wants the motion to refer to staff's enumerated recommended conditions, and to reference the P&Z Commission's FCO's. In response to a question from Commissioner Brooks about the conditions the P&Z Commission reviewed, Principal Planner Lister said he put a strikethrough through Condition No. 4C because even though it was recommended by the P&Z Commission, it's a redundant condition because Condition No. 13 talks about how if there is any hillside development the applicant will have to come back with a hillside development plan. Commissioner Holton made a motion to approve Case No. SD2022-0047, and accept the FCO's of the P&Z Commission and amend their Condition No. 4 and delete Condition No. 4C. The motion was seconded by

Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to adjourn the hearing at 2:34 p.m. The findings will be brought back at a later date. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 12, 2025

APPROVED CLAIMS

- The Board approved claims 613923 to 613963 in the amount of \$91,246.11
- The Board approved claims 613873 to 613922 in the amount of \$206,368.02

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for:

- Nicole Blakeslee, Customer Service Specialist - Assessor's Reappraisal Dept. (New Hire)

EXECUTIVE SESSION 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 Board met today at 1:32 p.m. to enter into an executive session. Commissioner Van Beek made a motion to enter into executive session 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.

Mr. Wesley explained this action item was added to the agenda with less than 24-hour notice so there will need to be a motion to amend the agenda in order for it to be added.

Commissioner Van Beek withdrew her previous motion. She made a subsequent motion to amend the agenda to include an emergency meeting as requested by legal staff and to enter into executive session pursuant to Idaho Code 74-204 (1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation.

Mr. Bazzoli clarified that Idaho Code 74-204 is the code for an emergency meeting and to be able to enter for good cause which needs to be articulated.

Commissioner Van Beek withdrew the secondary motion. She noted that the emergency executive session falls under Idaho Code 74-204, allowing for the agenda amendment. Executive session will

need to be entered under 74-206 (1) (d) and (f) regarding records exempt and to communicate with legal counsel. Commissioner Holton seconded. A roll call vote was taken by Commissioner Holton where he and Commissioner Van Beek voted in favor of entering into the executive session. The Board recessed into executive session at 1:34 p.m. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, COO Greg Rast, and Attorney Bruce Castleton. The executive session concluded at 2:58 p.m. with no decision being called for in open session.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 13, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for:

- Brianna Krause, Interpretive Ranger, Parks Cultural & Natural Resources (New Hire)
- Mark Masek, Interpretive Ranger, Parks Cultural & Natural Resources (New Hire)
- Emily McMahon, Interpretive Ranger, Parks Cultural & Natural Resources (New Hire)
- Anna Lowry, Interpretive Ranger, Parks Cultural & Natural Resources (New Hire)
- Hilaire Goodnight, Interpretive Ranger, Parks Cultural & Natural Resources (New Hire)
- Trasie Hogin, Interpretive Ranger, Parks Cultural & Natural Resources (New Hire)

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- ECCO in the amount of \$4,500 for the Sheriff's Office (PO #6205)
- The Hartwell Corporation in the amount of \$40,771.00 for the Facilities Department (PO #6243)

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

The Board met today at 9:32 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Treasurer Jennifer Watters (left at 9:38 a.m.), Deputy Treasurer Tonya May (left at 9:38 a.m.), Cpt. Harold Patchett (left at 9:51 a.m.), Landfill Director David Loper (left at 9:51 a.m.), Controller Kyle Wilmot, COO Greg Rast, Other interested citizens (arrived at 9:45 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Authorizing Transfer of Excess Sale Proceeds to Parties in Interest and to the State Treasurer: Treasurer Watters explained this resolution allows for any excess funds from the tax deed sale held in November 2024 to be dispersed. It was noted that an email was received at 6:57 a.m. this morning from Mr. Montemayor whose property was taken by tax deed, it was a general objection and requested that some of the money from the sale be distributed to his family. Mr. Wesley explained that the county commissioners don't have the discretion to make the determination of distribution. Funds are dispersed by priority as set in statute and there is no legal basis to honor the request. Mr. Wesley's advice is to proceed with the resolution and to send a letter to Mr. Montemayor explaining this situation. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution authorizing transfer of excess sales proceeds to parties in interest and to the state treasurer (resolution no. 25-022).

Consider a Resolution Authorizing Exchange of County Property Between the Solid Waste Enterprise Fund and Canyon County: Mr. Bazzoli said this has been in process for over a year. The Solid Waste Enterprise fund currently owns parcel 30227000 0 which is approximately 80 acres adjacent to the George Nourse Gun Range which is managed by the Parks Department. This resolution would transfer the parcel from the Solid Waste Enterprise Fund to the county in the amount of \$80,000 which is the appraised value. The parcel would then be used for training by CCSO and possibly other are law enforcement agencies and potentially for the construction of a building for training. Additionally, this would also provide a law enforcement presence at the gun range. Cpt. Patchett spoke more about the vision CCSO has for this parcel and Director Loper spoke about how landfill staff is using the grading of the land as a training opportunity for some of the heavy equipment noting that fuel for the work is tracked and will be reimbursed by the Sheriff's Office. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution authorizing exchange of county property between the Solid Waste Enterprise Fund and Canyon County (resolution no. 25-023).

Consider a Memorandum of Understanding Between Canyon County Parks, Cultural and Natural Resources, Canyon County, and Canyon County Sheriff's Office: At this time the MOU has not yet been signed by all pertinent parties so this action item will be postponed to a later date. Commissioner Holton made a motion to defer the action item. The motion was seconded by Commissioner Van Beek and carried unanimously.

Consider an Ordinance Adopting Chapter 3, Article 21, Air Compression Brakes; and Consider Summary of Ordinance Adopting Chapter 3, Article 21, Air Compression Brakes: Commissioner Van Beek feels this action item needs some further discussion and would like to delay these action items. She does not recall any discussions surrounding this and is unsure of the origination. Mr. Bazzoli said that this was brought to legal by Commissioner Brooks. Commissioner Brooks explained that a former neighbor brought to his attention how he is regularly disturbed by the use of large tractor trailers on Riverside Rd. through a residential area and requested an ordinance similar to Ada County to prohibit this in the county. Commissioner Holton expressed his frustration with the use of air compression brakes just outside of Greenleaf city limits. Commissioner Van

Beek would like to see a public hearing scheduled to receive comments. Commission Holton said either he or Mr. Rast will coordinate with legal and the Director of Constituent Services to get this scheduled for a public hearing.

Other interested citizens arrived at 9:45 a.m. to offer comments regarding the resolution for excess funds that was approved prior to their arrival. Since this matter has already been addressed the Board suggested they may need to work with the Treasurer and requested Mr. Wesley will work with them off the record.

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 10:03 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Controller Kyle Wilmot, and COO Greg Rast. The Executive Session concluded at 10:22 a.m. with no decision being called for in open session.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 10:23 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH CODE ENFORCEMENT STAFF REGARDING RELEASE OF CERTIFICATES OF NONCOMPLIANCE AND TO DISCUSS THE CONDITIONS OF PROPERTY LOCATED AT 20233 LINDA LANE IN CALDWELL

The Board met today at 2:04 p.m. for a meeting with DSD code enforcement staff. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Code Enforcement Supervisor Eric Arthur, Code Enforcement Officer Gary Westerfield, Senior Admin. Specialist Pam Dilbeck, and Deputy Clerk Monica Reeves. Code enforcement staff recommended the release of certificates of noncompliance for properties located at:

- 89 S. Dewey, Nampa
- 2100 W. Orchard, Nampa
- 4420 Farmway, Caldwell

- 17481 Upper Pleasant Ridge, Caldwell

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to release certificates of noncompliance for the properties located at 89 S. Dewey in Nampa, 2100 W. Orchard in Nampa, 4420 Farmway in Caldwell, and 17481 Upper Pleasant Ridge in Caldwell, as presented. The releases will be recorded.

There was discussion regarding conditions of property located at 20233 Linda Lane in Caldwell. Staff is looking for Board direction on what course of action it wants to take as it looks like the County will be spending a tremendous amount of money to try to correct the violations on the property. The State of Idaho has a \$150,000 lien on the property for medical costs. It's in deplorable condition and is in a blighted neighborhood where most properties in the area have encroached onto highway district rights-of-way and there are squatters living in RV's. There are some pockets where improvements have been made to properties. Officer Arthur recommends fully abating the property when the weather permits, and he estimates it will cost \$20,000. Commissioner Brooks wants to hear from the Prosecutor's Office if the County can condemn the property. Commissioner Holton is nervous about tearing down the house and spending \$20,000 out of a \$50,000 code enforcement budget so he would like to hear from the highway district, the health department and the Sheriff's Office. Commissioner Van Beek agrees. Officer Arthur said if we demolish the house there is a concern about asbestos, so we'll need an asbestos survey prior. The building official can discuss that aspect of it at the meeting with the agencies and discuss how that pertains to the demo permit. Staff will devise a plan, reach out to agencies and get a meeting date, and reconvene with the Board to let it know what the options are. Commissioner Holton made a motion to meet on a future date to explore this with the different entities that could be participatory in getting a solution. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 2:35 p.m. An audio recording is on file in the Commissioners' Office.

DSD GENERAL BUSINESS WORKSHOP

The Board met today at 2:43 p.m. for a DSD general business workshop. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Interim DSD Director Jay Gibbons, and Deputy Clerk Monica Reeves. The following topics were discussed:

Fee Schedule - He has been working with IT to get the fee schedule implemented into CAPS so they can start collecting fees. Because of the way they looked at the overall fee structure and with going to an a la carte system there are a number of new fee categories that have to be put into system and they have to coordinate account numbers with the Auditor for those monies to go and that will take a couple of weeks. An outdated exhibit that was attached to the building fees information will need to be corrected after he reviews the fees and verifies the process with Legal.

Spring 2025 Ordinance Cleanup Board Workshop, OR2025-0001 – Interim Director Gibbons said they have gone through Title 7 and are looking at striking *Hearing Officer* and replacing it with *Director* under the description of presiding party so throughout the rest of the code that speaks to applications by type going to either the Board, the P&Z Commission, the Hearing Examiner, or Director decision. Other cleanup includes updating definitions and working with Legal on private road and original parcel, and they expect public input/feedback on those items. At next week's meeting he will have a document the Board can scan and see all the references they are going to change. It will go before the P&Z Commission and then come back to the Board for adoption. He will look at other pieces of the code that need to be updated outside of just the comprehensive plan ordinances and he will come back and talk to the Board about a potential RFP for using budgeted consultant services funds to help with an implementation plan for the current comprehensive plan and make recommendations and the Board could prioritize what ordinances need to be updated in order to fully implement the current 2030 comprehensive plan. He will bring back the proposal at a later date.

Commissioner Van Beek said in the draft amendment to the APA bill they do not require comprehensive plan adjustments or zoning changes and so how do you work off a map that doesn't exist? Interim Director Gibbons believes the intent of that amendment is to define what kind of map they were working for, that it doesn't have to be a comp plan amendment, it would just be we prepare maps every day. It could be a living map that we provide as the public requested it, or we would post it on a website and then you update it outside of a hearing process. It would simply be shown and updated as the Board approved these properties for the agricultural protection areas by ordinance. It would simplify the process. The map would be maintained outside of the comprehensive plan. It supports the plan, but it doesn't have to be each time a property comes in. If we maintained the map outside of the comprehensive plan and it's a publicly available map on our website we can update it very simply in GIS. Commissioner Van Beek said one of the things she objected to with the passage of the comprehensive plan is that the plan and zoning designations were out of sync, so to have another map that somebody has to go through feels bureaucratic. Commissioner Brooks said this a Farm Bureau bill backed by some of our favorite people in the County to target this Board and after some discussions yesterday, he doesn't think that piece of legislation is going to see the light of day. He thinks it's a "hit job". Commissioner Holton agreed and said it's sad to live in a state where you can get legislative attention and time, and when we finally get to be a state that considers legislation and how that might impact all 44 counties it would be refreshing to have a legislature actually look at new legislation in that light. Commissioner Van Beek said Commissioner Brooks is heavily involved and understands the bill writing and political process and the Board is fortunate that he is involved and protecting the interests of Canyon County. Commissioner Holton asked Interim Director Gibbons for a bulleted plan for what we been talking today so we can keep ourselves accountable to what we have been taking about.

There was discussion regarding planned unit development (PUD) and whether it should be reinstated. Interim Director Gibbons said he has utilized a PUD process in other jurisdictions, and it sets up an opportunity to work with a development plan and get a much better, more interesting and well-developed plan by utilizing a PUD as opposed to strictly the black and white of the code.

You can utilize it to adjust setbacks and open space, or amenities or treatments or types of buildings and create a more vibrant fabric within a development application for a specific use. He is a proponent of it, and he would like to reimplement it. Commissioner Holton said the City of Greenleaf has used it and the difference between the capability of a PUD compared to a subdivision ordinance where you produce either cookie cutter subdivisions or developments that are nice. Commissioner Van Beek said it creates interest and a place for coffee shops, amenities, and things that tie the community together. Interim Director Gibbons said if you had a PUD ordinance and were able to fully utilize it you could end up with a development with natural resource elements that you could agree with that set the standard that any residences could be clustered and kept out of those areas. It would allow a lot more creativity. He will bring back a list of ordinances and let the Board prioritize them.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 3:06 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 14, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Tischler Bise/Galena in the amount of \$75,548.00 for the Constituent Services Dept. (PO #6268)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Isac Leshchinsky, Deputy Sheriff – new hire

CONSIDER CASUALTY LOSS APPLICATIONS

The Board met today at 10:03 a.m. to consider casualty loss applications. Present were: Commissioners Leslie Van Beek and Zach Brooks, Treasurer Jennifer Watters, Property Appraiser Supervisor Holly Hopkins, and Deputy Clerk Jenen Ross. The applications were considered as follows:

Treasurer Watters noted the reduced tax amount and Ms. Hopkins provided an explanation of how the amounts were calculated. Tax reduction calculations are based on structures alone; they do not account for any other property or land.

Gina Marez, PIN 23058010A0: This loss was from the microburst in June 2024 in which part of the roof was lost. The total tax reduction is \$36.84. Upon the motion of Commissioner Van Beek and

second by Commissioner Brooks the Board voted unanimously to approve the application for cancellation.

Hill Family Trust, PIN 25081010A0: This loss was from the microburst in June 2024. The total tax reduction is \$109.72. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the application for cancellation.

Kimberly MacKinnon, PIN 25677502: This loss was due to a fire. The total tax reduction is \$317.91. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the application for cancellation.

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

ELECTED OFFICIALS' JOINT MEETING

The Board met today at 12:30 p.m. for a joint elected officials meeting. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Coroner Jennifer Crawford, Clerk Rick Hogaboam, Treasurer Jennifer Watters, Prosecutor Chris Boyd (arrived at 12:42 p.m.), Sheriff Kieran Donahue (left at 1:39 p.m.), Chief Deputy Sheriff Doug Hart (left at 1:55 p.m.), Assessor Brian Stender, COO Greg Rast, and Deputy Clerk Jenen Ross. The following updates were given:

Commissioners

- Status updates on new positions: Board has given the go-ahead to fill the remaining positions approved in the FY25 budget. A resolution with the new PCNs is scheduled to be considered next week.
- Property at 13th and Chicago is being acquired by the county.
- Dr. Jeremy Graves will be providing leadership training.
- Mr. Rast gave an update on the policy and procedure handbook he's been working on.

Sheriff

- Pod 6 update - architectural drawings are back and Sheriff Donahue reviewed how the design meets their needs. This design contains 196 beds which would be encompassed within a super-structure. Chief Hart spoke about how the trailer jail structure was no longer working and additional monies would need to be spent in order to get it to where they need it. Recently several members of the Sheriff's Office traveled to Georgia to evaluate a new concept of a warehouse/super-structure in which a vendor would be utilized to install high quality cells. Chief Hart said this concept represents a 50-60% cost reduction as compared to a brick and mortar building. Currently the Sheriff's Office has \$1.9M budgeted with another \$500,000 budgeted in Facilities for a female facility. Ideally, they would like to use funds already allocated in FY2025 to start working on the warehouse structure

portion and account for the final costs for outfitting the warehouse in the FY2026 budget. The drawings have been pushed to Oakland and Beniton in hopes of getting an idea of costs. This is the first step in moving the jail to the Pond Lane property. Chief Hart spoke about how the need for a new jail is a crisis and is a serious problem. This new warehouse concept will allow for growth and is a facility that would last for many decades into the future. Based on a question from Commissioner Van Beek, Sheriff Donahue spoke to differences between this concept and the DLR study from 2019. *Although the drawings of the jail were discussed on the record, they were not provided for the minutes. Per Sheriff Donahue, they are not for public consumption.*

- Law enforcement updates with the new administration.
- CCSO staffing update.
- Sheriff Donahue spoke about his role and the efforts he's been a part of as president of the National Sheriff's Association.

Clerk:

- Budget overview: budget utilization rate is higher than last year and ahead of the 15-year average. He said the FY25 budget was constructed to burn more fund balance. He is concerned the budget is not trending in the right direction and provided a brief overview of ending fund balances in comparison to previous years.
- He expressed his deep concern for the health trust and how benefits will need to change in upcoming years.
- Overview of considerations that he'd like to see taken into account for the upcoming budget season.
- Potential tools for funding capital needs.

Prosecuting Attorney:

- Working to implement potential tracking system to track requests for legal opinions, contract reviews, etc.
- Transition to new administration and office structure.
- Brady committee has been set-up to review old cases.
- Mr. Boyd plans to present a 100-day status report to the Board in the coming month.

Coroner:

- Several coroner statute amendments are working their way through the legislature.
- In the next few months they will be moving to 12-hour shifts, meaning the office will be operating 24-hours which will give them better response times to calls and less compensation time build-up for employees.

Assessor:

- On par for 5-year cycle for reappraisal site visits – required to be at 60% and this year they are at 65%.

- Predicting a fairly normal BOE season.
- PTR season, average about 4000 applicants each year.
- Aerial flyover was completed in January.

Treasurer:

- Preparing to send out about 2700 occupancy sub-roll taxes based on new construction from last year.
- In the process of appointing a new chief deputy.

Commissioner Holton noted that a draft version of the upcoming budget schedule is available for anyone who would like one. Clerk Hogaboam suggested there may need to be some date adjustments due to prearranged time-off of his staff. Additionally, Clerk Hogaboam suggested that maybe budget discussions should start with the fiscal impact of the health trust and work backwards from that.

At 2:02 p.m. there was Board consensus to adjourn the meeting. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM

CALDWELL, IDAHO FEBRUARY 18, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Olivia R. Rodriguez, Deputy Coroner – new hire
- Hailey C. McAdams, Deputy Coroner – new hire

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

The Board met today at 9:30 a.m. with County attorneys for a legal staff update and to consider action items. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Trenton McRae, Deputy PA Ben Cramer, Deputy PA Zach Wesley, Landfill Director David Loper, Clerk Rick Hogaboam, Recording Supervisor Emily Howell, Elections Supervisor Haley Hicks, Controller Kyle Wilmot, Parks Director Nicki Schwend, Parks Program Manager Dylon Starry, HR Director Marty Danner, Constituent Services Director Aaron Williams, and Deputy Clerk Monica Reeves. The following action items were considered:

Action Item: Consider signing a legal notice regarding the submittal of the Final Design Report by Canyon County for the Pickles Butte Sanitary Landfill Lateral Expansion Project - Director Loper has submitted the final design to DEQ and they have 56 days to review the submittal, and concurrently

we need to run a 28-day public notice in the newspaper and provide copies to public libraries within the County. The information is available electronically almost everywhere. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the legal notice regarding the submittal of the Final Design Report by Canyon County for the Pickles Butte Sanitary Landfill Lateral Expansion Project as presented noting there is a 28-day comment period and the documents are available.

Action Item: Consider signing Consulting Agreement with Gallagher Benefit Services, Inc. - Director Danner said this is the final version that has been reviewed by their legal counsel and ours and it is ready for the Board's signature. Commissioner Van Beek said the monthly fee is based on a per employee per month cost dependent on the number of employees at Canyon County. Some of the ancillary services are separate from Gallagher, and the County will not have any impact from those fees. The ancillary provider might be charged as a commission. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to sign the Consulting Agreement with Gallagher Benefit Services, Inc., as presented (Agreement No. 25-014).

Action Item: Consider signing Point and Pay E-Payment Services Agreement - Recording Supervisor Emily Howell said this agreement will allow the Recorder's Office to accept credit card payments. The agreement has been reviewed by Legal. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the Point and Pay, LLC, E-Payment Services Agreement as presented (Agreement No. 25-105).

Action Item: Consider signing a Resolution to Adopt Public Integrity in Elections and Use of County Property or Resources Policy - Chief Civil Deputy PA Aaron Bazzoli said the policy clarifies and tracks the language of the code and puts it in the County's policy as to what the purposes for the print shop should and should not be used for, and it has been expanded to include the government agencies that are within Canyon County's boundaries that utilize the printshop, but it cannot be used for politicking or elections. The printshop has been historically used by employees for items that are not necessarily designated for official business; it limits it to make it more competitive and employees will have to use private businesses for their bulk printing needs instead of the print shop. Other government agencies, taxing districts, and non-profit organizations may use the printshop services so long as the request following the procedures outline in the policy, including submitting a written request to the Board of Commissioners. COO Rast said the following agencies have requested printshop services: Adams County, Canyon County Law Enforcement Foundation, Fraternal Order of Police, Caldwell Police Department, Canyon County Ambulance District, Compassion Caldwell/Love Caldwell, Canyon County Deputies Association, Idaho Victim Witness Association, VitalCore Health Solutions (jail medical forms), West Valley Humane Society, and the Board of Community Guardians would like to use the printshop. He will work with Legal on a draft document for a Board decision to approve these. The Board is in favor of the policy. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the resolution adopting the Public Integrity in Elections and Use of County Property or Resources Policy as presented (Resolution No. 25-025). Commissioner Holton wants to make sure the policy includes a definition of printshop resources.

Action item: Consider Second Amended Intergovernmental and Joint Powers Agreement with the Nampa Fire Protection District for the collection and expenditure of impact fees - Constituent Services Director Aaron Williams said the agreement was updated on September 12, 2024, and Todd Lakey reached out with minor changes he wanted to be made. Deputy PA Wesley said the Nampa Fire Protection District had expanded during the time we have had impact fees for them in place and now they serve the entire City of Nampa and the area outside of the County that we were just in contract with before so they were in the process of updating their capital improvement plan and so this is a step in getting our agreement in order and the next thing we'll see is a new capital improvement plan from them to go through the P&Z Commission. Commissioner Van Beek referenced the fire district impact fees meeting that was held on January 17, 2019 where there were a number of fire districts and the Middleton Greater Parks and Recreation District, who did not qualify because it was a voter-induced impact fee, and she has questions on the projections and how close those are to when it was put together by Ann Westcott. We are supposed to be reviewing the impact fees, and the fire districts are supposed to provide financials and updates on where they are at with those impact fees and projections, but she hasn't seen that information. Deputy PA Wesley said he provided a redlined version of those, and they are minor, there are no substantial changes. Commissioner Van Beek said about four years ago the Nampa Fire District lobbied to remove itself and \$10M out of the general fund for the City of Nampa to be their own entity, and so that will be another piece of how this plays out. There are a lot of moving pieces that are complicated. Nampa is removing itself from the intergovernmental agency agreement to allow the fire district itself to be their own entity. Deputy PA Wesley said that was something we had done in a prior version of this, but Nampa wanted to change the wording of the language and that's why we have this new draft that they've asked us to formalize but it doesn't materially change anything for us from the last version of this. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the Canyon County Nampa Fire Protection District Second Amended and Reformed Intergovernmental and Joint Powers Agreement for the collection and expenditure of development impact fees for fire district system improvements as presented. (Agreement No. 25-016).

The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO TAKE COMMENTS REGARDING FEE INCREASE FOR PARTICIPATING IN THE CANOE SCIENCE CAMP

Public Hearing to take comments regarding fee increase for participating in the canoe science camp with an action item to consider signing resolution increasing the participation fee for the canoe science camp. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Parks Director Nicki Schwend, Parks Program Manager Dylan Starry, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Trenton McRae, Deputy PA Ben Cramer, Clerk Rick Hogaboam, Constituent Services Director Aaron Williams, and Deputy Clerk Monica Reeves. Commissioner Holton supports the increase because it is a beneficial camp and although the fee

does not completely pay its way, it helps keep the program. Commissioner Van Beek said March 22, 2020, was the last time a fee increase was entertained. It has gone from \$50 to \$60, which is a great deal, and they are in conjunction with marine patrol and so it's a great environment. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the resolution to increase the participation fee for the canoe science camp operated by the Canyon County Parks, Cultural and Natural Resources Department as presented (Resolution No. 25-038). Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to recess at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION OF THE CANYON COUNTY BOARD OF COUNTY COMMISSIONERS
AUTHORIZING THE DISTRIBUTION OF FUNDS INTO THE EMPLOYEE HEALTH BENEFIT TRUST FUND

The Board met today at 10:30 a.m. to consider a resolution of the Canyon County Board of County Commissioners authorizing the distribution of funds into the employee health benefit trust fund. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Clerk Rick Hogaboam, Controller Kyle Wilmot, Director of Constituent Services Aaron Williams, HR Director Marty Danner, Health Plan Trustees Martin Flores, Yvonne Baker, and Debra Smart, COO Greg Rast, and Deputy Clerk Jenen Ross.

Mr. Flores said the position of the health trust has not changed. The burn rate continues to be unpredictable, averaging \$250,000 weekly but last week it jumped to \$847,000. There has been some stop-loss reimbursement realized and with some other standard revenues the average is still \$250,000 weekly but it's not gaining any ground.

There has been discussion as to whether the premiums should be increased on the county contribution side or a one-time infusion, Mr. Flores believes the consensus was to do the one-time infusion in order to stabilize the fund, cover the IB&R, the HRA liability as well as provide operating funds while evaluating the next steps for the plan.

Controller Wilmot spoke about the document that was prepared indicating the cost to each fund based on the number of FTEs and the assumption of a \$2 million, \$2.5 million or \$3 million infusion.

The Clerk's recommendation is to infuse \$3 million into the fund. Today's action is not a budget amendment as there isn't a request for more spending authority above the authorized budget, this is all in the 'A' budget which is salaries and benefits. If the \$3 million were to be approved the recommendation is that it gets apportioned out based on all funded positions within the county. It is anticipated that the benefit cost is going to exceed what was estimated/budgeted but savings from vacancies in most departments should cover the increase. At the end of the year there will likely need to be a budget amendment because this was an unanticipated cost and while most budgets will be able to absorb the increase there are some that won't, mostly smaller divisions that are fully staffed throughout the entire fiscal year which will cause an overage on the 'A' budget.

Commissioner Van Beek said she supports the \$3M from the 'A' budget.

Discussion ensued regarding potential employee contribution increase and a comparison to other area municipalities.

Commissioners Brooks and Holton both expressed their support for the \$3M infusion.

Commissioner Van Beek made a motion to sign the resolution authorizing the distribution of \$3M into the employee health trust benefit fund per the recommendation of the Clerk and the Board of Trustees. The motion was seconded by Commissioner Brooks and carried unanimously.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 10:54 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: REQUEST BY LWD DEVELOPMENT, INC., FOR A CONDITIONAL REZONE OF APPROXIMATELY 72.8 ACRES FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-1" (CONDITIONAL REZONE - SINGLE-FAMILY RESIDENTIAL) ZONE, CASE NO. CR2022-0003

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by LWD Development, Inc., represented by Lakey-Villegas Law, for a conditional rezone of approximately 72.8 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone – Single-Family Residential) zone on parcels R37624 and R33827. The request includes a development agreement to limit residential development to 46 residential lots. The subject properties are located to the northeast of the intersection of Kingsbury Rd., and Foothill Rd., in Middleton. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Michelle Barron, Interim DSD Director Jay Gibbons, Deputy PA Zach Wesley, Todd Lakey, Alan Mills, George Quenzer, Nathan Mitchell, Brandi Mitchell, Dave Nielson, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that in looking at the case map she realized she has been involved in 19 out of the last 20 cases at some level, and she has friends in proximity of the area so she is familiar with the topography. She is aware of the site, but has not gone to the site.

Todd Lakey offered testimony on behalf of the applicant stating that the P&Z Commission found that most of the factors that are required to be reviewed support the application, but ultimately, they ended up in a split recommendation for denial. From his perspective staff did the right analysis and he asked the Board to use their findings and analysis in its decision. The project comes with a large public benefit in the form of building and extending Kingsbury Road through the length of the property to within 200+ feet of Kingsbury Road to the south. The R-1 zoning is more appropriate than the existing agricultural zoning. The P&Z Commission wanted a preliminary plat

to review and approve with the rezone but that is not the County's current policy. The site plan, with the conditions, provide the guarantee that they will develop the property as they are proposing. This is not farm ground, there are poor soils, no water rights, and rolling topography that has not been farmed. Agriculture is not the correct zoning in this location. The property is within Star's impact area and it fits with their comprehensive plan. City limits are nearby and there is an extensive pattern of compatible development in the area. There are 48 platted subdivisions within one mile with a 1.59-acre average lot size. The proposed lots range from 1 acre to 4.96 acres with most being between 1 and 1.5 acres. The City of Star designates the property as low-density residential which also allows for one-acre lots. Mr. Lakey discussed the existing various zoning designations in the area. The applicants are proposing 46 lots on 73 acres, and the highway district does not require a traffic study for this property but they state the impacts are adequately mitigated by the right-of-way dedication and by the building of the new extension for Kingsbury Road, along with the fact that the developer will pay impact fees. ITD had no concerns. The P&Z Commission second-guessed the road jurisdictions in their findings and ignored the impact and substantial benefit of this extension. The school district and the fire district also recognized the benefit. The project will utilize individual wells. The property is in one of the strongest aquifers in Canyon County, and it does not have any surface irrigation water rights so they can only irrigate a half acre. Following his testimony, Mr. Lakey responded to questions from the Board.

Principal Planner Michelle Barron gave the oral staff report. The request includes a development agreement to limit residential development to 46 residential lots with a minimum density of approximately .63 dwelling units per acre. Prior to 2020, Parcel R33827 and Parcel R37624 were deemed original parcels. In 2020, a property boundary adjustment was approved to retain a 6.66-acre parcel with a home on it with the remainder of approximately 72.81 acres. It was confusing in some of the case maps because part of the lot that was kept is on another section and according to the Assessor's records they are divided and it shows it as two parcels, but it's actually one parcel. The preliminary plat is being used as the concept plan for this conditional rezone, and it was submitted concurrently but it was put on hold to make sure the entitlements are in place first. Zoning in the area includes agriculture, rural residential, and city parcels. The future land use designation in the Canyon County 2020 Comprehensive Plan is residential. The parcel is located within Star's area of city impact, and the city submitted a letter stating the development meets the intent of their comprehensive plan and the Star Unified Development Code. The City of Middleton also recognizes this area as residential. The proposed plan aligns with six goals and nine policies within the 2020 comprehensive plan as well as the future land use map. On October 17, 2024, the P&Z Commission recommended denial based on the opinion that the conditional rezone did not meet criteria 2, 5, 6 & 8. Following her report, Planner Barron responded to questions from the Board.

Nathan Mitchell testified that they were asked to provide 6 different options to Kingsbury north to Kingsbury south; 3 options at a 10% or less grade; 3 options at an 8% or less grade, all with minimum 35 mph turn radius; and to try to fit a 45 mph turn radius. The selected option they have designed is a 45 mph turn radius and it does not exceed an 8% grade anywhere on the road. It's designed all the way through down to Kingsbury to tie into the existing Kingsbury on the south. They did not test soils on the property but they dug 65 different test holes as deep as 20 feet.

There is a geotechnical report and a subdivision engineering report for the septic systems, and they did not find anything unsuitable to build on. The City of Middleton has sewer to Blue Lakes, which is 1300 feet away from city limits, and it is significantly lower, and any sewer that came out of this property would have to be on a pressurized system due to topography. There is no path of annexation because of the individual lots that surround it, unless it is forced. If secondary dwellings are allowed in the code they would ask for it remain allowed. They intend to comply with the requirements in the ordinance for setbacks. They have dug extensive test holes and kept their building pads as far as away from the edge of the property as they could.

Alan Mills testified that he met with the Middleton School District Superintendent several times and he agreed with Mr. Mills' assertion that with this being a high-end development it will have fewer elementary school kids and more high school kids. In 1979 the County zoned the entire rim to this property as rural residential and at that time it had a one-acre density. He said the applicant should be allowed to use the topography and put homes where they are best suited and because it takes the pressure off the better ground somewhere else. According to Mr. Mills, the Treasure Valley Ground Water Maps show this to be the best area in the Treasure Valley, and it shows the aquifer coming up since 1969. If approved, this will be the first road in the area to conform.

George Quenzer, who lives on Foothill Road, testified about his concerns regarding runoff and road safety issues as well as the impacts on wells. There is a gravel pit that has been on his property for many years, although he did not dig it. He has never seen water come off the hills above him and into the gravel pit, and it worries him what the setbacks will be and if there will there be ponds because once they change the topography there could be a potential for stormwater and irrigation runoff. There are shallow wells in the area and he wonders if wells will go dry from the pumping that occurs up above. There was a map displayed that showed a road coming through his property and he wants to know how much ground they want to take off his fields. He also wants to know if the highway district has approved the southern extension. Commissioner Holton said it has been presented that the highway district has approved this concept. Mr. Quenzer wants to know when someone will address how the road will go through his property.

Dave Nielson lives on Kingsbury Drive and he supports the subdivision because he knows what the City of Star is doing is mass population and it's going to destroy Middleton and the nice houses. He has seen the quality projects the developer has built and he supports this project.

Rebuttal testimony was offered by Todd Lakey who said the application meets the criteria in the ordinance. The P&Z Commission found that the majority of the factors addressing whether this is more appropriate for R-1 fits. The proposal along with the site plan, binds them to the request. There was some concern expressed about the aquifer, but the IDWR map shows this is a strong aquifer. The highway district has approved the design, but the portion that is on Mr. Quenzer's property is not part of the application and it has not been approved by the highway district so to speak, and so that's between them and Mr. Quenzer. The applicant is following their preferred design and they would have discussions with Mr. Quenzer about the extension and the connection thereafter. They have to keep the stormwater on site. The school district and fire district

responded with recognition of the significant work they are doing in extending Kingsbury Road. It meets the criteria as found by staff and as demonstrated in the application. Commissioner Holton is concerned about the accessory dwelling units (ADU's). Mr. Lakey said the client is less concerned about the ADU's and he suggested including a condition of approval that if someone is proposing an ADU they have to get a conditional use permit and go through an approval process versus just an administrative approval. Commissioner Van Beek wants to make sure drainage issues are not a problem for the neighbors. Mr. Lakey said they have done the geotechnical work and tested the soils and it shows the soils support the construction. Ultimately a subdivision engineering report has to be done and they have to look at each lot to make sure the septic system is appropriately placed. Planner Barron said they do have building envelopes there that are in reference to the geotechnical report they did and so they are the suitable areas for them. Building envelopes are in place.

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

Commissioner Van Beek wants to disallow secondary dwellings on the property. Commissioner Brooks is in favor of allowing ADU's with a CUP process. Commissioner Holton said there are 4 or 5 lots that could potentially have an ADU and they would have to defend it through an engineering process and he would hate to preclude that. Further discussion ensued. Commissioner Holton disagrees with the P&Z Commission's decision; this is dry ground that hasn't been farmed and is surrounded by development and therefore housing is the higher use. Commissioner Van Beek said the area is changing and there has been a lot of activity out there that supports the residential zoning. Commissioner Brooks said the P&Z Commission's first two findings are in conflict with their ultimate finding for No. 2. There was testimony today that this was in the comprehensive plan in 1979 as rural residential, and he asked when did that change back to agriculture? Rural residential is more appropriate than the agricultural designation. The request is compatible with surrounding land uses and is in line with the character of the area and if the property were annexed into Star it would have a different density level as is represented on the maps by Star and Middleton that have R-3 designations on the east and west side of Kingsbury. The application proposes to keep the area the same. They are doing the extension of Kingsbury Road and they have done the geotechnical report and the aquifer is in a recharge mode instead of draining away. Irrigation is nonexistent, they have no surface water irrigation rights. Highway District No. 4 identified that the roadways are failing and the impact fees were passed, they probably need to have those re-evaluated to find out where they're at with that. The entitlements that have been granted by the City of Middleton far outnumber the entitlements that are being granted for rural lifestyles by the County. Commissioner Brooks disagrees with P&Z Commission findings in that it's disingenuous to use somebody's legal right to irrigate half an acre out of their well against them just because there wasn't surface water irrigation available. Commissioner Van Beek said several years ago the committee of nine was invoked so there would not be a possibility of Middleton being able to annex this property into their city limits because in that process they drew the line at Kingsbury so this would be the sole responsibility for Star. This is clearly in Star's jurisdiction and is not able to be annexed or serviced by Middleton. Mr. Quenzer has expressed interest in being contacted by the developer to see if there would be an amicable way of working that out but that's between

the developer and the highway district on how they work out that access. They have to gain legal access. The applicant has gone above and beyond with the extension of Kingsbury. Commissioner Brooks wants to delete the last sentence of the conclusion that states *“that there is no guarantee that this connection will happen.”* The Board agreed. Commissioner Brooks wants to delete No. 3 as well. The Board agreed. The Board also agreed to strike No. 6, finding No. 3. Commissioner Brooks said the school acknowledged that there will be an impact but the benefit of the road being extended offsets it. He wants to delete the following sentence: *“There is no guarantee that the road will be extended”*, and to delete the last two sentences of No. 3 as well. The Board reviewed the draft development agreement conditions that were prepared by staff for the P&Z Commission hearing. Commissioner Brooks wants to adopt what Planner Barron sent to the P&Z Commission. There was discussion regarding the number of buildable lots and the ADU’s that could be possible through a CUP. Planner Barron said it’s holding it to the concept plan and the 46 lots, and with accessory dwelling units or secondary dwellings you do not divide the lot. If they want to divide the lot they would have to go through another zone process to make it fit because the lot sizes are likely going to be too small to divide, and then they would have to go through another platting process to change the lot layout. After the final plat is recorded they would have to replat to change any of it. Commissioner Holton asked staff to incorporate the Board’s discussion into the draft conditions, and note that EMS did not weigh in and that essential public services and facilities will be enhanced with a to-and-through road that meets highway district standards. Planner Barron will add another condition stating secondary dwellings must be approved by CUP, and she will include language that states it has to be in substantial compliance with the concept plan. Staff was directed to remove Condition No. 3 regarding proof of a pre-development meeting with SWDH prior to the Board’s approval of the rezone. Planner Barron will make Condition No. 3 about the secondary dwellings through a CUP. A motion was made by Commissioner Holton to approve the application contingent upon a future meeting with staff to review the FCO’s, the development agreement, and the ordinance. The motion was seconded by Commissioner Brooks and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 3:29 p.m. An audio recording is on file in the Commissioners’ Office.

CONSIDER APPROVING THE ADOPTION OF JOB TITLE, AND POSITION CONTROL NUMBER OF TWELVE (12) POSITIONS ACROSS CANYON COUNTY

The Board met today at 4:05 p.m. to consider approving the adoption of job title, and position control number of twelve (12) positions across Canyon County. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, COO Greg Rast, and Deputy Clerk Jenen Ross.

These were positions that were approved in the budget process but held until after the first quarter of the fiscal year. There was a total of 13.5 positions approved in the budget but a part time position for the TCA and a senior chief deputy in the Prosecutor’s Office have already been filled. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution approving the adoption of job, title, and position control number of twelve (12) positions across Canyon County (resolution no. 25-026).

Commissioner Van Beek motioned to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 4:08 p.m. and an audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 19, 2025

APPROVED FEBRUARY 21, 2025 PAYROLL

- The Board approved the February 21, 2025 payroll in the amount of \$2,224,960.10

APPROVED CLAIMS

- The Board approved claims 613964 to 613965 in the amount of \$2,760.00

EXECUTIVE SESSION 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

Commissioner Van Beek made a motion to go into Executive Session at 9:02 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton. Commissioner Holton took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Senior Chief Deputy Ingrid Beatty, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, COO Greg Rast, and Bruce Castleton with Castleton Law. The Executive Session concluded at 9:32 a.m. with no decision being called for in open session.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously.

PUBLIC HEARING - REQUEST BY GREG PAYNE FOR A CONDITIONAL REZONE, CASE NO. CR2022-0007

The Board met today at 1:34 p.m. to conduct a public hearing for Case No. CR2022-0007, a request by Greg Payne for a conditional rezone of approximately 21.84 acres from an "A" (Agricultural) Zone as follows: the northmost 7+/- acres will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and restricted the use to a mini storage/RV storage facility and quasi-public uses; and the remaining 14+/- acres will be zoned to "CR-C-2" (Conditional Rezone - Service

Commercial) with limited uses. The request includes a development agreement with conditions limiting uses and site impact to adjacent properties. The subject vacant property, Parcel R34456, is located adjacent to 13768 Highway 44 in Caldwell. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Interim DSD Director Jay Gibbons, DSD Principal Planner Dan Lister, DSD Principal Planner Josh Johnson, Alan Mills, Greg Payne, Connor Gray, other interested citizens, and Deputy Clerk Monica Reeves.

Alan Mills testified on behalf of the applicant, and stated they agree with the findings and conclusions from the P&Z Commission and with the staff report although he has a couple of changes to the proposed conditions. There is a neighbor to the north who did not get full coverage from tree screening, and their road is on the canal company's right-of-way and they want it widened due to gopher and rock chuck problems and so the Paynes have agreed to allow cleaning from the southside only and the spoils will start building up the road width and bank for the canal company. Mr. Payne is willing to give them more right-of-way when it gets to that point, and they see no purpose for landscaping on the north boundary along the canal. They have worked with the canal company to enhance the neighbors to the north who had unusable sections along their area, and they have allowed them to put in a retaining wall and be able to utilize that ground, and they have further allowed the Paynes to not fully plant along the right-of-way along the north side, but to do some plantings as long as they leave room for spray equipment. They will meet with ITD about their design options for access. Following his testimony, Mr. Mills responded to questions from the Board.

Principal Planner Dan Lister gave the oral staff report. In March of 2022 the applicant submitted an application to amend their property from Agriculture and C-1 to a C-2 zone. The P&Z Commission recommended denial because there were so many uses that were not addressing some of the unknown impacts. On October 2, 2024, the applicant requested the following amendment to the application: (1) Northmost 7+/- acres of the subject parcel be zoned "CR-C-2" and restricted to mini storage/RV storage uses and quasi-public uses; (2) Middle 7+/- acres of the subject parcel to be zoned to "CR-C-2" with limited uses; and (3) Southern 7+/- acres currently zone "C-1" will not be changed. The Board of Commissioners found the request to be a substantial change and remanded the request back to the P&Z Commission. The applicants amended their application and on November 21, 2024, the P&Z Commission recommended approval as amended subject to the development agreement conditions. The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of Highway 44 as "commercial". The subject parcel is located within the Middleton Area of City Impact. Middleton designates the parcel and the parcels south and north of Highway 44 as "commercial" and "mixed use". Seven acres are currently zoned "C-1" (Neighborhood Commercial) at the front of Highway 44, and the remainder of the property is zoned "A" (Agricultural). Of the 25 uses proposed:

- In the Ag zone, 8 uses are prohibited, 12 require a CUP
- In the C-1 zone, 4 uses are prohibited, and 4 require a CUP

The property has best and moderately suited soils and is in agricultural production. Within a one-mile radius there are 30 subdivisions with a 1.73-acre average lot size. Future development will

require well and septic systems or what is required by SWDH, IDWR and DEQ based on the use. Adequate services will be addressed at the time of use by the appropriate agencies. Middleton city jurisdiction and city services are located over 4,400 feet east of the subject parcel. The property is not located in a nitrate priority area. The parcel has surface water rights from Middleton Mills/Middleton Irrigation Association. The parcel has frontage on Canyon Lane, a local road maintained by Canyon Highway District #4, and Highway 44, a principal arterial highway maintained by the Idaho Transportation Department. Existing agricultural/field access appears to be from Highway 44. Effects on traffic will be addressed at the time of use by the appropriate agencies. The request reduces future commercial uses to 24 uses. Effects on schools and services will be addressed at the time of use by the appropriate agencies. Public comment letters received were concerned about water and traffic impacts, as well as the inundation of RV storage facilities along Highway 44. There was a review of agency comments, no major concerns were noted. Planner Lister reviewed the draft conditions. The applicant is requesting landscaping not be required on the northern boundary. The FCO's will be brought back later with the development agreement and the ordinance amending the zoning map. Following his report, Planner Lister responded to questions from the Board.

Greg Payne testified that he has farmed the land for 50 years, and the traffic and growth have been a big concern with the liability of moving farm machinery around and they cannot function the way they would like to which is why they are seeking a rezone. They are not looking for residential use, they are trying to create a place for commercial use for business, better taxation for schools, and to give the people in the community a place to work. He will continue to farm the property and said it will develop in phases although he doesn't have an end user yet and that is why they are being vague about what they are doing. Mr. Payne explained the irrigation and drainage on the property. He has two field accesses to the property; they do not access off of Canyon Lane because of the cement ditch, which is where their water comes from.

Connor Gray testified about why they are asking for an amendment to the landscaping plan on the northern portion so they can work out a solution for the neighbor. They will abide by submitting plans and making sure the County approves the landscaping plan. Commissioner Holton wants to make sure there is a written agreement for what has been negotiated for the land in the event the adjacent property is sold. Mr. Gray said they will do everything to make sure the contract stays with the private parties but continues with the land. Planner Lister said they could use a water users' maintenance agreement that gets recorded between all parties. If there are any encroachments into an easement by the irrigation district, they have to work on an agreement with that jurisdiction. There are mechanisms in place, but if the Board wants to make sure there is a recorded agreement staff can add that as a condition. Commissioner Holton would like it added as condition.

Rebuttal comments were offered by Alan Mills who spoke about the lack of commercial and industrial zoning and said they would agree to a condition that they provide disclosures and make it a condition of any sale of the property.

Commissioner Holton asked staff for suggestions on the applicant's proposal to remove the landscaping requirement on the north boundary. Planner Lister said he could add a bullet on the landscaping section that says it's not required on the north boundary adjacent to the canal.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Van Beek is in favor of approving the application as presented with the change to the language omitting landscaping along the canal border. The Paynes are generational farmers and are givers to the community and Mr. Payne works in a niche market and has a family business with kids involved and they need the commercial aspect. She appreciates that they have omitted some of the uses in C-2 zoning that may not fit even next to that northern border and have alleviated some of that pressure by limiting the C-1 zoning. It's a good project and it shows their commitment to their community to develop a piece of ground that is difficult to farm because of the logistics. Commissioner Brooks supports the request and the proposed FCO's and amendments that were discussed. Commissioner Holton wants a condition for disclosures. Planner Lister asked what language the Board wants regarding disclosure of easements or water. Commissioner Holton would like it to be generic to give them the most ability to deal with it. Planner Lister said he will review the record for discussion and make sure he captures the intent and it can be reviewed by the Board when the documents are considered. Commissioner Holton said the applicant should review the draft language as well. He asked if there should be language about the irrigation easement or will the disclosure cover it? Planner Lister said the letter was part of the findings reviewed by the P&Z Commission so he doesn't think it needs to be added, but it's up to the Board if it wants to add it to the criteria. The condition would address the disclosure to be provided by the property owner at the time of sale. Commissioner Van Beek agrees with having a disclosure particularly if this is a slow buildout and there is a change in property. The language should say it is prohibited and structures will be removed if they are built in the easement. Planner Lister said Condition #1 has a list of letters from Black Canyon Irrigation District so they already have that jurisdictional review. He believes the Board's concern is more about the future property owners or adjacent owners who have access to it but do not understand the rights. Commissioner Holton is comfortable with the disclosures as discussed. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to approve the application and direct staff to finish the FCO's and schedule a future meeting to review the FCO's and the ordinance and have the conditions delineated for review and approval. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 20, 2025

APPROVED CLAIMS

- The Board approved claims 614177 to 614216 in the amount of \$656,675.57

- The Board approved claims 614137 to 614176 in the amount of \$48,566.30
- The Board approved claims 613616 to 613617 in the amount of \$702.00
- The Board approved claims 614097 to 614136 in the amount of \$116,574.88
- The Board approved claims 614057 to 614096 in the amount of \$84,858.35
- The Board approved claims 614018 to 614056 in the amount of \$12,705.14

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Kent Chivington, Juvenile Probation Officer I – new hire
- Britney Perez, Juvenile Probation Officer I – new hire
- Jeremy Cucco, Deputy CIO – new hire
- Scott Moore, Housekeeper – filling vacant PCN
- Elizabeth Roberts, Part-time Administrative Specialist – new hire

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Langmuir Systems in the amount of \$6517.55 for the Facilities department (PO #6246)
- Dell in the amount of \$16,099.13 for the Information Technology department (PO #6193)
- Garrett Metal Detectors in the amount of \$7,710.00 for the Facilities Department (PO #6137)

DSD GENERAL BUSINESS MEETING

The Board met today at 10:34 a.m. for a DSD general business meeting. Present were: Commissioners Leslie Van Beek and Zach Brooks, Interim DSD Director Jay Gibbons, and Deputy Clerk Jenen Ross.

Director Gibbons provided a synopsis of last week's meeting as requested by the Chairman. A copy of the synopsis has been added to the February 13, 2025 agenda and included with that day's minutes.

A request has been received from Janet Northrup with the Sunny Slope Wine Trail for a letter of support. They are working toward a grant with the Department of Ag to be used for used for marketing. A sample letter was provided outlining what they're trying to accomplish. Mr. Gibbons read a portion of the letter noting it would be marketing for not just the wine trail but the wine growers in the area too. The Board will review the letter and provide input to Director Gibbons.

Additionally, DSD is actively working on ordinance updates. Director Gibbon spoke with Zach Wesley this morning regarding the status of the private road ordinance. At this point they are

ready to go and will provide notice. It will be scheduled with P&Z on April 3rd along with the spring clean-up and possibly county impact fees.

The meeting concluded at 10:39 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 11:33 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Case Manager Kellie George, and Deputy Clerk Jenen Ross. Ms. George presented the following cases for Board consideration:

Case no. 2025-10: Following an investigation, Indigent Services has determined the decedent is a Canyon County resident, there is no other payer, and the county is payer of last resort. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve case no. 2025-10 as presented.

Case no. 2025-11: Following an investigation, Indigent Services has determined there is a spouse and resources/assets; the county is not the payer of last resort. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to deny case no. 2025-11 as the county is not the payer of last resort.

Commissioner Van Beek made a motion to adjourn/recess until the COO is available.

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

CONSIDER RESOLUTION TO APPROVE CANYON COUNTY PRINT SHOP SERVICES TO SPECIFIED ORGANIZATIONS

The Board met today at 11:44 a.m. to consider a resolution to approve Canyon County Print Shop services to specified organizations. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, IT Business Manager Caiti Pendell, IT Sr. Finance Specialist Micki Schlapia, COO Greg Rast, and Deputy Clerk Jenen Ross.

Mr. Rast explained that on Tuesday there was a policy adopted by the Board regarding public integrity in elections used of county property or resources policy. This resolution is to comply with option 1 which states that there must be a request to the Board of County Commissioners for use of the print shop. In working with legal and the IT business staff, they've drafted this resolution to give formal approval to the entities that regularly use the print shop. Mr. Bazzoli spoke about how this resolution will both give authorization for use of the print shop but also outline the limitations of using the services. The agencies included in the resolution are either government entities or

non-profit organizations. In response to a question from Commissioner Brooks, Mr. Rast said that all material and labor costs are billed back to the requesting organization, additionally, these will be low-priority jobs. Commissioner Holton expressed his concern about the listed agencies needing to be more specific. Mr. Bazzoli said that this resolution just includes approved agencies, not approved jobs; the print shop has the discretion to determine acceptance of the job. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution to approve Canyon County Print Shop services to specified organizations (resolution no. 25-027).

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

CONSIDER FINAL PLAT FOR OSPREY #2, CASE NO. SD2022-0027

The Board met today at 2:04 p.m. to consider the final plat for Osprey #2, case no. SD2022-0027. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Interim DSD Director Jay Gibbons, and Deputy Clerk Jenen Ross.

Mr. Gibbon explained that there were two revisions made to the staff summary and that there were originally 11 conditions that have all been met. The county engineer has reviewed and approved the final plat.

Commissioner Brooks made a motion to authorize the Chairman's signature on the final plat. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 2:08 p.m. and an audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING: APPEAL BY MATT WILKE, REPRESENTING RICHARD AND LORNA PENNER, REGARDING THE DENIAL OF AD2024-0001 FOR NON-VIABLE LAND DIVISIONS OF PARCEL R37792, CASE NO. AD2024-0001-APL

The Board met today at 3:30 p.m. for a continuation of the public hearing in the matter of the appeal by Matt Wilke, representing Richard and Lorna Penner, regarding the denial of AD2024-0001 for nonviable land divisions of Parcel R37792, Case No. AD2024-0001-APL. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Deputy PA Zach Wesley, Chief Civil Deputy PA Aaron Bazzoli, DSD Principal Planner Dan Lister, DSD Planner Emily Bunn, Interim DSD Director Jay Gibbons, Matt Wilke, Todd Lakey, Kris Crookham, George Crookham, other interested persons, and Deputy Clerk Monica Reeves. Today's hearing was continued from February 6, 2024 so that legal counsel could look into the original parcel discussion. (Public testimony was closed on February 6.)

Deputy PA Zach Wesley said there was a determination by the DSD Director that this was a single parcel under our code for the purposes of original parcel, and that interpretation had several conflicts with prior written statements on parcel inquiries from staff and it rendered some confusion because of those conflicts in our record. The Board has received a lot of testimony on the interpretation of the ordinance and statute and this legal description. The question that was posed to legal staff was how do we look at this under the County's existing ordinance? The courts generally defer to the Board on the interpretation of its own ordinance and statute. The question about an original parcel comes down to some confusion and vagueness in our definition section of the ordinance. We have a definition of original parcel that's been updated recently that provides that an original parcel is one that existed on the 1979 date in the ordinance. We then define parcel in a separate definition and that's the definition that is the source of the problem and confusion. That definition defines parcel as a tract of land that's described by metes and bounds, a surveyor's description, it's one method to describe a piece of property, then it says rods and chains which are units of measurements that could be within the metes and bounds description. Aliquot parts are a term used with a government lot legal description, and the final category is a lot and block description which would be a modern legal description for a subdivision. We have some conflict in that definition of parcel because we've said we're going to recognize a parcel as one that's legally described under two certain categories and then we confuse that by adding units of measurement into the definition where maybe the definition should say we recognize parcels that are described by metes and bounds description, by a government lot description, or by a lot and block description - one of those three categories of legal description which would have rods and chains as a measurement within potentially, or an aliquot parts within them as a unit of measurement potentially but those wouldn't be on their own separate types of legal description, just units of measurement. We also have a description of a lot that refers to another definition. We define aliquot but that's it - and so there is some vagueness in our ordinance that leaves itself open to the sort of confusion that is present in this case and he doesn't think we'll find resolution to the confusion we have here just from the plain reading of the ordinance. The ordinance needs revision immediately to resolve these questions so we don't have this problem occur where we have two County employees at two different times looking at the same legal description and coming up with a different answer. We should have enough guidelines that every time we look at those legal descriptions we are getting a uniform result on the interpretation. Deputy PA Wesley's recommendation is to honor the description by staff that had the broadest definition that found there were two (2) parcels within this legal description and his recommendation is to honor that as a good faith measure for the staff that interpreted that and the people that relied on it.

Planner Emily Bunn reviewed the decision options as follows, and discussion ensued:

- Uphold the Director's Decision Denial Based on CCCO §07-18-09 and Uphold Previous and Current Interpretations of How Many Original Parcels R37792 Contains
 - Result would be four (4) parcels with a residential building permit would be available under CCCO §07-18-07
- Uphold the Director's Decision Denial Based on CCCO §07-18-09 and Honor PI2020-0226

- Result would be five (5) parcels with a residential building permit would be available under CCCO §07-18-07
- Reverse the Director's Decision Denial Based on CCCO §07-18-09 and Honor PI2020-0226
 - Result would be eight (8) parcels with a residential building permit would be available under CCCO §07-18-09
- Reverse the Director's Decision Denial Based on CCCO §07-18-09 and Uphold Previous and Current Interpretations of How Many Original Parcels R37792 Contains
 - Result would be four (4) parcel with a residential building permit would be available under CCCO §07-18-07 AND §07-18-09.

Commissioner Brooks wants to go with bullet no. 3 to reverse the Director's decision for the denial and honor the PI 2020-0026 as our legal counsel suggested. We had expert testimony that there were three aliquot parts, and it is very clear especially from the written testimony comparing and contrasting the surveyors and their opinions of what was going on that looking at this as one (1) parcel in his opinion is completely incorrect - and not the historical intent of how those descriptions were written. There was testimony that we have been operating under a certain policy for the last 15-20 years, but just because we've been doing that doesn't mean it was correct. We should correct it going forward. He is in favor of reversing the denial and upholding the parcel inquiry that stated it was two parcels. He believes the ground nonviable. Commissioner Van Beek believes Commissioner Brooks' position is well supported and it has been validated. There is work to be done on the ordinance and the Board will not back away from that challenge to make clarifications, but in the interest of fairness and good business, it is the right decision to honor what has been presented. Commissioner Holton said the nonviability comes into play where the water rights were sold before the application was submitted; this is a dry piece of ground and it's not flat. He supports bullet point no. 3 which results in 8 building parcels, partially off of the 2 lots, but said his decision is not setting a precedent - this is a one-off - there has been no other application that has had this kind of testimony and this kind of substantiation of the different points of view. It's frustrating that DSD got caught in this position over the years and he agrees that we have to clean up the definition. He again stated that he is in favor of the 8 parcels, but people should not count on his decision today going forward to do something on a future decision. Planner Bunn asked if the reversal is based on the nonviability because there is no irrigation water rights and it is uneven ground. Principal Planner Lister said staff will include in the FCO's the information as to why the Board is honoring the 2020 parcel inquiry. Commissioner Holton made a motion to reverse the Director's decision which will result in eight (8) parcels, and instruct staff to revise the FCO's to delineate the general basis for the decision and set a future date to review the final FCOs. The motion was seconded by Commissioner Brooks and carried unanimously. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 3:56 p.m. An audio recording is on file in the Commissioners' Office.

No meetings were held this day.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 24, 2025

APPROVED PURCHASE ORDER

The Board approved the following purchase orders:

- Overhead Door in the amount of \$5,969.00 for the Facilities department (PO #6266)

APPROVED CLAIMS

- The Board approved the grand jury claim in the amount of \$3,499.50
- The Board approved the January jury claim in the amount of \$4,007.17

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status form for:

- Autumn M. Wall, Certified Property Appraiser Supervisor

MEETING WITH SHERIFF'S OFFICE REGARDING POD 6

The Board met today at 9:33 a.m. with the Sheriff's Office regarding Pod 6. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Sheriff Kieran Donahue, Captain Harold Patchett, Facilities Director Rick Britton, Prosecutor Chris Boyd, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Zach Wesley, Deputy PA Trent McRae, Director of Constituent Services Aaron Williams, Communications Specialist Chad Thompson, Sheriff's PIO Joe Decker, Captain Chuck Gentry, Lt. Travis Engle, Captain Ray Talbot, Lt. Martin Flores, Clerk Rick Hogaboam, Controller Kyle Wilmot, Director of Court Operations Jess Urresti, Senior Systems Analyst Steve Onofrei, Larry Olmstead, and other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Holton spoke about the jail's long history with four failed bond attempts and the County's decision to lease Pod 6 which was not sustainable due to security issues, operational issues, and workers compensation issues. Today the Board and the Sheriff will discuss moving forward with phase one of a plan for just under 200 beds. Sheriff Donahue said Canyon County has been in arrears on bed space for decades, and the increase in female housing is one of the problems. The tent jail was constructed to house work release inmates to provide revenue to the County, but when the recession hit the facility had to be used to house low-level criminals and as time went on the tent was used to house a higher level classification of inmates which put more pressure on the Dale Haile jail and they had to open Pod 6 due to the high number of female inmates. The Sheriff said he wasn't supportive of the concept, but the County decided to move forward with a lease option to buy because we were desperate to do something. There have been 1,600 work orders over the life of Pod 6 resulting in a cost of \$180,000 to the County, and due to concerns about security and costs, they had to get rid of Pod 6. Captain Patchett and other County personnel toured a jail facility in Georgia that was built of modular steel cells inside a warehouse-type building which is a

significant cost savings compared to a brick-and-mortar building, and the maintenance is better than anything he has seen. The company that builds the cells can design whatever the County needs. As part of phase 1, they are looking at a dorm-type setting to add 194 beds, with 8 secure cells versus open door. He reached out to several current and former jail commanders who agree this is a good concept. Facilities Director Rick Britton said we will put the infrastructure in the ground to easily adapt each phase, and they will be able to utilize a lot of the equipment that was used for Pod 6. There was discussion regarding the jail standards that must be adhered to, and the tremendous costs associated with out-of-county housing. In 2018, Canyon County spent over \$721,000 on other counties to house our inmates, not including the transportation costs of getting inmates to court. Sheriff Donahue said JFAC has failed to allocate the proper funds to expand the Idaho prison, and there are over 800 state inmates in county jails in the state of Idaho because the state has no room for them so counties house them for \$55 a day for the first 7 days, and then \$75 a day thereafter. It costs the County \$130 a day to house a state inmate, and the legislators need to be held accountable for that and JFAC needs to appropriate the correct dollars to take the pressure off the counties. The County is still working toward building a jail on the 24 acres located on Pond Lane that were purchased several years ago. Director Britton said he attended a roundtable discussion last week with the City of Caldwell to discuss what the requirements are, and he said we may have to annex the property and have a special use permit. The existing SUP for Pod 6 was going to end February 2026.

General specifications of the facility:

- Two-story metal building, 16-18 feet on sidewalls, 100 feet wide by 200 feet long.
- Inside the building there will be 4 pods that can run independently of each other and can be added onto without interrupting the day-to-day operations of the first building.
- As part of this year's budget, the County included \$500,000 for maintenance and \$1.9M for the buyout of Pod 6, and so that \$2.4M can be used toward this phase. The Board has a concept amount but is not yet ready to disclose that amount.
- R&M Steel is a possible vendor.

With regard to funding, Commissioner Holton said the County would like to see a local option tax. The current local option sales tax requires that for every penny you increase the sales tax, half of the penny goes to the project and half goes to the counties for property tax relief. The payoff is a little over five years and somewhere under 10 years; it will not be a huge bond for hundreds of millions of dollars. We need more beds, but the voters have spoken numerous times that they do not want to pay more taxes. The County is not looking toward a bond, but it is not excluding it either. Sheriff Donahue said the efficiency of this design will require fewer deputies to operate it and there will be a benefit in having all maintenance and construction work done on the outside of the unit itself negating the need for people to enter the pod to perform maintenance which will reduce the potential for weapons or contraband to be used against staff. He said using the local option tax to pay for jails is not a new concept, it was done in Idaho in 2000, and Governor Little has said he will sign any local option tax bill that the legislature puts in front of him, but the legislature is dragging its feet. Prosecutor Chris Boyd said there are not any nonviolent felonies or safety-related felonies left to release from jail and as a result people are out and committing more

crimes. The choice of who to let out is between a sex offender, a drug trafficker, or someone with multiple felony DUI's. He said the County is being ripped off by the state who is making money off the backs of Canyon County taxpayers. He applauds the efforts to deal with this and encouraged people to contact Speaker Mike Moyle and tell him we need the local option tax. Commissioner Holton said the Board does not have specifics on financing because we don't know what the complete overall cost of phase 1 will look like, but it will be a phased approach state of the art jail that meets and, in some cases, surpasses jail standards. He trusts the independent people the Sheriff has brought in for review and said at some point, the County will make their statement public. Commissioner Brooks said we touched on this during the budget meetings when discussing setting funds aside for the purchase of the Pod 6 and this is why we exercised our option not to purchase the trailers. The public has questions about why trailers have been removed and it's because they didn't work from the get-go and some of the cells were never used. They were hot in the summer, cold in winter, pipes were freezing and there were issues with the doors and hinges. There was a \$1.9M option to purchase that we did not exercise. We also budgeted \$500,000 to bring it up to jail standards and we decided not to exercise that option, and we will instead use those funds toward a more permanent structure that meets jail standards. Director Britton reviewed the costs associated with trying to maintain Pod 6 such as general maintenance, excessive plumbing maintenance, doors and hinges, HVAC maintenance, roof leaks, floor peeling, frozen pipes, and miscellaneous work orders. There were 1,603 work orders from the May of 2020 to February of 2025. Captain Patchett said in some cases there were no fixes and other concerns such as you could see air through the vents, snow would come inside, locks were installed too high, people throwing fentanyl into the recreation yard, and the potential for escapes into a residential area. Commissioner Holton said there were good intentions to bring in Pod 6, but it was shoddy construction and he was appalled at what they were putting up with. Chief Civil Deputy PA Bazzoli said we need to identify that Pod 6 is the women's facility, and phase one is the women's jail. We are not talking about the entire 450-bed facility for both men and women, this is just focused on female inmates at this time. Commissioner Holton said initially the four pods are being looked at for female inmates, and if you take the 194 multiplied by 80%, that's typically the maximum for day-to-day operations. The Constituent Services Director will release information and post a concise history from 2007 about the conversations surrounding Pod 6, and the County will move forward with something that will be identified over the next several months. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 10:47 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 25, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Steve R. Onofrei, Chief Deputy Treasurer – promotion, specialty pay and transfer
- Diana Capistran, Administrative Specialist – new hire

APPROVED CLAIMS

- The Board approved claim 614323 ADV in the amount of \$238.00
- The Board approved claims 614217 to 614280 in the amount of \$102,108.29
- The Board approved claims 614281 to 614322 in the amount of \$32,083.56
- The Board approved claims 613966 to 613991 in the amount of \$48,396.01
- The Board approved claims 613992 to 614017 in the amount of \$43,050.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hurricane Butterfly Law Enforcement in the amount of \$5618.45 for the Sheriff's Office (PO #6208)

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Aaron Bazzoli (left at 10:07 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Trent McRae (left at 10:07 a.m.), Parks Director Nicki Schwend (left at 10:00 a.m.), Landfill Director David Loper (left at 10:06 a.m.), DSD Principal Planner Michelle Barron (left at 10:21 a.m.), Clerk Rick Hogaboam (arrived at 9:35 a.m. and left at 9:39 a.m.), COO Greg Rast (left at 10:08 a.m.), DSD Interim Director Jay Gibbons (arrived at 9:54 a.m. and left at 10:21 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Legal Notice of Noncompliant Local Governing Entities: Mr. Wesley explained this is a state mandated public notice. A list is provided by the State Controller's Office noticing the county of taxing entities that are not in compliance with legal reporting requirements. At the request of the Board, Clerk Hogaboam provided additional information regarding this notice stating that he believes it is connected to the transparency statute which is just a few years old. Commissioner Holton made a motion to approve the legal notice. The motion was seconded by Commissioner Van Beek and carried unanimously.

EXECUTIVE SESSION

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

Commissioner Van Beek made a motion to go into Executive Session at 9:41 a.m. *There was no code section noted for the executive session.* The motion was seconded by Commissioner Holton. Commissioner Holton took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy

P.A. Zach Wesley, Deputy P.A. Trent McRae, Parks Director Nicki Schwend, and COO Greg Rast. The Executive Session concluded at 9:54 a.m. with no decision being called for in open session.

Following the executive session, the remaining action items were considered as follows:

Consider Resolution Increasing the Participation Fee for the Canoe Science Camp: Commissioner Van Beek made a motion to sign the resolution increasing the participation fee for the Canoe Science Camp as presented. Commissioner Holton seconded the motion. Commissioner Van Beek questioned the fee change, understanding it was intended to increase to \$65, not \$60. Mr. McRae said through this process he understood the increased fee to be \$60. Due to the confusion regarding the fee, Director Schwend will need to do some further research. Commissioner Van Beek withdrew her motion. Mr. Wesley said this was noticed at \$60 so if it is supposed to be \$65 it will need to be re-noticed and the whole process restarted. However, if the fee is \$60 this resolution would still be in effect. Commissioner Van Beek made a secondary motion to sign the resolution for the reason as outlined by Deputy P.A. Wesley. The motion was seconded by Commissioner Holton and carried unanimously (resolution no. 25-028).

Consider Amendment No. 1 to Professional Consulting Service Agreement with Tetra Tech, LLC; Agreement No. 18-197: Director Loper explained this amendment is to incorporate a landfill gas database project. There is an immense amount of technical data that is generated from the landfill gas system that needs to be managed, reviewed, quality assured and trends analyzed. Currently it is managed by an Excel spreadsheet but the volume is becoming unmanageable. In conversations with Tetra Tech it was discovered that they have a database that can be purchased to manage all the information. Following discussion regarding different aspects of the management system and the review done be legal, Commissioner Van Beek made a motion to sign amendment no. 1 Professional Consulting Service agreement with Tetra Tech, LLC; agreement no. 18-197. The motion was seconded by Commissioner Holton and carried unanimously (agreement no. 25-017).

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 Holton. Commissioner Holton took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Principal Planner Michelle Barron (left at 10:21 a.m.), COO Greg Rast (left at 10:08 a.m.), and DSD Interim Director Jay Gibbons (arrived at 9:54 a.m. and left at 10:21 a.m.). The Executive Session concluded at 10:30 a.m. with no decision being called for in open session.

Commissioner Van Beek motioned to adjourn until next agenda item. The motion was seconded by Commissioner Holton and carried unanimously.

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

WORKSHOP MEETING WITH THE SHERIFF'S OFFICE REGARDING THE CANYON COUNTY EMERGENCY OPERATIONS PLAN AND THE CANYON COUNTY TYPE-3 INCIDENT MANAGEMENT TEAM

The Board met today at 2:20 p.m. for a workshop meeting with the Sheriff's Office regarding the Canyon County emergency operations plan and the Canyon County type-3 incident management team. Present were: Commissioners Leslie Van Beek, Brad Holton, Commissioner Zach Brooks (arrived at 2:26 p.m.), Chief Deputy P.A. Aaron Bazzoli (arrived at 2:30 p.m.), Deputy P.A. Ben Cramer (arrived at 2:30 p.m.), Chief Deputy Sheriff Doug Hart, Cpt. Ray Talbot, EOM Christine Wendelsdorf, Director of Constituent Services Aaron Williams, Assistant CIO Jeremy Cucco, COO Greg Rast (left at 2:46 p.m.), Eugene Smith and Coleen Rice with High Focus, LLC, Clerk Rick Hogaboam and Controller Kyle Wilmot (arrived at 3:35 p.m.), and Deputy Clerk Jenen Ross.

High Focus LLC had assisted in creating this emergency operations plan. They have created a *Gap Analysis & Needs Assessment Workshop Participant Workbook* (a copy is on file with this day's minutes) to determine what the Board would like to see in an emergency operations plan.

Mr. Smith and Ms. Rice gave introductions of themselves and their backgrounds. Ms. Rice requested introductions from the Board including their background and experience in emergency management.

Typically, an EOP is revised every 5 years as infrastructure and population increase. Canyon County's last EOP was 2019. It generally takes about a year to update the plan, engage with stakeholders and review all threats and hazards.

Worksheet 1: Strategic Direction

- ***Target length (currently 89 pages) – brevity or as much detail as possible?***
Commissioner Van Beek would like the document that fits the need; she wants to ensure it fits the needs of the county; Commissioner Holton cautioned about brevity because it could be a disservice to some county entities.
- ***Will the document be made accessible to the public or be considered for official use only?***
FEMA recommends a "whole community approach". Commissioner Holton feels there are parts that will be public and parts that are for official use only.
Ms. Wendelsdorf said that the current EOP is not a public document.
- ***Do the intended audiences (responsible agencies/partners) expect detailed/technical instructions or strategic guidance for each scenario?***
Ms. Rice explained that most department/offices have very detailed SOPs that are protected. Most of the time an EOP serves as a coordinating document. If this were to be a protected document as many details as possible can be included, however, if it is going to be publicly available there is probably some redaction that needs to be done. In response to a question from Commissioner Van Beek, Ms. Wendelsdorf spoke to how the municipalities interface.

- ***If the document is going to made accessible to the public will it be presented at LEPC (public meeting) for comment?***

Ms. Wendelsdorf explained this can be addressed thru a LEPC meeting but there really is not a lot of public participation, it is mainly the planning partners from different agencies within the county. Previously, questions have been posted on social media, such as NextDoor, to solicit public input. Commissioner Van Beek would like to see the document made available for public comment. Commissioner Holton would be favorable to having the comment period open for longer if necessary.

Discussion ensued regarding an emergency management training being offered to elected officials at both the county and city levels; the Board would like to see something planned with the hope for better participation than previous attempts.

- ***Is the document going to be distributed electronically, printed, or both?***

Commissioner Holton said he is okay with the document being printed but he is not willing to track where all the copies are. If it is distributed electronically, individual agencies could be responsible for printing their own copy. Commissioner Van Beek suggested there could be limited distribution available in the Commissioners' Office, Sheriff's Office, and/or Emergency Operations. Ms. Wendelsdorf suggested a link to the public portions of the plan could be added to the Emergency Management page of the website.

- ***Should agency distribution be tracked?***

Commissioner Holton said the county will be the holder of the entire document electronically and official requests could be made for the document in its entirety and redacted accordingly.

- ***Should the document contain links to additional/cited resources or comprehensive/self-contained and cite references?***

Links will be cited in the digital version.

- ***The 2019 version does not include maps, should maps be included in the updated version?***

Commissioner Van Beek would like to see maps included. Commissioner Holton would like to see it tied to a GIS map that has the most up-to-date city limits.

- ***The current plan uses Emergency Support Functions (EFS), the new evolution is to use the Lifelines Implementation Toolkit. Which would the Board like to use?***

Ms. Wendelsdorf's preference would be to move towards the Lifelines. Commissioner Van Beek is in favor of moving towards the Lifelines concept. Commissioners Brooks and Holton concur with moving to the Lifelines concept.

Worksheet 2: Participating Agencies

- 2019/currently participating agencies
- Recommended agencies

Ms. Rice requested Ms. Wendelsdorf work with the Board as to which agencies they'd like to see included.

Worksheet 3: Action Annexes

- Current EOP Action Plans/Current Mitigation Hazard Rankings
- 2025 Incident Action & Support Action Annexes

Ms. Rice is looking for input from the Board as to whether certain annexes should be added or removed. This list must be decided upon in order to set the survey questions.

Worksheet 4: Draft Survey Questions

The Board would like the opportunity to review the information provided today, along with reviewing the Kootenai County plan. Commissioner Holton requested from Ms. Wendelsdorf a master-list of considerations by other entities. The Board feels that at least one more meeting on this topic will be necessary.

Ms. Wendelsdorf provided an update to the Board on the IMT (Incident Management Team). This has been worked on for the past year with the help of High Focus. Students on the federal, state and local level from as far away as Virginia, members of the US Coast Guard, and Idaho Department of Lands have attended these classes. Six of the classes have been completed with three more still to come. A full-scale exercise will happen the week of June 16th to which Ms. Wendelsdorf has invited the Board to attend. Discussion ensued regarding the costs of the class and the possibility of finding grant monies.

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

The meeting concluded at 3:51 p.m. with an audio recording on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 26, 2025

No meetings were held this day.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 27, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Jay Gibbons, Director of Development Services - Appointed Director (Previously Interim Director)
- Kona Marie Bustos, CCSO Customer Service Specialist – transfer
- Dominic Resendez, Juvenile Detention Officer – new hire
- Matthew Demelo, Deputy Sheriff – add detective and on-call pay which was missed in the FY25 changes
- Amanda Eileen Woodward, CCSO Emergency Communications Officer I – new hire
- Kevin Curl, Corporal – promotion and transfer

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Southern Idaho Electric in the amount of \$9000 for the Facilities department (PO #6265)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Danelion Brewery to be used 3/15/25 for a brunch event
- Raising Our Bar to be used on 3/8/25 for the Brink wedding
- Raising Our Bar to be used on 3/15/25 for the Gross wedding
- Raising Our Bar to be used on 3/16/25 for the Jordan wedding
- Raising Our Bar to be used on 3/21/25 for the Meyer wedding
- Raising Our Bar to be used on 3/22/25 for the McCoy wedding

FILE IN MINUTES

The Board filed in today's minutes the Treasurer's quarterly report for October 1, 2024 – December 31, 2024 and the monthly report for December 2024.

FILE IN MINUTES

The Board filed in today's minutes the December 2024 minutes.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:30 a.m. with county attorneys for a legal staff update. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli (left at 10:29 a.m.), Deputy P.A. Zach Wesley, and Deputy Clerk Jenen Ross.

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 9:31 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli (left at 10:29 a.m.), and Deputy P.A. Zach Wesley. The Executive Session concluded at 10:34 a.m. with no decision being called for in open session.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 11:30 a.m. to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Office Manager Jennifer Almeida, Treasurer Jennifer Watters (left at 11:34 a.m.), Assessor Brian Stender (left at 11:34 a.m.), Chief Deputy Assessor Greg Himes (left at 11:34 a.m.), and Deputy Clerk Jenen Ross.

Treasurer Watters said both of these losses are from the microburst in June.

Consider casualty loss application for Fort Boise Produce / Charles Farmer, PIN 39319000 0: The tax cancellation amount is \$1139.65. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to reduce the amount of taxes collected on this property due to the microburst by \$1139.65.

Consider casualty loss application for Golden West Produce, PIN 39313000 0: The tax cancellation amount is \$2219.01. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the reduction of taxes due on this property by \$2219.01.

Consider resolution issuing a refund to Vicki Jansson Family Trust / Purple Sage Landing Subdivision, Case nos. RZ2022-0014, RD2022-0014 and SD2022-0052: Ms. Almeida said the applicant submitted three applications on 10/26/22 and paid fees in the amount of \$3070.00. A review was provided of the work completed for the applications. Based on the work that has been completed, DSD is recommending a refund in the amount of \$1688.50 be issued. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue a refund to Vicki Jansson Family Trust / Purple Sage Landing Subdivision, Case nos. RZ2022-0014, RD2022-0014 and SD2022-0052 (resolution no. 25-029).

Consider resolution issuing a refund to Canyon Creek Gardens/Symms, Case no. CU2024-0015: Ms. Almeida explained there was an application submitted for a conditional use permit for food processing and paid fees in the amount of \$950.00 (CU2024-0015). Prior to this application, a conditional use application was submitted for a retail nursery (CU2024-0002). After review by DSD staff, it was suggested that the applicant apply for one conditional use permit for both uses in the ag zone. Based on the suggestion by DSD, the applicant chose to withdraw the CU2024-0015

request and include this with the previous application. There was not much work done on this application so DSD is recommending a refund of \$712.50. Upon the motion of commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue a refund to Canyon Creek Gardens/Symms, Case no. CU2024-0015 (resolution no. 25-030).

Consider resolution issuing a refund to Powers Butte Energy Center, LLC, Case no. CU2024-0004: The applicant applied for a conditional use permit on 2/2/24 and paid fees in the amount of \$950.00. A review was provided of the work completed. Based on the work done, DSD is recommending a refund of \$712.50. Commissioner Brooks made a motion to approve the resolution issuing a refund to Powers Butte Energy Center, LLC, Case no. CU2024-0015 as presented. The motion was seconded by Commissioner Van Beek with discussion noting the correct case number of CU2024-0004. Commissioner Brooks amended the motion to the correct case number which was seconded by Commissioner Van Beek and carried unanimously (resolution no. 25-031). The meeting concluded at 11:34 a.m. and an audio recording is on file in the Commissioners' Office.

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

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), (b), and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he, along with Commissioners Van Beek and Brooks, voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, HR Director Marty Danner, and Interim DSD Director Jay Gibbons. The Executive Session concluded at 1:50 p.m. with Commissioner Holton stating there were no decisions reached. He asked HR Director Danner to prepare a "blue sheet" (an employee status change form) for the Board's consideration for Jay Gibbons for the position of DSD Director. COO Rast said he will prepare communication for this matter. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 1:51 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

DISCUSSION REGARDING IMPACT FEES

The Board met today at 2:03 p.m. for a discussion regarding impact fees. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Director of Constituent Services Aaron Williams, Colin McAweeney with TischlerBiseGalena, Coroner Jennifer Crawford, Parks Director Nicki Schwend, Outdoor Recreation Planner Alex Eells, Facilities Director Rick Britton, Sheriff's PIO Joe Decker, Captain Harold Patchett, Chief Deputy Sheriff Doug Hart, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Clerk Rick Hogaboam arrived at 2:35 p.m. On February 4, 2025, Director Williams and Colin McAweeney gave an overview to the Board of an impact fee study they were doing and to get a

sense of which departments can use it. They had given a high-level view of growth projections and what can be expected from the financial side of things if the County were to collect impact fees, and said we are now at the point of seeing which departments/areas of the County the Board would like the impact fee committee to explore. So far, they have the following rough estimates of impact fee collections over a 10-year span:

- \$9M for the jail
- \$800,000 for the Coroner
- \$1.4M for Parks
- Sheriff's training facility - yet to be determined

Mr. McAweeney said it's not a commitment of adoption of any of those four areas, and although it's eligible under state code perhaps there are priorities the Board wants them to focus their effort on. They scoped the project in a way where if we did not move forward with one of the components they would not charge the full amount; it's ala carte. There was discussion regarding growth projections; the 6-8 week timeline for developing draft numbers; how the fees could be used; whether cities would be willing to collect county impact fees; the need to have a meeting with the two major cities before proceeding; determine what the realistic expectations of impact fees are; the challenges of negotiating with municipalities on impact fees; concerns that the projected amounts are not sufficient; funding sources for a new jail as well as ambulance services; and questions about how to utilize an impact fee for the Sheriff's Office given the parameters involved. Commissioner Brooks said he only wants to move forward with the jail component, not the other three areas. Commissioner Van Beek believes the County would benefit by looking at fees for the parks and the Coroner's Office. Commissioner Holton said growth needs to pay its way and in his opinion these numbers do not reflect that. He is in favor of moving forward with all four items and getting more data, but said we should take the items to the cities and see if they are in or out because if one of the major two cities does not want to participate it will be difficult to go forward. Mr. McAweeney said if we do the Sheriff's training facility, it's only collecting a fee in the unincorporated areas and not approaching the cities with the Sheriff component. Parks will probably be the biggest hurdle. He asked if the Board would be open to collecting a park impact fee in specific portions of unincorporated Canyon County? Commissioner Holton said it would not add up to much and it would get complicated. Mr. McAweeney said impact fees might not be the top revenue source for certain funding strategies. \$9M gets us 20% of phase 1 of the jail expansion for 250 beds. Impact fees can be used as a way to help with referendums, and if a local option sales tax is available to us in the future it might help get voter approval. Commissioner Van Beek is in favor of reaching out to the cities and then see what the proposed plan is to see if the value for what we're going to get is worth the effort we are going to expend. Commissioner Holton said part of this is taking concepts and taking it to the city councils of Nampa and Caldwell and get a temperature check because it's not worth the time if we are just doing it for rural Canyon County. Commissioner Van Beek agrees and wants to explore whether there are needs that haven't been identified or contemplated. Director Williams recommends we progress forward and see where our partners are at and come back to the Board with the hard numbers. Clerk Hogaboam said a 10-year capital improvement plan needs to be a foundational premise in which you would work to establish the existing level of service and what the growth prorated share is to

work into the formula. He spoke about the effects of HB389 and how in some cases it has impaired what those 10-year assumptions were and what the tax increment base would be over 10 years. Impact fees are legally restricted but they must fund the project that you said it was going fund and to fund the rest of the project requires that you need to have the budget capacity and if it becomes clear you don't have the budget capacity then it could be "pie in the sky" that you're collecting fees and the County doesn't have the capacity to do its prorated share. It forces the conversation about what is the equitable share of all parties paying for the needs they are creating, but it will force us to determine the County's capacity to do the major capital things. The capacity of the County to look at fund balance is somewhat encumbered to satisfy the major capital projects that exceed what you are collecting. Commissioner Van Beek said the decision to not collect \$14M in one year and then raise salaries by \$11M was not this current Board's decision, and that \$25M spread has an impact and there is a workout that has to be done that impacts our current expense, our fund balance. Director Williams will check with the cities and report back to the Board. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 2:57 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2025 TERM
CALDWELL, IDAHO FEBRUARY 28, 2025

No meetings were held this day.

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

THE MINUTES OF THE FISCAL TERM OF FEBRUARY 2025 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this _____ day of _____, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: RICK HOGABOAM, CLERK

By: _____, Deputy Clerk