

SEPTEMBER 2019 TERM
CALDWELL, IDAHO SEPTEMBER 3, 2019

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

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Aundrea Stewart.

FILE IN MINUTES

The Board filed a duplicate alcohol license for Lake Lowell Market in today's minutes.

APPROVED CLAIMS ORDER NO. 8/30/19

The Board of Commissioners approved payment of County claims in the amount of \$565.78 for accounts payable.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(A) AND (D) – INTERVIEWS AND CANDIDATE EVALUATIONS FOR DIRECTOR OF SECURITY

The Board met today at 8:37 a.m. for an Executive Session to consider a personnel matter pursuant to Idaho Code Section 74-206(1)(a) and (d) – interviews and candidate evaluations for the Director of Security position. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) and (d). Present were: Commissioners Tom Dale and Leslie Van Beek, and Deputy Clerk Monica Reeves. Tim Christine arrived at 8:38 a.m. and left at 9:32 a.m. Craig Vargo arrived at 9:43 a.m. and left at 10:38 a.m. The Executive Session concluded at 10:39 a.m. with no decision being called for in open session.

PUBLIC HEARING - REQUEST BY WILLIAM JENKINS FOR A REZONE, CASE NO. RZ2019-0012

The Board met today at 2:00 p.m. to conduct a public hearing in the matter of a request by William Jenkins for a rezone from an “A” (Agricultural) zone to an R-1 (Single Family Residential) zone, Case NO. RZ2019-0012. Present were: Commissioners Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Alan Mills, Jessica Skinner, Bill Trask, Darin Mooso, Roxanne Lancaster, Leslie Beauchamp, Arlene Evans, interested citizens, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The property is a 40-acre parcel that is currently used for cattle. It’s an agricultural lot and is surrounded by subdivisions and other residential zones. The future land use map shows it is a residential area, the City of Caldwell shows it as a residential estates area with two units per acre. It is well within the TAZ forecast. It is shown as moderately suited soil for agricultural ground and prime farmland if irrigated. The request came before the P&Z Commission on June 20, 2019 and there was a tie vote; during the review there were concerns from neighbors that there is no development proposed so it’s hard to see what is going to occur on site. The neighbors noted concerns about traffic on Orchard Avenue and 10th Avenue, as well as traffic access points. The highway district recommended access from Widgeon Avenue and Aurora and it did not encourage access off Drury because it would extend that 60-foot wide easement along those properties which would severely reduce the setbacks between the road and the house. If approved, we will need to review this at the time of development and see how they would utilize those access points. The highway district didn’t see any impacts to the improvements to those access points. At the P&Z Commission hearing one of the requests was that it have a development agreement reducing it to the 40 one-acre lots with septic and wells, but the applicant was reluctant to enter into an agreement. There was also a tie vote on the rezone request and denial with a recommendation for rural residential off the board at that point. Staff believes this is an adequate area for a residential zone. It is surrounded by residential areas and is forecasted to be a residential area, but the big question is without a site development plan we don’t know what the impacts would be. Staff is recommending approval, however, it also gives alternative decision options. Following his report, the Board had follow-up questions for Mr. Lister.

Testimony in favor was as follows:

Jessica Skinner, who is a real estate broker, testified on behalf of the applicant. In Canyon County there are 24 active listings for building lots. Last year 49 building lots were sold, and in the past 3 months 11 lots have sold and at this rate all the lots in Canyon County will be sold out in under 6 months. Nationwide we are creating 500,000 more households than we are building homes in the U.S. and right now we have a 5 million-unit deficit. She noted that traffic is a concern due to the huge influx we’ve experienced. She said Mr. Jenkins has been farming the property for many years and he currently runs cattle on it, but it has become very burdensome to farm the acreage because of the surrounding residences. The highest and best use of this property is the R-1 designation. Ms. Skinner said Alan Mills filed a deed restriction so that the parcels, after development, won’t be smaller than one acre which was a concern noted by the neighbors. She said there were will be fewer than 40 lots. The property is not located in a high nitrate area so groundwater is not a concern. There are 24 subdivisions within one mile of this

property. The access points have already been set up, they were stubbed when they were put into the other subdivisions to get into this parcel and there have been no other objections from other agencies. In 2006 this parcel was rezoned for a higher density with a conditional use permit but when the market crashed they let the permit expire.

Alan Mills said it seemed that the P&Z Commission was concerned about higher density and so the applicant has done a recorded deed restriction to make sure it won't exceed that. Density will be at the R-1 levels of one-acre average. Most of the subdivisions around this area were done by conditional use permits which is why you don't see R-1 showing up on the maps. Mr. Jenkins is retiring and the option of selling the acreage as agricultural land is nil. Commissioner Dale said he would feel more comfortable with a development agreement restricting the number lots to 40. Mr. Mills said the maximum number of lots is 35. Commissioner Van Beek had questions regarding the additional wells and septic systems. Mr. Mills said this is a very fast recharge area; it's not in a nitrate priority area. It has both quality and quantity. He said Mr. Jenkins will be amenable to a development agreement with the lot restriction if it's a better comfort level for the Board. He also said the homes that will be on the property will be higher end homes.

Testimony in opposition was as follows:

Bill Trask testified that he moved into Dublin Estates in 1999, and he reported on the property values in the area which range from \$70,000 to \$110,000 in land value. The value of the subject property is \$35,670. The average price of homes in the area exceeds \$400,000. Mr. Trask testified about the concern with the proposed access points and traffic which he believes will negatively impact the existing residences in the area. He said the neighbors are not opposed to the development of the property, they are opposed to the lack of conceptual plan which would allow them to visualize how their properties would be impacted. He asked the Board to suspend the approval of an R-1 designation until some type of conceptual plan is brought forward.

Darin Mooso, who represents several homeowners who live adjacent to the proposed development, testified they understand growth is coming and they appreciate the idea of large lots. With nicer, larger homes there will be large garages, trailers, etc., so the neighbors want to make sure there are sufficient easements in place to allow for larger entrances. They support larger lot sizes. Dr. Mooso spoke about the concerns with increasing traffic on Orchard Avenue, and the decrease in the grade at Widgeon.

Roxanne Lancaster testified about traffic concerns and the lack of sidewalks and the "hilly" portions of Orchard Avenue.

Leslie "Buzz" Beauchamp testified about traffic concerns and speeding motorists who do not obey the speed limit on Orchard Avenue. He is concerned about an additional 35 homes will have on the roadways. He believes Kimball Avenue should be extended to allow for access to Highway 55. He feels 20 homes on 40 acres would be a better fit for the area.

Arlene Evans offered neutral testimony. She represents the residents who live on Widgeon Avenue. They do not want one-acre lots until they see a conceptual plan because they want to make sure it will not be four houses per acre. The neighbors are concerned about traffic. There are no sidewalks, or edges of the road on Widgeon Avenue or Orchard Avenue but there are a lot of runners, mothers with strollers, joggers, and bicyclists on those roadways. She spoke about the times she has been run off the road by someone passing her on the hill. Neighbors have had

vehicles end up in their backyard due to hilly conditions and speeding motorists. It is a dangerous situation.

During rebuttal, Jessica Skinner said the majority of the testimony has been on traffic and the impact to neighbors, but this request is simply for a rezone. Mr. Jenkins wants to rezone it in order to make his property more marketable. He cannot sell it as agricultural land, it's not farmable, and it's not conducive to farming anymore. She said the traffic in the Treasure Valley has been impacted by the growth, and it's going to continue and so the neighbors need to go to the highway district and address traffic concerns and then lack of sidewalks. When this proposal is platted all of these concerns will be addressed by the highway district and the Idaho Transportation Department.

Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Commissioner Van Beek said this case has a lot of good merit and she appreciates the good faith effort extended on the part of the applicant to ensure that a deed restriction is in place. She agrees that a development agreement would be appropriate. Mr. Mills has provided information to help mitigate the concern about wells and septic systems by providing a copy of the studies that have been done in the area. She noted that the impact to schools has not been addressed. It is a misstatement to say the land is not farmable. The infrastructure on Orchard Avenue and Karcher Road is problematic. The City of Caldwell has designated this as estate-type lots and that meets the R-1 development. She appreciates the comments that it should develop in a way that will have high-end homes that don't represent high-end density. There was testimony about motorists not respecting the boundaries on Orchard Avenue which presents a danger for the people in that area. Commissioner Dale said the Board manages growth, it does not direct it or control it. This is an area that is landlocked. Mr. Jenkins wants to stop running cattle and stop farming the property. He believes a development agreement should be in place to restrict development to a minimum of one-acre lots. The proposed zone is more appropriate than the current zoning designation. It is compatible with the surrounding land uses and is virtually the same structures with one-acre estate lots. These are high-dollar homes in the area and the future homes will be commensurate with what's in the area. Adequate sewer, drainage and storm water will be provided to accommodate the residential uses and they will be reviewed by Southwest District Health. The improved septic systems are much more effective than those in the older subdivisions. He feels strongly that Widgeon Road needs to be developed as a public road and widened to whatever extent is allowed, and there could be language tied to the plat stating the road will be improved to public road standards before building permits are issued. He supports the request as long as there is a development agreement to tie it to the restriction of the lots. Commissioner Van Beek asked about increasing the minimum lot size to 1.25 acres. Commissioner Dale is not in favor of that. The developer will have to have rights-of-ways, build the roads, have drainage and collection areas and that will reduce it down to a maximum of 35 lots. Commissioner Van Beek asked if there a way to design the plat to minimize the headlights from traffic impacting the existing homes. Mr. Lister said that's not something that is addressed at a rezone, but staff can look at the impacts of the design during the platting stage. It's likely the developer will have to implement city requirements which include streetlights, gutters, sidewalks, fencing, and landscaping. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to

continue the hearing to September 16, 2019 at 9:30 a.m. for a status update in order to allow time for staff to speak with the applicant and draft a development agreement. The hearing concluded at 3:32 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(A) AND (D) – INTERVIEWS AND CANDIDATE EVALUATIONS FOR DIRECTOR OF SECURITY

The Board met today at 3:42 p.m. for an Executive Session to consider a personnel matter pursuant to Idaho Code Section 74-206(1)(a) and (d) – interview and candidate evaluation for the Director of Security position. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) and (d). Present were: Commissioners Tom Dale and Leslie Van Beek, Joe Mueller, and Deputy Clerk Monica Reeves. Mr. Mueller left at 4:25 p.m. The Executive Session concluded at 4:30 p.m. with no decision being called for in open session.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 4, 2019

PRESENT: Commissioner Pam White, Chair – out of the office
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Thuesson Construction in the amount of \$8700.00 for the Solid Waste department

FILE IN MINUTES

The Board filed the Treasurer's monthly report for July 2019 in today's minutes.

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:45 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1160, 2019-1171, 2019-1267, 2019-1185, 2019-1183, 2019-1280, 2019-1289, 2019-1188,

2019-1268, 2019-1154 and 2019-1170. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue initial denials with written decision in 30 days on the cases as read into the record. The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Facilities Director Paul Navarro, Deputy Judicial Marshal Wes Musser, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, IT Director Greg Rast, HR Director Sue Baumgart arrived at 9:04 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution for a new alcohol license for Belle Event Center: Mr. Wesley said this was brought to his attention by the Recorder's Office. The applicant indicated in their application that they'd had a previous revocation of an alcohol license, however, after further research it was discovered that the license was not formally revoked and there is no violation of the county ordinance. Commissioner Van Beek believes there were potentially two violations and is choosing not to vote on this resolution. This action item will need to be rescheduled to another time when Commissioner White is available.

EXECUTIVE SESSION – PERSONNEL MATTERS, ACQUISITION OF AN INTEREST IN REAL PROPERTY, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

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

Commissioner Van Beek made a motion to go into Executive Session at 9:01 a.m. pursuant to Idaho Code, Section 74-206(1) (a) (b), (c) and (d) regarding personnel matters, acquisition of an interest in real property, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Tom Dale, Deputy P.A. Brad Goodsell, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Facilities Director Paul Navarro, IT Director Greg Rast, HR Director Sue Baumgart, Deputy Judicial Marshal Wes Musser and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:15 a.m. with no decision being called for in open session. The agenda action items will be continued to a later time.

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

PUBLIC HEARING – REQUEST BY REFUGIO VIDALES FOR A CONDITIONAL REZONE

The Board met today at 10:20 a.m. to conduct a public hearing in the matter of a request by Refugio Vidales for a conditional rezone of approximately 20.30 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone/Rural Residential) zone, Case No. CR2019-0003. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Gerardo Vidales, Refugio Vidales, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is approximately 20.30 acres and is currently zoned agriculture. It is within Greenleaf’s impact area and is not within a flood zone. As restricted by the development agreement, the applicant will cluster the new residential parcels as well as retaining 14 acres of the parcel for agriculture. The site plan shows the retention of agricultural land with the new lots and new homes clustered near the proposed driveway. The updated site design retains the majority of the land for agricultural uses and no residential building permit will be allowed on the 14 acres. The applicant is requesting a conditional rezone from agriculture to rural residential; the property is adjacent to conditionally rezoned property. It is located within a nitrate priority area and any subsequent development will be required to adhere to the requirements of Southwest District Health for septic systems as well as meeting their requirements through the platting process. The applicant has proposed access for the two lots on the easterly boundary of the property, and this is the only option for access due to the site and easements that exist on the western boundary for Boise Project Board of Control. The applicant will need to obtain approval of an easement reduction from 60 feet to 20 feet to serve the two residential parcels as part of the subdivision platting process. The applicant has met with the Golden Gate Highway District on site and the district has submitted updated comments indicating the applicant will not be required to obtain a variance for the new driveway location and the existing residential access can remain as-is. The P&Z Commission recommended approval and staff is also recommending approval of the conditional rezone and development agreement with the conditions. Gerardo Vidales testified that Ms. Almeida covered everything they’re trying to propose. It’s a 20-acre parcel and they’re trying to obtain two additional residences for the back portion of the property. His parents have lived on the property for 25 years. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale the Board voted unanimously to close public testimony. Commissioner Van Beek said the Board has granted these kinds of requests in the past, and she referenced comprehensive plan policies noting they did a good job of creating a parcel that cannot have a building permit and could be used by somebody if they wanted a small acreage for hay. She supports the request. Commissioner Dale said this is a great opportunity for families to stick together and it’s a great plan and he appreciates the restriction of preserving that 14 acres. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to approve the findings of fact, conclusions of law and order as well as the accompanying development agreement with the seven conditions enumerated in the provision by staff for a conditional rezone, and to approve the ordinance directing the official change to zoning map. (See Agreement No. 19-128 and Ordinance No. 19-039.) The motion was seconded by

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

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 5, 2019

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- West Jordan Police Department in the amount of \$1500.00 for the Sheriff's Office
- BODE Technology in the amount of \$7443.00 for the Sheriff's Office
- Caxton Printers in the amount of \$2304.37 for the Trial Court Administrator

CANVASS ELECTION

The Board canvassed the August 27, 2019 Election results today which are on file with this day's minute entry.

PUBLIC HEARING - REQUEST BY LEIGH SALISBURY FOR A PRELIMINARY PLAT AND FINAL PLAT FOR STITES FARM SUBDIVISION, CASE NO. SD2019-0003

The Board met today at 1:31 p.m. to consider a request by Leigh Salisbury for preliminary plat and final plat approval for Stites Farm Subdivision, Case No. SD2019-0003. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Richard Husflown, T.L. Salisbury, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The property is zoned rural residential ("RR") and the average minimum lot size in the "RR" zone is two acres. The proposed lots meet the minimum lot size. The subdivision contains four residential lots, one of which contains the existing residence; it will utilize individual domestic wells and septic systems, gravity irrigation and will be served by an internal private road. The engineer, Keller and Associates, has reviewed the plats and found they meet their approval, they did recommend conditions of approval that were part of the P&Z Commission's recommendation to the Board and those conditions have been met. Canyon Highway District has reviewed the plat and found

it acceptable to the district as presented and they have signed the final plat mylar. No written objections to the plat were received. The P&Z Commission recommended approval on June 20, 2019. Staff is recommending approval of both plats. The applicant's engineer has submitted a certificate of substantial compliance certifying the construction of the private roadway, drainage and a portion of the irrigation system. The remainder of the irrigation work has been postponed until the water is out, or lower, in the Phyllis Canal. There is a bond in place for approximately \$2,400 to allow the completion of that remaining work in the fall. Richard Husflown voiced his support for the request. Leigh Salisbury said two days ago he learned of the struggle they are having with the water table. Pioneer Irrigation said it appears the drain ditch is clogged and they think it's been raising the water table. The ditch boxes they put in are five feet tall and they cannot go more than 30 inches and you can't float them down in the water. They are working on the canal and it should help the water table problem. All the materials are purchased and will be put in once the water isn't a problem. According to Mr. Salisbury there will be only one lot for sale. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public comment. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Leigh Salisbury for preliminary plat and final plat for Stites Subdivision, and to sign the findings of fact, conclusions of law and order. The hearing concluded at 1:40 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER GRANTING A SEVEN-DAY EXTENSION REQUEST FOR LEVY CERTIFICATION

The Board met today at 2:31 p.m. with the Controller to consider granting a seven-day extension request for levy certification. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, Prosecutor Bryan Taylor, Deputy PA Mike Porter, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Controller Wagoner said the school districts are entitled to an extension to submit their L-2 property tax form which has to do with enrollment numbers. Several school districts have requested an extension to turn in their L-2 property tax request to the County. It's typical and happens on a consistent basis; it gives the County an extra week to calculate levy rates so it is helpful to the Clerk's staff as well. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale the Board voted unanimously to grant a seven working day extension in the filing of the levy certification for the Nampa School District, the West Ada School District, the Melba School District, Caldwell School District, Kuna School District, Middleton School District and the Vallivue School District pursuant to Idaho Code Section 63-803(3). (See Resolution No. 19-135.) While still on the record Deputy PA Mike Porter asked the Board to consider going into Executive Session pursuant to Idaho Code Section, 74-206(1) (a), (b) and (d). The Executive Session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 2:34 p.m. pursuant to Idaho Code, Section 74-206(1) (a), (b) and (d) to discuss a personnel matter and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Prosecutor Bryan Taylor, Deputy PA Mike Porter, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 4:14 p.m. with no decision being called for in open session.

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

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 6, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek – out of the office
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Emily Garcia.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Dell in the amount of \$2040.14 for the Information Technology department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Mariscos El Viejon LLC dba Mariscos El Viejon. See resolution no. 19-137.

APPROVED CLAIMS ORDER NO. 9/10/19

The Board of Commissioners approved payment of County claims in the amount of \$7006.00, \$26,505.21, \$ 114,636.29, \$164,698.13 and \$194,664.26 for accounts payable.

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Tom Dale, Deputy P.A. Dan Blocksom, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley left at 10:18 a.m., Facilities Director Paul Navarro, IT Director Greg Rast, Jail Captain Daren Ward left at 10:18 a.m., Planner Jennifer Almeida left at 9:07 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to Joe Pierson for residential and floodplain development permits; Case No. BP2019-0416: Mr. Pierson applied for a building permit but due to health reasons he is withdrawing. See resolution no. 19-141.

Consider signing a resolution granting a refund to Nicholas Babak for short plat fees; Case No. SD2018-0012: This was for a six lot subdivision but after some initial review it was determined that the applicant would annex into the City of Nampa, recommended refund amount is \$1550.59. See resolution no. 19-138.

Consider signing a resolution granting a refund to Scott & Sandra Kraemer for a conditional use permit; Case No. CU2019-0017: Due to access issues and not being able to secure a legal access the applicants are withdrawing their application. Recommended refund amount is \$647.19 which deducts for noticing fees. See resolution no. 19-139.

Consider signing a resolution granting a refund to Dallas Roberts for a fee reduction for a right of way permit: Address change was initiated by EMS to match the access point, however, the applicant is contesting. DSD is requesting a 50% refund amount of \$275.00. See resolution no. 19-140.

Commissioner Dale made a motion to grant all four (4) refund requests. The motion was seconded by Commissioner White and carried unanimously.

Consider signing a resolution for a new alcohol license for Belle Event Center: There was a misunderstanding about revocation of an earlier license which would be a disqualifier under the county ordinance but upon further research it was determined that the license was not revoked but just turned in for non-use. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcohol license for Belle Event Center. See resolution no. 19-136.

Consider signing contract with Houston-Bugatsch Architects for Canyon County Animal Shelter roof architectural and engineering services: This is to start the architectural and engineering process to replace the three canvas domes with hard roofs. Funds have been allocated for this project. Mr. Blocksom noted for the record that Chief Deputy P.A. Sam Laugheed has reviewed the contract and has no issues. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the contract with Houston-Bugatsch Architects. See agreement no. 19-129.

Meeting to take public comment regarding sole source procurement for fiber optic installation and construction, as well as network and internet services with CenturyLink: A notice was put in newspaper in case there were any objections but no one has appeared today to offer comment. Director Rast spoke about the urgency of the timeline for this project as it was allocated for in FY2019. The master-service agreement has been received from CenturyLink which appears to be a new contract between CenturyLink and Canyon County. Director Rast's recommendation is to work on the MSA but would like that to happen after this order is executed. This particular order works under the umbrella of an existing account, it's just changing service at the existing location. At this time there is no master services agreement in place.

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

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

Commissioner Dale made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Tom Dale, Deputy P.A Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom, Facilities Director Paul Navarro, IT Director Greg Rast, Captain Daren Ward and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:18 a.m.

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

Consider signing service order form for fiber optic installation and construction, as well as network and internet services with CenturyLink: Commissioner Dale made a motion to sign the service order form for fiber optic installation and construction, as well as network and internet services with CenturyLink. The motion was seconded by Commissioner White and carried unanimously. See agreement no. 19-130.

The meeting concluded at 10:19 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 9, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – White House meeting, Washington DC
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 9/9/19

The Board of Commissioners approved payment of County claims in the amount of \$2000.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/10/19

The Board of Commissioners approved payment of County claims in the amount of \$55,858.34, \$125,729.13, \$68,527.42, \$166,594.00 for accounts payable.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Sol Invictus Vineyard dba Sol Invictus Vineyard. See resolution no. 19-141A.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Pam White and Leslie Van Beek, Deputy Clerks Jenen Ross, Jamie Miller and Monica Reeves. Deputy P.A. Zach Wesley arrived at 8:35 a.m. Commissioner Van Beek was out of the office last Friday so Commissioner White reviewed that day's agenda with her and reported on the action items that were considered. The Board reviewed this week's schedule with staff. There was discussion regarding Commissioner Van Beek's request for a meeting with ElJay Waite regarding the Caldwell Urban Renewal District. Follow up is needed as Commissioner Dale suggested, via email, that the meeting occur with Mayor Nancolas and the city's attorney, Mark Hilty. Zach Wesley answered questions from the Board regarding recent communication about the Caldwell Urban Renewal District. There was discussion regarding the upcoming KBOI radio interview

that Commissioner White is scheduled to attend. It was decided that Commissioner Van Beek will do the radio interview this Wednesday, in place of Commissioner White so that we can resume the rotation schedule that's already been set. Next month Commissioner Dale will attend, followed by Commissioner White in November and Commissioner Van Beek in December. There was discussion regarding Friday's meeting with Anne Wescott regarding follow-up questions to the impact fees proposal, specifically Commissioner Van Beek's questions regarding the additional burden on property tax. Zach Wesley said the majority of the Board authorized the initiation of a work group and so we could send the information to that group consisting of representatives from the following offices: Assessor, Treasurer, Controller and DSD and see how they want to break it down with their various expertise. It would be helpful to give that work to them and have them come back to the Board and see what kind of view they have on everything which we can then incorporate into our joint powers agreements with the fire and recreation districts. Mr. Wesley said perhaps Director Nilsson could be the person to organize it as she's setting some meetings and has some documentation and is aware she'll have a role to play at some point.

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

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Sheriff Kieran Donahue, Lt. Dave Schorzman and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing FY2020 Canyon County/Norman Family Trust Lease agreement: Sheriff Donahue said this is for the building used for some of their other operations and is just a renewal of that agreement. There are no changes to the lease agreement. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2020 Canyon County/Norman Family Trust Lease agreement (See agreement no. 19-131).

Consider signing Idaho Office of Emergency Management 2017 final grant adjustment notice for Canyon County: Lt. Schorzman said there is only \$27.00 left in the account so the grant was adjusted to return the money in order to close out the grant. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Idaho Office of Emergency Management 2017 final grant adjustment notice for Canyon County (See agreement no. 19-132).

Consider signing Idaho Office of Emergency Management 2019 subrecipient agreement for Canyon County: Lt. Schorzman said this is fully funded grant and meant for equipment and/or

training exercises. He has about seven projects planned for these funds. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Idaho Office of Emergency Management 2019 subrecipient agreement for Canyon County (See agreement no. 19-133).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Sheriff Kieran Donahue, Lt. Dave Schorzman and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:47 a.m. with no decision being called for in open session.

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

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

The Board met today at 9:47 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross.

The following topics were discussed:

- Personnel update
- Growing Together update
- Rural Community Planning Program update
- CIP update
- Ada County regional growth meetings
- ITD development reviews and an issue that may need to be escalated to the Board or PA's Office regarding the painting/stripping of a roadway
- Impact fee discussion: The Board would like to create a workgroup with Director Nilsson as the lead, Mr. Wesley, Joe Cox from the Assessor's office and a representative from the Treasurer's office. The objective for the workgroup would be to determine the fees, the process for collection and distribution and then the growth projections that need to go thru both DSD and the Assessor's Office to make sure they are in-line. Director Nilsson

asked if administration of the fees is something we'd want to contract out for. At the request of Commissioner Van Beek, Ms. Nilsson provided additional details as to how that would work.

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:11 a.m. with the Weed and Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Weed and Pest Superintendent AJ Mondor and Deputy Clerk Jenen Ross.

The following topics were discussed:

- There is an ag tour that will take place tomorrow and the 'Treasure Our Valley' event will take place on the 5th of October
- Met with Corporal Combs regarding the use of SILD crews to pull puncture vine after it's gone to seed. Conversations will continue to see if there is a way to make it work.
- Director Mondor would like to discontinue spraying non-noxious weeds. He doesn't think his department should be competing with private industry. Additionally, they are not able to get to other weeds that need spraying due to the time spent spraying the non-noxious ones. He would like to continue spraying the sterilant as it does help with puncture vine control.
- There has been some confusion about oversight of weed height enforcement. Often time's calls are directed to code enforcement. Director Mondor would like to have his department take over all of the weed enforcement calls although he is not sure how that would work as he is under a different state code than the code enforcement officer. Commissioner Van Beek suggested some additional research may be needed along with a discussion on the liability.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:27 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider approval/denial of the Treasurer's tax charge adjustments by PIN for July and August 2019: Commissioner Van Beek made a motion to approve the Treasurer's tax charge adjustments for July 2019. The motion was seconded by Commissioner White. After further review and discussion Commissioner Van Beek rescinded her motion due to questions about the dates. Commissioner Van Beek made a subsequent motion to continue the consideration of the tax charge adjustments to September 11, 2019 at 11:00 a.m. The motion was seconded by Commissioner White and carried unanimously.

Consider signing a resolution granting a new alcohol license to Sol Invictus Vineyard: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcohol license to Sol Invictus Vineyard (see resolution no. 19-141A).

The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 10, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – White House meeting, Washington DC
 Commissioner Leslie Van Beek – Treasure Valley Agricultural Tour
 Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted today.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 11, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale - White House meeting, Washington DC
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 1925

The Board of Commissioners approved payment of County claims in the amount of \$1,597,955.56 for a County payroll.

APPROVED CLAIMS ORDER NO. 9/10/19

The Board of Commissioners approved payment of County claims in the amount of \$86.38 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/13/19

The Board of Commissioners approved payment of County claims in the amount of \$535.00 for accounts payable.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Goodwood Barbecue Company to be used 9/14/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Blue Eye to be used 9/14/19 for a FFA Alumni Fundraiser.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Indian Creek Steakhouse to be used 9/14/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Goodwood Barbecue Company to be used 9/27/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Pantera Market 3 to be used 9/21/19 for a wedding.

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Micki Schlapia.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Meridian Fence in the amount of \$42,407.28 for the Facilities department
- The Blind Gallery in the amount of \$2626.00 for the Facilities department
- Northwest Elevator in the amount of \$2600.00 for the Facilities department
- BOE in the amount of \$7693.00 for the Information Technology department
- Priority Dispatch Corp. in the amount of \$1095.00 for the Sheriff's Office

PUBLIC HEARING – FAISAN POINTE ESTATES SUBDIVISION, CASE NO. SD2018-0011

The Board met today at 10:07 a.m. to conduct a public hearing in the matter of a request by All-Terra Consulting on behalf of Pheasant Point Middleton, LLC, for a preliminary plat, irrigation plan, drainage plan and final plat for Faison Pointe Estates Subdivision, Case No. SD2018-0011. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Jay Walker, Alan Mills, Sherie Crossley, Dan Crossley, James Graham, Gary Howard, Monica Lambert, Laura Long, Tanner Miller, Francis Long, Nick Hylton, Leah Walker, Gina Nightingale, Jared Fuhriman, Adam Fuhriman, Tiffany Neely, Lisa Ridener, Lane Ridener, Michelle Apple, Cheyenne Mortensen, Ken Mortensen, Brad Green, Jeanne Heck, Lynda Reed, Terry McCoy, Middleton Mayor Darin Taylor, Bruce Bayne, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The reason the request is coming before the Board is because staff is recommending denial. The property consists of 13.82 acres with a 1.02-acre average lot size; it was zoned R-1 (single family residential) in 2007 when city services were not available. They are proposing 11 residential lots and two commons lots. There would be the continuation of 9th Street going through the subdivision with a private road going to the north. They are proposing individual septic systems. The preliminary plat is demonstrating that it could provide pressurized irrigation, however, at the P&Z Commission hearing the applicants stated they are considering using wells instead of pressurized irrigation. There are late exhibits showing construction drawings that were approved by the County engineer showing the drainage system calculations are fine. Staff is recommending denial for the following reasons: 1) traffic, when the plat was sent to the agencies the Idaho Transportation Department (ITD) provided a comment requesting more information due to trips and potential movements that would need to

be improved due to the trips generated by the subdivision. Staff has not received any information on how that would be mitigated and therefore ITD recommends denial until they get the information. 2) The Black Canyon Irrigation District does not recommend approval until the applicants agree to their improvements, which include the piping of the lateral on the north side. Even if a well is used to irrigate they still want the improvement to be completed and therefore do not agree with this plat until that agreement is completed. The applicants have said the subdivision has the potential to use wells instead of connecting to the irrigation district's lateral for irrigation use; however, the plat does not show that, it shows a connection to pressurized irrigation throughout the subdivision therefore if they do change that they will have to provide more information and an updated the irrigation plan showing how it's going to be properly irrigated and provide information from the Idaho Department of Water Resources (IDWR) on whether they have the quality and quantity of water to have domestic wells on top of fire suppression on top of irrigation use. 3) Staff received letters from the City of Middleton opposing this application because it is adjacent to city limits and they currently have city water services adjacent to the property. The city requests they connect to city services, and connection would require annexation into the city. Without connection the City of Middleton feels this would impact their ability to expand within their impact area. 4) The Middleton Fire District recommended water services be provided to the site due to fire flow requirements. The minimum fire flow gallons per minute is 1,000 and fire duration is one hour. The alternative to providing that is either connect to city services or require fire sprinklers in every home. The fire district is recommending the project connect to city services. A visual was provided by the City of Middleton showing a 12-inch domestic water service that could be easily connected to. They will also recommend extension of the sewer line as part of connection and annexation to the city. Following his report, Mr. Lister responded to questions from the Board.

Jay Walker testified on behalf of Greencastle Homes, LLC and he said there is no city development west of Emmett Road; what is there is low-density, estate lot developments. West of the acreage the topography cascades to about a 60-foot difference in grade down so utilities would require an extensive amount of work including costly lift stations. To the south, north, and west are estate lots and the interest generated is a result of the neighbors' concerns for consistency with their homes and preservation of their lifestyle. They want to retain what was zoned and many of them have purchased property and developed their estates based on the zoning the Board approved in 2007 so they invested their time and livelihood because they knew the property would be consistent with their properties. At the time of rezoning it was apparent that the Middleton High School was going in and that initiated the process of annexation and city density to the east and the city at that point recommended denial of the rezone and yet Canyon County approved the R-1 rezone. The application for preliminary plat, final plat and design drawings is in compliance with County ordinances and standards. The highway district has fully approved and have stamped the plans and the only way the applicants move forward with construction is with permission from the highway district and the Mayor of Middleton. According to Mr. Walker this project brings a product and a differential from high density. They performed a comprehensive review of the property and the application was started in 2018 and it was then that a former planner said it looks good and he recommended doing a short plat with the application of a private road reduction. It was approved by the County engineer and the

highway district. There is no need for a nutrient pathogen study as the property is outside the Purple Sage high nitrate priority area. Approvals have been obtained through Southwest District Health (SWDH) and the Department of Environmental Quality (DEQ) for individual wells and septic systems. Site visits done in 2018 differ from the most recent letter in June of 2019. Meetings with the irrigation district were of the same nature. They reviewed the plan with Roy Orr with the irrigation district in 2018 and a letter was received in December of 2018 but several months later they received a conflicting letter from another irrigation district representative which contained differing information. They met with the irrigation district and resolved the concern that was presented by staff today. They have obtained full approval of the plans as it relates to streets and storm drainage which is the only work that's been completed to date. Mayor Taylor indicated to the owner that he would not withhold signature on the final plat but come to find out they don't need the city's signature on the final plat, but the Mayor has indicated he will provide it. The negotiation points for the approval of the streets and storm drain are with the highway district. They made improvements on the Emmett Road and building the subgrade for the 9th Street extension. They have full compliance from DEQ and SWDH on septic and well, and they had a full joint trench approval on the dry utilities which are available to the property. Irrigation, water, and ITD were the remaining issues and reasons for denial. The water is not available and to put in an extensive pressurized irrigation system only to learn that the water is not there would upset the homeowners and they wouldn't be able to rely on it. They have cleared the necessary permissions with IDWR to irrigate the one-acre lots. Commissioners Van Beek and White both commented on the amount information that has been presented at the 11th hour.

Adam Fuhrman spoke of the product and price of Greencastle Homes. They expect the homes in this project to be in the low \$500,000 to mid \$600,000 price range. Based on the letter they received from Black Canyon Irrigation district they had a verbal agreement with them, they met with them and said they will pay for their half with the district. But they were later told that was a misunderstanding so they met with the district yesterday and agreed to tile the ditch, and asked if they will give a latecomers agreement where they could recoup some of their costs because to take on the cost to improve a facility that they're not even planning to take advantage of, primarily because by the time 13 inches of water gets to the property they would only get about 4 inches, and that's one of the main reasons they're not planning to use the irrigation. They designed it as a precaution so they wouldn't have to redesign it if they did need to use it. The irrigation district said they would consider the latecomers agreement but they haven't given a decision yet but regardless the applicants have agreed to tile the ditch. With regard to fire sprinklers, he builds almost exclusively on large lots and he's never installed fire sprinklers in a home. He has built where sprinklers were required as part of the plat but the fire district, because of the law change last year, has not been enforcing that so they don't feel it's being evenly administered. They are trying to be as flexible as possible and they have agreed if that's a condition of approval it needs to be on the plat that they would accept fire sprinklers going in the homes. Director Nilsson said regardless of state law, the fundamental issue is whether there is adequate fire protection for the proposed subdivision and what are ways to achieve that. Jay Walker said the builder is going to meet the Idaho and the international fire code and they will make sure the future homeowners and development are safe. They met with the city on August

20th and it was an all or nothing policy where they required annexation in order to tie into the city water system and at the same time the city required them to connect to sewer, which is over one-quarter of a mile away. If the project connects to water they have to annex into the city and they would also have to connect to sewer services that are well over the County's required connection stipulation and state statute. It is very cost prohibitive and it would price everything out of feasibility to mandate the project be annexed and connected to city services. Commissioner White said the City of Middleton will not force annex. Adam Fuhriman said the rezone was the main point of discussion at the P&Z Commission hearing where it was said they would not have voted for the rezone and so they don't want to approve this application. Dan Lister said the P&Z Commission tried to address the reason why the irrigation had to go through wells and what it came down to was money, how much it would cost versus the development being proposed. When it came to the city it became about money, how much it would cost. If it's adjacent to a city limit and they have city services if they are proposing development they are going to request that they annex into the city. That is the normal procedure. He said they were asked if they were willing to do dry lines for later extension of the city and they said no. Mr. Fuhriman said they haven't designed it with that as an option. They've been told it's all or nothing – pull sewer one-quarter mile and tie into water or nothing. They cannot tie into water without pulling sewer. If that has changed they have to redesign the plat. Mr. Lister said that was brought up as an option, they'd have to go back to the city and talk about it but the developers said no. At the end they said it is adjacent to city limits, there is city water it should be connected and that was the denial. Mr. Walker said they retained some optional irrigation facilities in hopes that they would be able to connect to water. It's much different than the requirement to extend \$250,000 worth of a sewer main for 11 lots. From the very beginning they were trying to connect to the water and they understand how close it is and they think it is good growth, however, it was never allowed that they just connect to water without annexation. Adam Fuhriman said that's why they designed it this way because those were the parameters they were given otherwise they'd have gone with ½ acre or .6 acre lots. Mr. Walker said if they have to pull the sewer and do improvements and annex into the city they will look at a much higher density. He said it's not true that this project will block public services to the area to the west; there is a main line on Highway 44 and it makes sense to extend it to the west. There are ample options to convey sewer around this little project. They met with ITD and they acknowledge their overreach that this small project generating 110 vehicle trips per day was not a significant factor in comparison to the school, and other businesses and projects in the area. He said they were misinformed and misunderstood the situation.

Gary Howard testified that he leased the property for two years but he couldn't get enough water to farm it so he let the lease go. He purchased 110 acres because it was zoned R-R and they made a choice to sell some of it. When they sold to the Apples they limited them to 3 lots on 25 acres, and they also a 6.7-acre piece and limited it so they could not go down to R-2 zoning. He currently owns 57 acres and has no plans to develop it. At some point he may do five-acre lots because estate-type lots are located to the west of his property. He put sewer in the ground but his land is so low that the lift station will cost \$1.5 million to get it up the hill and nobody's going to do that for 57 acres.

Alan Mills referenced article 9 of the zoning ordinance, the joint powers agreement, which he said is clear and does not leave any room for interpretation. The County's comp plan shall apply in the impact area, the zoning ordinance and the subdivision ordinance shall apply in the city's impact area. During the negotiation phase many years ago he heard it said repeatedly that people who are opposed to coming into the impact area don't need to worry, they won't even know they're in the impact area, it's just a planning tool. And then immediately joint powers agreements were proposed that gave all the authority to the cities and he fought that in Middleton and won but this is the "animal" that came out of it. One proposal would have had dry lines installed at the Purple Sage Golf Course where there's no chance they'd get the elevations correct which means if they had put them in the public would have to pay to re-dig and re-lay them at the same elevation because there were no plans of how the sewer was ever going to get there. There was another provision which required the city engineer to be paid \$500 to review a septic system before you could go to SWDH in the impact area. Those are some of the things that triggered why they came up with this document. He said the Board needs to be careful; their constituents are out here and they cannot vote for the mayor or city council and a denial on this project would be a de-facto forced annexation. Director Nilsson said it's not a joint powers agreement, it's an area of city impact agreement adopted by ordinance. This is a codified ordinance and in state law an area of city impact is based on geographic factors, trade area, and that there is a reasonable expectation of annexation in that area. Mr. Mills is concerned because state code has for annexation provisions an implied consent and if you hook up to city services, it could put you at risk of implying that you consent to annexation. They were told they were safe from being annexed. If you put three lots per acre it's no longer compatible with the surrounding properties. Mr. Mills did a calculation of land that's already annexed into the City of Middleton and he found 28 years' worth of inventory if you average the building permits issued in the last 20 years. There isn't any inventory for one-acre tracts and wells so in looking at the comprehensive plan it says create a diversity of housing styles and types, and so if we force everything to go into the city we have denied those who want to have a one-acre tract. He said this is a County decision and he doesn't know anyone in favor of going into the city on any of these properties. Mr. Mills responded to questions from Commissioners White and Van Beek. Dan Lister said the city impact agreement puts the focus on our ordinance and comprehensive plan, but it does give the right to the city to provide recommendation or opinion on subdivisions to be considered by the hearing body. That's why in the letter provided by Jay Walker from Mayor Taylor, it may have been miscommunicated by the applicant but it says yes, we will sign the plat because basically if they don't take a recommendation we won't have a say-so. They give you an opinion and it's up to the County to take that into consideration. Secondly, Alan Mills is representing the applicant who owns property to the north who will be requesting a rezone so he has a vested interest in this item. Commissioner White referred to the letter from the law firm of White Peterson says Idaho law on annexation is clear that annexation into a city typically may not be done without consent of the property owner. In this case, the City of Middleton is attempting to use the County's platting process to circumvent what the city cannot do by Idaho law. Director Nilsson said to differentiate why we are struggling with this case, in the Nampa and Caldwell agreements the County has adopted some of those standards for subdivisions and we have included in those agreements a provision to waive those city

requirements, but we don't have that with Middleton. We haven't adopted any city standards and so the focus when we look at a Middleton subdivision is are those essential public services being provided. We are not bringing the city into it because that agreement with Middleton is fundamentally different from those other cities, but our focus as staff is to see if there is fire flow and are they meeting the irrigation requirements because we don't have any city standards we've adopted to fall back on so we have to push the applicant to provide how those fundamental services are going to be provided, or, is there a suitable alternative. With the other cities if there was a suitable alternative we would have the ability to waive those but we don't have that in this case. Dan Lister said staff is not saying this is a bad subdivision, we looked at the preliminary plat and it got to the point where we thought the plat was complete, however, these issues came up and this is where we came to the potential denial. Some of the information discussed today was not provided until now. He still feels the request should be denied for the following reasons: we still have a letter from Black Canyon Irrigation District saying improvements need to be done. They said piping, not tiling, but based on the information given today there may have been another decision but staff doesn't know that until we get the information from the irrigation district. Staff has not heard from ITD. With regard to water, it is the City of Middleton and they have their opinion and it's up to the Board to observe that or not. The city has demonstrated why this could be impactful to them. If the Board does not accept staff's or the P&Z Commission's recommendations for denial, a lot more conditions will need to be added to the plat before bringing it back for approval.

Terry McCoy gave testimony regarding fire protection and a conversation he had with the Middleton Fire Department regarding a mutual aid agreement they have with another agency to respond to fires. He said there is fire protection that's been accepted without having sprinklers or pressurized water system from the city, but this is in conflict with their recommendation on this proposal. He also spoke about how residential sprinklers are found to be more of a hazard than a benefit because water leakage does a great deal of damage to homes. He believes the City of Middleton is being aggressive in its plans for forced annexation.

Nick Hylton lives on Willis Road and he represents the homeowners along that line. He spoke about fire protection and said there is a reciprocal agreement with Sand Hollow to provide tanker trucks for additional water supply. He spoke about implied consent and the issues with water and drainage and how pumping sewage back up over the hill would not be feasible. It appears the city would benefit from all those houses having the sewer put in at somebody else's expense.

Jared Fuhriman testified that he is one of the owners of the property. In a previous meeting they understood there were a couple of items that needed to be addressed. They have agreed to tile the ditch and they would like an opportunity to recoup some of those expenses. If the district doesn't allow them to have a latecomers' agreement it's not going to change their desire to pipe the ditch. They have addressed the ITD and water issues and he believes they have met all those requirements. They sought counsel from White Peterson because one of the main focuses on this is the City of Middleton and subsequent conversations and actions that have been taken by the city to try to delay this project, or to force annexation. If there is a denial of their request they would get an administrative taking analysis which is basically when an government entity deprives you of your property rights, in this case their ability to develop the property administratively by attempting to force annexation, force connection to water, and force

connection to sewer services and so they feel strongly and their attorney has given an opinion that there may be an administrative taking occurring with this project. They have the correct zoning and they have addressed all of the different items required to make sure they have sewer facilities for the people in the development, that they have water and safety. They have also been good neighbors in the community and making sure the roundabout was done prior to school starting. There was a question as to why they commenced construction in this location and it was at the approval of the highway district. They have ceased all construction activities at this point. Dan Lister said the highway district was under the impression that the preliminary plat was already approved and that's why they provided a letter allowing the construction to go forth, but in talking with them they were not aware the preliminary plat had not been approved.

Michelle Apple testified that she bought her property a couple years ago and was told it would stay in the county and therefore they are not able to divide their property any further than what they've already done. She moved from Meridian with the dream of raising her kids in the country and living the American dream. She said moving water and sewer is a dead end when you get to her property. She said Middleton does things backwards compared to other places and people have felt pushed and forced to do things that normally don't happen. She asked the Board to listen to what the community wants and they want to be in the country.

Jeanne Heck lives south of the proposed property and she supports the request, however is not in favor of annexation. The City of Middleton is trying to force the issue and make this high density and she does not want that. She has concerns about the dangerous traffic conditions on Highway 44 and Emmett Road.

Dan Crossley said the neighbors are concerned about the threat of annexation and he wants assurances from the Mayor that the city will not force annexation. He is not against development but he is opposed to the threat of being annexed.

Middleton Mayor Darin Taylor gave testimony on the following points:

#1 - The County and the City of Middleton, prior to 2002, established the existing area of city impact by agreement. Subsequently in 2002 the terms and conditions of those agreements were codified and included in County code. It is among other things an area where it is expected to be annexed in the future.

#2 – In 2002, in developing the terms of this joint exercise of powers agreement, governing plans and ordinances, the residents outside the then Middleton city limits did not want to be annexed, similarly the city did not want anything to do with anyone outside city limits. The administration at that time had an attitude and approach of not wanting to grow. The consistency between the non-city residents and the city residents led to the provisions that were referred to that the County's, not the city's, comprehensive plan and subdivision and zoning ordinances would apply in Middleton's area of city impact. That's different than Nampa and Caldwell where some of their ordinances do apply. The reason Middleton's don't is because the then-administration and the then-residents and the then-Board of Commissioners were okay with not having have the County's apply. In 2012 the city modified its code annually so that the only things in city code are the provisions that the city is willing to enforce if we're not going to enforce it it's out of city code. In Middleton, comprehensive plan text, maps, code and standards are all geared towards orderly growth in the area of city impact.

#3 – Provision of municipal water or sewer or transportation improvements, road, sidewalk and pathway, separately is not orderly or economical. The city does require annexation if you're going to have water and sewer. Annexation – extension of water or sewer lines, extension of public roads, transportation pathways, sidewalks in as economical way as possible, is a fundamental policy of orderly growth in Middleton.

#4 –Existing sewer mainline system for Middleton exists at the SE corner of the school site. It's approx. 1,320 feet east of the subject property east boundary line. Sewer costs the city approx. \$70 dollars per foot – the cost to extend the sewer line from its current location to the subject property will cost \$92,400.

#5 – The Mayor referred to map which was identified as Exhibit #19 showing the area of city impact as the red line at the top. The west boundary of the impact area is another 1.25 mile west of what's shown on the map. It is approximately 2 miles from Emmett Road. The subject property is in baby blue at the SE corner of the high school site. The previous comments about it being unlikely to have suburban or urban densities west of Emmett Road does not contemplate the land north of Willis Road. Middleton's impact area north boundary is Purple Sage Road, one mile north of Willis Road. The west boundary is I-84. The comments said it's unlikely that properties to the west of the subject property will develop because some are under contractual obligations to not have more density and all he's doing is adding information that the area of impact includes some land north, not just west, owned by the people that have been here that only own up to Canyon Lane, there's still a lot of ground between the interstate and Canyon Lane and lot of ground north that have not been restricted by contract or ownership and may be able to develop. The city is obligated by state law to plan for economic extension of its utilities, water sewer and transportation for its area of city impact. The city in the last 18 months has spent approx. \$300,000 planning sewer for the area outside city limits to the west and north of the subject property, including acquisition of land west and south of Gary Howard's property, south of Highway 44 for a regional lift station because the city recognizes we have an estimated population in city limits of 9,100 people today and are forecasted to have over 80,000 in the city sometime in the future. The question is how to provide sewer services to those properties and for the land area west and north in Middleton's existing impact area and the answer is the sewer flows by gravity, north/south it will follow naturally to the south and west so the city has acquired land so that in 15-20 years if that land is developed there is an opportunity to provide economic services for waste water to those properties.

#6 – State law governs annexations by cities of land contiguous to or adjacent to city limits. Consistent with Middleton's policy to plan for and extend services the city last year filed an application to annex properties surrounded by city limits. He filed that application in June, the city did not give notice regarding the potential zoning component of the property, but it did give notice regarding annexations of properties. These are in-fill properties. The city withdrew that application in July. They corrected the notice deficiency, re-noticed the public hearings, and filed another application in July to annex the in-fill properties (or enclave or properties surrounded by city limits) and approximately 30 properties contiguous or adjacent to city limits. Five acres or smaller and independently owned according to state law. The city council denied. The P&Z Commission recommended approval of that action; the city council denied it in August of 2018. He immediately filed another application and the city council denied it in late

September. Twice last year, consistent with orderly growth and providing services to people who live in the impact area, he filed those applications but the city council denied them. Can the city force annex property? Yes. Under state law the city can annex properties, contiguous or adjacent to city limits, if it's less than five acres in size and, effective this year, is not a dedicated farming piece, otherwise you must have landowner consent. Also, last year when he filed the applications you could annex up to 100 of those parcels at a time, but the law was changed earlier this year and effective July 1, 2019 the maximum number of contiguous or adjacent properties that can be annexed without owner consent is 25. He told city council last year he was disappointed in it not following the comprehensive plan for the city and the concepts of orderly growth and that he would not entertain or make any applications for annexation the rest of his term, which ends December 31, 2019. The city has not threatened anybody, however, the city has taken steps to provide awareness to the people in the impact area that they are in an area that is likely going to be annexed sometime in the future. The city council specifically requested in its denials of annexation last year that he do that and he did.

#7 – It is in city code that lot sizes in the city of Middleton over ½ acre must be connected to water and sewer and have all the transportation improvements, except is not required to put in curb, gutter, or sidewalks or streetlights.

#8 – Mr. Mills said that if this application is denied then that can be understood to be a de-facto taking. Some say the city is trying to go around the annexation rules and force annexation. The city believes in economical extension of municipal services and if a property is in the path of growth. If it is in the path of orderly growth, it's not Mayor Taylor or the City of Middleton trying to get around state law or force annexation, the subject property is clearly in the path of growth. Approving this application will be a de-facto re-locating the west boundary of the area of city impact. Mr. Mills said denying the application is a de-facto taking, Mayor Taylor says approving the application is not giving effect to the west area of city impact boundary and it's by de-facto establishing a new one.

#9 – Those who use municipal water must pay all expenses associated with providing that water service. It's a user fee. The same thing is true for sewer, those using the city's sewer service must pay for the service. No real property tax dollars collected by the city go to pay any expenses for the extension of water or sewer or for maintenance or to increase capacity of a well or a waste water treatment plant; however, one of the reasons real property taxes increase when a property is annexed into the city is because state law has determined that transportation expenses for public streets in cities are under the jurisdiction of the city which means you have the accompanying accountability and responsibility to pay for that. Those improvements are funded using property tax dollars. Last year when he filed the annexation application there were 935 of those contiguous or adjacent to city limits not contributing a penny for transportation improvements under the city's jurisdiction. Middleton residents – about 2,700 homes, pay 100% of the bill for curb, gutter, sidewalks, streetlights, roads, bridges, culverts, maintenance, expansion and operation of the transportation system inside city limits. 2700 +935 is about 3600 properties, about 2/3 live in city limits, 1/3 are outside city limits, but 2/3 pay the transportation improvements and 1/3 doesn't pay a penny so of course folks don't want to be annexed but they don't mind using those improvements.

Bruce Bayne, Middleton's P&Z official, said the city strongly objects to development contiguous to city limits without annexation and extension of municipal water, sewer, vehicular and pedestrian systems in an orderly manner. Allowing individual wells and septic systems contiguous to city limits, or in the path of orderly growth, is irresponsible to the taxpayers of this publicly funded facilities that are already in the ground. This is a developer cost-shifting strategy that transfers the infrastructure development costs from the developer to the builder down to the homeowner. When the applicant bought this property in 2018 it was contiguous with city limits. The nitrate area is immediately north and is partially on the Mortensen property, a case which will be coming before the Board in a couple of days. When the sanitary sewer goes in it will also service the Mortensen land to the north so they cannot say this is the end of the land of where that sewer or water is going to go. On a daily basis he gets people who want to annex property into the city and they want to find out because of course the city can give them additional zoning, but if you block this off we will not be able to say that. The domestic water is immediately available and it's on their side of Emmett Road. He's not sure about the irrigation, there's been so many conflicting things he's heard between the P&Z hearing and the Board of Commissioners hearing that he doesn't know what the irrigation is. The cost for the sewer is a little over \$90,000. The cost to do that and put individual wells and septic systems on 11 lots, each lot is \$15,000 so that cost alone is more than extending the sewer over to that property. The city would not object to extending the sewer on its own as long as the applicant pays their prorated share of that cost. With regard to zoning, they are currently asking for one-acre lots, and the city has R-1 zoning which is exactly the same as County zoning, and they put in the road infrastructure but there is no curb, gutter, sidewalk or streetlights required in that zoning so the applicant does not have a leg to stand on as far as saying this land should not be annexed into the city. The utilities are there, it's contiguous to the city. Star Fire Department requires sprinklers in homes that do not have sprinklers in front of those homes and so Middleton Fire is not asking anything that Star Fire isn't asking. They have a well, Well No. 9, and it cannot be any closer to the property. The city has spent a considerable amount to put in that well to keep feeding areas to the west as well as areas where there are homes. Regarding sewer, it is stubbed and it's over 20 feet deep and to extend it to the other side it will still be 10 feet in the ground so it will feed this subdivision and the Mortensen Subdivision.

Adam Fuhrman offered rebuttal comments. The concerns about forced annexation are justified, the Mayor himself said last year he was trying to annex everything he possibly could and fortunately for their sake the city council was voting against it. He said this hearing has been more about annexation than the actual application and whether or not it fits the zoning. There are concerns, but they have verbal resolutions to those but unfortunately the irrigation district's meeting was yesterday, they cannot get us a letter that quickly and so those items are forthcoming and he is happy to have those as a stipulation of recording the final plat before they pull building permits that all those things are answered. They have 9th Street cutting through the middle of the property so that's also important. It's not one property where they could annex to pull higher density; they have two parcels because there is a public road cutting through the parcel. As mentioned by Jay Walker, they were initially interested in connecting to water and doing something similar to .6 acre lots with high filtration septic systems, but they were told they couldn't tie into water without connecting to sewer and doing the whole annexation game which

is why they've designed the one-acre lots which is also in accordance with what the neighbors want. Their concerns are valid in that if the city surrounds them they could get a mayor and council that wants to annex everything. With the stage they're at even if the city said they could tie into water they would need to change everything and go to a different density to pay for the cost of pulling in the water. The \$70 a foot for sewer is hard to believe especially when it's 20-foot down. They've had rough estimates closer to \$500,000, their joint trench alone is more than \$70 a foot. The co-trench, the gas portion, is subsidized and paid for by the gas company and it's also subsidized by the power company because they get additional owners. It's a much simpler process, it's not 20-feet deep under a brand new 9th Street that is running next to the high school and it's more than \$70 a foot so he has a hard time understanding that a more complicated system that is going through pavement, and would have to be re-compacted, re built, repaved, 20 feet deep would be \$70 a foot. They are trying to be flexible in accepting things they may not prefer like piping the ditch and installing fire sprinklers if that's a determination, but they do feel if it's a denial where they've designed this to take advantage of the parameters that they felt they had to work in, they wouldn't be able to tie into water without sewer. Nobody is going to sign up to lose hundreds of thousands of dollars which is what the case will be if they have to pull in sewer and annex. Mayor Taylor said in his comments that they have a lot of expansions to the south and north and but Mr. Fuhriman doesn't think it's the hindrance they're making it out to be.

Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to close public testimony. Commissioner Van Beek said it's her understanding that realistically a city would provide an area of impact map that may potentially be able to be developed within a five-year radius so she takes issue with that super annexation similar to what happened in Greenleaf. It really slows things down negatively on both sides. There has been enough information provided that she would like the opportunity to talk with DSD staff and legal counsel. In looking at what's happened with this parcel, in 2006 this property was zoned to be R-1 and she finds that to be a good fit. The Board needs to carefully weigh the information and she needs time to process what's been presented. Zach Wesley said there was some supplemental information the applicant said they could provide particularly pending changes of opinion from the irrigation district, fire district, and ITD, so it would be important for the Board to give some direction to the applicant and to staff to get that supplemental information in by the next time the Board meets on this matter. Commissioner White agreed and informed Mr. Fuhriman to speak with staff after the hearing to in order to know what information the Board needs in its packets. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board unanimously to continue the hearing to October 10,2019 at 2:00 p.m. to allow time to evaluate the information and receive new information relevant to this hearing. The hearing concluded at 12:58 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO

SEPTEMBER 12, 2019

PRESENT: Commissioner Pam White, Chair
Commissioner Tom Dale - White House meeting, Washington DC
Commissioner Leslie Van Beek
Deputy Clerk Monica Reeves / Jenen Ross

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:49 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

The following cases meet the eligibility criteria for county assistance: 2019-1279 and 2019-1297. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the cases as read into the record.

Commissioner Van Beek made a motion to approve case no. 2019-1175 with a written decision to be issued within 30 days. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to place case no. 2019-1317 into suspension pending other resources.

The following cases do not meet the eligibility criteria for county assistance: 2019-1210, 2019-1192, 2019-1213, 2019-1305, 2019-1194, 2019-1313, 2019-1169, 2019-1219 and 2019-1184. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue denials with written decisions on the cases as read into the record.

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

MEETING TO CONSIDER INDIGENT MATTERS

The Board met today at 8:57 a.m. to consider indigent matters. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell and Deputy Clerk Jenen Ross.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final approvals with written decisions within 30 days on the following cases: 2019-788, 2019-771, 2019-770, 2018-901 and 2019-960.

Commissioner Van Beek made a motion to issue final denials with written decisions within 30 days on case nos. 2019-881, 2019-826 and 2019-894. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue case nos. 2019-953 and 2019-955 to October 10, 2019.

The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-820

The Board met today at 9:06 a.m. to conduct a medical indigency hearing for case no. 2019-820. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's, Grandmother of the applicant, Grandmother's friend and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to deny the case but the motion failed for lack of a second. After further discussion Commissioner Van Beek made a subsequent motion to approve the case. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:54 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-836

The Board met today at 10:00 a.m. to conduct a medical indigency hearing for case no. 2019-836. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Becky Herrera for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White, the Board voted unanimously to approve the case. The hearing concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1021

The Board met today at 10:15 a.m. to conduct a medical indigency hearing for case no. 2019-1021. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Becky Herrera for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White, the Board voted unanimously to approve the case. The hearing concluded at 10:26 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-905

The Board met today at 10:31 a.m. to conduct a medical indigency hearing for case no. 2019-905. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's, Applicant and mother and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White, the Board voted unanimously to approve the case. The hearing concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-927

The Board met today at 10:39 a.m. to conduct a medical indigency hearing for case no. 2019-927. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for West Valley Medical Center, Andrew Lacayo for West Valley Medical Center, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Van Beek, the Board voted unanimously to continue the case to November 7, 2019. The hearing concluded at 11:01 a.m. An audio recording is on file in the Commissioners' Office.

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

A request was made to go into Executive Session to communicate with legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:

Commissioner White made a motion to go into Executive Session at 11:03 a.m. pursuant to Idaho Code, Section 74-206(1) (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners White and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Deputy P.A. Zach Wesley arrived at 11:11 a.m. and Deputy P.A. Brad Goodsell arrived at 11:20 a.m. The Executive Session concluded at 11:22 a.m. with no decision being called for in open session.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-77 AND 2019-607

The Board met today at 11:24 a.m. to conduct a medical indigency hearing for case nos. 2019-77 and 2019-607. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, Attorney Bryan Nickels for St. Alphonsus, Attorney Elizabeth Sonnichsen for St. Alphonsus, Timothy Ryan for St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White, the Board voted unanimously to continue the cases to January 30, 2020. The hearing concluded at 11:32 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-726

The Board met today at 11:33 a.m. to conduct a medical indigency hearing for case no. 2019-726. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, Attorney Bryan Nickels for St. Alphonsus, Attorney Elizabeth Sonnichsen for St. Alphonsus, Timothy Ryan for St. Alphonsus and Deputy Clerk Jenen Ross. Mr. Nickels noted for the record that the hospital has chosen to withdraw this application. No motions were made on the case at this time, it will be addressed later with indigent matters. The hearing concluded at 11:35 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-710

The Board met today at 11:39 a.m. to conduct a medical indigency hearing for case no. 2019-710. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Luke's, Dahlia Torres for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White, the Board voted unanimously to approve the case. The hearing concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER MEDICAL INDIGENCY MATTERS

The Board met today at 11:58 a.m. to consider medical indigency matters. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The matters were considered as follows:

Commissioner Van Beek made a motion to issue a final denial with written decision in 30 days on case no. 2019-726. The motion was seconded by Commissioner White and carried unanimously.

Neither the hospital nor the applicant appeared for case no. 2019-902 or case no. 2019-875. Commissioner Van Beek made a motion to issue final denials with written decisions in 30 days. The motion was seconded by Commissioner White and carried unanimously.

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

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

The Board met today at 12:00 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing the written decision in the matter of Doris Fuentes' appeal for a variance, Case No. ZV2019-0002-APL: Zach Wesley explained this denial of the variance is a reflection of the decision made by the Board at the August 29th public hearing. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the written decision in the matter of Doris Fuentes' appeal for a variance.

Consider final approval of purchase and sale agreement for property located at 16241 Deer Flat Road: There is nothing to sign in regards to this matter but a public record of the approval is necessary. Commissioner Van Beek made a motion to approve the purchase and sale agreement for property located at 16241 Deer Flat Road. The motion was seconded by Commissioner White and carried unanimously. Mr. Wesley indicated that his office would provide copies of the paperwork to Board staff at a later time.

Consider signing ATM placement agreement: Commissioner Van Beek stated for the record that an email was received from legal regarding this agreement stating they have reviewed the agreement, it is compliant and saw no reasons not to move forward. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the ATM placement agreement with Advanced ATM (see agreement no. 19-134).

The meeting concluded at 12:05 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO

SEPTEMBER 13, 2019

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

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Candace Reed.

APPROVED CLAIMS ORDER NO. 9/16/19

The Board of Commissioners approved payment of County claims in the amount of \$3454.72 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/25/19

The Board of Commissioners approved payment of County claims in the amount of \$68,941.10 for accounts payable.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Agave Cantina to be used 9/14/19 for a wedding.

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

The Board met today at 8:34 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Planner Dan Lister, Treasurer Tracie Lloyd left at 8:39 a.m., Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom left at 8:44 a.m., Director of Indigent Services Yvonne Baker left at 8:44 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider approval/denial of the Treasurer's tax charge adjustments by PIN for July and August 2019: Treasurer Lloyd clarified that the dates show the tax year that the adjustment was made and explained the reason for lapse in years between tax year and the write off. Upon the

motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for July and August 2019.

Consider termination of services agreement no. 19-022 with Cottonwood Creek Behavioral Hospital: Director Baker explained that they have taken the last several months to evaluate Cottonwood vs. Medicaid rate and have determined that the county is paying much more under the contracted rate. In cancelling the contract we will no longer be paying at the contracted rate but at the Medicaid rate. Commissioner Van Beek made a motion to approve the termination of agreement no. 19-022 with Cottonwood Creek Behavioral Hospital and authorize Director Baker to sign the termination letter. The motion was seconded by Commissioner White and carried unanimously.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 8:45 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records that are exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of DSD Tricia Nilsson, Planner Dan Lister and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:08 a.m. with no decision being called for in open session.

After the executive session Commissioner Van Beek asked Mr. Porter about the Hart sole source scheduled for Monday. She understood that the Board would be receiving additional information regarding the RFQ because not all the information had come in yet and Commissioner Dale raised the question about the maintenance agreement for subsequent years. She would also like to know how the contract is structured because she still has questions. She feels there are enough un-vetted questions which she always understood would come back before the Board before there was a request. At this time she said she is not going to be able to vote for this. Mr. Porter suggested she set aside some time on Monday to get an update from the Clerk before she makes a decision. Additionally, Mr. Porter noted that the contract was just received yesterday so he doesn't anticipate anything being done with it on Monday. The contract signing is scheduled for the 3rd of October. Mr. Porter said he would ask the Clerk and his employees to come prepared to discuss the details of how the system will work.

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

MEETING WITH ANNE WESCOTT TO DISCUSS IMPACT FEES

The Board met today at 9:12 a.m. with Anne Wescott to discuss impact fees. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, Anne Wescott with Galena Consulting, CCAD Director Michael Stowell, Ron Harriman, Larry Olmstead, Victor Rodriguez, Rachel Spacek from the Idaho Press, Other interested citizens and Deputy Clerk Jenen Ross.

Discussion points include the following:

- Clarification on administrative fees as to how they are broken apart and how the impact fee is assessed
- How the assessment of impact fees on commercial buildings was calculated and the economic development impact
- Explanation of calculation to determine when a new fire station is necessary
- Cooperative effort with the elected officials of each city to make sure staffing needs are met for potential new stations
- Reason rural and city residents not paying equal amounts for the Middleton Parks and Rec district
- A working group for the county includes representatives from Assessor's and Controller's offices who will help determine how much to charge the districts for collection of the impact fees

Commissioner White said that eventually there is interest in Canyon County talking about the possibility of using impact fees for public safety. At some point we will need to open the conversation to get the information and start looking in that direction. In response to a question from Commissioner Van Beek, Ms. Wescott said that generally a study takes about 3 months once all the parts are in place. She thought it would be a good to convene a group of counties interested in using impact fees for growth and public safety. The meeting concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – CONSIDER REQUEST BY TREASURE VALLEY RENEWABLES, LLC, FOR A DEVELOPMENT AGREEMENT MODIFICATION

The Board met today at 1:01 p.m. to conduct a public hearing in the matter of a request by Treasure Valley Renewables, LLC, for a development agreement modification. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Tricia Nilsson, Ali Nelson, Dave Jones, Neill Goodfellow, Tina Wilson, Jon Watson, Margie Watson, Jim McCune, Bonnie Spore, Maria Weber, Diana Sitts, Jan Phillips, Nathan Leigh, Brandon Keller, Wade Johnson, and Deputy Clerk Monica Reeves. Director Tricia Nilsson gave the oral staff report. The property is just shy of 50 acres at the NE intersection of US 20-26 and US 95 in the Shelton Road area. It was conditionally rezoned to light industrial, M-1, with a development agreement. The applicant is requesting to modify eight (8) conditions of the approval that are included in the development agreement. The conditions contained within

the agreement pertain to the rezone and planned unit development (PUD) that was approved by the Board on October 2, 2017. The conditions as currently worded would require agency review for the applicant to construct a fence around the property. The height of the fence necessitates a building permit. The modifications would shift by having all those studies done from when the building permit for a fence is required to when an enclosed structure is permitted. The modifications deal with things like fire safety, transportation, and other studies that will be required but the applicant is requesting they not be required before the fence is constructed, but instead when the project and buildings are designed. They won't change the requirements, but it's focused around the timing and type of building permits that are required so the commencement can start with the building permit for a fence and then the other conditions and permits would still follow. The code requires conditional rezones shall commence within two years of the approval of the Board. If the conditional rezone has not commenced within the time period the application shall lapse and become void and the subsequent development shall reapply for land use approval. The P&Z Commission recommended denial of the request. Staff is recommending approval of the modifications.

The following people testified in support of the request:

Ali Nelson, the attorney representing Treasure Valley Renewables, stated that in October 2017 the Board approved the application for a conditional rezone and established a number of conditions for approval and they were incorporated into a development agreement which lays out what the applicant needs to do to develop the property. Development has to commence within two years of approval by the Board and one the requirements is to build an 8-foot perimeter fence around the property that shows gate locations. The conditions also specify that approval for the fencing plan has to be submitted prior to the issuance of building permits and they require completion of a traffic study and construction of certain road improvements prior to building permits being issued. The issue is that approval to construct the fence is technically a building permit so they are looking to amend the development agreement to clarify the conditions to specify that references to building permits throughout the agreement only apply to construction of the building, the enclosed structure itself. It will allow the applicant to satisfy one of the conditions for development within this two-year period and that's to submit the fencing plan for the property. The P&Z Commission did not recommended approval on the grounds that the change is not necessary. Treasure Valley Renewables is working to develop the property; they tried to submit a fencing plan last week but it was not accepted in large part because these proceedings are ongoing and there is a question about what needs to be done prior to that fencing plan being submitted and approved. The Board already approved the application and in doing that already had to review the proposed use in this location and confirm that all of the requirements for approval were satisfied subject to completion of these additional conditions in the agreement. Ms. Nelson addressed the neighbors' concerns, in particular the potential impacts to neighboring property owners from odor to contamination. This will take materials that are being generated already and use them as feedstock to generate a valuable product, renewable natural gas. It will take these materials that are already being generated by farmers in the area and provide another location for them subject to agency approval and oversight. It's in the applicant's best interest to make sure all materials and odors are contained and managed

responsibly. They understand the need to have deadlines for work to get started and they are not looking to do away with the deadlines, but to clarify what the deadlines are and what needs to be completed and by when. Although it may appear to some that nothing is happening, there is a lot going on in the background. Commissioner White asked why it has taken two years to realize the need to change the agreement, which was signed with the understanding they were agreeing to the conditions. Ms. Nelson said the submission of the fencing plan last week helps highlight why it's important; they tried to submit a fencing plan but because some of these other things that have to be done prior to building permits being issued, like a traffic study or construction of certain road improvements have not been completed yet. They don't read the agreement to require that everything has to be done within two years, just that some of things have to start within the two-year period. They are now realizing they cannot submit the fencing plan either so they need to satisfy one of the conditions in the plan but without the change and with our understanding that you need to have an actual building permit for the enclosed structure which means you have to do all the road construction. They just need to make this change in order to satisfy one of the conditions otherwise they have to satisfy virtually all of the conditions within the two-year plan and that's not what they understood *commence* to mean.

Dave Jones, the Vice President of Boise Bio-Gas, said they applied in May of 2019 knowing they would need changes to move forward. A project of this scope and magnitude takes a great effort and much time to properly and safely be developed. Over the past two years much has been accomplished behind the scenes and they look forward to a busy and successful transition in bringing this green energy project to fruition. They have interviewed and selected various strategic partners, not the least of which was finding a suitable investment partner with an appetite for green energy products, an offtake partner experienced in renewable natural gas marketing, engineering, scientific, and technology firms and personnel. They needed to find suitable feedstock sources which included laboratory testing for bio-methane potential. The feedstocks are all local sources, they are dairies, farmers and food processors in the immediate area which will benefit from participation in this project. They have done preliminary design criteria and site layout and they have been subcontracting with companies to perform work on the site such as clearing and cleanup of the property, the geotechnical study, the environmental studies including wetlands and cultural, and threatened species. They have done a land infiltration study, the topographic and utility surveying and process flow and schematics for the entire design. They have had meetings and data gathering with local utility companies, and have met with Intermountain Gas, Williams Pipeline, and Idaho Power. They have reached out to and had meetings with all the various permitting requirements of the different agencies: Parma Fire District, state fire marshal, Farmers' Cooperative Ditch Company, the Notus Parma Highway District, ITD, DEQ, Idaho State Department of Agriculture, Southwest District Health, and the Idaho Department of Water Resources. They are having ongoing discussions with each of these agencies which in conjunction with their engineering design will ensure safe and legal operation of the facility. Working with this many counterparties and government and regulatory agencies takes a certain amount of time and this clarification of the development agreement is necessary to ensure that commitments can be and will be timely carried out. The sorghum portion of the project is not what is being developed, they are developing a renewable natural gas project at this point in time and all the sources that will be providing feedstock to the renewable natural gas

manufacturer, 95% are in Idaho. There may be some potato or onion crops coming from the Nyssa or Ontario area, but all the other dairies are local, within six miles of the site. The cheese factory in Nampa and the applesauce factory are involved as well as other types of organics that are coming locally.

Neill Goodfellow, the President of Boise Bio-Gas, said there are a lot of moving parts to this project with a lot of agencies involved and everybody has their own time schedules which can be a challenge. The studies have taken time, as well as surveying and soils testing, and there is more to be done. Their schedule takes them out to 2022 and they still have lab tests to do, they still have feedstock and digest optimization studies to do as well as more site studies that need to be done. They have work to do with the Notus-Parma Highway District and a traffic impact study has to be done. All these things have to be done prior to getting building permits. They have talked with Idaho Power and they have a study they need to do and it's relatively expensive and they need an assurance that they have a project and a place to have that study done. They expect to commence phase 3 construction sometime within the next year and a half. It will take that much time to do the land prep and all these additional studies.

Tina Wilson, the Executive Director of the Western Alliance for Economic Development, disclosed that WAED is a non-profit organization that is a collaborative effort between Idaho Department of Commerce, Canyon and Gem Counties and the cities of Notus, Parma, Wilder and Greenleaf. The original project was three companies co-locating on the same parcel of land: a bioenergy, anaerobic digesters, and the sorghum facility and a compressed natural gas scrub cleaner. Those other projects are not dead, they're just doing them one at a time. There is a growers' co-op for the sorghum facility and they are still active and moving forward with it; they're just trying to determine how large of project the Boise Bio-Gas leg of it will be. There are 25 growers of sorghum and they promoted the paper plate project and the energy component; they run more efficiently if they're together in the same place. She has been involved in the conversations with the utility companies and has interacted with the investor and conducted site visits. The feedstock information is a little different than the letter she submitted. The project is now going to be in the range of \$125M to \$150M, the jobs to be created are expected to be between 25 and 40. The median income is around \$56,000, the annual payroll will be \$1.7M. They are basing those numbers on 31 jobs; there is an indirect job of 2.97 anticipated from the Department of Labor so if you take roughly three times the 31 you're looking at an additional 93 jobs related to this project.

Neutral testimony was offered as follows:

Jon Watson thinks this project has some benefits and some possible challenges and it appears that the applicants have solutions to manage those challenges and the Board needs to make sure the conditions that have been placed upon the project are met. He spoke of his frustration with the road situation between Caldwell and Parma and the ongoing traffic concerns. He said ITD made a presentation about how they are going to fix that road in 2040 if the state has the money; he hopes their promises for road improvements will be done before Treasure Valley Renewables starts doing business, he also said the Board needs to fight for funding for Hwy 20-26. He said there is a lot of room for failure with this project and the Board needs to manage those challenges.

Margie Watson said the meetings she went to were about noise, odor, water, and traffic, all of which are paramount. At a meeting last week in Parma, officials from ITD said they were not going to allow anything to be done on that property until the road improvements were done. She heard the applicants are going to bypass the road study because they're going to do everything ITD want. ITD says it has to happen prior to anything being done, but the applicant is saying something else. She said traffic is unbearable, management has failed and some of the gravel trucks have acceleration lanes, some don't. She was told they are going to put in an acceleration lane and that is absolutely paramount. There are a lot of conditions and she questions who is going to manage the list of 40 conditions, and who will make sure it's done.

Testimony in opposition was as follows:

Maria Weber is a landowner and business owner in Parma and her farm is next to the subject property. Approving these modifications will essentially change the requirements for the overall condition of approval even though the applicant is saying it doesn't. Doing so changes the entire agreement by granting an unlimited amount of time to complete due diligence thus nulling the stipulations that approvals, plans, and permits need to be in place before the two-year commencement of use. It was stated that development shall commence within two years of the approval, a Planned Unit Development was approved in June. By approving changes to specify that the stipulations need to be met before the buildings are enclosed for enclosed structures will give the applicant the greenlight to commence development of all non-enclosed buildings and site improvements prior to the deadline and this effectively changes the agreement. In the past the applicant has been unable to successfully put this project in other locations; they have unsuccessfully managed to finance the project; they had to declare bankruptcy in 2013 and the fact they have been unable to do this is concerning and they need to be held accountable for what they agreed to do.

Diana Sitts said she spoke with fire commissioner Gary Rowher and she asked what steps have been made as far as safety and the Parma Fire Department and he said they had not heard from the applicant. They have had two years to develop and they have not done it; they didn't follow through on their original PUD and promises made to the community. They're not just changing the timeframe on the PUD, they are changing what is involved because now the sorghum is on the back burner which is what they were using to begin with as the main component, and the bio-gas was secondary because of the opposition, but now it's reversed. She urged the Board to deny the request and support the recommendation made by the P&Z Commission.

Jan Phillips said she has 68 signatures on a letter of opposition. Changes in the PUD are not needed to put up a fence, it requires a building permit not a change in the PUD. On August 9, 2019 she was told by Curt Christensen that the business representatives had been meeting with the Commissioners regarding this project and they were requesting PUD amendments as they could not get permits until road work was started. She said it appears some Commissioners and staff members are listening to project representatives but not the concerned neighbors. Ms. Phillips believes the construction of the fence will circumvent all the conditions of the original PUD. The traffic count they cite is from 2006 and is not reflective the traffic today. She also has concerns of the water supply not being addressed in the PUD. Commissioner Dale said he has not met with the project representatives outside of these proceedings regarding this request. Director Nilsson said if the modification is approved it does not circumvent the other

development agreement requirements. The studies, storm drainage, fencing plan, fire authority will be required prior to a permit for an enclosed structure, not for a fence. It's trying to differentiate between a non-enclosed accessory structure and the structures for the use that was approved. Ms. Phillips asked if the fence goes up will it affect the two-year start date? Director Nilsson said it would change the commencement from any building permit to a building permit for a fence; we would say the fence satisfied the commencement requirement.

Parma Mayor Nathan Leigh stated that he takes exception to Mrs. Winkle's letter. He has not fled the County, he is still mayor and he is not taking any kickbacks and he welcomes the chance to speak to Mrs. Winkle about those statements.

Ali Nelson offered rebuttal testimony stating this comes down to the two years of timing. They have requirements in these plans that need to be met within two years and the agreement says to commence development in two years and they read that to say do one of the things in this list to get started within two years. They need to construct a fence, they need to submit a fencing plan in order to satisfy one of these requirements within a two-year period of time. They cannot submit a fencing plan without this change; they tried that last week and it was not accepted because of the existing language so they've requested the change so they can complete one of the things in the list of 40 conditions. All remaining conditions will be satisfied. Commissioner White asked about the ITD meeting referenced by the Watsons where it was said there would be no development until a traffic study or improvements are done. Ms. Nelson did not attend that meeting, but some project representatives were there. The enclosed structures will not be started until the 40 conditions have been satisfied. With this change they are trying to clarify that they don't have to do all of them now and start construction on the enclosed structures now within the two-year period because that would be the same as saying don't just commence development, but complete all of the conditions within a two-year period. Commissioner White asked if the financing has been firmed up. Dave Jones said financing is not the issue with this and he cannot speak under confidentiality agreements. Margie Watson said she called the permitting people at ITD and as of the meeting in Parma, ITD did not have an application from the applicant for the road access.

Brandon Keller said regarding permitting and plans, they have been working with the group for nearly 4 years. Permitting takes time and to say they haven't commenced anything in two years would not be true. They have done geo-technical reports, completed 30 borings on site, they are doing infiltration, environmental, cultural, wetland, and endangered species studies. To commence and build a project of this size you need to do those studies. He said the Board has a letter from ITD that states what they are requiring and it's in the agreement; nothing has changed in the last two years as far as what they want to see. They are not doing a traffic impact study with them because they already presented to them a deceleration lane and an acceleration lane and a turn lane. It's in the development agreement. They've reached out to ITD again and they sent another letter for this hearing with the same stipulations so as far as submitting plans for that permit, they are not trying to submit right now because they are still doing some studies. We have talked with the highway district and a traffic impact study will be done. They have not reached out to the fire chief recently because they know from 2-3 years ago that they have to provide a safe structure, nothing has changed from that. They will meet with the fire district because that is part to the building permit application.

Commissioner Dale asked if we have a development definition. Director Nilsson said the ordinance defines the term *commence* relative to a use that requires the facility structure, it's defined as the date when the first placement or permanent construction of structure on a site begins such as the pouring of slab or footings, installation of piles. It does not include land preparation, direction of signs. Ms. Nelson said they did not read that definition to apply to commence development for purposes of these conditions of approval. That definition is not stated in the development agreement and the agreement does not reference that definition as it does specifically reference a number of other provisions from the ordinances when they are intended to apply. Either they need the change to be made because it's necessary or it isn't. They submitted a fencing plan because they heard from the P&Z Commission that this change is not necessary. If it's not necessary they can submit a fencing plan and satisfy the terms as it's written without a modification. They need the modification to be made and they would like it approved with the understanding that development has been proceeding and is outlined to continue to proceed. Commissioner Van Beek said due diligence for the property has been done, but development has not commenced. Ms. Nelson said development under the conditions of approval is outlined to include submission of a fencing plan and that also has not commenced because the application was not accepted so they are looking to make this change so the additional step can be commenced in this two-year timeline. She said they will satisfy all conditions outlined and no enclosed structure for the property will be constructed until all requirements have been satisfied because all of them have to be satisfied before a building permit for that enclosed structure could be issued. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close the public hearing. (The Board took a brief recess from 2:23 p.m. to 2:26 p.m.) Commissioner Van Beek said she's read the minutes and reviewed the material for this case. It's an ambitious project that at some level would inject a lot of capital into community and it's a significant investment but it is a venture capital and the location of where that venture capital is located appears to be the biggest factor so a careful analysis of that to weigh out property rights of both sides has been done by the previous Board. There were 203 signatures from the Parma and Caldwell area and that is significant on this kind of project. In spite of the positive factors that are on the side of this development her position is there was not enough vetting of what needed to take place on a venture capital project to ensure the things that kind of perpetuity (the year 2040) requires. There are certain things that should be in place for life, health, and safety on a project of this magnitude and she is not willing to stand down on this. Commissioner Dale said two years ago he studied this project intently. There are implications in Karen Winkle's letter that are fallacious and erroneous and are impugning the integrity of people. He spent a lot of time understanding the issues associated with this case two years ago and he understands them today. There was a meeting three years ago where there was privileged information about industrial development and we had a meeting about that prior to this submission to the Board, but that's it. He has not met with the applicants outside of these public hearings. Furthermore, it is insulting to imply that he has personally benefitted from this case. He bases all decisions on what he thinks is best for the County and the public good. We are talking about modification for clarification to a development agreement, this is not a forum to re-hash whether this is the right place for this business. Every one of the requested changes is about adding the words for enclosed structures, it's not about changing any

other conditions. They've stated every one of those will be met. All of the safeguards will be adhered to before the first building permit is issued for an enclosed structure. He thinks it's very reasonable to ask for a modification. Commissioner White said her original vote stated where she stood and she has not changed her mind about a lot of things particularly about some of the problems, the compatibility, the roads, traffic, most of all the generational farms and farm life. The request is for a modification to the development agreement of an approved project and with development it takes longer to get things done, such as finding investors. If she had to vote again on this project she would vote no again because of the reasons she gave before, but, she's not going to fight it all the way through. She wants them to succeed, it's a great thing for Canyon County and the state. The proposed modification will not change the requirements contained within each condition but will clarify the timing of each. They're not going to make up things or add things or ruin or destroy the neighbors' lives. It's not going to change the way of life but it is going to add betterment to the ecology. They will solve a major problem for dairies and other farm processing. We have to take care of business and stay on top of this and the applicants have to do what they said they will do and they must be good neighbors. In response to the question of does this modification start another one-year or two-year clock, the answer was no. Director Nilsson said this is not an extension, it's defining the term *commencement*. Defining it as the building permit for a fence is commencement. She believes the Board has the prerogative to put additional conditions if they feel it necessary. Commissioner Van Beek said she cannot overcome the number of obstacles this presents but she can help condition and modify the agreement as it exists to include that the applicant maintain that property in a way that's reflective of their desire to have this be a state of the art facility. There should be some time limitation (2 years) to complete the due diligence and at such time there has to be some boundaries imposed so that in the event the investment falls through or the economy doesn't hold, or there are issues with ITD, etc., that there is still a back out plan. Commissioner Dale said before any building permit for an enclosed structure can be applied for the roadway improvements have to be completed, the life safety issues, all those things in the development agreement have to be done, so perhaps a two-year window to allow that to be substantially complied with. Director Nilsson said they can require an annual status report to be submitted. Commissioner Dale made a motion to approve the request by Treasure Valley Renewables for a development agreement modification and to sign the findings of fact, conclusions of law and order, and the development agreement and include a stipulation that there will be a two-year window to demonstrate substantial compliance with the conditions of the development agreement with an annual report required. Zach Wesley said the development agreement contains some conditions that are perpetual, hours of operation, access, storage of materials, etc., and so if we could narrow that two-year limitation, that within two years have all of the conditions that have been modified today completed and a building permit submitted for an enclosure. Director Nilsson said the things being discussed are required prior to building permits for an enclosed structure so if you just had a time limit on that it would take care of all those other required studies and improvements and things that had to be done. Mr. Wesley said the additional modification could be to have the permit applied for. Commissioner Dale said the motion will include the approval as mentioned with the addition that within two years' time the first building permit for an enclosed structure shall be applied for which would then require that

all these things are done. The report will be due on October 2, 2020. Commissioner Dale restated the motion: to approve the request by Treasure Valley Renewables for a development agreement modification and signature, Case No. DA2019-0006. and to sign the findings of fact, conclusions of law and order, and the development agreement inclusive of condition no. 41 stating that the building permit application for an enclosed structure shall be submitted within two years, and an annual report shall be submitted beginning October 2, 2020. The motion was seconded by Commissioner White. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote with Commissioner Van Beek casting the dissenting vote. Staff will bring the revised development agreement to the Board in two weeks. The hearing concluded at 3:15 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 16, 2019

PRESENT: Commissioner Pam White, Chair – out of the office
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- BOE in the amount of \$1628.00 for the Information Technology department
- BOE in the amount of \$8173.00 for the Information Technology department
- TYCO Structural Enterprises, Inc. in the amount of \$4500.00 for the Parks department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 10/20/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 10/12/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 10/11/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 10/6/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 10/5/19 for a wedding.

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Assessor Brian Stender, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider approving re-application to the Idaho Association of Counties for Assistance in Economic Obsolescence and/or Property Value Litigation: Several years ago funds were requested for litigation with CTI-SSI Food Services LLC, however, it has been much more expensive than originally thought. The original request was for \$25K but Assessor Stender would like to make re-application for an additional \$40K to cover the entire \$65K cost. Discussion ensued regarding the court cases and the outcome of those and how they affect future assessment numbers. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the re-application to the Idaho Association of Counties for Assistance in Economic Obsolescence and/or Property Value Litigation. A copy of the application is on file with this day's minutes.

Consider signing Lake Lowell Park office expansion architectural and engineering services agreement with Houston-Bugatsch Architects: The anticipated cost for these services is \$12,500 which is below the requirements to go out for RFP/RFQ. Director Navarro said Rick Bugatsch believes he can have it done by October 15th which works well since this work was budgeted for in FY19. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the agreement with Houston-Bugatsch Architects (see agreement no. 19-135).

The meeting concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY WILLIAM JENKINS FOR A REZONE, CASE NO. RZ2019-0012

The Board met today at 9:30 a.m. for a status update regarding the request by William Jenkins for a rezone, Case No. RZ2019-0012. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida, Jessica Skinner and Deputy Clerk Monica Reeves. The initial hearing was held on September 3 where the Board considered the rezone request and at the conclusion of that hearing there was discussion about whether the applicant would be willing to sign a development agreement and a status update meeting was scheduled for today where staff would report to the Board. Jennifer Almeida reported that the applicant filed an application for a development agreement on September 12, 2019. Staff is requesting the case be postponed by at least 30 days to allow for enough time to provide notice of the development agreement which will contain conditions of approval. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to reschedule the hearing to October 17, 2019 at 10:00 a.m. The hearing concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:31 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

Director Tolman discussed the following topics:

- Currently in the middle of the bid / build process; discussion ensued about the rank selection priority list for bids of new/used units and asked for the Board to review and give input
- Early replacement units have been acquired to get new employees set-up

EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 10:46 a.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding personnel matters. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:58 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 11:01 a.m. to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Commissioner Pam White via teleconference, Deputy P.A. Mike Porter, Chief Deputy Sheriff Marv Dashiell, Jail Captain Daren Ward, Controller Zach Wagoner, Elections Supervisor Hailey Hicks left at 11:08 a.m. and Deputy Clerk Jenen Ross.

Consider signing Notice of Sole Source Procurement with Hart, LLC for election equipment:

Mike Porter is requesting that this be vacated today so that further review can be done. The next election is on November 5th and there is a great amount of work that needs to be done in preparation of that election. Given the scope and importance of this project there may not be enough time to make sure all the Hart equipment will be in place for a successful election. The hope would be to have the equipment in place before the March primary election. Discussion ensued about what the Hart equipment provides and how it is anticipated to improve elections. In response to questions posed by Commissioner Van Beek, Mr. Wagoner addressed the question of sole source and the use of Hart equipment in Idaho along with other states.

Consider signing Change Order No. 5 - All Detainment Solutions: This change order is for exterior painting as required by the SUP from the City of Caldwell. The total amount of the change order is \$52,455.00. The trailers will be painted to match the current Dale Haile facility, skirting at the bottom will be painted orange/red color and the screening material at the top will be the same orange/red color. Change orders to this point total approximately \$160K. Anticipated arrival is between October 28th and November 4th. Captain Ward said the only other change order that may come thru is for towel hooks. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign change order no. 5 for All Detainment Solutions (see agreement no. 19-136).

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

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

The Board met today at 1:45 p.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Chief Juvenile Probation Officer Elda Catalano and Deputy Clerk Jenen Ross.

A discussion was had on employment disqualification. Director Breach said they use the POST standards and apply the IDAPA rules.

Director Breach's discussion topics included the following:

- Open position has been posted
- Breakroom has been remodeled into an office and they have made a small storage room into a small breakroom
- Review of numbers in each program – 292 offenders in community service with 10 problem solving court participants; 1316 offenders on supervised probation; 481 offenders on bench warrant status
- 4 Probation Officers were sent to the IJJA conference on scholarship
- Effectiveness of the community service program and the specialty courts

Ms. Catalano's discussion topics included the following:

- About 400 kids being supervised by her department which is holding steady
- Currently the Idaho Department of Juvenile Corrections has the lowest number of juveniles in custody they've ever had. They credit much of that to the counties for keeping kids in the community. As a result they are looking at passing more money onto the counties to do more of whatever program is working
- 6 Probation Officers attended the Juvenile Justice Association conference, all of the POs were able to attend on scholarship
- About 800 people showed for the Truancy Kickball event and raised almost \$8000. Ms. Catalano would like to send some kind of thank you to the community supporters
- Ross Garvin recently received national recognition for starting the bike project

The meeting concluded at 2:06 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS CANYON COUNTY JAIL FINANCING ALTERNATIVES WITH ERIC HERINGER/PIPER JAFFRAY & CO.

The Board met today at 2:32 p.m. to discuss Canyon County jail financing alternatives with Eric Heringer from Piper Jaffray & Co. Present were: Commissioners Tom Dale and Leslie Van Beek, Christian Anderson from Zions Bank, Attorney Nick Miller from Hawley Troxel, Eric Heringer from Piper Jaffray, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Treasurer Tracie Lloyd, PIO Joe Decker, Rachel Spacek from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Eric Heringer said he is talking to the Board

today as a potential underwriter, a broker/dealer. He then explained the relationship between Hawley Troxel, Zions Bank and Piper Jaffray. They are not making a proposal; all three firms do different things. Christian Anderson from Zions Bank has been the County's financial advisor and in that role they cannot provide the financing for the County, but they can facilitate. Piper Jaffray can "show up with a bag of money" and find the investors while Mr. Anderson advises in that process. Mr. Heringer gave a PowerPoint presentation, a copy of which is included with this day's minute entry. They will look at the annual appropriate lease structure and walk through what that means and how it works, and they will also give some specific analysis on the jail financing and what that might look like. The most efficient way to finance a new jail without a vote is through a traditional annual appropriation lease financing which involves securitizing the payment through the sale of Certificates of Participation to investors. The COPs are secured by the County's annual appropriate lease payments. The presentation included an overview of a lease structure. Christian Anderson said they are not here as a combined package deal, they want to be back in the process and not just if Mr. Heringer is engaged, to evaluate and compare the proposals. Nick Miller said a year ago they proposed an engagement letter to evaluate different options and then there was a decision to put that engagement aside and send a message that the County is totally focused on the voted option, so they revised their engagement to be just related to the bond. Mr. Miller and Mr. Anderson want to have permission to send the Board a new proposal to say they are on board to help with the structure, whatever it might be. They work together but they are not linked. Commissioner Van Beek said since the bond failed it has generated another round of interest and we have other lenders scheduled to come in to provide presentations that would look differently. If we go with a non-voter, non-judicial confirmation it's going to be heavily criticized and she is interested in hearing how we overcome that from a marketing perspective. There will have to be a high level of transparency and confidence in how we put this package together and how we drill down more effectively. It will have to be a coordinated effort with a lot of interface with the public. Chief Dashiell asked a question pertaining to economic compulsion and owing the land, and how in an auditorium district they didn't own the land. Mr. Heringer said he thinks it's okay if they do, so long as they don't stand to lose it. Mr. Miller said they had a case where the City of Boise deeded the land to the trustee and the court said if you non-renew you forfeit your land so now they structure the land transfer as a ground lease and the lease terminates at the same time the financing is paid off. If for some reason the County doesn't renew and the trustee had to hold it until the bonds are paid off, such as leasing the jail, once financing is paid off the land reverts again because it's a ground lease. There is no forfeiture and the market has accepted that. Discussion ensued regarding finance options. Controller Zach Wagoner said the growth in this state is tremendous and with that growth comes the need for buildings, but it seems like we're seeing more difficulty in getting bond measures approved but at some point something has to give. He asked what they see on the horizon for this industry, and, do they see annual appropriation becoming more prevalent? Mr. Miller said the heat is going to be on the elected officials to say we have this tool, it's legal and it delivers the project we need, and we have the money and we're going to spend it. Short term, without any legislative fix or the state taking over, he's worried the states will have to build the schools because nobody can pass a school bond. Absent some legal change the fact that this tool does work and is available puts the focus on the elected officials to say they're going to do this.

Mr. Heringer said this mechanism doesn't create a new tax liability where a voted bond does. It works with the existing authority we already have. You have to make budget decisions and therefore you may not be able to spend as much because you're using that to make lease payments. Controller Wagoner said we have that authority, but we are not currently taxing to that level. Commissioner Van Beek said it would mean a good working relationship with the Board, the Clerk and the Controller for continued transparency in identifying those ways with urban renewal and new construction and if we can make those decisions in unity that would enable us to have a structure in place to pay for it. It uses what the taxpayer is already used to instead of creating something else. She would be interested in a 20-year amortization schedule sized to the \$7M annual payment. Controller Wagoner said the \$7M is still a good number at the moment, but that would be maximizing our property tax authority and it's important to remember if we have an approved bond and we levy \$7M that's all that gets paid because urban renewal doesn't participate in a voter-approved measure. If we levy \$7M under an annual appropriation, taxpayers would actually pay roughly \$7.4 million – with \$400,000 going to the urban renewal agencies and \$7M staying with the County for the annual payment. Voter approved initiatives are exempt from participation in urban renewal. Urban renewals receive money based off the County's levy and if the County were to increase its levy by \$7M specifically for this payment urban renewals would receive additional revenues based on conditions right now. Commissioner Van Beek is not interested in increasing our levy authority, but where revenues are up and we have the potential to reallocate that portion for the retiring allocation area, that's not new money its property tax, it's new to the County. She wants to see what that looks like from a variety of sources. The Controller said he does too, he just wants to make sure we have full disclosure. Mr. Miller said before those urban renewals sunset perhaps the County could request the city to help with projects. Commissioner Van Beek said it would be fair to say the City of Caldwell would look at that. No Board action was required or taken; the Board will continue financing discussions. The meeting concluded at 3:38 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 17, 2019

PRESENT: Commissioner Pam White, Chair – out of the office
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 9/17/19

The Board of Commissioners approved payment of County claims in the amount of \$17,401.17 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/25/19

The Board of Commissioners approved payment of County claims in the amount of \$72,585.25 for accounts payable.

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

The Board met today at 1:37 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Brad Goodsell, Chief P.D. Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Goodsell presented to the Board a letter to several taxing districts and the Idaho Department of Commerce giving notice that a public hearing to consider a tax exemption for Syngenta Seeds, LLC will take place on September 30th. A copy of the letter is on file with this day's minutes. He also gave the Board an update on the Stuart property located by the landfill; the sellers are scheduled to sign closing documents on September 25th and the Board is scheduled to sign on the 27th.

The action items were considered as follows:

Consider signing independent contractor agreement for public defender conflict counsel with Thomas Monaghan: This document did not come back in time so it will be agendaized to a later time.

Consider signing independent contractor agreement for public defender conflict counsel with Matthew Thompson, Krista Howard and Alan Coffel: Some of the agreements are renewals and some are new contracts but they are all the same agreement. The contract provides an hourly rate but there is not an hourly limit on the work to be done. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the independent contractor agreements for public defender conflict counsel with Matthew Thompson (see agreement no. 19-137), Krista Howard (see agreement no. 19-138) and Alan Coffel (see agreement no. 19-139).

The meeting concluded at 1:46 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY JOHN IHLI FOR A CONDITIONAL REZONE, CASE NO. CR2019-0005

The Board met today at 2:02 p.m. to consider a request by John Ihli for a conditional rezone, Case No. CR2019-0005. Present were: Commissioners Tom Dale and Leslie Van Beek, DSD

Planner Dan Lister, DSD Planner Jennifer Almeida, Gina Ihli, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for a conditional rezone for a 21.65 acre parcel from Agricultural to Rural Residential. In 1995 the parcel was divided into its current configuration and at that time our previous ordinances allowed for different types of land divisions and this was divided to eventually allow for another lot, however, our land division requirements have changed. There are two smaller parcels and those are the dwellings that have been allowed, the rest has been allowed for agriculture/farm land uses only. Unfortunately the applicant didn't come in during the timeframe of the previous ordinance to allow for that extra division so today they are requesting a conditional rezone to get one more home site. The property is zoned agricultural, our future land use plan is to keep it agricultural. The nearest rural residential zone is about 7100 feet away from this parcel and the nearest subdivision is 4600 feet away from this parcel. It is not in an area for residential growth. The soils are moderately suited; there is an acre that's not suitable soil for agricultural uses. The applicant has agreed to a development agreement to only develop two acres of the parcel within an area that is considered nonviable. The owners don't currently live on site so they have to drive a distance to farm their own land so if they were able to live on site they could easily maintain it. The development agreement will keep 19.65 acres in farmland which would stay that way in perpetuity or until the development agreement is modified. The request does not change the overall character of the area which is surrounded by agricultural land and little pockets of housing. In previous decisions the County has allowed similar housing density in that area and it connects to different farmlands that will be very similar. The Canyon Highway District suggests the access be changed due to the location and some site issues. The P&Z Commission and staff have recommended approval of the application. Gina Ihli testified that the parcel was originally owned by her husband's father and in the 1980's the kids bought it in a limited partnership. A brother owns the northern portion and the portion that runs along the east side, and a sister owns the southern part. Originally there were three building sites but with code changes one went away so that's why they are requesting this. They have a right of way easement and they have to plat it because the house parcels are separated from the land. Mr. Lister said after four parcels are created off an original the next one has to be platted so they were given the option of having the owner merge these and if they do not agree with that this would have to be platted. The development agreement was set up so that if they choose to merge their lots they can do it through a land division, if they can't get the family to do that they will have to go through platting. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to approve the request by John and Gina Ihli for a conditional rezone with a development agreement in Case No. CR2019-0005 and to sign the findings of fact, conclusions of law and order, and the ordinance. (See Ordinance No. 19-040.) The development agreement will be considered on September 19, 2019 at 9:00 a.m. The hearing concluded at 2:18 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO

SEPTEMBER 18, 2019

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

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida left at 9:09 a.m., Director of Juvenile Detention Steve Jett left at 9:07 a.m., HR Director Sue Baumgart left at 9:31 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing notice of intent to award contract for FY2020 Southwest Idaho Juvenile Detention Center food and commissary services: There was only one proposal received, from Summit, which is the current vendor. The proposal met all the requirements and Director Jett recommends moving forward with contract negotiations. The RFP was done as a requirement from the School Lunch Program. Commissioner Van Beek made a motion to sign the contract for FY2020 Southwest Idaho Juvenile Detention Center food and commissary services. The motion was seconded by Commissioner Dale and carried unanimously. Zach Wesley noted for the record that no notice letter was prepared since the only submission received was from the current vendor.

Consider signing a resolution granting a refund to Deneige Haar for a temporary use permit; Case No. TP2019-0007: Jennifer Almeida explained that the applicant has found a different place of residence and the temporary use permit is no longer needed. No staff work was done so a full refund is recommended. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting a full refund of \$300 (see resolution no. 19-142).

Mike Porter explained that Director Baumgart had a few items to discuss with the Board and since she was not able to make her regularly scheduled meeting she asked to join the legal staff update today in order to get feedback from the Board to set priorities. The following topics were discussed:

CPR training: This is a training done by the Ambulance District. Discussion ensued regarding who would participate in the training. Commissioner White suggested the training for departments under the Board and then leave it to each Director to reach out to their employees to volunteer for the training. Mr. Porter summarized the conversation stating that his understanding from the Board is that they feel the training is a good idea, it may be good to include the Security Director once one is selected and possibly the Emergency Manager so they can all work together to find those best suited to taking the training. Mr. Porter explained we may need to work with the Ambulance District for some kind of agreement. Commissioner Dale said he believes the Ambulance District puts on these kinds of trainings for free throughout the community. Direction from the Board is that there is a consensus to move forward with the training. Ms. Baumgart said she would reach out to the Ambulance District and Directors.

Safety training: Director Baumgart said she had spoken with Commissioner Van Beek previously about this but wanted a little more clarification as what she's looking for. Commissioner Van Beek said she's really thinking mostly of the Facilities department where they're using equipment and they're on and off of ladders – what to do if there is slip, trip or fall. Commissioner Dale spoke about the online training offered by ICRMP. Mr. Porter spoke about the different components of safety: physical vs. workplace safety. Mr. Porter suggested that the Directors may need to be involved in what trainings would be best suited for their department. Director Baumgart said she could reach out to the Directors that have labor employees and ask them to evaluate the ICRMP training. Board direction is to see what ICRMP programs are available and then speak with Director Loper and Director Navarro about their safety programs and let them know the Board would like information at their next meetings.

Credit card policy: Currently there is no policy in place. Since most employees don't have credit cards it hasn't really been necessary to be included in the employee handbook. Commissioner Dale would like to have the Clerk speak to the Board about the guidelines and sideboards when someone is issued a credit card. He thinks there should be something in writing so it's clearly defined and there is no question about abusing a credit card. Commissioner White also believes there needs to be a policy. Commissioner Van Beek thinks a policy is appropriate – something to list the do's and don'ts of using a county credit card. Mr. Porter said in his conversations with Chief Deputy P.A. Sam Laugheed it seems the statutes are pretty clear about what not to do. He said as far as a policy goes he thinks it's a good idea to have a meeting with the Clerk to see what he has. Commissioner Van Beek would also like to see a reevaluation of the credit card limits. Board consensus it to get the Clerk involved in the conversation.

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

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

Commissioner Dale made a motion to go into Executive Session at 9:31 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) to discuss records exempt from public disclosure and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

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

CONTINUED PUBLIC HEARING TO CONSIDER WRITTEN DECISION FOR MAMLS, LLC, CONDITIONAL REZONE REQUEST

The Board met today at 9:50 a.m. to consider the findings of fact, conclusions of law and order, as well as an ordinance in the matter of the request by MAMLS, LLC, for a conditional rezone, Case No., CR2019-0001. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida, Todd Lakey, other interested citizens, and Deputy Clerk Monica Reeves. Ms. Almeida reported that on August 30, 2019 the Board made a decision to approve the conditional rezone and directed staff to add three conditions to the development agreement and bring back the written decision today. The following three conditions have been added: dark skies at night, a wildfire interface plan, and that the project must be developed in conformance with the updated site plan. She noted there were letters received after the hearing was closed and so they were not marked as exhibits. Commissioner Van Beek is in favor of reopening public testimony to allow the letters to be put on the record. Zach Wesley said the testimony was closed and the late exhibits were not before the Board in making its determination at the last hearing and if the Board wants to open testimony to receive those letters his recommendation would be to make a motion to reopen public testimony and enter those items as exhibits and then provide them to the applicants so they can provide a response, but it's at the discretion of the Board whether to take that additional information or proceed with the information from the hearing. Todd Lakey objects to the Board reopening the record. Commissioner Dale is not in favor of reopening public testimony as it sets a bad precedent. A decision has been made and we need to stick to the agenda item which is to review the written documents. Commissioner Van Beek said she did not vote in favor of the application due in part because of soil conditions and topography which would need to have enough room for configuration in order to prevent septic leakage. She said if the merits of this case stand then they will stand whether we reopen the record or not but we are here to represent citizens and provide an opportunity to clarify issues relating to the health department and the existing subdivisions on how they provided that information on public record. Mr. Wesley said as an alternative to reopening public testimony we could ask the letter writers to submit requests for reconsideration and then they would have 14 days from the written findings to do that and

then the Board could decide if it wants to have an additional public hearing. Commissioner White likes that option. Commissioner Van Beek proposes the Board take counsel's recommendation for reconsideration, or, allow the letters to be entered into the record. Commissioner White likes the option for reconsideration. Mr. Lakey said he's okay with that and if they do request reconsideration he will address it at that time. Mr. Wesley will work with staff to send communication to the parties and advise that their letters were not put into the record because the record was closed and advise them of their right to request reconsideration. Commissioner Dale made a motion to authorize the Board to sign the findings of fact, conclusions of law and order as well as the ordinance in the matter of the request MAMLS, LLC, Case No. CR2019-0001 and to include those amendments for the development agreement as approved. Commissioner White seconded the motion. Commissioner Van Beek voted in favor of the motion in order to allow the process of reconsideration to go forward. The motion carried unanimously. The applicant signed the development agreement. (See Agreement No. 19-140 and Ordinance No. 19-041). The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

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

At 10:10 a.m. Commissioner Tom Dale made a motion to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) and (d). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners White, Dale, and Van Beek voting in favor of the motion to enter into Executive Session. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Craig Vargo, and Deputy Clerk Monica Reeves. Mr. Vargo left at 10:49 a.m. Joe Mueller arrived at 11:00 a.m. and left at 11:36 a.m. The Executive Session concluded at 11:52 a.m. with no decision being called for in open session.

MEETING AND PRESENTATION WITH DR. DOUG DAMMROSE REGARDING INDIGENT MEDICAL REVIEWS

The Board met today at 2:02 p.m. with Dr. Doug Dammrose regarding indigent medical reviews. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek (left at 2:53 p.m.), Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Dr. Doug Dammrose, Case Manager Kelsee Hale, Case Manager Camille Tilden and Deputy Clerk Jenen Ross. Dr. Dammrose gave a background of himself, his medical experiences and how he became interested in the finances of healthcare. A discussion was had regarding how he applies the statute to indigent medical reviews and his opinion of how physician and hospital involvement and knowledge could affect change to the cost of medical indigency. A handout was provided for the meeting and is on file with this day's minute entry. The meeting was for informational purposes only and no Board action was needed

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

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 19, 2019

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

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Vrinda Gandhi.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$2655.00 for the Information Technology department
- Apple in the amount of \$2394.00 for the Information Technology department

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:45 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1251, 2019-1252, 2019-1253, 2019-1223, 2019-1225, 2019-1220, 2019-1380, 2019-1211, 2019-1233, 2019-1248, 2019-1232, 2019-1249, 2019-1234 and 2019-1247. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue initial denials with written decision within 30 days on the cases as read into the record. The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Director of Juvenile Detention Steve Jett left at 9:07 a.m. and Deputy Clerk Jenen Ross.

Consider signing Juvenile Detention housing agreement with Owyhee County: This agreement is to house juveniles from Owyhee County at the Juvenile Detention Center. The only change from last year is to the price per day from \$170 to \$191 due to increased costs and lower populations. Director Jett anticipates there will be another increase next year. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Detention housing agreement with Owyhee County (see agreement no. 19-141).

Consider signing development agreement for the John Ihli conditional rezone request; Case No. CR2019-0005: Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the development agreement for case no. CR2019-0005 (see agreement no. 19-142). Commissioner White was not present for the hearing and recused herself from voting on the development agreement.

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

MEETING WITH DEVELOPMENT SERVICES AND LOCAL HIGHWAY DISTRICT REPRESENTATIVES

The Board met today at 9:30 a.m. with Development Services and local highway district representatives to discuss transportation impact fees. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, Tim Richard, Chris Hopper, Jay Gibbons, Rick Youngblood with Canyon Highway District No. 4, Michael Keys with Star City Council, Amy Woodruff with the City of Middleton, Middleton Mayor Darin Taylor and Deputy Clerk Jenen Ross.

An overview presentation was given addressing the following topics:

- New Growth and Development concentrated in Star/Middleton area
- Graph showing Canyon County building permits between 2000 to 2017
- Long Range financial forecast
- Impact fees appear to be first best available solution
- Current transportation impact fees in the Treasure Valley per residence
- Impact fees overview
- Impact fee implementation process
- CHD4 conducting impact fee study for sub-district no. 1
- Moving forward
- Why sub-district no. 1 vs. all of Canyon County

- Details of transportation impact fees
- Level of service
- Opportunity for partnership with the cities of Middleton and Star
- Framework for Partnership
- Potential impact fee revenue

Further discussion ensued regarding having a resolution in place and the committee and committee members. A copy of the Power Point presentation is on file with this day's minute entry. The meeting concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JEFFERY AND SHELLY HENDERSON FOR A CONDITIONAL REZONE, CASE NO. CR2019-0006

The Board met today at 2:02 p.m. to consider a request by Jeffery and Shelly Henderson for a conditional rezone of a five-acre portion of Parcel R35966 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone – Rural Residential, two acre average minimum lot size.) The vacant parcel is located south of 23983 Centerpoint Road in Caldwell. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Jeff Henderson, Bill Boosenbart, Bonnie Spore, Scott Laurey, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report noting that staff is recommending approval. Jeff Henderson testified in support of his request noting that he wants to retire in the country. He has leased the property for the next five years for cattle grazing until he can get out there on a permanent basis. He also spoke of plans to address potential access issues. Bill Boosenbart testified that he lives adjacent to the subject property and when he purchased his property a number of years ago he was told it agricultural land and he couldn't rezone it so he doesn't understand why the applicant is trying to rezone it to rural residential. He is concerned that potential buyers will complain about his cattle and use of fertilizers. He does not object to the applicant building a home for his family, but he is not in favor of rezoning the land to allow for a subdivision with more homes. Dan Lister said this is a conditional rezone and it allows only one house, and the development agreement says after this division he is not allowed to have any more. If they want to divide the property they will have to come back through the hearing process. Scott Laurey lives on Centerpoint Road in Caldwell and he moved to this area because of the agricultural character. He doesn't have a problem with one house, but he is very concerned subdividing allowing for multiple homes. Mr. Lister said the agreement runs with the land so if it sold the new owners would have to follow the agreement, and if they want to divide the land they would have to go through a hearing process. He said if the applicant had requested a full rezone staff would not be supporting it. The development agreement allows for this division and one house on the five acres. During rebuttal Jeff Henderson spoke about the easement near the horse barns which has been used for many years. He also spoke about how the land has never been fully used; the Kings have run cattle on it, and there are areas with very little topsoil where weeds and thistle grow. Mr. Henderson said he has family that would like to buy the five-acre piece and he wants the agricultural land and he wants to run cattle on it. Upon

the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public hearing. Commissioner Dale said this is a conditional rezone with a restrictive development agreement and it will help preserve the rest of that ground. Commissioner Van Beek said it's been filtered through the P&Z Commission, and she supports the request because the applicant said family will live on the land. Commissioner White said in listening to the testimony, the Hendersons want what those in the area already have: farm life, wide open spaces, and quiet residential and that's why they agreed to these strict conditions. She supports the request. Commissioner Van Beek said they cannot put a secondary structure on the property without a rezone because the person down below kept the building permit. Mr. Lister said this differs from what Mr. Boosenbart did in that he has a primary house and a secondary house which is an accessory dwelling, it cannot be split off. The subject property does not have that, it will only have one dwelling. They will not have an accessory dwelling; they may have a barn or a garage, but they will never have another dwelling as long as the development agreement is in place. They do have a building permit and an option for a secondary dwelling. The rezone will allow one division to create a buildable lot on the five acres so it will allow one more dwelling and it could be sold off, but right now they cannot do that. The rezone gives them one more once the land division application goes through. The secondary dwelling runs with the owner of property so banks will not typically lend on a secondary to another family, it would have to be done by that owner. It's essentially a guest house and it cannot be sold separately. Commissioner Dale made a motion to authorize the Board to approve the request by Jeffrey and Shelly Henderson for a conditional rezone, Case No. CR2019-0006 and to sign the findings of fact, conclusions of law, and order as well as the ordinance and development agreement. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 19-042, and Agreement No. 19-143.) The hearing concluded at 2:52 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CLERK AND CONTROLLER TO CONSIDER APPROVING TAX YEAR 2019 LEVY RATES; FY2020 COMPENSATION PLAN AND SALARIES; ADDITIONAL POSITIONS FOR FY2020; AND TO CONSIDER SIGNING THE NOTICE OF UNSCHEDULED REVENUE HEARING FOR FY2019

The Board met today at 3:01 p.m. with the Clerk and Controller to consider approving tax year 2019 levy rates and the FY2020 compensation plan and salaries as well as additional positions for FY2020, and to consider signing a notice of unscheduled revenue hearing for FY2019. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Senior System Analyst Steve Onofrei, Juvenile Detention Director Steve Jett, PIO Joe Decker, Michael Stowell from the Canyon County Ambulance District, Rachel Spacek from the Idaho Press-Tribune, Deputy Clerk Monica Reeves. The items were considered as follows:

Tax year 2019 levy rates – Zach Wagoner said there are roughly 60 taxing districts in Canyon County and it's a tremendous undertaking to calculate levy rates for all those taxing districts. Each one submits an L-2 form (a property tax request) and the Clerk's Office reviews it for accuracy and they review their published budget and make sure what they're requesting is permissible, and then they calculate a levy rate based on the request and the taxable value. Commissioner Van Beek asked if there were any significant changes to any of the districts. Steve Onofrei said there weren't any significant changes, but there was a reduction to levy rates, which was a reflection of the high assessed values. When levy rate drops it doesn't mean it will reduce their taxes, it means the rate will apply to their higher assessed value. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek the Board voted unanimously to sign and approve the resolution for the tax year 2019 levy rates. (Resolution No. 19-143.)

Notice of uncheduled revenue hearing - The County budget is very specific to offices and departments and we are not allowed to just transfer from one department to another. We have a few instances where an office or department needs an increase in their 2019 budget:

Current expense fund:

\$100,000 in the Prosecutor's Office related to costs associated with out of county conflict expenditures

\$200,000 in the Facilities Department for a real estate acquisition, construction projects and Pod 6 preparation expenditures

\$30,000 in the Emergency Management budget for development of the emergency operations plan

Indigent fund:

\$100,000 in the public defender budget for conflict counsel

Consolidated election fund:

\$30,000 for ballots, poll workers and other election operating activities

Problem solving courts fund:

\$40,000 for testing services

District Court fund:

\$175,000 in juvenile probation for the community incentive re-entry and mental health

Landfill fund:

\$300,000 for property acquisition

All amounts are covered by revenues other than property taxes. It's an accounting exercise to make sure there is sufficient budget to cover all expenditures. Commissioner Van Beek had questions about the funds as explained by Controller Wagoner. The hearing will be held on September 30, 2019 at 8:30 a.m. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek the Board voted unanimously to approve the notice of hearing.

Approve additional positions provided for in the FY2020 budget – Funding was included in the budget for additional positions where a job description already exists. This action will give them a position control number and approve the 2020 salary range. Commissioner Dale said the County has been conservative in the approach to add positions, and we have experienced phenomenal growth that has made the reinstatement of these positions necessary. Commissioner

Van Beek said there's a big range from the minimum to the maximum so how do you budget for that? Controller Wagoner said they are hired at the entry level, the starting salary. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the additional positions provided for in the FY2020 budget. (See Resolution No. 19-144.)

FY2020 compensation plan and salaries – Controller Wagoner said the compensation committee puts in effort to make sure compensation is equitable in the community and to ensure that salaries are consistent and equitable from office to office and department to department. The information presented today are the results of the FY2020 compensation plan and they reflect what was included in the approved 2020 budget. Clerk Yamamoto spoke of the pay inequity that occurred in the past and how we lost staff and were constantly hiring and training people. Retention is beginning to work and attrition will kick in to where this balances out. Commissioner Van Beek said the Board is charged with setting salaries and today marks the first time she's seen the resolution where it delineates the delegation of that job to a compensation committee. She has questions and noted the difference in salary increases per employee: Of 794 employees the pool contained 26 employees got a zero percent raise; 148 employees got a 5%-10% raise; 42 employees got a 10%-15% raise; 2 employees got a 15%-20% raise and one employee is receiving a 32% raise. She has concerns that the rubric for the equity/merit/bonus pay has not yet been established for criteria on awarding. She wants to see a rubric established and the recognition of employees who do an outstanding job, and she would like the committee to develop some criteria to feature those employees to identify what they have done that's outstanding. She has questions about how the equity/merit/bonus pay was established and how it was distributed. The wide range from 0%-32% took her by surprise and she does not have satisfactory answers nor the opportunity to talk with the elected officials or department administrators about their reasoning in that process. Commissioner White said before the compensation plan was approved pay raises were given "willy nilly". This plan is a transparent way of giving raises, it's not about the person in the position, it's about the position itself and how many years the employee has been in that position. Regarding the 32% pay increase that Commissioner Van Beek mentioned, that was for a person in the parks department who took a different position. Commissioner Dale said the vast majority of the positions received increases between 1% and 5% with most in the 2% range. There are some outliers because of having to catch up or advancements in certifications or longevity, but those outliers for the large increases are because people were promoted, they moved from one position to another. Clerk Yamamoto said a lot of what you're seeing is when the five-year kicks in. There have been some promotions and changes and at some point attrition will start to work. He spoke of need of parity and equity which wasn't happening in the past. We had a 10-year period where there were no raises, we had no compensation committee and no policy. There was a need to have equity and parity amongst positions. Commissioner Van Beek hopes that going forward the Board will have ample opportunity to review the information. This is the fifth year the plan has been in place and approximately \$12M has been dedicated to getting the salaries equalized; County employees should be paid fairly but she takes some issue with increasing the equity pool because bonus pay is a function of private enterprise where a profit-generating entity awards bonuses to employees

for outstanding service. The County is not a for-profit entity nor has she had a satisfactory answer on why that pool grows and why it was doubled from last year when we didn't use it all. She is looking at what the sustainability is because they are long-term decisions and in the absence of a capital improvement fund which would safeguard the ability of the County to provide debt service for a public safety facility and it seems out of balance. Commissioner Dale said the Board is not abrogating its responsibility to the committee, it's an advisory committee that does the nuts and bolts of the work of digging into these things for which the Board does not have the expertise nor the time to do. Equity pool is not bonus pay, it's for employees who do the extra work for which their position does not compensate. It's not a bonus for extra work. Controller Wagoner said there are instances where it's saved us money where instead of promoting to a higher position we can allocate extra dollars to a person for a few weeks/months until we get things ironed out. It's equity money, not bonus money. The plan is position specific and position driven and it is consistent throughout the County. There was a total of roughly \$400,000 of equity and \$164,000 of it is being utilized. Following additional discussion, Commissioner Dale made a motion to approve the 2020 compensation plan and salaries as they have been presented. The motion was seconded by Commissioner White. Commissioner Van Beek appreciates those who have worked on the plan, she has questions about the sustainability and some of the rubric information that would be relevant and tying that back to the services, she hesitates to approve it in the absence of a consensus on how to move forward with public safety. Commissioners White and Dale voted in favor of the motion and Commissioner Van Beek voted against the motion. The motion carried by a two-to-one split vote. (See Resolution No. 19-145.) The meeting concluded at 4:02 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 20, 2019

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

APPROVED CLAIMS ORDER NO.9/25/19

The Board of Commissioners approved payment of County claims in the amount of \$6444.50, \$93,374.29, \$485,664.84, \$57,500.77, \$55,846.99, \$79,751.15, \$114,605.44, \$18,334.00, \$23,322.70, \$9714.86, \$714.00, \$88,577.28 and \$7266.43 for accounts payable.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 10/18/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 10/12/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 9/27/19 for a wedding.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Tobin Apparatus in the amount of \$3080.02 for the Elections department

APPROVED JUNE 2019 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of June 2019 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Note for the record: As properly noticed the Board met today at 8:32 a.m. for a legal staff update. A request was made to go into Executive Session and held as follows:

Commissioner Dale made a motion to go into Executive Session at 8:34 a.m. pursuant to Idaho Code, Section 74-206(1) (a), (b) and (d) regarding personnel matters and records that are exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy

P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:04 a.m. with no decision being called for in open session.

MEETING TO DISCUSS CANYON COUNTY JAIL FINANCING ALTERNATIVES WITH BRIAN HATHHORN AND DARWIN PARKER OF BANNER BANK

The Board met today at 9:10 a.m. to discuss jail financing alternatives with Brian Hathhorn and Darwin Parker of Banner Bank. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Brian Hathhorn, Darwin Parker and Willis Robinette from Banner Bank, Controller Zach Wagoner, Chief Marv Dashiell, Lt. Dale Stafford, Assessor Brian Stender, Christian Anderson, a representative from Lobby Idaho, Rachel Spacek from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Willis Robinette, the division director for Banner Bank, gave an introduction on their team's professional background and experience. Today they will talk about seeking information from the Commissioners on the revenue sources because for them to effectively provide solutions they need to start with the cost. There was discussion about the proposed bond amount of \$187M that wasn't approved by the voters, as well as discussion about the lease purchase option. The voter-approved bond is the gold standard in terms of assurance that the funds will be there for the life of the bond, but the lease purchase option, which is unique to Idaho, is subject to annual appropriation. Mr. Robinette said with the annual appropriation requirement there is the ability for a Commissioner to appropriate for that and that's where the risk comes in, that's where any financial provider evaluates the risks in agreeing to purchase that investment. It's hard to propose a structure without the Board identifying a clear repayment source to work around that structure. Darwin Parker said the general terms are public offering and private placement. Banner Bank is focused only on the private placement and what that means is one or more banks would take a piece of the financing and put it in their own portfolio and it would remain there for the life of the lease option or the bond. There are huge upfront costs for the public offering and there will be an official statement of all the details and it costs a lot of money to put that together. A general obligation bond has the commitment for the payment for the life of the bond; private placement in the context of a lease option would be subject to annual appropriation. Commissioner Van Beek said there is no voter approval required on the lease option purchase, however, if we were to identify revenue sources such as the return of the urban renewal dollars from the retiring allocation area that would require a two-thirds vote to appropriate that as part of the revenue source on the repayment stream. Mr. Parker said he doesn't know if voter approval is required for the reallocation. Zach Wagoner said there's no vote required, it would be considered technically new construction at that point and we'd need to include it in our budget. The revenue allocation area sunsets then the County would have ability to levy those taxes and that would be between \$2M and \$3M at FY2023. Mr. Robinette said if we assume a 20-year amortization and \$187M, our annual cost of repayment of the principal and interest is \$12,885,000, as opposed to 30 years at an interest rate 3.27% showing almost \$9.9 million. Because there is more risk for the investor in a lease purchase option there is a higher cost. Given the amortization and life of this investment that's something we should be able to recapture in those upfront costs if we were able to go that route. There is risk. You have to find

enough investors that are willing to make that with that annual appropriation condition. Banner Bank appreciates the opportunity to explore these options and have a roundtable discussion rather than providing specific solutions. If we were to identify specific repayment sources a financial institution could say that's the start level and then we would back into financing availability based on that number. There are all kinds of options but the longer the amortization the more risk. The cost of a lease purchase option as far as an interest rate is significantly higher over a long period of time. If the County dedicated \$7M in repayment annually and assumed a 3.27% fixed interest rate for the entire 30-year period the outlay is \$132.5M. With a general obligation bond you can line up specific to the amount because there is a reliability. Banks don't like to lend a maximum amount where you have no flexibility and they would want some margin of comfort that you're not borrowing the last dollar. Controller Wagoner asked about the likelihood of private placement of \$132M over 30 years given an annual appropriation year-to-year arrangement. Mr. Robinette said at 20 years it would be \$101.5M. Placing that amount of debt with an annual appropriation is going to take more than one institution, it will take a group of financial institutions to fund that purchase. A financial advisor leads the transaction and they assist in putting a package together and they solicit their contacts and sources to help fund that. Controller Wagoner is hoping to get a better feel for potential interest rate on private placement compared to what we heard earlier this week. Mr. Parker said they haven't done any work on that, the rates are going to be what they're going to be down the road. Commissioner Dale asked if there is more/less favorable interest rate when considering private placement versus public placement. Mr. Robinette said we're talking about an interest rate before we know what risks of repayment are and using assumptions would be something the Board should look at. There are so few actual placements and today's interest rate environment is so different it's hard to look back at the most recent one and say that'd be the cost – it's too difficult to say. Piper Jaffray is very knowledgeable and they came up with a rate of 3.27%, which is where he based number. Mr. Parker said it's not a matter of the difference of public vs. private, it's the difference between voter-approved vs. annual appropriation. Commissioner Van Beek asked what it would look like to the public if a general obligation bond were put out at \$132M vs \$187M and because we're talking about the difference between being able to afford one facility and not being able to afford the second one. That's the vehicle we're are looking at. Mr. Parker said perhaps they could look at whether it's legally acceptable to have a smaller lease purchase option and asked the public for a smaller bond amount. Mr. Robinette said we want it to be as simplified as possible because that's where we'll find the most attraction from investors. Banks have the ability to privately place that and deal with some of those irregular payment streams. Commissioner Van Beek appreciates Banner Bank's footprint in Canyon County, specifically the Caldwell Urban Renewal District partnership. Commissioner White thanked the group for the information presented today. No Board action was required or taken as today's meeting was held for information purposes only. The meeting concluded at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS ACTION ITEMS

The Board met today at 10:08 a.m. to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Juvenile Detention Training Coordinator Shawn Anderson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Juvenile Detention Housing agreements with Elmore County, Boise County and Payette County: Mr. Wesley said the only change from last year is the increase in fee from \$170 to \$191. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Housing agreements with Elmore County (see agreement no. 19-145, Boise County (see agreement no. 19-144) and Payette County (see agreement no. 19-146). The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER FINAL PLAT FOR PURPLE SAGE ESTATES NO. 3

The Board met today at 10:32 a.m. to consider the final plat for Purple Sage Estates No. 3, Case No. SD2019-0023. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Jennifer Almeida reported the preliminary plat was approved on May 1, 2019, and the final plat is in conformance with that approved preliminary plat. All conditions of approval have been met and the applicant has obtained all necessary signatures on the plat mylar. Internal public roads have been constructed and accepted by Canyon Highway District. The applicant has submitted a letter of credit for the remainder of the improvements, specifically irrigation and piping that is anticipated to be completed in the spring. The final plat meets the zoning ordinance requirements and Idaho Code section 31-3085 regarding irrigation and is ready for the Board's signature. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the final plat for Purple Sage Estates No. 3, Case No. SD2019-0023. The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 23, 2019

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

IAC Annual Conference

SEPTEMBER 2019 TERM
CALDWELL, IDAHO SEPTEMBER 24, 2019

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

IAC Annual Conference

SEPTEMBER 2019 TERM
CALDWELL, IDAHO SEPTEMBER 25, 2019

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

IAC Annual Conference

SEPTEMBER 2019 TERM
CALDWELL, IDAHO SEPTEMBER 26, 2019

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Dell in the amount of \$2356.05 for the Sheriff's Office
- The Northwestern University Center in the amount of \$13,800.00 for the Sheriff's Office

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O'Michaels' Pub & Grill to be used 10/5/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 9/28/19 for a wedding.

NON-EMPLOYEE KEY REQUEST AND EXTERNAL/INTERNAL SECURITY ACCESS REQUEST

The Board approved a non-employee key request and external/internal security access request for Brush Carpenter and Rachel Tiegs as requested by the Canyon County Ambulance District.

APPROVED CLAIMS ORDER NO. 9/26/19

The Board of Commissioners approved payment of County claims in the amount of \$289,517.25 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/30/19

The Board of Commissioners approved payment of County claims in the amount of \$84.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 1926

The Board of Commissioners approved payment of County claims in the amount of \$1,690,470.31 for a County payroll.

CONSIDER MEDICAL INDIGENCY DECISIONS

The Board met today at 8:52 a.m. to consider medical indigency decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Customer Service Manager Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1260, 2019-1275, 2019-1250, 2019-1259, 2019-1374, 2019-1256, 2019-1273, 2019-1411 and 2019-1276. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue an approval on case no. 2019-1317 with a written decision within 30 days.

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

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-775

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2019-775. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas, Attorney Mark Peterson for St. Luke's, Ashley Hesteness for St. Luke's, Applicant and spouse and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to approve the case. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-942

The Board met today at 9:18 a.m. to conduct a medical indigency hearing for case no. 2019-942. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas, Donna Sharp for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to deny the case. The hearing concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-930

The Board met today at 9:35 a.m. to conduct a medical indigency hearing for case no. 2019-930. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas, Attorney Mark Peterson for St. Luke's, Amber Jones for St. Luke's, Applicant and his father, Interpreter Laura Leavitt and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to continue the case to November 21, 2019. The hearing concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-840

The Board met today at 10:11 a.m. to conduct a medical indigency hearing for case no. 2019-840. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas, Attorney Mark Peterson for St. Luke's, Dahlia Torres for St. Luke's, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to approve the case. The hearing concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-741

The Board met today at 10:17 a.m. to conduct a medical indigency hearing for case no. 2019-741. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas, Attorney Elizabeth Sonnichsen for St. Alphonsus, Attorney Bryan Nickels for St. Alphonsus, Becky Herrera for St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the case to October 24, 2019. The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-856

The Board met today at 10:39 a.m. to conduct a medical indigency hearing for case no. 2019-856. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's, Applicant and his daughter, Interpreter Laura Leavitt and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to continue the case to November 21, 2019. The hearing concluded at 11:04 a.m. Two audio recordings are on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-928

The Board met today at 11:07 a.m. to conduct a medical indigency hearing for case no. 2019-928. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas,

Attorney Mark Peterson for St. Luke's, Amber Jones for St. Luke's, Applicant and spouse and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the case to November 21, 2019. The hearing concluded at 11:18 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 11:22 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared for the following cases: 2019-1028, 2019-956, 2019-991, 2019-800, 2019-913, 2019-963, 2019-974 and 2019-949. Commissioner Dale made a motion to issue final denials with written decision in 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek made a motion to continue case nos. 2019-877 and 2019-906 to November 21, 2019 and case no. 2019-572 to October 24, 2019. The motion was seconded by Commissioner Dale and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to approve case no. 2019-551 with a written decision to be issued within 30 days.

Commissioner Van Beek made a motion to issue final denials with written decision within 30 days on case nos. 2019-787 and 2019-860. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

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

Note for the record: As properly noticed the Board met today at 11:33 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 11:33 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters, records that are exempt from public disclosure and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote

was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:20 p.m. with no decision being called for in open session.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 27, 2019

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- All Detainment Solutions, LLC in the amount of \$7432.48 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for John Morgan Minton.

MEETING WITH AMBULANCE DISTRICT TO DISCUSS IT SERVICES TO CONSIDER GIVING DIRECTION REGARDING IT SERVICES FOR THE CANYON COUNTY AMBULANCE DISTRICT

The Board met today at 8:47 a.m. with the Ambulance District to discuss IT services and consider giving direction to the Information Technology department regarding services. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, IT Director Greg Rast, Michael Stowell, Cindy Fullerton, Leanne Axe, Dan Bates and Steve Blados with the Canyon County Ambulance District and Deputy Clerk Jenen Ross. Director Rast explained that some servers were brought into the Canyon County data center which interface directly with the Spillman and Pulse-Point systems. The yearly charge will be \$800 for approximately 10 hours of service. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the letter to Chief Michael Stowell and Director Greg Rast outlining IT services to the Ambulance District. A copy of the letter is on file with this day's minute entry. The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Landfill Director David Loper, HR Director Sue Baumgart, Controller Zach Wagoner, Kim Doan with First American Title Company, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing closing documents related to property located at 16241 Deer Flat Rd.: This property is located adjacent to the landfill and the county has offered \$291K contingent upon the property being cleaned up. Director Loper spoke to the clean-up process and Mr. Goodsell said the waiver has been previously signed by the Board. The sellers have signed the paperwork, a check has been prepared to give to Ms. Doan and the documents will record today. Mr. Goodsell said no motion was necessary and stated he has reviewed the closing statement for accuracy. A copy of the closing paperwork is on file with this day's minutes.

The Board took a brief break at 9:15 a.m. and then went back on the record at 9:17 to conduct an executive session as follows:

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

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

Commissioner Dale made a motion to go into Executive Session at 9:18 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) to discuss personnel matters related to named personnel, records exempt from public disclosure and attorney-client communication, and to communicate with the risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. Director Navarro arrived at 10:10 a.m. and left at 10:20 a.m. The Executive Session concluded at 10:22 a.m. with no decision being called for in open session.

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

MEETING WITH PUBLIC INFORMATION OFFICER AND VICTIM WITNESS COORDINATOR TO CONSIDER SIGNING DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION

The Board met today at 10:28 a.m. with the Public Information Officer and Victim Witness Coordinator to consider signing the Domestic Violence Awareness Month proclamation. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, PIO Joe Decker, Victim Witness Coordinator Alesha Boals, Lt. Chuck Gentry and Deputy Clerk Jenen Ross. Mr. Decker said this event has happened for several years in order to raise awareness about domestic violence. Ms. Boals said this year they will have an ‘In Her Shoes’ event and spoke about the simulation that will take place. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the proclamation. A copy of the proclamation is on file with this day’s minutes. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners’ Office.

PUBLIC HEARING – KACHUPA RIDGE SUBDIVISION

The Board met today at 10:34 a.m. to consider the preliminary plat, final plat, and irrigation and drainage plan for Kachupa Ridge Subdivision, Case No. SD-2018-0005. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, Jay Walker, Nancy Weikel, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is located within a rural residential zone and the average minimum lot size is two acres. The project contains six residential lots and will utilize individual domestic wells and septic systems, the gravity irrigation will be owned and maintained by the homeowner’s association, and there will be an internal public road, which is Kenrich Road. All signatures have been obtained on the final plat and all improvements have been completed and certified. The P&Z Commission recommended approval of the preliminary plat on April 18, 2019 and staff has found the plat meets the requirements of Idaho Code and the Canyon County Zoning Ordinance in regards to irrigation and is recommending approval of the request with conditions. Jay Walker testified in support of the request noting that the delay from April 18, 2019 was due to infrastructure improvements that were required to be completed in a short plat process. It’s a beautiful project with great view lots and it has provided great infrastructure improvements including the extension of the half road of Kenrich Road. They received a letter and a plan review as well as a final walk through of the infrastructure by Black Canyon Irrigation District in December of 2018. The project meets the stipulations. An underground pipe has been installed conveying limited irrigation; they have water rights from the Black Canyon Irrigation District and they want to use them when available. They have installed a gravity irrigation pipe with risers and conveyed a 10-foot public utility drainage and irrigation easement on the frontage of the nine lots. The lots are two acres in size and will be marketed as Skyline Ridge Estates. Commissioner Van Beek asked technical questions of Mr. Walker. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Dale said the questions have been answered to his

satisfaction, and Commissioner Van Beek said it looks like a great project. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to authorize the Board to sign the findings of fact, conclusions of law and order and to approve the preliminary plat, final plat, and irrigation and drainage plan for Kachupa Ridge Subdivision. The hearing concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 11:02 a.m. to consider certain action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom left at 11:15 a.m., Deputy P.A. Zach Wesley, Recording Supervisor Emily Howell left at 11:15 a.m., Controller Zach Wagoner left at 11:28 a.m., Chief Deputy Sheriff Marv Dashiell arrived at 11:23 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider approving revised alcoholic beverage license application form: At this time there is no process to update an alcohol license so this form will allow for that and brings codes up to date. Ms. Howell reviewed the changes that were made to the application. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve the revised alcoholic beverage license application form.

Consider signing FY19/20 real estate lease agreement with West Valley Humane Society: There are no changes to the lease from last year. Discussion ensued regarding budget allocation for the West Valley Humane Society. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the FY19/20 real estate lease agreement with West Valley Humane Society (see agreement no. 19-148).

Consider signing change order no. 6 with All Detainment Solutions: This is a simple change order to the underlying agreement in order to install clothing hooks as an identified need outside of the contract. The PO amount for this change order is \$7432.48. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign change order no. 6 (see agreement no. 19-147) and associated purchase order.

Consider signing a resolution granting a transfer of alcohol license to Gallegos Meat Market and Lake Lowell Market: Commissioner Dale said he has reviewed the applications and doesn't see any reason not to sign, he then made a motion to sign the resolutions granting the transfer of alcohol licenses to Gallegos Meat Market (see resolution no. 19-146) and Lake Lowell Market (see resolution no. 19-147). At the request of Commissioner Van Beek, Mr. Wesley addressed the question of residency on the Gallegos Meat Market application. The motion was then seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS SECURITY DEPARTMENT ADMINISTRATOR CANDIDATES (EXEC. SESSION PURSUANT TO I.C. 74-206(1) (A) AND (D) POSSIBLE) AND CONSIDER ACTION ITEM OF AUTHORIZING EMPLOYMENT OFFER

The Executive Session was held as follows:

Commissioner White made a motion to go into Executive Session at 11:31 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, HR Director Sue Baumgart, IT Director Greg Rast, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:02 p.m. with no decision being called for in open session.

SEPTEMBER 2019 TERM

CALDWELL, IDAHO SEPTEMBER 30, 2019

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

APPROVED CLAIMS ORDER NO. 10/2/19

The Board of Commissioners approved payment of County claims in the amount of \$414.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 10/10/19

The Board of Commissioners approved payment of County claims in the amount of \$44,311.87 and \$111,486.53 for accounts payable.

MEETING WITH CANYON COUNTY CONTROLLER TO CONSIDER ACTION ITEMS

The Board met today at 8:33 a.m. with the County Controller to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner and Deputy Clerk Jenen Ross. The action items were considered as follows:

Hearing to consider budgeting of uncheduled revenue for FY2019 and consider signing a resolution for the budgeting of uncheduled revenue for FY2019: Controller Wagoner said today is the last day of the fiscal year but the books will remain open until early November in order to pay for any expenses/bills that were incurred thru today. A budget adjustment is necessary as budgets are very office/department specific. Overall, we will be close to 10% under what the total budget was, however, there were a few entities that will be over and we need to adjust those specific budgets. A notice has been published in the paper regarding these adjustments and were reviewed as follows:

- Prosecuting Attorney's Office:*** increase of \$100K for out of county prosecution
- Facilities:*** \$200K increase for purchase of real estate, remodel at CCNU and unanticipated costs related to Pod 6
- Emergency Management:*** increase of \$30K for the emergency operation plan
- Indigent Fund:*** increase of \$100K for conflict attorneys for the Public Defender's department
- Consolidated Elections:*** increase of \$30K for costs related to elections including a recall in the Middleton School District
- Problem Solving Courts Fund:*** increase of \$40K for testing costs
- Juvenile Probation:*** increase of \$175K for the Community Incentive Re-entry and Mental Health program
- Landfill:*** increase of \$300K for the acquisition of property
- The total adjustment amount is \$975,000***

Commissioner Van Beek reiterated that most of these monies are reimbursed monies. Mr. Wagoner said there is no change in the property tax. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution for the budgeting of uncheduled revenue for FY2019. The motion was seconded by Commissioner Van Beek and carried unanimously (see resolution no. 19-148). The meeting concluded at 8:42 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox left at 9:09 a.m., Administrative Analyst Jennifer Loutzenhiser left at 9:09 a.m., Director of Indigent Services Yvonne Baker, Representative from Syngenta left at 9:09 a.m., Assessor Bryan Stender arrived at 9:03 a.m. and Deputy Clerk Jenen Ross.

Consider signing resolution granting Syngenta Crop Production, LLC a property tax exemption pursuant to Idaho Code § 63-602NN: Mr. Goodsell said this resolution would grant Syngenta an exemption under Idaho Code § 63-602NN for an expansion. The representative from Syngenta spoke about the proposed expansion. The \$14M investment is mostly in equipment which will be a 20% exemption for 3 years. It was noted for the record that no one appeared to offer comment. Syngenta provided a letter stating that they agree with the terms and conditions. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting Syngenta Crop Production, LLC a property tax exemption (see resolution no. 19-149).

Consider signing master agreement, software & support license with Computer Arts, Inc.: This is the annual contract renewal which provides the software to process all indigent services cases. Director Baker spoke about some of the struggles her department has had with CAI but at this time there is no alternate program. Commissioner Dale made a motion to sign the master agreement, software and support license with Computer Arts, Inc. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 19-149).

Consider signing resolution establishing income and expenses to be considered in determining medical indigency: Director Baker reviewed the changes between 2018 and 2019 which are mostly focused on expenses. She also addressed what they base the allowable expenses and income table on. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution establishing income and expense to be considered in determining medical indigency (see resolution no. 19-150).

The meeting concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

ELECTED OFFICIALS' MEETING

The Board met today at 9:40 a.m. for an elected officials' meeting which took place in the public meeting room of the administration building. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Assessor Brian Stender, Prosecutor Bryan Taylor, Chief Deputy Sheriff Marv Dashiell, Clerk Chris Yamamoto, PIO Joe Decker, and Deputy Clerk Monica Reeves. The following topics were discussed:

Commissioner Van Beek requested information on the upcoming urban renewal meeting that's happening with the City of Caldwell on October 15, 2019. Clerk Yamamoto said they're waiting on the architects that come back with an elevation drawing and a ballpark number of the costs for the 45,000 square foot Fair expo building to be located at the east end of the events center, behind Taco Time in Caldwell. If the cost is \$100 per square foot it would be \$4.5M so we're to see what makes sense. We have \$2M in the kitty now and there may be a donor who will help with that but we'd still fall short. Commissioner Van Beek said the facilities director was going to assess the site and figure out how much concrete would be needed because we can use that

money (\$2M this year and \$2M next year), a potential of \$6M total until urban renewal sunsets. She said the director believes the general structure could be built for \$2.1M, which we already have in the current expense fund, and he felt like donations would take care of the rest of it; however, the law says if one million dollars is going to be used for a building then it has to go to vote. Clerk Yamamoto said the verbiage is being looked at by the Prosecutor's Office to see what the legislative intent was. Commissioner Van Beek said there's a meeting scheduled with Mayor Nancolas and Mark Hilty regarding the city's new revenue allocation area and their desire to have that area, which includes the Pond Lane site, build out in the potential half billion dollar range. She said the city has a site closer to the courthouse campus that they would support the County's use of urban renewal money to improve that site and infrastructure. When asked where the site is located, Commissioner Van Beek said that's information she cannot share at this time.

Commissioner White believes it's the 24 acres located on 21st Avenue in Caldwell, which was considered several years ago.

Commissioner Dale reported on the recent IAC conference which he found to be very informative. Two main topics were discussed: 1) the formation of an interim committee on Medicaid expansion, and 2) the legislative committee that will study property tax in general. There is no definitive answer on Medicaid expansion, but it is problematic because they're looking at property tax as a resource to help pay for it. He said Governor Little has made it clear that county property tax dollars should not go to the state. With regard to the property tax committee, Commissioner Dale said we need to stay engaged on the topic because one of the co-chairs has publicly stated his desire that state government must control local officials.

Commissioner White said a justice committee speaker talked about the medical marijuana initiative and it was shocking to hear that if it gets to Idaho we will have no control on where the businesses are located or what they will sell. She said there needs to be an uprising on the part of those of us who don't want it and this group would be a great place for the dialogue to start. There was discussion about the impacts of recreational marijuana on society and the resulting legal, medical, and mental health issues associated with marijuana use. Coroner Crawford said one of the speakers at the conference said he would be willing to talk to any agency about the issue and perhaps he could be invited to an elected officials' meeting to make a presentation. The group agreed and thought it would be a good idea to invite the juvenile probation and misdemeanor probation departments to that meeting in order to help disseminate the information on a broader scale.

Chief Dashiell reported the Pod 6 temporary jail trailers will be delivered in three weeks. Captain Ward is scheduled to travel to ADS's site this week to make sure we don't have any last-minute issues. An agency has asked for a 1200 bed modular facility but ADS declined to build it because they don't have the space to manufacture something of that size.

Coroner Crawford acknowledged that during the IAC Conference Sheriff Donahue was presented with the Mills-Adler Outstanding Elected Official award.

Treasurer Lloyd reported that levies were certified to go to the state a couple of weeks ago, but she was informed by the state that there will be a delay in getting the levies back from the state. The property tax reduction certifications are expected to be late as well.

Prosecutor Taylor said his office is really busy; they just completed a first-degree murder case, it's the third one this year.

Assessor Stender said the Assessor's Office has been working with the City of Caldwell and ElJay Waite on identifying the properties they are looking at creating in the new urban renewal area. They are going to do it retroactive to 1-1-2019 and so 2019 would be when the base year would be created, so next year if values go up they would have increment at that point. They are at the end of the formation process and there are a couple of people who don't want to be included. Clerk Yamamoto questioned if they can go back to 2019. Treasurer Lloyd said they made some changes to the map because the original had some of the current urban renewal in it so they did the map to remove that portion, but as far as moving forward on the new map she believes it's been determined how the County would track the base and the increment. Clerk Yamamoto said he thought the timeline was going to make it difficult to make it work. Assessor Stender said it's not massive, it only consists of 135 parcels. He reported that property values continue to increase. He is aware of the committee that's being formed to look at property taxes at the local level and he hopes to participate in that so he can make sure they're receiving good data.

Clerk Yamamoto said Canyon County is becoming the go-to county for a lot of things and it shows we're doing things very well.

Coroner Crawford inquired about the October 3rd meeting to discuss local option sales tax. The meeting has been scheduled and staff was asked to invite all local legislators to the meeting.

The meeting concluded at 10:24 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY BAAS GROUP, LLC FOR A REZONE FROM “A”
AGRICULTURAL TO “C-1” NEIGHBORHOOD COMMERCIAL

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Nate Mitchell representing BAAS Group, LLC, for a rezone of Parcels R34542 and R34535 from “A” (Agricultural) to “C-1” (Neighborhood Commercial) zone, Case No. RZ2018-0040. Present

were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Nate Mitchell, Nick Kalafatic, Bonnie Cooper, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request came before the Board on August 15, 2019 where the request was for a C-2 service commercial zone and staff recommended denial. The applicant agreed to bring it back as a C-1 neighborhood commercial zone. The applicant brought up the following potential uses: mini-storage, RV storage, RV park, theater, vehicle repair, gas station with convenience store, and a contractor shop. With this zoning those uses would require a conditional use permit. The future land use map is showing a lot more commercial in the area, and Middleton's plan is showing a mix of commercial and residential uses. The Idaho Transportation Department and Canyon Highway District have said a traffic impact study will be required. The C-1 zone appears to be the more appropriate zone for that area. Nate Mitchell said staff has done a great job in analyzing the C-1 zone vs C-2 zone and looks forward to the Board approving the C-1 zone as modified from the original request. The applicants do not have any specific uses identified; the uses they offered to agree to under a C-2 zone are very well protected for the neighbors and the County with a C-1 because they have to come back with a request for a conditional use permit. He said it's a good compromise from what we originally asked for. Commissioner Van Beek asked what's holding up the decision to come with a definitive use for this ground. Mr. Mitchell said the owners are looking to upgrade the zoning and sell the property; it creates some predictability for the potential buyer, the current owner, and the neighbors. Nick Kalafatic offered neutral testimony. He owns the property to the north and is concerned that with the C-1 zoning the neighbors will have no idea what type of business will go in. He has no problem with a storage unit, but he would be opposed to a truck stop or something with long hours and a lot of traffic that would disrupt the residential area. Bonnie Cooper said she is not opposed to the C-1 zone, but she doesn't want to hear the noise and traffic associated with a fast food business, for example; she would be happy with 9-to-5-type business. During rebuttal Mr. Mitchell said both residents brought up valid concerns and Mr. Lister's points about the land use matrix is a very good compromise between the property owners' desires and keeping protections in place for the neighbors. There could be multiple uses that end up subdivided throughout that piece of property, it's not necessarily going to be one single use. The C-1 zone leaves a lot of protections in place for the neighbors that allow the applicants to mitigate the impacts the different uses will have on them. Regarding traffic on highway 30, the neighborhood commercial uses that are allowed and conditionally allowed in the matrix are intended to mitigate the traffic and by putting a dental office, bank, a doc-in-the-box, etc., it will reduce the overall traffic in the intersection and valley-wide. The C-1 zone is a good compromise and provides predictability. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Commissioner Van Beek said it's pretty clear the end goal is to meet the comp plan, allow property rights for the current owner, protect property rights of those who are already there and the C-1 zoning is the correct vehicle to do that. She supports the request. Commissioner Dale said the process represents all sides and he understands the need to have a zone in place that's conducive to the potential uses that could be marketed for this property before it's sold and it's impossible to know exactly what's going to be used until somebody comes along with a business plan. He

supports the zoning request. Commissioner Van Beek made a motion to approve Case No. RZ2018-0040 to rezone parcels R34542 and R34535 from “A” (Agricultural) to “C-1” (Neighborhood Commercial). The motion was seconded by Commissioner Dale and carried unanimously. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the ordinance reflecting the decision. (See Ordinance No. 19-043.) The hearing concluded at 2:16 p.m. An audio recording is on file in the Commissioners’ Office.

CONSIDER SIGNING DEVELOPMENT AGREEMENT AND FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR TREASURE VALLEY RENEWABLES, CASE NO. DA2019-0006

The Board met today at 2:31 p.m. to consider signing the development agreement and the findings of fact, conclusions of law and order for Treasure Valley Renewables, Case No. DA 2019-0006. Present were: Commissioners Pam White and Tom Dale, DSD Planner Jennifer Almeida, Neill Goodfellow, and Deputy Clerk Monica Reeves. The Board approved the development agreement amendment on September 13, 2019. The requested amendments were approved as proposed and two additional conditions were added to the written decision and the development agreement as Conditions No. 41 and No. 42:

41. The applicant shall submit a building permit application for an enclosed structure within two years from the date of the signature on the amended DA,
42. The applicant shall submit annual progress reports beginning October 2, 2020.

Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to sign the development agreement and the findings of fact, conclusions of law and order for Treasure Valley Renewables, Case No. DA2019-0006 and that includes the two new conditions in the development agreement. (See Agreement No. 19-150.) The meeting concluded at 2:36 p.m. An audio recording is on file in the Commissioners’ Office.

THE MINUTES OF THE FISCAL TERM OF SEPTEMBER 2019 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 16th day of March, 2020

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Pam White

Commissioner Leslie Van Beek

ATTEST: Chris Yamamoto, Clerk

By: Jenen Ross, Deputy Clerk