

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 2, 2019

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Metta Technologies in the amount of \$105,100.00 for the Solid Waste Department
- Tarpomatic, Inc., in the amount of \$83,712.00 for the Solid Waste Department

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:30 a.m. for an office staff meeting. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross, Jamie Miller, and Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:40 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FINDINGS OF FACTS, CONCLUSION OF LAW & ORDER, DEVELOPMENT AGREEMENT AND ORDINANCE FOR THE ED BOWMAN CONDITIONAL REZONE REQUEST, CASE NO. CR2019-0008

The Board met today at 9:01 a.m. to consider signing the Findings of Fact, Conclusions of Law (FCO's), the development agreement, and the ordinance regarding the Ed Bowman conditional rezone request. Present were: Commissioners Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, Kurt Smith, and Deputy Clerk Monica Reeves. The hearing was held on October 31, 2019 and the request was approved subject to changes and staff was directed to bring back the FCO's, and the ordinance, and development agreement at a later date. Dan Lister said the Board added a couple of conditions to the development agreement: a stub road to the south, and a 10-foot buffer was added to the setbacks that are already required. When adding the setbacks from the neighbors' properties and the adjacent properties it's going to be a 40-foot setback, which the applicant and the next door neighbor have agreed to. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale the Board voted unanimously to sign the FCO's, development agreement and the ordinance for the Ed Bowman conditional rezone request, Case No. CR2019-0008. (See Ordinance No. 19-051 and Agreement No. 19-194.) The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER DECEMBER 2, 2019 AGENDA ITEMS

The Board met today at 9:04 a.m. to consider the agenda items scheduled for 9:00 a.m. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell, Landfill Director David Loper, and Deputy Clerk Monica Reeves. The items were considered as follows:

Open Bids for FY20 Pickles Butte Landfill Monitoring Well Project: No bids were received so Director Loper will contact the well drillers and consultants he had been in contact with and see if he can identify any issues as to why they didn't bid. The project cost was estimated to be below \$200,000 so it was in the range that didn't require noticing in the newspaper but we may have to change that after we find out what's going on. During the meeting Director Loper received an email stating a bid had been submitted had should have arrived this morning at 9:00 a.m. Mr. Goodsell suggested the Board continue this meeting to give some time to make sure something didn't come in that we didn't know about. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to continue the bid opening to tomorrow, December 3, 2019 at 9:00 a.m.

Hearing to Consider Public Comment Regarding Bull Litter Fence with Canopy for use at Pickles Butte Sanitary Landfill from Metta Technologies Sole Source Procurement: Board issued a notice of sole source and it was published on November 15, setting today as the date to receive public comment. No one is here to comment. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the authorization in execution of the purchase of the Bull Litter fence with canopy from Metta Technologies Sales.

Hearing to consider public comment regarding Tarpomatic, Inc. Automatic Tarping Machine Sole Source Procurement: The notice was published on November 15 stating the Board intended to procure this equipment by sole source, and no one is here today to comment on the proposed sole source procurement. Director Loper said we should have both pieces of equipment within 2-3 weeks. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to authorize the Board to sign the purchase order and authorize the execution of the purchase with Tarpomatic, Inc.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY DANIEL & DEBORAH TRONCALE FOR A CONDITIONAL REZONE AND DEVELOPMENT AGREEMENT; CASE NO. CR2019-0011

The Board met today at 2:00 p.m. for a public hearing to consider a request by Daniel and Deb Troncale for a conditional rezone and development agreement; case no. CR2019-0011.

Deb Root gave the oral staff report stating that the applicant would like to rezone approximately 35 acres from "A" Agricultural to "CR-RR" CR Rural Residential for the purpose of dividing off two small residential parcels with the balance to remain as agricultural with the residential and accessory structures that currently exist on that balance property. The property is identified as agricultural on the future land use map which is why a conditional rezone is being considered. The properties north of the subject property are identified as residential on the future land use map and there is a significant amount of development in this section of the county. The applicant has requested to enter into a development agreement restricting him to the two residential parcels for a total of three on the 35 acres. The two small residential parcels would be restricted to only one single family residence, no secondary residences. The majority of the property will remain in agricultural production. Staff is recommending approval and the planning and zoning commission has recommend approval. Commissioner Van Beek asked about the site plan in exhibit C, there is one small strip that was left out. Ms. Root said the strip of hayfield buffers the roping arena and potential parking for the facility that currently exists there. There are two homes located along Goodson Rd. on the property and then the five acre parcel in the NE corner was the first division out of the original 40 but is not a part of this application. In response to a question by Commissioner Van Beek, Director Nilsson spoke about why they rezone the way they do. Deb Root said in the future they could come back and apply for a comprehensive plan map amendment and withdraw the development agreement at that point to further develop this although it would have to be platted as a subdivision. Doing it this way perseveres the agriculture and does not impede the agriculture from occurring. Each parcel is just over one acre and meets the definition of residential because if you take the average lot size of the entire 35 aces it exceeds two acres. Mr. Troncale stated he is in need of selling one of these lots for financial purposes. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to close public comment. Commissioner Van Beek made a motion to approve the findings of fact, conclusions of law and order. The motion was seconded by Commissioner Dale and carried unanimously. Commissioner Dale made a motion to approve the map amendments, the development agreement and the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 19-195 and ordinance no. 19-052). The hearing concluded at 2:15 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 3, 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):

- Slat Depot in the amount of \$6660.00 for the Facilities department

APPROVED JULY 2019 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of July 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.

APPROVED AUGUST 2019 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of August 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.

CONTINUATION OF BID OPENING - FY2020 PICKLES BUTTE LANDFILL MONITORING WELL PROJECT

The Board met today at 9:05 a.m. for a continuation of the bid opening for the Fiscal Year 2020 Pickles Butte Landfill Monitoring Well project. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy PA Brad Goodsell, Landfill Director David Loper, and Deputy Clerk Monica Reeves. The bid opening was scheduled for yesterday, however, no bids were submitted although Director Loper thought we should have so the matter was continued to today's date. (Most County offices were closed on Friday, November 29th so there was confusion as to where the bids were delivered.) The bids were received were as follows:

Layne Granite Company (Layne Christensen Company)
5810 East 77th Avenue
Commerce City, CO 80022
Bid Amount: \$277,370.00
Bid Received: December 2, 2019 at 9:47 a.m.

Cascade Drilling, L.P.
6480 Contractor St.
Boise, ID 83709
Bid Amount: \$450,000

Bid Received: November 29, 2019 by the U.S. Post office, and was delivered to the courthouse on December 2, 2019 and received by the Commissioners' staff at 1:20 p.m.

Director Loper and Mr. Goodsell will review the bids and report back to the Board later this week or the first part of next week. The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING DECEMBER 3, 2019 AGENDA ITEMS

The Board met today at 9:12 a.m. to consider signing the December 3, 2019 agenda items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider corrected quitclaim deed to Nampa Housing Authority: The Board signed a quitclaim deed a couple of weeks ago and afterwards it was discovered that the property description was incorrect so a new quitclaim deed has been prepared with the correct description. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the corrected quitclaim deed for the Nampa Housing Authority.

Consider resolution granting a fee reduction for a rezone and comp plan map change for Jonathan Lee: Commissioner Van Beek said the original amount was \$3,350 and they are requesting to pay \$850 for their application so it's a waiver of \$2,500 which seems like a lot so she wants Director Nilsson to speak to that. Commissioner White said the explanation in paperwork indicates the applicant is combining two applications into one hearing which is why they are seeking a fee reduction, and Director Nilsson approves of it. Commissioner Van Beek believes splitting the fee would be more equitable than charging \$850. The Board will delay action on this item until it can have a discussion with Director Nilsson.

Consider resolution granting a refund for a conditional use permit to Marcy Hibbs: The applicant applied for a conditional use permit to operate a daycare center and after the application was processed it was discovered the property already has a CUP. The application should have been for a CUP modification. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution granting the refund to Marcy Hibbs. (See Resolution No. 19-176.) **This matter was incorrectly noted on the agenda as a fee waiver, but it should have been identified as a refund.*

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

MEETING WITH CANYON COUNTY MOSQUITO ABATEMENT DISTRICT TO DISCUSS YEAR-END REPORT FOR 2019, AND TO CONSIDER A RESOLUTION REAPPOINTING NORM BROWN TO THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

The Board met today at 9:31 a.m. with the Canyon County Mosquito Abatement District to discuss the year-end report for 2019, and to consider a resolution reappointing Norm Brown to the board of trustees. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director Ed Burnett, Assistant Director Julie Treasure, CCMAD HR Director Lennie Steward, Doug Shinn, Board of Trustees President, and Deputy Clerk Monica Reeves. Ed Burnett reviewed the report, a copy of which is on file with this day's minute entry. The report included operational highlights and statistical data. Eastern Equine Encephalitis is moving west, which is concerning because it's very dangerous and we need to be on the lookout. It's not clear why it's making its way so far west but it could be a combination of factors including virus adaptation and mutation. The report was provided for the Board's information but did not require any action on its part. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the resolution reappointing Norm Brown to the Board of Trustees for a term of four years. (See Resolution No. 19-177.) The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH KIM YANECKO TO DISCUSS CANYON COUNTY NOISE ORDINANCE AND HVAC

The Board met today at 1:33 p.m. with Kim Yanecko to discuss Canyon County noise ordinance and HVAC. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Commissioner Dale left at 2:37 p.m., DSD Building Official Dave Curl, DSD Mechanical Inspector Jacob Crossley left at 2:27 p.m., DSD Code Enforcement Officer Eric Arthur, Kim Yanecko and Deputy Clerk Jenen Ross. Ms. Yanecko spoke about that as part of a purchase and sale agreement a new HVAC system was installed in their home. A different type of system was installed but it was not permitted, there was no manual J done and does not meet code. The county was out and did a special inspection which is when they learned their system could be deemed grossly negligent. In response to a question by Commissioner White, Ms. Yanecko said the purpose of her being here today is to get answers about enforcement. Since the contractor did not pull a permit so the system was never red-tagged as it should have been. Commissioners White and Dale both believe this is a civil matter and not one that can be resolved by this Board. Ms. Yanecko understands that but her purpose in being is to bring to light areas of enforcement lacking within the county. She feels the county has no enforceability and the contractors know it. Commissioner Van Beek confirmed with DSD building officials that it is nearly impossible to get a contractors license revoked. Ms. Yanecko said she had filed a complaint with the state. In response to Commissioner Van Beek, Ms. Yanecko said her concern is in regards to people assuming there is protection by the county if a contractor is not abiding by the rules. At the request of Commissioner Van Beek, Mr. Curl addressed building codes, enforcement and the permitting/inspection process. Ms. Yanecko wants to know why the county is not going after this contractor and taking steps to revoke his license knowing he is doing poor work and operating unlawfully. Their attorney

has advised them that pursuing this contractor in court could potentially cost them \$25,000 and he could still file bankruptcy and they'd still end up with nothing. She doesn't feel a private citizen should have to do this if a person is licensed by the state; she feels his work should be enforced and in place by the county. In response to a question by Commission Dale, Ms. Yanecko explained the items that will need to be done to her home in order to correct the poor work done by this contractor including mold mitigation due to vents being cut in their roof, roofing repairs, drywall, HVAC and electrical. She indicated that she has not spoken with her homeowners insurance about it due to fear of denial because of this system. Ms. Yanecko explained that at the state level, IBOL (occupational licensing), requires a contractor to have an insurance policy to protect the homeowner but not for HVAC. For HVAC the state requires a \$2000 bond. Commissioner White again asked what Ms. Yanecko is looking for from the Commissioners. She said she would like to Board to come up with a better plan for enforcement so that the building officials have something to fall back on. She also provided a statute which talks about the prosecuting attorney being able to go after this contractor but that nothing is happening to protect consumers. There is no tracking by state and no central repository. Ms. Yanecko said she spoken to the civil attorneys and was told that the county doesn't enforce this. Commissioner Dale read into the record a memo provided by the Prosecutor's Office. Commissioner Van Beek asked if Ms. Yanecko has a list of policies that she is taking issue with that could potentially be taken to the IAC. Commissioner Dale asked if the Yanecko's hired an inspector after the HVAC system was installed. She confirmed that they did not have an inspection done subsequent to the system being installed; they were just told that it was installed and then met with the contractor because they had never used a geothermal system (the system that was originally in the house) before and it was during the walk-thru, which was also the day of closing, that they learned it was not the same system that was installed. They were advised to get a special inspection which is basically an investigation, it lets the requester know what they have. They now have a list of things to be done in order to bring the system up to code. Commissioner White feels that Director Nilsson and legal need to be here for this discussion. She feels that as Commissioners they can't help with the situation. Ms. Yanecko's argument is that this contractor is out there doing subpar work yet there are statutes that say there should be some enforceability. She has met with the HVAC Board for the state of Idaho and they have said it is the county's job to inspect and enforce. She doesn't know that there is a process in place for enforcement and that is the part she feels the Board has control over. There is an Idaho statute that says that the contractors are supposed to provide a \$300K liability coverage and that is not happening in Canyon County. She feels there is no protection for the consumer and she just needs to get somebody on board to hear her; there are laws here but they are not being enforced at each agency level that is responsible. She is asking that the Board at least look at this and she is happy to come back and talk to whomever.

As part of the noise ordinance discussion Ms. Yanecko spoke about an issue she has with a neighbor who is a contractor doing work very early in the morning. She has prepared a sample noise ordinance for Board review.

The meeting concluded at 2:43 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 4, 2019

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

No meetings were held this day.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 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):

- Hanson Janitorial in the amount of \$5197.50 for the Sheriff's Office
- Boise Office Equipment in the amount of \$22,329.00 for the Information Technology department

APPROVED CLAIMS ORDER NO. 12/6/19

The Board of Commissioners approved payment of County claims in the amount of \$1,660,638.67 and \$213.50 for accounts payable.

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:47 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2019-1446, 2020-0114, 2020-0112, 2020-0111, 2020-0104, 2020-0072, 2020-0216 and 2020-0211. Commissioner Van Beek made a motion to issue initial denials with written decision within

30 days on the cases as read into the record. The motion was seconded by Commissioner Dale and carried unanimously.

Commissioner Dale made a motion to issue an approval with written decision within 30 days on case no. 2020-0103. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

CONSIDER INDIGENT MATTERS

The Board met today at 9:00 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Dale made a motion to continue case nos. 2019-1185, 2019-1183 and 2019-1194 to January 30, 2020. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue a final approval with written decision within 30 days on case no. 2019-1184.

Case nos. 2018-1363, 2018-640, 2018-1214 and 2019-57 have been pulled from suspension and now meet the eligibility criteria for county assistance. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue final approvals with written decisions to be issued within 30 days on the cases as read into the record.

The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1225

The Board met today at 9:07 a.m. to conduct a medical indigency hearing for case no. 2019-1225. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Timothy Ryan for St. Alphonsus, Lisa Buseth for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek

the Board voted unanimously to deny the case. The hearing concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1247

The Board met today at 9:14 a.m. to conduct a medical indigency hearing for case no. 2019-1247. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Lukes, Ashley Hesteness for St. Lukes, Applicant and acquaintance 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 with a written decision to be issued within 30 days. The hearing concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-1208 AND 2019-1210

The Board met today at 9:36 a.m. to conduct a medical indigency hearing for case nos. 2019-1208 and 2019-1210. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Lukes, Dahlia Torres for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to approve case no. 2019-1208. Commissioner Van Beek then made an amended motion to approve both case nos. 2019-1208 and 2019-1210. The motion was seconded by Commissioner Dale the Board voted unanimously to approve both cases. The hearing concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1002

The Board met today at 9:53 a.m. to conduct a medical indigency hearing for case no. 2019-1002. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Elizabeth Sonnichsen for St. Alphonsus, Timothy Ryan for St. Alphonsus, Lisa Buseth for St. Alphonsus 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 January 30, 2020. The hearing concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 10:04 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared for the following cases: 2019-1223, 2019-1160, 2019-1250 and 2019-1233. Commissioner Van Beek made a motion to issue final denials with written decisions to be issued within 30 days on the cases as read into the record. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 10:05 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:11 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. Zach Wesley, Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting new alcohol beverage licenses to Plaza Garibaldi and Kerry Hill Winery: Commissioner Dale said both applications look to be in order and made a motion to sign both resolutions. The motion was seconded by Commissioner White and carried unanimously. See resolution nos. 19-178 and 19-179. Commissioner Van Beek asked if anything more had happened in regards to having Development Services and Sheriff's Office review applications. Mr. Wesley said no further action has been taken on this component.

Consider signing Government Employees' Medical Plan (Gem Plan) joint powers agreement: The purpose of this agreement is to facilitate negotiation of agreements with insurers for better administration fees. Although several counties pool their money in a trust fund Canyon County does not participate in that and remains self-insured. The most significant change is that we are now called out as a separate member so not everything that is applicable to us is applicable to the counties that are part of the pool and vice versa. Additionally, it also expanded their membership of the Board of Directors to include a self-insured member on the board – being either Bannock or Canyon County. Commissioner White asked about the necessity of the Gem Plan, Mr. Wesley said the main benefit is their negotiation power. He also provided a history and process of the self-insured fund to address questions posed by Commissioner Van Beek. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Government Employees' Medical Plan (Gem Plan) joint powers agreement (see agreement no. 19-196) The Gem Plan is looking for representatives for the self-insured board member, Mr. Wesley presented to the Board for consideration.

EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY

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

Commissioner Dale made a motion to go into Executive Session at 10:33 a.m. pursuant to Idaho Code, Section 74-206(1) (c) regarding acquisition of an interest in real property. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners 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 PA Zach Wesley, Deputy PA Brad Goodsell and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:56 a.m. with no decision being called for in open session.

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

MEETING WITH TINA WILSON TO RECEIVE UPDATE ON RURAL ECONOMIC DEVELOPMENT INNOVATION INITIATIVE

The Board met today at 1:36 p.m. to receive an update on the Rural Economic Development Innovation Initiative. Present were: Commissioners Pam White and Leslie Van Beek, Tina Wilson from the Western Alliance for Economic Development, and Deputy Clerk Monica Reeves. Ms. Wilson reported that last year she applied for, and was awarded, a grant for technical assistance for the Western Alliance to give capacity-building for Owyhee County, Canyon County and Gem County to do a comprehensive economic development strategy. Part of the grant request was for a training component that would bring in other counties in the region and with the board of directors' approval she has been making the rounds to other counties to give them the opportunity to participate. She has letters of commitment from Elmore County, Valley County, Payette County, Mountain Home, and Kuna. Washington County is considering whether to participate. The agencies are obligating two people to sit on the steering committee and participate in workshops and she needs to know who will participate on behalf of Canyon County. Director Tricia Nilsson has expressed interest but it's a matter of whether she has the time. Two workshops will be held, with the first one taking place on January 30th in the administration building, where they will teach the group how to do the assessment needed for the "SEDS" document. It will take a couple of months to gather data and then in March/April there will be a second workshop on how to take the data collected from the counties and turn it into the planning document. Hopefully by the end of summer they will have a draft document that goes out to each county for public comment followed by potential adoption, and by the end of 2020, the 10-county region will then have their comprehensive economic document. Ms. Wilson reported on the projects she's worked on and how she's making the time to push this comprehensive document forward which will benefit the counties involved in terms of being eligible for project funding. The Board thanked Ms. Wilson for the information; no Board action was required.

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

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 6, 2019

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

APPROVED CLAIMS ORDER NO. 11/26/19

- The Board of Commissioners approved payment of County claims in the amount of \$24,641.02 for accounts payable.

APPROVED CLAIMS ORDER NO. 12/10/19

- The Board of Commissioners approved payment of County claims in the amount of \$56,292.68, \$230,211.98, \$36,977.84, \$105,961.90 and \$33,205.25 for accounts payable.

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- The Polygraph Institute, LLC, in the amount of \$5,500.00 for the Sheriff's Office
- Premiere Wireless Solutions in the amount of \$3,295.00 for the Sheriff's Office
- BOE in the amount of \$7,247.90 for the IT Department
- BOE in the amount of \$7,443.00 for the IT Department
- R&H Wholesale in the amount of \$2,801.96 for the Facilities Department

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

The Board met today at 8:31 a.m. with the Director of Facilities to discuss general issues set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Director of Facilities Rick Britton and Deputy Clerk Jenen Ross.

Director Navarro and Assistant Director Britton updated the Board on the following:

- In order to find out if there is sufficient ADA parking at the juvenile detention center Director Navarro will check the parking several times a day for 30 days and track it thru a spreadsheet.
- The Fair expo building is moving quickly. They've met with the architect from Iowa, he's walked thru the design which Director Sinner has signed off on. A roundtable with the City of Caldwell will take place next week.
- Lake Lowell office design is finalized and plans have been given to a contractor for a "fat-finger" estimate.
- Rick Bugatsch has provided a design for the animal shelter roof which Director Navarro showed the Board.
- The vault in 201 is being demolished. The work was done by the facilities staff vs. hiring a demolition company. The new office is being framed and will give them more workspace and a breakroom. They hope to have it complete before Christmas.
- Judges chambers on the 2nd floor and the jury room are getting quick 1-2 day remodels.
- The Crossroads Museum has been sheet rocked, the floor has been painted and the plumbing has been roughed in. They are hoping for an inspection after Christmas.
- The ADA fishing docks at Lake Lowell have been torn down by an Eagle Scout group and facilities will work to refresh them. A more user-friendly ADA fishing dock has been proposed to purchase with a grant that was obtained by the Parks department.
- Pod 6 update: concrete is being poured for the generator pad and trenching for the exterior fence is being done. They are still pushing for the 20th of December but Mr. Britton sees it being closer to the second week in January. Next week they will start the process for camera installation which he anticipates taking about a week and the PLC is still being worked on. Commissioner Van Beek requested cost tracking which Director Navarro said he will send to her.
- Commissioner Van Beek asked about an accident between two county vehicles – Director Navarro will ask Director Tolman about the damage and cost and forward that information to her.
- Starting in January every Monday morning they will have a safety training.

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

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

The Board met today at 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, Chief Deputy P.A. Sam Laugheed, Chief Marv Dashiell left at 9:17 a.m., Lt. Gentry left at

9:17 a.m., Deputy P.A. Mike Porter left at 9:17 a.m., Deputy P.A. Zach Wesley, Controller Zach Wagoner left at 9:36 a.m., TCA Doug Tyler left at 9:36 a.m., DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing solicitation of interest for a rural landscape and agricultural resources survey consultant: This is a grant funded project from the State Historic Preservation office to conduct a survey of county historical areas. This solicitation will go out to everyone in the state who is on the list of potential contractors. The solicitation will remain open thru holidays and wrap up in January. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the solicitation of interest for a rural landscape and agricultural resources survey consultant. A copy of the solicitation is on file with this day's minutes.

Consider signing contract with T-O Engineers, Inc. to create an exhibit and construction cost estimate for the Canyon County Parks Department: Zach Wesley said we're still waiting to get the document back from T-O Engineers. Once it's received back it will be re-estimated.

Consider signing Project Safe Neighborhoods Sub-award application: Lt. Gentry gave an overview of the project – it is a resource in building a database of shell casings from crime scenes for future comparison. Canyon County qualifies for \$25K although CCSO is asking for \$8710 which is closer to actual costs. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the Project Safe Neighborhoods sub-award application. A copy of the application is on file with this day's minutes.

Consider signing resolution granting a fee reduction for a rezone and comprehensive plan map change for Jonathan Lee: This is actually a refund as Mr. Lee has already paid the fee. Director Nilsson explained that Mr. Lee and two partners want to divide a 15 acre parcel into three 5 acre parcels. They've requested a comp plan amendment from ag to residential which will probably be an administrative land division. Mr. Lee paid for both the zoning text amendment (\$2500) and the zoning map amendment (\$850) but staff doesn't believe there will be any additional work, so they believe the \$850 will cover DSD costs. Director Nilsson addressed questions posed by Commissioner Van Beek regarding fee amounts. Commissioner Dale made a motion to sign the resolution reducing the fee as recommended by the Director of DSD. The motion was seconded by Commissioner White. The motion carried in a 2-to-1 split vote with Commissioner Van Beek voting against the motion. See resolution no. 19-180.

Consider ratifying application for lengthy trial juror compensation reimbursement application: Mr. Laugheed explained that the Trial Court Administrator identified an opportunity for the county to receive reimbursement for some jury trials. Mr. Tyler worked to get the deadline extended and has been working with the Controller to make sure all the numbers are in place. Mr. Laugheed recommended that that Board sign the initial application prior to it being on the agenda because of the due date. Mr. Tyler explained the history of jury compensation and the statute that states any trial that last more than 5 days, starting on day 6 the county has to pay jurors \$50 a day. Additionally, the legislature also passed a

provision that money would be available in a fund where counties could apply for relief of the difference between the \$10 daily rate the county would have paid and the \$50. Canyon County had two trials this year that would qualify for this reimbursement, however, reimbursement is only being requested on one case as we received full reimbursement from Idaho County on the Lankford case and it will be up to them to request reimbursement. A discussion ensued about how the timelines will be better addressed in future years. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to ratify the application for lengthy trial juror compensation reimbursement application.

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

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

Commissioner Dale made a motion to go into Executive Session at 9:37 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner 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 PA Sam Laughed and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

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

PUBLIC HEARING – PRELIMINARY PLAT FOR CASCADE HILLS SUBDIVISION, CASE NO. SD2019-0012

The Board met today at 9:49 a.m. to conduct a public hearing the matter of a request by Tradition Capital Partners, LLC, for a preliminary plat, irrigation and drainage plan for Cascade Hills Subdivision, Case No. SD2019-0012. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Peggy Bresky, Alan Mills, Mike Wagner, Spencer Kofoed, Tyler Hess, Jackie Grayson, other interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is zoned R-1 single family residential with an average minimum lot size of one acre and the proposed lots meet the minimum lot size. The property is designated as residential on the future land use map and is located within Middleton's impact area. The project contains 51 residential lots, will be developed in two phases, and will utilize individual domestic wells and septic systems. The P&Z Commission and staff have recommended that a pressurized irrigation system be utilized. Keller and Associates has reviewed the plat and found it to be in compliance and their recommended conditions were added by staff. The P&Z Commission and staff have recommended approval of the plat with conditions. Peggy Bresky, with Horrocks Engineers, testified this is a standard development

and is going to be developed in two phases. It has gone through the County surveyor, the Canyon Highway District and the fire department and all areas have been addressed. They originally submitted their plan to include four of the most northeastern lots to receive pressurized irrigation with the remainder of the lots to be individually irrigated with private wells. The rationale for that is that with the development that's occurring in the area farmland is getting less and less water availability and this would be the best and highest use of the available irrigation water. They would like the Board to allow for the developer to transfer those water rights for the remainder of the lots and give those rights to adjacent farmers. Ms. Bresky responded to questions from the Board regarding irrigation and drainage. Alan Mills testified that before they proposed the irrigation system they met with Idaho Department of Water Resources (IDWR), Black Canyon Irrigation District, and Al Barker who is a leading water rights attorney to make sure their proposal made sense to those agencies. They did a drone flyover of nearby Kingsbury Meadows and found there none of the one-acre lots irrigated even close to half an acre. He spoke of how lots of this size do not utilize pressurized irrigation, and how there is a backlog of farmers who need these water rights. He said they could have transferred the rights already but the developer wanted to have buy in and make sure everybody understands all the facts. Mr. Mills responded to questions from the Board regarding irrigation and fire flow. Mike Wagner, who has farmed in the area for 50 years, gave testimony regarding irrigation. He said the irrigation district was put in on a gravity irrigation basis and so whatever was below the water level had a water right, and whatever was above it did not. There are 53,000 acres in the Black Canyon Irrigation District and they were irrigating 57,000 acres. In 2000 there were lawsuits from people saying they were paying for water to go on ground that did not have water rights so the district tried to alleviate that issue and dry up those 3,500 acres. Ditch riders have to deliver water to subdivisions but the extra water goes unused while farmers are having a difficult time irrigating their crops. There is a better application for those water rights than in the middle of development. Mr. Wagner responded to questions from the Board regarding irrigation water. Spencer Kofoed testified they want to do what's right for the homeowners and farmers and they would be happy to put in the system if that's the right thing to do but they truly believe this is a discussion of how best to use the water rights. State statute allows them to water one-half acre, but his experience is that homeowners prefer not to have to share and pay for the infrastructure and the water rights if they don't have to and so by allowing a system that does have water rights for the bigger lots and allows the other people to opt out and not have to pay for the infrastructure and water rights it's good for the homeowner and better for the farmer to transfer 40-50 acres of water rights to a neighboring farmer. There is a concern that the deep water aquifer would be used but that's a moot point because they're going to use the half-acre they have anyway and so whether you mandate the pressurized irrigation system or allow them the water off their wells he doesn't think it affects the deep water aquifer either way. With regard to the timeline of Phase 2, they applied with the Bureau of Reclamation to move the ditch and straighten it out, and they have worked with the neighbors to the south where they will get the same or better system for their irrigation. With regard to the fire suppression, the fire district wants them to either create a pond so they will have enough water to fight a fire, or to do sprinkler systems. Mr. Kofoed answered questions from the Board regarding home fire sprinklers and fire suppression. Tyler Hess testified that he developed Purple Sage Estates and they put in a pressurized irrigation system for all the homes with one-acre lots and last

year they ordered 5 inches of water for the 60 acres but most of the homeowners didn't use them, they used their wells. The concern is having an expensive system that just sits there when there are farmers who have no water rights. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to close public comment. Commissioner Dale made a motion to approve the request by Tradition Capital Partners for approval of the preliminary plat, and irrigation and drainage plan as well as the findings of fact, conclusions of law, and order (FCO's) for Cascade Hills Subdivision, Case No. SD2019-0012. The motion was seconded by Commissioner Van Beek. Ms. Almeida asked for clarification on the Board's position regarding the pressurized irrigation system. Commissioner Dale made a supplementary motion to remove Condition No. 2, which is a pressurized irrigation system. Commissioner Van Beek said it applies to certain lots, Lots 1 through 4. Commissioner Dale said the motion removes the requirement, it doesn't say they cannot do it. It shall be at the discretion of the developer to utilize as is best. Commissioner Van Beek said if we remove that from everything then those four lots would not meet the requirement for the 1/2 acre so she wants to amend the motion to stipulate that there are four lots that will retain the pressurized irrigation and the blanket condition of having a pressurized irrigation system for the subdivision would be removed. Commissioner Dale agreed. The motion carried unanimously. The updated FCO's will be signed on Monday, December 9, 2019 at 9:30 a.m. The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 9, 2019

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

APPROVED CLAIMS ORDER NO. 12/10/19

The Board of Commissioners approved payment of County claims in the amount of \$10,867.07 and \$52,239.11 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$1530.00 for the Information Technology department

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 Amelia Barton.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 12/20/19 for a Christmas party.

FILE IN MINUTES

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

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:03 a.m. with county attorneys for a legal staff update. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Treasurer Tracie Lloyd left at 9:05 a.m., Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross.

The Treasurer's monthly report for October 2019 were filed in today's minutes. Treasurer Lloyd noted for the record that the report contains nothing out of the ordinary.

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

Note for the record: As properly noticed the Board met today at 9:03 a.m. for a legal staff update. A request was made to go into Executive Session. The Executive Session was held as follows:

Commissioner Dale made a motion to go into Executive Session at 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel matters regarding named personnel, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners 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. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

The meeting concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida left at 10:05 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing the findings of fact, conclusions of law and order for Cascade Hills Subdivision; Case No. SD2019-0012: Ms. Almeida said these finding reflect the decision that was made by the Board last week in regards to the pressurized irrigation condition. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the findings of fact, conclusions of law and order for Cascade Hills Subdivision; Case No. SD2019-0012.

As part of her monthly meeting Director Nilsson updated the Board and discussion ensued on the following topics:

- DSD participation in the REDI initiative: Director Nilsson will speak with Tina Wilson regarding the requirements.
- Budget and personnel: The first two months of this fiscal year are tracking with last year. They are a little short staffed but are getting by okay at this point.
- COMPASS activities: First meeting of the Fiscal Impact Sub-committee was held recently.
- Impact fee committee: Zach Wesley has drafted the resolution and the list of names has been sent to the Board. At this time terms would not be set for the committee members as it's not required by state law but it will be suggested that they adopt bylaws.
- Code enforcement: Historically there has only been one code enforcement officer who works closely with the Sheriff's Office as well as the city code enforcement staff. Year to date 133 cases have been opened, 78 were public nuisance violations, 44 zoning violations, 10 building permit violations and 1 that was found to not be a violation. Discussion ensued regarding code enforcement issues and ways they are handled and resolved. Further discussion was had about the special inspection process and wording within the document.

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

CANVASS ELECTION

The Board canvassed the December 3, 2019 Election results today which are on file with this day's minute entry.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 10, 2019

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Boise Office Equipment in the amount of \$7,904.00 for the IT Department
- Apple in the amount of \$1,347.00 for the IT Department

APPROVED CLAIMS ORDER NO. 12/24/19

- The Board of Commissioners approved payment of County claims in the amount of \$5,739.07 for accounts payable.

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

The Board met today at 8:32 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of IT Greg Rast, Project Manager Shawn Adamson, Business Analyst Chelsea Baguley, Development Manager Rick Fisher, Operations Manager Don Dutton, Business Manager Caitlin Pendell and Deputy Clerk Jenen Ross.

Director Rast along with Mr. Adamson and Ms. Baguley provided a Project Closure Update.

The following projects were reviewed:

- Indigent Services Repository
- CCRag
- Communication Room Wire Standardization
- CCSO Nortel Removal
- CCSO Jail Metrics
- OSSI to Blue Iris

A copy of the Project Closure Presentation is on file with this day's minute entry. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY DUANE DARBIN FOR A CONDITIONAL REZONE, CASE NO. CR2019-0010

The Board met today at 9:32 a.m. to conduct a public hearing in the matter of a request by Duane Darbin for a conditional rezone, Case No. CR2019-0010. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, Keri Smith-Sigman, Duane Darbin, Lee Blankenship, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is requesting a conditional rezone to change the zoning from agriculture to single family residential; the future land use map designates this area as agriculture. As restricted by the development agreement a one-acre parcel will be located in the northwest corner of the property and the remaining 8.81 acres will be retained for the existing home site as well as agricultural uses. The request will retain a majority of the parcel for agricultural uses much as it is currently. The surrounding land uses are a mix of agriculture and residential. Caldwell's area of city impact is located approximately 668 feet east of the property and within one mile there are five platted subdivisions with an average lot size of 1.65 acres. The proposed access will be via existing ingress/egress easement located on the west boundary of the property. Canyon Highway District will require an approach permit onto Upper Pleasant Ridge Road and they will require the current approach be improved; it will be required to be a private road. The Idaho Transportation Department did not anticipate any significant traffic impacts and had no objections to the proposal. There is no opposition to the request. The P&Z Commission recommended approval and staff recommends approval as well. Keri Smith-Sigman gave testimony on behalf of the applicant and stated they are doing this land division in order to build a home for their daughter and son-in-law. They are allowed to be build a secondary residence but it's difficult to get financing on secondary homes so in the future they may take that option. She spoke of how this is the fifth parcel but that's because of an unapproved land division, it was a large parcel and the original included an administrative land division. It's unfortunate that the subdivision ordinance includes all land divisions, whether approved or not, so the Darbins are being penalized for that and it will cost them \$20,000 to do a subdivision plat for something that isn't fair. There are other communities whose subdivision ordinances recognize approved divisions as counted toward the plat so that people who do follow the law aren't penalized. There is another rezone just north of the property and the old platted subdivisions to the east are similar in size and rural in nature. There is a ditch that runs north and south so by putting a home on the western portion of the property that will keep the most agricultural uses viable. Ms. Sigman responded to questions from the Board following her testimony. Commissioner Dale asked why it costs \$20,000 to do a plat, and secondarily is there a process through which a person can say there's only "x" amount of houses to be built so is there an exemption to that subdivision without an entire ordinance change. Ms. Almeida said plats are not a cheap endeavor, you have to hire engineers to prepare civil drawings and that's where the cost comes in. Secondly, the process staff follows is in line with our ordinances so without an ordinance change there is no way around that. The property that was split off without a building permit was sold so it's not the original owner who retains it so unfortunately for the applicants the fifth parcel triggers the platting requirement and that's where this falls unless they decide to do a secondary residence if the financing can be worked out, then they would not have to do a subdivision plat. Ms. Sigman said people do land divisions all the time and the County doesn't have a

good mechanism to go after them to comply. It would be nice if there could be an ordinance amendment in the next two years before the Darbins are required to do the subdivision plat where that the platting requirement could be removed from the development agreement and where the ordinance could be amended to correct the definition to include buildable lots. Commissioner Van Beek said that's outside the scope of this hearing and it's a policy discussion that would have to take place with legal counsel and with the DSD Director. Commissioner Dale said the applicant could request an amendment to the development agreement. He appreciates Ms. Sigman's comment that the ordinance should be amended to be more fair to people, and in the future he would like to look at that but as far as this case goes it adheres to the current ordinance. Commissioner White said it would be good if they could send correspondence to the Board so we can document it. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Duane Darbin for a conditional rezone and development agreement, Case No. CR2019-0010 and sign the findings of fact, conclusions of law and order as well as the ordinance. (See Ordinance No. 19-053 and Agreement No. 19-197.) The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:34 p.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Tom Dale arrived at 2:39 p.m., Chief Deputy P.A. Sam Laugheed arrived at 2:39 p.m., Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell arrived at 2:37 p.m., Facilities Director Paul Navarro left at 2:41 p.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Northwest Elevator & Contracting, Inc. maintenance agreement: Director Navarro explained that the elevators are registered with State of Idaho – Division of Building Safety and are required to have an agreement in place for routine maintenance. The State of Idaho requires an annual certification as well as a five-year certification. Previously there was a contract in place with Otis Elevator but due to cost and service have now elected to go with Northwest Elevator & Contracting, Inc. who have two offices in Idaho. Director Navarro addressed several questions raised by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the maintenance agreement with Northwest Elevator & Contracting, Inc. (see agreement no. 19-198)

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 2:42 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, Chief Deputy PA Sam Laugheed, Deputy PA Dan Blocksom, Deputy PA Brad Goodsell (left at 2:50 p.m.), Deputy PA Zach Wesley (left at 3:05 p.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 3:44 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.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 11, 2019

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

PUBLIC HEARING – REQUEST BY TROOST FAMILY TRUST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND A REZONE, CASE NOS. OR2019-0002 AND RZ2019-0004

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Troost Family Trust for a comprehensive plan map amendment to change the designation of Parcel No. R33402010 from "Agriculture" to "Commercial" and "Residential", and a rezone of approximately 30 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone, and approximately 6 acres from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone, Case Nos. OR2019-0002 & RZ2019-0004. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Greg Bullock, TJ Wellard, Sheena Wellard, Bill Werhane, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The property is approximately 36.72 acres and is currently zoned agriculture. There are seven subdivisions within one mile with an average lot size of 1.18 acres. The adjacent properties were platted in 1948 and 1949 prior to zoning regulations in the County. The remaining subdivisions within one mile were also created prior to zoning regulations with the exception of Pear Lane Estates Subdivision which was platted in 2007 and the Newby Subdivision which was platted in 2018 and contains one residential lot with the remainder of the land is agriculture. There is commercial zoning located south of the subject property which dates back to at least 1985 and serves as the Sunnyslope Market, a store and gas station. COMPASS TAZ data shows this area anticipates an increase of 22 households by the year 2040; they noted the proposal

exceeds growth forecasts for the area specifically noting transportation and infrastructure may not be able to support the new transportation demands. The applicant is proposing individual septic systems and wells. It is located within a nitrate priority area as defined by DEQ. There are several wells within the immediate vicinity that have tested high in nitrates. The Golden Gate Highway District stated the residential portion of the development would be below the threshold for a traffic impact study, however, they were concerned that the commercial zoning would generate potential significant traffic at full buildout. The district will require a traffic impact study for the commercial portion of this project. ITD noted that the development should, if possible, take access from local roads and if the applicant wishes to take access via the state highway they must prove the need for access through a TIS. Staff has found the request does not meet the standards of review for the comprehensive plan map amendment and rezone as presented. The P&Z Commission recommended denial on September 19, 2019. Greg Bullock, who testified on behalf of the applicant, stated Greg Troost is not a developer, he is a very large farm operator who owns thousands of acres in Canyon County, and is a major agricultural player who recognizes a need for housing for agricultural employees. The intent is to provide one-acre lots with manufactured homes on a foundation that will be affordable and qualify for rural residential loans at a reduced interest rate for agricultural workers to purchase and be motivated to remain in Canyon County. CC&R's will allow them to park farm machinery on the lots, build shops for repair work, and promote uses for farm operations. It will not be for retail commercial mechanical work. This site is more compatible than other locations he owns given there are already two large subdivisions contiguous with 111 lots, the majority of which have manufactured homes and old trailers homes that are primarily used by agricultural workers in the area. The agricultural industry is suffering with the lack of affordable housing. Mr. Bullock spoke of large vineyard projects that are coming to the area which will bring more employees. Over a year ago, Mr. Troost purchased the Dorsey Dairy and part of that purchase included this 37-acre piece that came with the sale. He testified about the character of the area and the types of manufactured homes that will be on the property which range in size from 500 square feet to 1500 square feet ranging in price from \$150,000 to \$190,000. They are looking at 24-25 one-acre home sites; they will be owner-occupied properties, but that doesn't preclude an investor from buying and renting it to agricultural employees. Mr. Troost does not intend to make this a rental property. Mr. Bullock responded to questions from the Board. TJ Wellard testified the point of one-acre lots is to cluster the ability to develop into a smaller area rather than expending the other agricultural areas. He said they were steered to go toward a conditional rezone, but in evaluating the proposal they didn't think putting conditions on an R-1 zone would be beneficial because it would result in subdivisions like those that are next door that are zoned agricultural, but are obviously residential, so they thought it would be best to give the properties the rights of R-1 since they will be an R-1 property. Regarding the commercial portion, if they were to do C-1 instead of C-2 they would have to do a conditional use to be able to get a gas station and C-store, so why ask for zoning and then ask for another use in the zoning so that is the main reason for C-2 commercial. The commercial isn't the goal, it's a buffer between the highway and it serves a need for the area. He said some neighbors have responded negatively, but they are not here today. Mr. Wellard said the applicant has identified this property as the best scenario since it's surrounded by residential. There is a housing crisis in Idaho and we have to have a place for people to come; the agricultural community is suffering because we don't

have a place for workers to live and in this scenario it provides out-of-town living for people who are working in the area and it reduces the traffic in and around town. It's a good solution to the problem. Bill Werhane testified that he had questions regarding the well and septic but those questions have been answered. He believes the five-lane highway in the Sunnyslope area should be extended all the way down to the bridge near Marsing. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Van Beek appreciates comments in support of the project, and she complimented staff and the P&Z Commission on evaluating the impact. She supports the use of comprehensive plan goals and policies which have been carefully picked out in the staff report in support of the denial. To turn the property into low income affordable housing will change the quality and character which is in direction opposition to the comprehensive plan and what that area could look like. She is compassionate to the need for affordable housing but this is going to require reconfiguring. She also expressed concern about the possibility of the dumping of hazardous waste or oils due to farm equipment maintenance. If the request is approved it will open the door to development that she doesn't think is in the best interest of Canyon County. She agrees with the reasons of denial cited by the P&Z Commission. Commissioner Dale spoke of the need for affordable housing and said this is not intended to be low income, it's affordable housing that qualifies for the rural residential loan. This is a good plan and we need to come up with ways to make it fit in with what needs to happen to make this acceptable, although he doesn't know what that would be. He appreciates the innovative ideas of trying to provide affordable housing. Commissioner White wants to see a conceptual plan before deciding this case. She does not want to see multiple families living on one acre, nor does she want it to be limited to farmworkers. Mr. Bullock said they will plat out the lots and do a pre-development agreement that says all homes have to be on a foundation. There will be no secondary residences or trailer houses without a foundation. They will also draft a development agreement so the Board has more validity to what's going in there. Commissioner Dale said he is not comfortable with a 600 square foot home. Mr. Bullock said anything they put in that area will be an upgrade because it's a really rundown area. The intent is not to limit affordable housing. Commissioner Dale suggested that perhaps modular housing could be looked at as an alternative. Director Nilsson said if the issue is affordable housing the information we can get an estimate of lot development cost and then take a crack at what the ongoing cost of taxes on a one-acre lot will be compared to existing houses. She doesn't want to put that on the applicant, but it would be informative to the decision if affordable housing is the goal; she would not recommend any housing size. Mr. Bullock said they are happy to do that. Commissioner Van Beek doesn't have enough evidence to overcome reasons for denial, but if the property is going to be used as a staging area for maintenance on equipment there should be some consideration with the health department to make sure the groundwater and the aquifer are not contaminated. Commissioner White said that is a good point and she would like the application to provide clarification on that. Commissioner Van Beek said she objects to locating this in the area that has the potential to be a scenic byway portion. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to January 6, 2020 at 10:00 a.m. The applicant will submit the conceptual plan to staff by December 25, 2019. The hearing concluded at 11:00 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 12, 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:

- Hyland in the amount of \$4,955.00 for the IT Department

CONSIDER INDIGENT DECISIONS

The Board met today at 8:46 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: 2020-0133, 2020-0113 and 2020-0120, 2020-143, 2020-142, 2020-240, 2020-139, 2020-119, 2020-116, 2020-138, 2020-260, 2020-117 and 2020-114. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days on the cases as read into the record.

Commissioner Dale made a motion to issue an initial approval for case no. 2020-0140. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

CONTINUATION OF PUBLIC HEARING – APPEAL BY TRENT WHITE FOR A VARIANCE, CASE NO. ZV2019-0001

The Board met today at 9:01 a.m. for a continuation of a public hearing in the matter of an appeal by Trent White for a variance of the 20-foot rear setback for a pool that has been constructed. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida, Todd Lakey, Kristoffer Sperry, and

Deputy Clerk Monica Reeves. The hearing was continued from November 12, 2019 in order to give the applicant time to conduct a survey. The property owner's representative indicated to staff they need another couple of weeks to get the survey recorded. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to January 13, 2020 at 10:00 a.m. The matter concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office

CONSIDER SIGNING RESOLUTION ESTABLISHING AND APPOINTING MEMBERS TO THE CANYON COUNTY DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE; AND CONSIDER A NEW ALCOHOL LICENSE FOR EIGHT TWELVE MAIN, LLC

The Board met today at 9:04 a.m. to consider signing a resolution establishing and appointing members to the Canyon County Development Impact Fee Advisory Committee; and to consider a new alcohol license for Eight Twelve Main, LLC, in Caldwell. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. The items were considered as follows:

Resolution establishing and appointing members to the Canyon County Development Impact Fee Advisory Committee: Zach Wesley said this resolution is based on prior conversations the Board has had with legal counsel and Director Nilsson concerning the establishment of the impact fee advisory fee committee. Director Nilsson, along with the Board, has identified nine individuals to serve on this committee. According to state law, the minimum membership is five, and two of those members have to have certain requirements being active in business development, building, or real estate. Four out of the nine members have that qualification. We meet the minimum requirements of the state statute to establish this committee. Mr. Wesley said a prior draft of the resolution had tentative terms of office listed and Director Nilsson had previously suggested we get rid of the terms and have everybody serve at the pleasure of the Board. The advisory committee does not have the state requirement for certain terms in office. Commissioner Van Beek referenced an email the Board received from the City of Middleton regarding countywide impact fees. Mr. Wesley said today's resolution is for a County development impact fee committee and the nine members will serve the County and it will be broad enough to include the fire districts, the recreation district, and the highway district that want to participate, and if the Board wants to do countywide impact fees it could also utilize this committee for that. Commissioner Van Beek said a member of a concerned citizens group expressed objection to the people that were outlined on the committee as they felt it was a conflict of interest. The person thought Director Nilsson served as the economic development coordinator and was stacking the committee with developers, so Commissioner Van Beek clarified some of those miscommunications. She said Director Nilsson's selection of these committee members was meant to be a broad-range selection representing cities within the County that would understand impact fees and be able to represent the development of what that looked like. Mr. Wesley said the names on this committee initially came from recommendations from the highway district and there were other names suggested by the Board; he does not know that Director Nilsson had a role in selecting any of the members on her own. Some of the people

on this committee will have to have active interest in building development and real estate, according to state law. The law is to recognize that those groups have an interest in developing the fees because they and their clients will end up paying them at some point. Commissioner Dale said the reason the developers are on the committee is because the development community in general is the one preventing the establishment of school impact fees because they see this as adding to the cost of homes, they don't see the bigger picture. This is established so we can begin the process of distributing the recommendations from this, and ultimately every district will be required to adopt fees if they want to have fees. The committee serves in an advisory capacity only – they are not a decision board – and it's likely they will only meet a couple of times a year. Commissioner Van Beek said it's not that lay people cannot be involved, but there is a rubric that's established in the implementation of these and this sounds like a template that can be used to protect the best interest of the County when the impact fees are looked at whether it's fire, highway, or parks districts. Commissioner Dale said he knows most of the committee members and he is pleased they are willing to serve and he said this is a first step toward getting some of these costs that continually come down to the property taxpayer shifted to those who are coming in and creating a need for more infrastructure and growth, Commissioner Dale made a motion to approve the list that's been given for appointing the members of the Canyon County Development Impact Fee Advisory Committee. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Resolution 19-182.)

New alcoholic beverage license for Eight Twelve Main, LLC: The applicant is seeking approval of a beer, wine, and liquor license for property located at 812 Main Street in Caldwell. (Mr. Wesley left at 9:17 a.m.) In reviewing the application Commissioner Van Beek suggested the matter be tabled to allow time for legal counsel to review the application and license in regards to fees and the response to Question No. 12 on the application which indicates the premises is within 300 feet of a church. She then made a motion to table this matter until we can get information on what the ramifications are regarding the location in order to make sure the Board is within compliance on that. (The motion failed for lack of a second.) Commissioner White said by the time the County receives the license application it has already gone through the city's and the state's process, the County is the final pass through. Commissioner Dale said in terms of permitting it's gone through the city's process and he is comfortable with their process which has approved this building to be in the location. Commissioner Van Beek will ask Mr. Wesley to answer the question on what the ramifications are for answering yes to Question No. 12. She will be voting no on this application. Commissioner Dale made a motion to authorize the Board to sign the resolution for a new alcohol beverage license for Eight Twelve Main. Commissioner White seconded the motion. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. (See Resolution No. 19-181.) The meeting concluded at 9:24 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL BY WAT IDAHOPHOXAIYARAAM, INC., FOR A CONDITIONAL USE PERMIT

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of an appeal by Wat Idahophoxaiyaraam, Inc., for a Conditional Use Permit (CUP) to allow a church use on

Parcel R22926, Case No. PH2016-51-APL. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Laird Lucas, Phannipar Butterfield, Yo Saithavy, Toby Griffin, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicant is appealing on the basis that the decision made by the P&Z Commission was arbitrary and unlawful, that the neighbors' testimony regarding impacts to the neighborhood was not justified by factual information, and that the denial violates religious land use in the Institutionalized Persons Act of 2000. They are requesting the decision be reversed and that the CUP be approved with reasonable conditions. The parcel and structures will be used for religious services, monthly holidays, and religious education. The use includes a sign, and a resident will live in the existing dwelling. Once a month there will be an event observing a religious holiday. There are 25 off-street parking spaces and 16 overflow parking spaces. On October 3, the P&Z Commission denied it for three reasons: 1) they found it was an inconsistent use to the surrounding neighborhood, 2) it was impactful to the existing neighborhood; and 3) neighbors testified the use has been loud and traffic and parking has impacted Howard Lane. It's been an illegal use since 2006, they requested a temporary permit for a special events use, and at that time they were told they need to obtain a CUP. This application has been in process since 2016. Back when the temporary use was approved the neighbors had concerns about the noise and traffic. Other reasons for denial include: septic and water, the conditions on site made it difficult to use the existing septic system so Southwest District Health (SWDH) required an engineered septic system. The applicant has requested portable toilets as a permanent solution. The P&Z Commission found the solution was temporary and unenforceable if approved. The same with water, if the use includes 25 or more people for 60 days or more a year a public drinking water system is required. The Commission found that the temporary alternative, which is bottled water, is temporary and unenforceable. The parcel is zoned rural residential and is in the City of Nampa's impact area, but it's not near the city limits; if it were to be annexed it would be industrial because it's in close proximity to the airport and it would be an allowed use by right. Staff has recommended 12 conditions if the Board decides to approve the request. The use requires building permits. Staff has added a caveat that they submit their building permit within 60 days. It has been an illegal use and the use will probably continue while they are working on their CUP. Staff wants the structures to be safe and meet the current building codes. Signage has to meet requirements within 60 days. After discussing the septic issue with SWDH they came up with the idea of portable toilets; as long as they are contracted through a commercial vendor where there is a mechanism to check that they are under contract with a commercial vendor, that they are providing enough toilets and they are being maintained by that vendor, it should not be an impact. Staff is still reluctant and feels this is still a temporary use and a permanent use should be sought such as doing the engineered facility or reaching out to the city about potentially extending the water and sanitary lines that way. Staff added a condition stating that if they trigger 25 or more persons for 60 days per year they have to get the public drinking water system, and they can use the bottled water as they are attempting to get that permit. No onsite food preparation is allowed except when they have a public drinking water system and septic system. They have to meet Nampa Highway District's access and approach requirements, same with fire access and water supply requirements. Staff added an exterior lighting requirement that all light be shielded downwards and away from other properties. Staff has requested an off-street parking plan

to ensure the issues with on-street parking are mitigated through this off-street parking plan. This use is not transferrable; once the owner leaves the site it expires and goes back to being a residential use. Mr. Lister responded to questions from the Board. Laird Lucas, a volunteer attorney representing the group, testified that his wife is Thai and she attends the Buddhist temple. He spoke of how this story goes back to the end of the Vietnam War where communists not only overran the Vietnamese government many people left as refugees and ended up in the Treasure Valley area in the late 1970's and early 1980s. The applicants bought the land in 2006 and they started operating as a small temple. There was a farm house with a detached garage and the monk lives in the small home. The detached garage was turned into a place of worship with an altar and Buddhist statues. People give food to the monks every morning, they pray, they meditate. A few times a year they have larger celebrations, typically one Saturday each month. There may be one or two additional holidays that are not on a Saturday or it might go to a Sunday but it's only 1-2 days a month, it's not one day a week or 84 days a year. It's only at those celebrations that the community comes more often and they will have folks outside, they'll put up a stage, there may be chanting and praying, and they will play music. It happens during the daytime, they have never gone past dark because the monks are spiritual and quiet. There are not loud noisy parties at night and there never will be. In 2006 they didn't follow all the rules to get the permits they should have, but beginning in 2015 they worked with DSD and got a CUP. They have gone through the process to get a building permit and certificate of occupancy for the detached garage. It's gone on too long, but there is an architect who's been working with them. The key issue has been restroom facilities so once a month when they have more people coming, usually 50-100 people, they use a porta-pot that's been there for a couple years. They have raised a lot of money over the last few years to build a permanent restroom and the architect and SWDH went to the site and did engineering and they found rock under the soil that made it really hard and expensive to put in a septic system. They want to explore another alternative which is to get a trailer that is self-contained and serviced by commercial vendors. They need to have restroom facilities and they will spend the money and show they have adequate facilities to cover that. Regarding public drinking water, there have been extensive negotiations with SWDH and DEQ about whether they need a public drinking water system, which is triggered by 60 or more people using it for 25 days or more a year but the applicants don't meet the threshold of needing a public drinking water system. They are happy to have the condition in there because if the use does expand they would comply. They believe they already have sign-off that they don't need to put in a public drinking water system. They are fine with the condition of no onsite food preparation, however, there might be an occasion when they grill some food, but that's it. In response to the neighbors' complaints about loud noisy parties at night Mr. Lucas said there is another property where a wedding had been held and they put up a big stage and had a loud party. It was not the temple, it was another neighbor. He said the applicants agree with the condition requiring a parking plan and they agree with the condition to get a building permit for the overhead canopy. He referenced the Religious Land Use Freedom Act and the Institutionalized Persons Act and the fact that the P&Z Commission and staff were not familiar with that. It's a federal law regarding freedom of religion and provides more specific detail that you cannot put unreasonable conditions on the exercise of religion, but the P&Z Commission did not take that into account and they should have. They know they are subject to reasonable conditions, and they want to be reasonably regulated and they have proposed conditions and what staff

has recommended is very similar and they think they can adhere to those. If the CUP was denied that would put them in the position of not being able to operate as a temple on this property. The neighbors across the street are in support of the temple. The applicants have had trouble coming into compliance but they're going to take care of things and come into compliance. The temple and the board of directors has to make a determination about cost and they should look at alternative that would be serviced regularly and maintained in sanitary conditions rather than digging a new septic system with all that expense. Mr. Lucas responded to questions from the Board. Phannipar Butterfield testified in support of the request. She and her husband attend the temple every Sunday to offer food to the monks and take care of foreign exchange students in Canyon County. Some students have come from Thailand to study and live in US with an American family for one year to learn about American culture. Sometimes they are lonely and homesick so she invites them to the temple for support. Toby Griffin, who lives nearby, said there is no bias on the part of those opposing the request. He and others walk in the neighborhood in the evenings and on several occasions they have heard music which is slightly louder than the events held at the Idaho Center. He said he has heard music as late as 9:00 p.m. Those who attend the temple park on both sides of the street and the lighting isn't good nor is the infrastructure built for accommodating parking on both sides of the street. He would like there to be some decibel monitoring to address the noise issues. Mr. Griffin said they want to work with the applicants, but they need to be aware it's a neighborhood area. Linda Miedema said it was stated that this is the only temple that's suitable in the State of Idaho, but she said there's another one in Oregon and a 45-minute drive is not that far. She has concerns regarding water and septic as well as the street parking that occurs which makes it difficult to travel Howard Lane, a one-lane road since. She said the noise from the temple's events is excessive, particularly one that was held in July of 2019 because it went on for hours and was disruptive to the neighborhood residents. Laird Lucas offered rebuttal testimony and said they have statements from neighbors across the street who support the temple and talk about how they are good neighbors. There are two people who have concerns about noise, but he disputes the testimony that the temple has noisy events at night because the monks do not do that after dark. He spoke about how other residents have had wedding celebrations and perhaps that is the noise that was heard. He recommends the Board limit activities to the daytime (nothing after 6 pm, whether it's light or not). For noise during the day there could be a decibel meter and because they are willing to be good neighbors they could turn down the music so they don't bother the neighbors. Mr. Lucas said there is no evidence of any traffic incident nor evidence of anybody being injured or hurt; the Board heard an anecdotal report from a neighbor or two whereas there are other neighbors who support this request. He responded to questions from the Board. Mr. Lister said staff didn't want add anything that would violate their right to assemble. Zach Wesley said it's a question of do we impose conditions on other uses. There are disturbing the peace ordinances that could be applicable and he thinks that's why we don't commonly bring those things in. It's better to address it through decibel level outside the property. We are not talking about assemblage but how far the sound goes beyond the property and that is something the County regulates with commercial and other assemblage uses. Director Nilsson said 65 decibels is a reasonable level. Mr. Lucas said they propose hours from 10am to 3pm, in regards to amplified music, but there may still be people onsite after 3pm. In response to Commissioner Van Beek's comments about violations on this property, Mr. Lucas said he doesn't think there have been

violations, there was the correspondence in 2018 instructing them to obtain a CUP, but there haven't been any determined violations of any type. There have been no sanctions imposed and they have been proceeding with process, which has taken too long. There have been a lot of discussions with SWDH and DEQ about the water and septic and there was agreement on that. Commissioner Van Beek said to date we have no testimony that validates Mr. Lucas's position that there is a waiver and she requested a recess to meet with legal and talk with the Board and staff about it. Mr. Wesley said once testimony is closed he suggested there be a continuation for deliberation and then set it for another date. Commissioner Dale agreed and said there have not been a number of violations. He's read that DEQ and others are fine with the sanitation things that have been proposed as far as porta-pots or portable toilet system and the providing of drinking water. The issue is how to mitigate for the noise so it doesn't intrude onto the neighbors. He also noted that is legal to park on the side of the street. Commissioner White spoke of how she senses respect on both sides of this issues. Mr. Lucas said for the P&Z hearing there two letters from the SWDH from 2017 and 2019 and they both discuss the question of whether a public drinking water system is required beyond the use of the residents. The recommendation from 2019 was that the applicants should contact SWDH to schedule a meeting and that has happened and they reached an agreement. Commissioner Van Beek said she supports Commissioner Dale's comments but of equal importance is the safety and transportation corridor that's being interrupted by a potential increased traffic. Mr. Lucas said traffic is a non-issue because the City of Nampa and the Nampa Highway District said it's not a problem. Commissioner White said this will be part of the Board's discussion. Commissioner Dale made a motion to close public comment. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to Friday, December 20, 2019 at 10:00 a.m. The hearing concluded at 11:39 a.m. An audio is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 13, 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. 12/24/19

- The Board of Commissioners approved payment of County claims in the amount of \$23,528.83, \$10,270.25, \$172,226.76 and \$182,276.25 for accounts payable

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Bob Barker in the amount of \$4,121.76 for the Sheriff's Office
- Dell in the amount of \$6,394.44 for the Sheriff's Office
- Dell in the amount of \$1,285.99 for the Sheriff's Office
- Nampa Auto Supply in the amount of \$3,859.00 for the Landfill Department
- T & E and NC Machinery in the amount of \$465,500 for the Landfill Department

MEETING WITH COUNTY ATTORNEYS FOR 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, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Assessor Joe Cox, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, Director of DSD Tricia Nilsson, Planner Dan Lister, Controller Zach Wagoner, Landfill Director David Loper left at 9:07 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Hearing to consider public comment regarding Caterpillar Model D8T Tractor sole source procurement: A notice was issued and published November 27th inviting public comment on the purchase of the Caterpillar tractor although no one showed to offer comment. The vendor is set to ship once the process is complete and anticipated arrival is prior to the end of the year. Commissioner Van Beek made a motion to authorized Director Loper to sign the purchase order for the Caterpillar Model D8T Tractor. The motion was seconded by Commissioner Dale and carried unanimously. Director Loper said he will get the purchase order to the vendor today.

Consider decision regarding bids on 2020 landfill monitoring well and informing bidders of same: This is a letter to be issued by the Board letting bidders know decision on the monitoring well at Pickles Butte Sanitary Landfill. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the letter regarding bids on the FY2020 Pickles Butte Landfill monitoring well and informing bidders of the same. A copy of the letter is on file with this day's minutes.

Consider signing Treasurer's tax charge adjustments by PIN for November 2019: Treasurer Lloyd explained there are few more than normal due to the 2019 tax notices and adjustments done by the Assessor's office. The Treasurer and Assessor addressed questions posed by Commissioner Van Beek in regard to properties given to the housing authorities and homeowners exemptions. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for November 2019.

Mr. Wesley said a renewal has been received for the healthcare trustees' fiduciary liability policy from the Hartwell Corporation. The rate is up approximately 4% making the total due

for this year \$4134.00. This policy is in place to protect the trustees and the county in their fiduciary duties.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:18 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, DSD Director Tricia Nilsson, Planner Dan Lister and Deputy P.A. Zach Wesley (in attendance from 9:18 a.m. to 9:33 a.m.), Treasurer Tracie Lloyd, Assessor Brian Stender, Chief Deputy Assessor Joe Cox and Deputy P.A. Brad Goodsell (in attendance from 9:33 a.m. to 10:01 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

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

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 16, 2019

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Neopost in the amount of \$1203.60 for the Information Technology department
- Smart Deploy in the amount of \$4500.00 for the Information Technology department

APPROVED CLAIMS ORDER NO. 12/16/19

- The Board of Commissioners approved payment of County claims in the amount of \$23,845.85 for accounts payable

APPROVED CLAIMS ORDER NO. 12/25/19

- The Board of Commissioners approved payment of County claims in the amount of \$35,987.75 for accounts payable

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:34 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross and Jamie Miller, and Monica Reeves. The Board reviewed this week's schedule with staff. No Board action was required or taken. The meeting concluded at 8:40 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 legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend left at 9:14 a.m., HR Director Sue Baumgart arrived at 9:14 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing agreement with T-O Engineers, Inc. for professional consultation services on improvements to the Celebration Park east end campground improvements:

Director Schwend said they are going to be applying for State Parks RV grant for improved RV camping sites. T-O Engineers will essentially put all the engineering work into place and provide estimated costs so they know what to apply for in the grant. There is a small cost upfront but it will be able to be used as match for the grant. Mr. Wesley reviewed what TO Engineers will be doing and the fee schedule. The goal of the improvements is to make it really clear its county land and there is a fee. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the agreement with T-O Engineers, Inc. for professional consultation services on improvements to the Celebration Park east end campground improvements (see agreement no. 19-201).

Consider signing Canyon County vision care plan with VSP: This is the annual renewal; there is no fee increase it just reestablishes the service. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the vision care plan with VSP (see agreement no. 19-200).

Consider signing 2020 contract and renewal letter with Willamette Dental: The renewal letter covers the changes to the contract and increases. This year will include a new dental implant benefit which necessitated a contract change to include that language. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the 2020 contract and renewal letter with Willamette Dental (see agreement no. 19-199).

The meeting concluded at 9:30 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 9:31 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, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Coroner Jennifer Crawford, Sheriff Kieran Donahue, Captain Daren Ward, Assessor Brian Stender, IT Director Greg Rast, Asst. Director of Operations Ricky Britton, Timothy Kelly and Michael Kelly from All Detainment Solutions (ADS), and Deputy Clerk Monica Reeves. The following topics were discussed:

ICRMP Risk Management Discount Program: Sam Laugheed referred to a memo prepared by Dan Blocksom regarding the ICRMP risk management discount program which is an opportunity they offer to the County where if we have 80% of our employees go through their online and in-person training we can get a discount off the premium. Historically we have run the numbers to see how much it'd cost us and how much benefit it would give and then talk with elected officials to gauge willingness of going through the program. Based on the finances alone it could save approximately \$23,000 and would cost \$15,000 in terms of employee time. There are some questions about what practical effect the training would have, for example, if we're empowering employees to articulate claims, or encouraging them to talk to people at ICRMP rather than people here. For the past several years we haven't participated in the program, instead HR has put together some training and some offices/departments have some of their employees take that training, and that sort of ala carte option is his recommendation where you figure out what you need and have your people take that and work with HR, but it's something for the elected officials to discuss. Commissioner White said the Board discussed it but wanted to bring it to the elected officials. Sheriff Donahue said we'd have to see what training they're offering compared to what we are already doing or already have planned through the Prosecutor's Office or otherwise. To duplicate that would not be advantageous because we are taking so much of the employees' time. Commissioner Dale believes

there are some trainings that are beneficial and he encouraged the elected officials to look at those, although to do the whole thing is probably impractical.

Pod 6 update: Michael Kelly and Timothy Kelly provide an updated on the status of the Pod 6 project. Recreation Yard 1 will be completely covered in the next week or two, but the second yard will be out until January 10th. They are making headway inside the facility; the man hours are roughly 1500 hours and with the manpower on the ground it's 1 ½ to 2 weeks if there are no delays. They anticipate being out by the first of the year; they will have staff through the Christmas period. They are confident they satisfy the contractual agreement of 90 business days to put it up. There are other trade contractors who are working autonomously and ADS is providing assistance to them, if needed. Commissioner Van Beek has had requests from citizens to tour the facility and there was a previous discussion about having the public information officer (PIO) do a limited video where people can link in. It's a hard hat area and there are too many risks with having people come through right now. Captain Ward said until construction is completed it's too much of a pain to let the general public do tours while the workers are in there. He wants to have it complete before we do anything; he likes the idea of a video where we can control what's been seen for security aspects. Once it's completed it won't be any different than when we have people who want to see the main jail and organized tours can be arranged. Sheriff Donahue said he is not opposed to having the PIO doing a video once construction is complete and putting it on the website. If the final turnover is the middle of January, staff will need two weeks to compress training and so they'll likely be looking at an operation date in February. Rick Britton said the fence fabric will be done the first of the year and then we have to put slats in it, and order landscaping fabric to be permanently attached to the outside of the fence. The landscaping can be pushed out to the spring. Clerk Yamamoto believes the city has added \$85,000 of things that are unnecessary. Commissioner Van Beek said there have been four change orders and unanticipated costs totaling \$167,000. She asked if we bought out the lease portion. Sam Laugheed said the decision about whether to buy out has not been made. Clerk Yamamoto raised concerns about the parking situation behind the elections building. Mr. Britton said they will have to change the parking situation behind the building due to how far the fence comes out. (Mr. Britton, Captain Ward, Michael Kelly and Tim Kelly left at 9:55 a.m.)

Phishing Campaign, Asset Management and Security Issues with Chromebooks: Greg Rast reported on the phishing campaign where IT sent a countywide email and 2% of people clicked on a link and got phished. The department will send three campaigns and stagger them through the year with reports going to each elected official. There was discussion about how there needs to be a unified approach on what to do as far as how it is handled in terms of written notices or discipline. Director Rast said the industry response is like the three strike method in baseball. On the first offense you talk to the employee, on the second you talk to them again and have them take more training, and when there's a third time that's where there is disciplinary action. Commissioner Dale said this is critical because 2% of employees clicking on links is enough to destroy the County's websites and integrity. Most employees have

to be able to use the internet and if they prove they are not trustworthy with technology then they can't do their job because we have to restrict access, there has to be severe consequences for opening up the entire County to this kind of risk. Sheriff Donahue said when it comes to the third strike it's up to the elected official on how they handle it. It is important to address it. The next issue Director Rast reported on is the need to shore up asset management. When digital equipment comes in IT places a bar code on it, but that's an inferior system for tracking purposes. There is no reconciliation happening between the purchase and the surplus or disposal and that's a major problem. The asset management system that was approved this fiscal year is the same system he brought to the Attorney General's Office and he would like to use it here. There was discussion about how purchase orders aren't required for anything procured under \$1,000. Prosecutor Taylor is leery about the procurement numbers because there were issues in the past that where the Board would not allow elected officials to purchase office chairs. He said the \$1,000 amount was an arbitrary number and he spoke of how the procurement component requires a different conversation versus creating a uniformed system of the acquisition of certain items. There has to be flexibility with the elected officials. Director Rast said it will take a fulltime position to operate the assessment management system and he wanted to make sure we have the concept before he buys the software. Prosecutor Taylor wants to know what the software is and what it entails. Controller Wagoner said the Auditor's Office currently tracks roughly \$60 million worth of assets and that includes anything with an initial cost greater than \$5,000 and a useful life greater than a year. Clerk Yamamoto doesn't think we are losing much and what we're talking about could cost more than what the actual loss is. Even though there is a \$5,000 threshold he said the Auditor's Office still looks at purchases. Commissioner White suggested Director Rast prepare a proposal that outlines what he wants to do and bring it to the January meeting. The next issue that was discussed was in regards to security issues with Chromebooks. Director Rast outlined his concern with the use of Chromebooks as they are becoming a major issue because they are a vulnerability on networks because they can circumvent securities. He said audits performed through ILETS are asking specifically if Chromebooks are on our network and if they are we will fail. It's not official yet, but it is coming as a criteria for an audit and he wants to take a serious look at getting rid of Chromebooks. Prosecutor Taylor and Chief Civil Deputy Laugheed want to see the major security vulnerabilities written up so they can talk to people and validate the concerns. There is concern about the cost of changing out the Chromebooks to higher-end laptops. Director Rast's concern is the potential that the County will fail the ILETS audit if we continue the use of Chromebooks.

Office reports/updates: Assessor Stender reported that they just processed the sub-occupancy roll with just over 2100 accounts that went out this year, which is 200 more than last year. \$3.1 million new value to the taxing districts.

The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:45 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fleet Director Mark Tolman, Sr. Admin Fleet & Fuel Analyst Dawn Pence arrived at 10:52 a.m. and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- Vehicle authorization forms were presented for the new Coroner's position and the new emergency manager. Discussion ensued regarding Director Tolman's checklist in authorizing a commuter vehicle and driving record. He would like to do driving record background checks yearly but that is out of his realm and would need to be conducted by the HR Investigator. Ultimately he would like to see the authorization form as part of the on-boarding process.
- Equipment continues to come in for patrol vehicles. Several vehicles will be coming in soon and others are on order.
- ASE and EVT training is set up for the first week of January.
- Fuel prices are coming down.
- Commissioner Van Beek requested a report of claims handled in-house vs. sent to ICRMP.

The meeting concluded at 11:03 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 17, 2019

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

APPROVED CLAIMS ORDER NO. 12/24/19

The Board of Commissioners approved payment of County claims in the amount of \$172,226.76 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Charm-Tex in the amount of \$6032.90 for Sheriff's Office

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

The Board met today at 8:30 a.m. with the Director of Security to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Commissioner Dale left at 8:46 a.m., Security Director Joe Mueller and Deputy Clerk Jenen Ross. Director Mueller updated the Board on the following: He is still working to evaluate all the locations, discussions ensued regarding cameras at county locations, cost projections provided in the security report, his priority list of security issues, mail and package delivery to the courthouse, need for a security assistant vs. an admin assistant and bailiff staffing of courtrooms. The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

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

Note for the record: As properly noticed the Board met today at 9:04 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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 PA Zach Wesley, Chief Deputy PA Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:49 a.m. with no decision being called for in open session.

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

The Board met today at 10:00 a.m. for a monthly meeting with the Juvenile Detention Director to discuss general issues, set policy, and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director Steve Jett, and Deputy Clerk Monica Reeves. Director Jett reported on the involvement of various community groups who bring items to the center for the juveniles during the Christmas holiday. They received their fingerprint machine and it was installed last week. He spoke of staff's involvement in programming to keep the juveniles busy so they're not just sitting in their rooms. POST is in session and he has several employees who are involved in instructing. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:15 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy, and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Chief Juvenile Probation Officer Elda Catalano, and Deputy Clerk Monica Reeves. Director Breach reported the department finished November with 1,344 active cases, 498 bench warrant cases, 316 people in the community service program, and 16 in the reoccurring problem solving court. Twin Falls County is pushing some legislation to receive drug testing fees and pretrial release fees into Odyssey. Currently the Supreme Court will not allow it to be receipted because the fees are not delineated in statute, but Twin Falls County has found somebody to sponsor some legislation to be able to receipt those monies. He and staff members will attend upcoming training regarding stalking cases. He reported on a new hire and how the department is reorganizing to help manage the workload. Elda Catalano reported that the department ended with 380 kids that are being supervised; they are still monitoring 20 who were committed to the Department of Juvenile Corrections. The department has performed 550 urinalysis tests. Probation officers conducted 642 contact visits during the month of November. The average number of kids coming into the system is 25. There are new changes coming on how they do discretionary time; the Supreme Court is considering not having probation officers apply short-term detention discretionary, instead it will be a judge applying that discretionary time. It won't be effective until next year but Judge Onanubosi wants to implement that immediately which could mean they will have a spike in formal violations. She has plans to hire a new probation officer. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY CATHERINE REINDEL FOR A REZONE, CASE NO. RZ2019-0027

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Catherine Reindel for a rezone from Agricultural to R-1 (Single Family Residential) Case No. RZ2019-0027. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Gene Oaklund, Justin Tigerman, Maryann Machete, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcels were created without County approval in 2001, they were split into their current configuration and they do not have building permits available. Through rezoning and platting they would be able to obtain a building permit. The property is zoned agricultural, it is within a TAZ zone and it's in the impact area where they foresee residential growth. It is surrounded by existing subdivisions, a lot are within the Caldwell impact area and city limits. The future land use plan shows it to be residential, and the City of Caldwell predicts this to be medium-density residential. They have to do a nitrate priority study, and the plat

will have to be reviewed to make sure it meets the health department's requirements for septic. They are not able to connect to city services yet. The P&Z Commission recommended denial of the request because they felt the area is still rural and the request would change the area. There was testimony about the unmaintained public right-of-way that's maintained by the owners in the area and they are concerned about emergency services and traffic. It will go through a platting process so they will have to meet access requirements for the County, the highway district, and the City of Caldwell. Mr. Lister said the city would be happy to have it annexed even though there is no connection to services and they contacted the applicant about it, but the applicant wants to stay in the County and preserve the rural character. They have no intention of dividing those lots any further. The City of Caldwell does not oppose the request. Staff is recommending approval; the density is much lower than what is anticipated in the area. Mr. Lister responded to questions from the Board. Justin Tigerman testified he is a neighbor and he was opposed at the previous hearing, but he learned a lot and is changing his position to be in support of the request. He read the letter into the record from the residents of Shiloh Drive and Sunshine Lane who continue to have concerns with the proposal, however, the concerns will be better addressed with the applicant or during the platting stage. They do not have issues with the applicant's rezoning of the parcels from Agriculture to Rural Residential and they look forward to working out their concerns to benefit all parties involved. Gene Oaklund testified that he is the applicant's representative and when he attended the first hearing there was considerable pushback from the neighbors because they didn't understand what Ms. Reindel was requesting. Her request is totally compatible with the other residences in the area. The road situation has been discussed and it will have to be fine-tuned, but it's a do-able deal and it fits within the neighborhood. Ms. Reindel really wants to leave it as a rural residential neighborhood and the neighbors are now on board and they will work out the details. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public comment. Commissioner Dale said it's a very reasonable request and the roadway issues are fully able to be worked out during the platting process. He is in favor of the request. Commissioner White is pleased the neighbors took the time to seek more information, and she thinks it will be a nice fit to maintain the agricultural feeling. Commissioner Van Beek said it's unfortunate these splits occur in the first place because it places the County in a position of having to provide remedy and mediate for that, but the applicant has done a good job in creating parcels and protecting the landowners and the surrounding area. In looking at the density of .36 and up to almost 3 acres on some parcels this fits an inventory need of one acre that should be a good fit for the area. She likes the behind the scenes efforts to address the neighbors' concerns and she supports the project. Commissioner Dale made a motion to approve the request by Catherine Reindel for a rezone, Case No. RZ2019-0027, and to sign the findings of fact, conclusions of law and order as well as the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 19-054.) The hearing concluded at 1:52 p.m. An audio recording is on file in the Commissioners' Office.

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:

- Bode Technology in the amount of \$1,856.93 for the Sheriff's Office

APPROVED CLAIMS ORDER NO. 2006

The Board of Commissioners approved payment of County claims in the amount of \$1,728,930.04 for a County payroll.

CONSIDER SIGNING FINAL PLAT FOR BRITTANIA HEIGHTS NO. 4, CASE NO. SD2019-0026

The Board met today at 1:31 p.m. to consider the final plat for Britannia Heights No. 4, Case No. SD2019-0026. Present were: Commissioners Pam White, Leslie Van Beek and Tom Dale, DSD Planner Jennifer Almeida, Jerry Hess, and Deputy Clerk Monica Reeves. Ms. Almeida reported that the current zoning designation is R-1 single family residential. The project consists of 23 residential lots and will utilize internal private roads and a community waste water treatment facility, and domestic water will be provided by the City of Nampa. The plat and the construction drawings have been reviewed and approved by Keller Associates, and a letter of credit has been submitted for the remaining road improvements. The applicant has obtained all required signatures on the plat and staff is recommending approval. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to authorize the Chairman to sign the final plat for Britannia Heights No. 4. The meeting concluded at 1:32 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 19, 2019

PRESENT: Commissioner Pam White, Chair
Commissioner Tom Dale
Commissioner Leslie Van Beek

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- HP, Inc., in the amount of \$1,121.00 for the IT Department
- SHI in the amount of \$1,509.30 for the IT Department

CONSIDER INDIGENT DECISIONS

The Board met today at 8:47 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: 2020-0239, 2020-0144, 2020-0168, 2020-0197, 2020-0179, 2020-0131, 2020-0145, 2020-0153, 2020-0159, 2020-0154, 2020-0150, 2020-0149 and 2020-0195. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to approve case no. 2020-176 with a written decision to be issued within 30 days. The motion was seconded by Commissioner Dale and carried unanimously.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue final denials on case nos. 2019-1435 and 2019-1302.

Commissioner Van Beek made a motion to continue case no. 2019-728 to January 30, 2020 and case no. 2019-1248 to January 16, 2020. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue final approvals on case nos. 2019-1259, 2019-1407 and 2019-1249.

The hearing concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER INDIGENT MATTERS

The Board met today at 8:54 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services

Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue a final denial with written decision within 30 days on case no. 2019-1339. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to place case no. 2019-1303 into suspension pending a resource. The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1273

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2019-1273. 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, Timothy Ryan for St. Alphonsus, Interpreter Mercedes Lupercio, 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 with written decision in 30 days. The hearing concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1318

The Board met today at 9:21 a.m. to conduct a medical indigency hearing for case no. 2019-1318. 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, Timothy Ryan for St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to continue the case to January 16, 2020. The hearing concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1313

The Board met today at 9:31 a.m. to conduct a medical indigency hearing for case no. 2019-1313. 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, Attorney Mark Peterson for St. Lukes, Amber Jones for St. Lukes, 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 with a written decision to be issued within 30 days. The hearing concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1220

The Board met today at 9:56 a.m. to conduct a medical indigency hearing for case no. 2019-1220. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Timothy Ryan for St. Alphonsus, Applicant and spouse and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to approve the case. The hearing concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1336

The Board met today at 10:04 a.m. to conduct a medical indigency hearing for case no. 2019-1336. 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 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 February 13, 2020. The hearing concluded at 10:05 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER INDIGENT MATTERS

The Board met today at 10:05 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to issue final denials with written decisions within 30 days on case nos. 2019-1282 and 2019-1315 as neither the hospital nor the applicant appeared. The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

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

Note for the record: As properly noticed the Board met today at 10:12 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Dale made a motion to go into Executive Session at 10:12 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner 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

and Deputy Clerk Jenen Ross. The Executive Session concluded at 11:13 a.m. with no decision being called for in open session.

MEETING AND PRESENTATION BY DIRECTOR OF SECURITY, JOE MUELLER TO DISCUSS CANYON COUNTY SECURITY PLAN

The Board met today at 3:13 p.m. for a security plan presentation by the Director of Security. Present were: Commissioners Pam White and Leslie Van Beek, Director of Security Joe Mueller, Deputy P.A. Mike Porter, IT Director Greg Rast, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. Director Mueller's presentation outlined certain issues and a proposal for mitigation steps. It's an executive summary about progress and in-progress activity from October 15, 2019 to today describing risks, cumulative findings by location, and cumulative findings by security category (hardware, locks, fences, access control system components, surveillance points, etc.). In reviewing the Triad findings he believes the County has made progress by hiring a security director, establishing a security department, establishing a mission statement, having a public security webpage for communication, and commenced the standup of a security operations center that centralizes surveillance capability and security operational presence. Phase 1 improves aspects that directly impact worker security of where mitigations are opposite best known security methods. There is a request to initiate an RFQ/RFP for a guard services contract with a proposal for four contract guard staff personnel with an approximate cost for hours of service per month of \$17 to \$23 per hour for staff. At the end of Phase 2 they would look at adding one more. He spoke of the benefits of having interior and exterior roving patrol as well as the need to have better control of access codes, door locks, etc. There is a request to initiate an RFQ/RFP for a security system integrator and surveillance evaluation replacement. Phase 2 would improve aspects which are either failing and pose an evaluated potential to impact worker security or are near a point of operational failure providing no protection value. Chief Dashiell believes Director Mueller is accurate with the interpretation and research that has gone into his report and he thinks the implementation schedule is visionary but it's also accelerated. We need to be looking at opportunities to protect ourselves by training staff about threats which are low-cost quicker implementation opportunities. Director Mueller said his priority has been to get immersed in the Triad report and seek the highest priority because when we fix the biggest problems we get a lot of value in other areas because they touch the most things which comes around to personnel safety. Discussion ensued. In response to a question from Commissioner White, Mike Porter said if there is going to be discussion about specific solutions perhaps it should be done in Executive Session.

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

Commissioner Van Beek made a motion to go into Executive Session at 3:59 p.m. pursuant to Idaho Code, Section 74-206(1) (a), (d) and (i) discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to

communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners 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, Director of Security Joe Mueller, Deputy P.A. Mike Porter, IT Director Greg Rast, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. Mr. Porter left at 4:05 p.m. The Executive Session concluded at 4:41 p.m. with no decision being called for in open session.

An audio recording of the open portion of the discussion is on file with this day's minute entry.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 20, 2019

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

APPROVED CLAIMS ORDER NO. 12/23/19

The Board of Commissioners approved payment of County claims in the amount of \$83,727.46 for accounts payable.

APPROVED CLAIMS ORDER NO. 12/24/19

The Board of Commissioners approved payment of County claims in the amount of \$59,867.38, \$14,933.46, \$51,360.19, \$37,271.40, \$42,710.87, \$1403.25 and \$5782.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 1/10/20

The Board of Commissioners approved payment of County claims in the amount of \$2292.91 for accounts payable.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 1/10/20 for a wedding.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Chief Deputy Sheriff Marv Dashiell left at 9:05 a.m., Fair Director Diana Sinner left at 9:03 a.m., Assessor Brian Stender arrived at 9:25 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing 2020 Canyon County Fair contracts with Rico Weisman, Talent Coordinator; Josh Casey, Fusion Talent Group; Murray Hatfield, Fusion Talent Group: These are just renewal contracts and the same as previous years. Director Sinner provided explanation of what each contractor offers. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the contracts with Rico Weisman, Talent Coordinator (agreement no. 19-204); Josh Casey, Fusion Talent Group (agreement no. 19-202); Murray Hatfield, Fusion Talent Group (agreement no. 19-203).

Consider signing a resolution approving award of Officer's badge and duty weapon to Deputy Larry Tucker: Chief Dashiell said Deputy Tucker retired last month after 15 years with CCSO and spoke about his time with the Sheriff's Office. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving the award of Officer's badge and duty weapon to Deputy Larry Tucker (see resolution no. 19-183).

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, 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 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and to communicate with legal counsel regarding pending/imminently likely litigation. 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:24 a.m.

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

Consider approving stipulation in Lafky Properties, LLC vs. Canyon County and Canyon County Assessor; Case No. CV14-19-07372: Assessor Stender said he is in agreement for dismissal of the case. Commissioner Dale made a motion to authorize the PA's office to sign the letter. The motion was seconded by Commissioner Van Beek and carried unanimously. A draft copy of the letter is on file with this day's minutes. The original letter will be mailed by the Prosecuting Attorney's Office.

The meeting concluded at 9:26 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER APPROVAL/DENIAL OF AN APPLICATION FOR CANCELLATION OF PROPERTY TAXES UNDER IDAHO CODE §63-711(CANCELLATION OF TAXES) FOR JENNIFER MERRITT

The Board met today at 9:32 a.m. to consider approval/denial of an application for cancellation of property taxes under Idaho code §63-711(cancellation of taxes) for Jennifer Merritt. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Treasurer Tracie Lloyd, Deputy P.A. Brad Goodsell, Jennifer Merritt and Deputy Clerk Jenen Ross. Ms. Merritt applied for a hardship for her 2019 property taxes in the amount of \$1751.36. There are some extenuating circumstances surrounding this application as it is usually the county's position to wait until a property is in jeopardy of tax deed. Mr. Cox explained that Ms. Merritt should have received the circuit breaker for 2016, 2017, 2018 and 2019 but when she won her case with social security in March of 2019 she was awarded back pay but due to the way the PTR is run she did not qualify. Commissioner Dale made a motion to cancel taxes in the amount of \$1751.36 for 2019. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER THE APPROVAL/DENIAL OF A REQUEST BY WAT IDAHOPHOXAIYARAAM, INC. FOR AN APPEAL OF A CONDITIONAL USE PERMIT DENIED BY PLANNING & ZONING COMMISSION; CASE NO. PH2016-51-APL AND CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER

The Board met today at 10:02 a.m. to consider the approval/denial of a request by Wat Idahophoxaiyaraam, Inc. for an appeal of a conditional use permit denied by the Planning & Zoning Commission; case no. PH2016-51-APL and consider signing the findings of fact, conclusions of law & order. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of DSD Tricia Nilsson, Planner Dan Lister, Representatives for Wat Idahophoxaiyaraam, Inc., other concerned citizens and Deputy Clerk Jenen Ross.

Dan Lister spoke about the report from Southwest District Health regarding the public drinking water requirements. Exhibit 10 indicates that based on the numbers that they reviewed this wouldn't trigger that request, however, concerns of the Board are valid that expansion could lead to the need for a public drinking water system. SWDH agrees with the conditions that were crafted indicating a mechanism in place should they hit a certain threshold they would go before SWDH to apply for the public drinking water system but they could use bottled water as a temporary source until that is complete. Staff also crafted an additional condition to consider which adds attachment B that states 'During holiday events all amplified sound shall cease at 6:00 p.m. After 6:00 p.m. all noise generated by the event shall not exceed 65 decibels at the property line'. This is a standard condition that has been used before for special events and is measureable so there is an enforcement mechanism to it. Mr. Lister believes it goes with what the applicant was trying to do with their conditions as well. The county would not want to limit their events but need to have some way to mitigate for potential impacts. Mr. Lister noted that in speaking with the applicants they believe they have already met the requirements from Nampa Highway District during the temporary use in 2015 but in discussions with the highway district that is not the case, they still want the paved apron. Since this is a conditional approval they would have to do that at the point they come in for the building permit. Condition no. 2 says they have 60 days to submit their building permits and get the appropriate permits for the buildings that are there. At the point of submittal they need to have approval from both the highway district and the fire district.

Commissioner Dale spoke about the direction of speakers and suggested the placement could mitigate some of the sound issues.

Commissioner Van Beek spoke about the comprehensive plan map based on the land use planning act. She sighted the Religious Land Use Institutionalized Person Act stating that her position is one that favors the existing character of the area because that's talked about a lot in the comprehensive plan, she spoke about minimum lot sizes to accommodate septic and well and how the residents of the area had to do that but the church is not able to at this time. It is not based on a religious bias but the best and highest use for the area. She also spoke about the community design and property rights component policies of the comprehensive plan; she noted sections 11 and 12 regarding property land uses and the appendix portion of the comprehensive plan regarding aesthetics of a neighborhood and compatibility. For her it comes down to if the positives of one are allowed to come at the expense of another and do they have enough mitigation of things in place to overcome the negative aspects and because of the nature that it's a subdivision that has not been overcome for her. She feels what they're looking at is compatibility and the quality of life.

Commissioner Dale said in looking at the satellite images from Google Earth it appears that the property is well screened, there are a lot of trees and bushes, you can't really see back into the property and the backside of the property borders fields. It's not a high residential density and this type of use is allowed with a special use permit. He believes there are conditions of approval that can be applied that will mitigate a lot of the complaints they've heard from the neighbors. The permit that is being asked for is a CUP and there really isn't a timeframe on it; if the conditions of the permit aren't followed it can be revoked. He thinks

we need to try this and see if it can work. He appreciates what he's heard in that the people of the temple are going to work to make sure they are good neighbors.

Commissioner White said this is a temple and it does have to do with religion. The comprehensive plan is malleable, it's not in stone. The Board can make adjustments that work on a case-by-case situation. Nothing being asked is above and beyond what is asked of any other event center. She spoke about how people congregate for home bible fellowship and how many of the Mormon churches are in residential areas with outdoor areas for recreating and large fellowship halls. She does not want to hinder them from the way they practice in their space but also does not want to set them aside from any other outdoor space. She really wants for everyone to get along but you have to be very careful you are not offending your neighbors and be very conscience of them. She believes the applicants have regulated themselves and we have strengthened some of their suggestions and applied some of our own but not set them apart or created any unbearable situations for them. In regards to growth she is expecting them to be conscience and respectful enough of their congregation and neighbors to realize when it's impeding on the safety and other conditions of neighborhoods. She believes this has all happened for a reason - 1) to bring them into compliance 2) to make them aware of the concerns of the neighbors and 3) it puts everyone on the same page as to what they can expect as it goes forward. She believes it was addressed at the last hearing that the church thought they could address some of the parking issues by accommodating more within their property and mitigate noise concerns. She believes everything has been done to not make them an example, address the concerns that came before the Board and put in guidelines to be followed.

Commissioner Van Beek read the objective of the Canyon County Comprehensive Plan. To the residents she encouraged them to use the tools available to maintain the standard and the quality of life in a rural county neighborhood that they would like and noted that people do have to follow and comply with rules. She does not find the location of this consistent with the vision in the next 10 years for development in rural areas of the county. There are other places they could choose to do that and thinks that in the long-run they will need to start looking at what they will need to do to meet public drinking water standards and a septic system per what SWDH noted. She stands firmly on the fact finding she has done and with the information that has been given to her she did not find a way to overcome this that would be in accordance with our comprehensive plan and found things in our LUPA (local land use planning act) that would support her position.

Commissioner White said she feels the same way about what she has stated and where she is at with her decision as well. She does not feel she is making a favored or prejudicial decision. She is following the standards that have been set as a county.

Commissioner Dale said as he looks at the general area he does not find this to be incompatible with other surrounding properties.

Mr. Lister said that if this property were to be annexed into the City of Nampa it would be zoned industrial.

A representative from Wat Idahophoxaiyaraam, Inc. commented that all of the conditions they've heard today are acceptable. They've looked into paving the apron but it can't be done while it's frozen outside and asked for a little leeway to make sure that's done otherwise they can comply with all the conditions. Commissioner White said these are items that would be settled at the building permit stage. Mr. Wesley said that a second noticed hearing will be required if the Board approves the conditional rezone because the decision would be materially different than the recommendation by planning and zoning.

Commissioner Dale made a motion to approve the request by Wat Idahophoxaiyaraam, Inc. for an appeal of a conditional use permit denied by Planning & Zoning Commission; Case No. PH2016-51-APL. The motion was seconded by Commissioner White. A vote was taken on the motion with Commissioners Pam White and Tom Dale voting in favor and Commissioner Van Beek casting the dissenting vote. The motion carried in a 2-to-1 split vote.

The findings of fact, conclusions of law & order will be considered at a later time once Development Services has time for proper notice.

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

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 23, 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 ORDERS

The Board approved the following purchase orders:

- HP, Inc., in the amount of \$1,810.00 for the IT Department

APPROVED CLAIMS ORDER NO. 12/24/19

- The Board of Commissioners approved payment of County claims in the amount of \$44,246.26 and \$107,010.86 for accounts payable.

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, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, Chief Deputy Assessor Joe Cox, Administrative Analyst Jennifer Loutzenhiser, Tina Wilson with WAED via teleconference at 9:06 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution to transfer alcohol license to JM Assets, LLC doing business as Garbonzo Pizza: Commissioner Dale has looked over the application and everything looks to be in order. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution to transfer an alcohol license to JM Assets, LLC dba Garbonzo Pizza (see resolution no. 19-184).

Mr. Goodsell presented a notice of public hearing to be sent to the taxing districts and the Department of Commerce regarding the Board's consideration to grant an exemption to Materne North America Corporation. The public hearing and consideration of the tax exemption will take place on January 7, 2020. The Board signed the letter as a ministerial matter and it will be mailed to all parties today. A copy of the letter is on file with this day's minutes.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE, CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

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

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (e) and (f) regarding records exempt from public disclosure, consider preliminary negotiations involving matters of trade or commerce and communicate with legal counsel regarding pending/imminently likely litigation. 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, Deputy P.A. Zach Wesley, Chief Deputy Assessor Joe Cox, Administrative Analyst Jennifer Loutzenhiser, Deputy P.A. Brad Goodsell (left at 9:21 a.m.), Tina Wilson for WAED via teleconference and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:32 a.m. with no decision being called for in open session.

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

Commissioners' Office was closed.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 26, 2019

Commissioners' Office was closed.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 27, 2019

Commissioners' Office was closed.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 30, 2019

PRESENT: Commissioner Pam White, Chair
Commissioner Tom Dale – out of the office
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 Gary Brower.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:44 a.m. for an office staff meeting. Present were: Commissioners Pam White and Leslie Van Beek, Deputy Clerks Jenen Ross and Jamie Miller, and Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:02 a.m. with county attorneys for a legal staff update. Present were: Commissioners Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Chief Deputy Sheriff Marv Dashiell left at 9:04 a.m., Jail Captain Daren Ward left at 9:04 a.m., PIO Joe Decker left at 9:04 a.m., Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross.

Mr. Decker has received some media requests regarding tours of Pod 6. He will coordinate to have the Sheriff attend a legal staff update at a later time to discuss further.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

Commissioner White made a motion to go into Executive Session at 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:25 a.m. with no decision being called for in open session.

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

PUBLIC HEARING – REZONE REQUEST FOR GREG HIPWELL, CASE NO. RZ2019-0028

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by Greg Hipwell, on behalf of C10 Investments, LLC, for a rezone of 20.12 acres from "A" (Agricultural) to "RR" (Rural Residential) zone, Case No. RZ2019-0028. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planner Dan Lister, Greg Hipwell, Dave Baker, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. Staff is recommending approval. This parcel is not an original lot and does not have a building permit available, therefore rezoning and platting is required. The applicant has provided a conceptual plan depicting a 9-lot subdivision with an average lot size of 2.10 acres. The parcel is located within an area with a mix of agricultural and rural residential zones. The future land use is designated as residential. The property is within the vicinity of nine other parcels with an average lot size of 44.9 acres. It is approximately 3,000 feet from two active gravel pits and is near the landfill and the Beranna Dairy. The parcel is not in agricultural production. Within a one-mile radius there are 12 subdivisions with 148 lots with an average lot size of 4.10 acres, some are open space lots, so they're really an average lot size of two acres. Soils range from moderately suited to least suited due to the terrain and gravel consistency. The P&Z Commission unanimously recommended approval and staff is recommending approval as well. Mr. Lister responded to questions from the Board. Greg Hipwell testified they have some elevation issues for the lots to overcome and he's going to rely on the engineer to address that. The entire property has a view of the lake so engineering can structure that in a way in order to maximize the view lots. He recalls the property being farmed in the 1980's until the water rights disappeared. They will work within bounds of the fire district and the County on what they require for access. Dave Baker, a local real estate agent, testified in support of the request and said they are in the process of purchasing the adjacent acreage to the west. Mr. Hipwell said his longtime perspective is to combine the two properties and propose development of both. He's been told they don't want any more access off Lewis so he's going to take it to his engineer and they will facilitate

that. Commissioner Van Beek had additional questions regarding access. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the rezone for Greg Hipwell, Case No. RZ2019-0028, from an "A" (Agricultural) zone to an "RR" (Rural Residential) zone. (See Ordinance No. 19-055.) The hearing concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2019 TERM
CALDWELL, IDAHO DECEMBER 31, 2019

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Overhead Door Company of SW Idaho in the amount of \$5,340.00 for the Landfill Department
- JB's Roofing, Inc., in the amount of \$5,189.00 for the Landfill Department
- DigiCert in the amount of \$1,307.00 for the IT Department
- ZoHo in the amount of \$1,319.00 for the IT Department
- Priority Dispatch in the amount of \$2,325.00 for the Sheriff's Office

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:10 a.m. with county attorneys for legal staff update. Present were: Commissioners Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross.

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

Note for the record: As properly noticed the Board met today at 9:10 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) regarding records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek 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, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:32 a.m. with no decision being called for in open session.

MEETING WITH DSD STAFF TO CONSIDER AN ACTION ITEM

The Board met today at 10:32 a.m. with DSD Staff to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Planner Dan Lister and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider approval/denial of a resolution granting a refund to Mike Conklin for a short plat application; Case no. SD2018-0002: Mr. Lister explained that the applicant paid two fees - one for a short plat and one for a final plat. After further review the final plat fee was already paid for within the short plat fees resulting in a necessary refund of \$930.00. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Mike Conklin (see resolution no. 19-185).

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

THE MINUTES OF THE FISCAL TERM OF DECEMBER 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 9th day of June, 2020

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Tom Dale
Commissioner Pam White

ATTEST: Chris Yamamoto, Clerk
By: J. Ross, Deputy Clerk