

JUNE 2020 TERM  
CALDWELL, IDAHO JUNE 1, 2020

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

APPROVED CLAIMS ORDER NO. 6/10/20

The Board of Commissioners approved payment of County claims in the amount of \$179,019.85 and \$132,056.19 for accounts payable.

FILE IN MINUTES

The Board filed the Canyon County Sheriff's uncollectible delinquent personal property taxes for 2019 in today's minutes.

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Luna Blu, LLC dba Luna Blu; Clifford Randall Raymond dba Red Dog Saloon; and Destination Caldwell, Inc., dba Destination Caldwell. (See resolution nos. 20-092, 20-093, and 20-094.)

COMMISSIONERS' OFFICE STAFF MEETING

The Board met today at 8:33 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, and Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:41 a.m. An audio recording is on file in the Commissioners' Office.

Detailed minutes will be forthcoming for the following:

MEETING WITH FAIR DIRECTOR TO DISCUSS THE 2020 CANYON COUNTY FAIR

PUBLIC HEARING – REQUEST BY JUSTIN BURDICK FOR A CONDITIONAL REZONE AND A SHORT PLAT FOR BURDICK SUBDIVISION, CASE NOS. CR2019-0015 AND SD2019-0044

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Justin

Burdick, Case No. CR2019-0015, for a conditional rezone of 26.24 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone – Rural Residential) zone. Also requested is a development agreement which will restrict the development of the site into a five-acre parcel and a 21.17-acre parcel. The applicant is also seeking approval of the short plat for Burdick Subdivision, a two-lot subdivision, Case No. SD2019-0044. Present were: Commissioners Pam White and Leslie Van Beek, Justin Burdick, and Deputy Clerk Monica Reeves. Via Webex: DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, DSD Planner Julianne Shaw, David Crawford, Randy Holloway and Judy Holloway. Commissioner Tom Dale arrived at 1:45 p.m. Jennifer Almeida gave the oral staff report. The current zone is agriculture and the future land use is agriculture. It is not located within an impact area. The surrounding area contains residential and agriculture uses, and there are five platted subdivisions within one mile. The subject property is portion of a platted lot that was within the Muchow Acres Subdivision and that subdivision has an average lot size of 8.43 acres and the request today is to rezone it for the purpose of creating a five-acre lot and a 21.17-acre lot. The property is within a nitrate priority area and the applicant will be required to adhere to SWDH regulations throughout the development of the site. SWDH has signed the final plat for the project. Staff has found this request meets the standards of review for a conditional rezone. The P&Z Commission recommended approval the request. Burdick Subdivision contains two residential lots. Individual domestic wells and septic systems will be used and there will be a shared access ingress/egress easement to Glendale Road. Keller and Associates has reviewed the plat and added two conditions of approval. The preliminary and final plats meet the requirements and staff is recommending approval with proposed conditions of approval. The applicant has met all the required conditions and they have obtained all necessary signatures on the plat mylar. The 26.64 acres as it currently exists today does not have a building permit available. The applicant is requesting a conditional rezone to build on the land and to create an additional 5-acre lot. Following her report, Ms. Almeida responded to questions from Commissioner Van Beek. Justin Burdick testified that he wants to build on the 21.17-acre lot. His family owns the 160 acres that border this property to the east and he wants an extra parcel although he does not plan to build on the 5-acre parcel anytime soon, but he wants it to be available later on. He agrees to the conditions listed in the development agreement. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request for a conditional rezone from an "A" (Agricultural) Zone to an "CR-RR" (Conditional Rezone – Rural Residential) Zone, as well as preliminary plat and the final plat for Burdick Subdivision for Case Nos. CR2019-0015 and SD2019-0044. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the findings of fact, conclusions of law and order, as well as the ordinance and development agreement. (Ordinance No. 20-013 and Agreement No. 20-083.) The hearing concluded at 1:49 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 6/10/20

The Board of Commissioners approved payment of County claims in the amount of \$76,768.29 for accounts payable.

APPROVED CLAIMS ORDER NO. 2018

The Board of Commissioners approved payment of County claims in the amount of \$1,725,942.11 for a County payroll.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HP, Inc., in the amount of \$2,242.00 for the Information Technology Department
- Dell, EMC in the amount of \$38,039.02 for the Information Technology Department
- Project Manager.Com, Inc., in the amount of \$16,254.00 for the Information Technology Department
- Core & Main in the amount of \$3,170.31 for the Solid Waste (Landfill) Department

APPROVED LIQUOR CATERING PERMIT

The Board approved a liquor catering permit for The Curb Bar & Grill for June 12, 2020 at Stillwater Hollow.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

- Consider signing psychiatric services agreement with Dr. Aaron James Crum, MD
- Consider signing legal notice for entering into personal services agreement with Dr. Aaron James Crum, MD
- Consider signing a resolution authorizing the destruction of certain criminal case files/records of the Canyon County Sheriff's Office

Detailed minutes to follow

## CONSIDER SIGNING JUNE 2, 2020 AGENDA ITEMS

The Board met today at 10:00 a.m. to consider the June 2, 2020 agenda items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, Leroy Atwood, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Via Webex: Parks Director Nicki Schwend, Outdoor Recreation Planner Laura Barbour, and DSD Director Tricia Nilsson. The items were considered as follows:

### ***Sign Idaho Department of Parks and Recreation request for reimbursement/close-out report***

This grant project was completed over the course of a year with help from the facilities department to rehab a fishing dock at the upper dam west end of Lake Lowell that is marked for ADA users. Before the project the dock wasn't very accessible and it was in poor shape. The project was completed on April 28, 2020 and the parks department is requesting the state parks to reimburse the expenditures we made which total \$15,636.19. Controller Wagoner said the County has expended funds just over \$20,000 for this project. \$4,500 of that was a match and since we expended our match, plus the additional \$15,000 we will be reimbursed \$15,000 and those monies will go back into the parks and recreation fund. The Board asked questions of Ms. Barbour and Controller Wagoner regarding the expenditure of funds. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the request for reimbursement closeout report for the Lake Lowell west end upper dam project.

### **Sign the final plat for Arbor Landing Subdivision; Case No. SD2019-0045**

Dan Lister reported that all conditions have been met and the final plat is ready to be signed. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the final plat for Arbor Landing Subdivision, Case No. SD2019-0045.

### **Sign Findings of Fact, Conclusions of Law and Order (FCOs) as well as the ordinance regarding the Donna Goff rezone request Case No. RZ2019-0041**

The Board held a hearing last week and approved Donna Goff's request for a rezone. Today staff presented the Board with the documents for that case. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to authorize the Board to sign the FCOs as well as the ordinance regarding Donna Goff's request for a rezone, Case No. RZ2019-0041. (See Ordinance No. 20-014.)

### **Consider signing Findings of Fact, Conclusions of Law and Order (FCOs) as well as the ordinance in the matter of the request by Ken and Cheyenne Mortensen for a rezone, Case No. RZ2019-0034**

Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to authorize the Board to sign the FCOs as well as the ordinance for Case No. RZ2019-0034. (See Ordinance No. 20-015.)

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

## MEETING WITH ASSESSOR'S OFFICE TO CONSIDER PROPERTY TAX EXEMPTIONS

The Board met today at 10:33 a.m. with the Assessor's Office to consider property tax exemptions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor's Analyst Jennifer Loutzenhiser, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 10:38 a.m. Ms. Loutzenhiser presented the Board with a list of homeowner's exemption applications and site improvement exemption applications for consideration. She explained that the deadline for the exemptions is April 15<sup>th</sup>, but this year due to the COVID-19 pandemic the Governor extended the deadline for some other things that were normally due on April 15<sup>th</sup> and so there's been some confusion about the different exemptions and programs. Due to the confusion and a lot of other extenuating circumstances relating to COVID, all the homeowner's applications the Assessor received for people who meet the criteria, but didn't get their paperwork turned in are being recommended to the Board for approval. There are 57 parcels seeking a homeowner's exemption, and one application for numerous parcels in the Cumberland No. 5 Subdivision that are seeking an exemption for site improvements. (The detailed listing is on file with this day's minute entry. Upon the motion Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the homeowner's exemption applications that have been received and noted on the record and the paperwork presented by the Assessor's Office, and to approve the site improvement applications as listed by the Assessor's Office, pursuant to Idaho Code 63-602G, IC 63-602W. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO DISCUSS REVISED TITLE AND JOB DESCRIPTION FOR THE ASSISTANT TRIAL COURT ADMINISTRATOR

Detailed minutes to follow

JUNE 2020 TERM  
CALDWELL, IDAHO     JUNE 3, 2020

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

No meetings were held today.

JUNE 2020 TERM  
CALDWELL, IDAHO     JUNE 4, 2020

PRESENT:     Commissioner Pam White, Chair  
                 Commissioner Tom Dale, Vice Chairman  
                 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 \$1,121.00 for the Information Technology Department
- SHI in the amount of \$2,735.00 for the Information Technology Department
- HP, Inc., in the amount of \$5,700.00 for the Information Technology Department
- Gunarama Wholesale, Inc., in the amount of \$8,715.00 for the Sheriff's Office

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Bon Appetit Management Co., dba McCain Pub. (See resolution no. 20-096.)

**Detailed minutes to follow:**

LEGAL STAFF UPDATE AND ACTION ITEMS

- Indigent decisions and liens
- Consider appointing representative to SWDH Board of Directors
- Approved NEW license for LD Wood Investments, LLC dba The Ranch

JUNE 2020 TERM  
CALDWELL, IDAHO     JUNE 5, 2020

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

### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- The Sign Shoppe in the amount of \$1,155.00 for the Development Services Department

### APPROVED CLAIMS ORDER NO. 6/10/20

The Board of Commissioners approved payment of County claims in the amount of \$150,683.52, \$58,229.50, \$15,071.52 and \$18,241.93 for accounts payable.

### EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Kenny Case and Kyle Stempke both of whom are maintenance technicians in the facilities department, and for Shawn Anderson, the juvenile detention deputy administrator.

### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Family Dollar, Inc., dba Family Dollar #27513 and Family Dollar Store #27267. (See resolution no. 20-098.)

JUNE 2020 TERM

CALDWELL, IDAHO     JUNE 8, 2020

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

### PUBLIC HEARING – REQUEST BY TRINITY ESTATES, LLC, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2019-0008 AND RZ2019-0024

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Trinity Estates, LLC, for a comprehensive plan map amendment to change the designation of Parcel No. R33102 from “Agriculture” to “Residential”, and a request for a conditional rezone of 24.38 acres from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone/Rural Residential) zone. The

request includes a development agreement. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Todd Lakey, Amy Woodruff, Greg Schatzel, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, and Derek Teunissen.

Jennifer Almeida gave the oral staff report. The property was rezoned to residential in 2013 but has not yet been developed or platted. The P&Z Commission recommended denial of both the comprehensive plan map amendment and rezone on February 6, 2020. Staff has found the request does not meet the standards of review for both elements.

The following people testified in support of the request:

Todd Lakey, who represents Greg Schatzel and Trinity Estates, stated this property was a case he worked on prior to the market crash. In 2007 they obtained approval for 12 lots on 24 acres and back then most of the residential development was done by conditional use permit (CUP). With the timelines of the CUP and the subsequent market crash, Mr. Schatzel wasn't able to proceed under those timelines so it expired, but the farmland is the same, the compatibility analysis is the same, and the character of the area is essentially the same. It's a small project that initially started as a request for R-1 rezoning and as they discussed this project they decided it made more sense to change it to a conditional R-R and reduce the density. It will be a high-quality rural residential estate project with CC&R's and a public road. It is consistent with the existing comprehensive plan and will be the same or higher quality than the existing residential uses in the area. There is a high demand for two-acre parcels; this is a quality project and a small project that will have minimal impact. This is not prime farm ground; the previous farmer said it was poor soil quality and the yields were considerably lower than others in the area, and the triangular shape provided short rows and made it difficult to farm. The current farmer who farms several hundred acres in the area said this small project will not negatively impact his farming operations. The applicant will include right-to-farm language in the CC&Rs and on the plat, and they will comply with agency requirements. Following his testimony, Mr. Lakey responded to questions from Commissioners Van Beek and Dale.

Amy Woodruff gave testimony regarding the technical aspects of the project regarding ground water, onsite septic systems, and traffic. This project is not in a nitrate priority area which means ground water in the area does not exceed 10 milligrams per liter of nitrate so it's not in a groundwater area that's being monitored for nitrate at this time. The Idaho Department of Water Resources does not view the location as somewhere they are looking at closely for groundwater depletion. Commissioner White had questions regarding arsenic levels. Ms. Woodruff said they typically see arsenic in the deep wells around Marsing and south of Dry Lake. She doesn't have specific well data for Trinity itself, but she knows there are some under the counter-type treatments if arsenic is encountered for individual wells. To her knowledge arsenic has not been an identified problem for this property. A nutrient pathogen study was done in 2007 and so they know quite a bit about ground water and the hydraulic gradient in the area and it goes south and west toward the Snake River. Trinity will develop an irrigation system that uses their surface water right so they won't be using their individual wells to irrigate, they'll be using for potable purposes



only. Trinity will dedicate a 50-foot half-section right-of-way and the west boundary (Marsing Road) will be developed as an arterial road. There will be one access onto Lakeshore Drive and it will be developed as a collector road. Both roads will be improved to handle a lot more traffic volume.

Greg Schatzel is the project developer and said the current farmer has issues with silt and costly problems with filters and pumps. Mr. Schatzel bought several developments in 2006 and 2007 and this is the third of four projects he's worked on. In other developments he put in a road, fences, and CC&R's but he couldn't sell them; however, when the market improved he was able to sell them. Commissioner White said it was suggested that two 12-acre pieces would be a better fit and she wanted to know if that was a deal breaker. Mr. Schatzel said it is a deal breaker and financially it would not make a lot of sense.

Following testimony, Commissioner Dale made a motion to close public comment. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner White is hesitant because the request is in a heavy agricultural area and she's struggling with the compatibility issue. Commissioner Van Beek referenced the established farms, dairies, and agricultural operations in the area and noted her concerns about the compatibility of residential development in an agricultural zone. She reviewed the policies of the comprehensive plan. It's a great agricultural area that is not in an area of impact or slated for residential development although there are pockets of development out there. She appreciates that the developer wants to put high-end homes out there but once that grounds develops it becomes impossible for farmers and it creates a domino effect where they cannot compete because the water is limited. She spoke of an article regarding agricultural land preservation which said it should be preserved in large contiguous blocks in order to maintain a critical mass of farms and agricultural land. Carving land chips away at the integrity of the whole land mass out there.

Commissioner Dale said he favors growth and development and he is very cognizant of private property rights. The Board has heard from two farmers that this parcel is not profitable for farming, it's not good farm ground, and the only reason they make any money off it is due to a good rental rate. This 24-acre parcel does not contribute largely to the overall agricultural economy of the area, it's just a piece being farmed to keep it from going into weeds. It's already been carved off and it's a good place for two-acre lots. He doesn't find sufficient reason to deny the proposal and he doesn't understand why the P&Z Commission denied it.

Commissioner White struggles because the landowner has invested in the land, but said there is a compatibility issue with the proposal given the scale of the farming industry that's surrounding it. It's a great idea, but not in this location.

Following the Board's deliberation Commissioner Van Beek made a motion to uphold the denial of the comprehensive plan amendment and rezone based on the findings of fact, conclusions of law and order, and in support of the P&Z Commission's unanimous vote to deny the application. The motion was seconded by Commissioner White. A roll call vote was taken on the motion to

deny with Commissioners Van Beek and White voting in favor of the motion, and Commissioner Dale voting in opposition to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY ROY BRUMBAUGH AND SHEILA MARCHBANKS FOR A ZONING AMENDMENT (REZONE), CASE NO. RZ2019-0038

The Board met today at 11:15 a.m. to conduct a public hearing in the matter of a request by Roy Brumbaugh and Sheila Marchbanks for a zoning amendment (rezone) of Parcel R29982010 from "A" (Agricultural) to "R-R" (Rural Residential). The vacant 30.35 acre property is located adjacent to the Pump Road and Locust Lane intersection. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, and Deputy Clerk Monica Reeves. Present via Webex: Dan Lister, Tricia Nilsson, Melanie Steinhaus, Shawn Conner, Attorney Matthew Johnson, Allen Babbitt, Marlene Babbitt, Stephen Collias, Derek Tuennissen, Robert and Sue Kopfle. Dan Lister gave the oral staff report. The applicant is seeking a rezone of approximately 30 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The P&Z Commission recommended denial because it required a development agreement to address some development issues stemming from a letter from a neighbor's representative. Since that time the potential buyer, Sean Conner, has provided a conceptual site plan demonstrating up to 14 residential lots can be accommodated on the site. The rezone is being requested for the current owners to sell the property as residential development. The configuration is very similar to an approval in 2003 where a conditional use permit (CUP) was granted for this property that allowed a division of up to 16 lots, but the CUP expired in 2008. The property is zoned agricultural, however, surrounding the property are similar rezones that have been approved. The future land use map designates the area for residential. There are five subdivisions in the area that have similar lot sizes to what is being proposed. The property is moderately suited to least suited soils; it is not prime farmland. It has been used for mint, canola, and alfalfa. Mr. Lister noted the three comment letters that were received. One is from Attorney Matthew Johnson who represents the Collias Family who is concerned about the development of residential lots in this area and what the potential outcome could be without a development agreement or some kind of study to demonstrate there will be no water issues and so they are requesting a denial based on a lack of development agreement or concept plan. According to Mr. Lister, the applicant submitted a conceptual plan after the letter and after the P&Z Commission hearing which shows 14 lots. There is another letter from the Babbitt Family who is concerned about turning an agricultural area into a residential use which could decrease their property value. A letter was received from Guillermo Martinez in support of the letter submitted by Matthew Johnson. Agency comment letters did not identify there would be impacts to access, traffic, irrigation, the highway system, or septic uses in this area. This is a property that would have to go through platting and would require agency review. Staff is recommending approval of the request without a development agreement. The property is 30.35 acres which allows for 15 lots, however, with internal roads, improvements, and public right-of-way dedications that are probably going to happen at the platting stage it will likely be 13-14 lots and because of that staff does not want to lock it down to that configuration because there could be changes during the platting stage. Following his report, Mr. Lister responded to questions from

the Board.

The following people testified in support of the request:

Melanie Steinhaus represents Roy Brumbaugh and Sheila Marchbanks, who are brother and sister who were raised in the Notus area and their father owned the subject property and lived across the street where Mr. Babbitt lives now. Roy Brumbaugh lives out of state, and Sheila Marchbanks' husband is a farmer from Notus and they don't find any use for the property themselves so they hired Ms. Steinhaus to help them sell the property. Sean Conner approached her and made an offer on the property hoping to get it rezoned to residential. The farm lease on the property expired last August and there are no plans to grow anything on it at this time.

Sean Conner testified in support of the request. There are plans to build higher-end homes in the \$500,000 to \$800,000 range, similar to the Lake Crest Estates project, with beautiful views. They are hoping to increase the aesthetics of the area. He said the mint field is not being used and it cannot be used for anything other than mint. The subdivision will offer an agricultural rural feel where there could be space for horses. There are five platted subdivisions in the area and this project is in the middle with similar lots. The property has frontage property on Pump Road so it won't impact Lake Shore in terms of direct access. Mr. Conner said they want to do what the comprehensive plan already designates. Following testimony he responded to questions from the Board.

The following people testified in opposition to the request:

Allen Babbitt testified that the subject property is farmable. He said if the development moves forward they need to "bring that mountain down" because it's blocking the neighbors' views of the lake. There is high ground off Locust Lane that needs to be taken down and the dirt needs to be dispersed all over the property to level it so it's not so steep. He expressed concern that the project seems to be a done deal.

Marlene Babbitt testified that she doesn't want the project to block her view, and she spoke about how she enjoyed having the mint field across the street. Recently her property value was reappraised and a new value was given because of the view of lake and if that view is blocked it would devalue her home. She said the land is in tumbleweeds and no longer being farmed because the farmer could not make a profit off the land given the high rental rate.

Attorney Matthew Johnson represents Stephen Collias who owns the property across from the proposed area and he asked the Board to review his letter (Exhibit 6A) before it issues a decision.

This matter was brought up before the P&Z Commission and led to a lot of discussion and debate and that's been cut short by what staff has presented. The P&Z Commission's concerns were not simply that there wasn't a conceptual plan, there were multiple other issues about whether this was appropriate to change the zoning of the land and one of those issues is that the land is farmable. The only reason it's not currently being farmed is because of the actions of the property

owners, who are heirs to an estate, have made that difficult. The P&Z Commission went into quite a bit of detail about this, in fact Commissioner Williamson discussed a number of crops, particularly some fruit options that could be very well suited for this property including with the slope but that information has not been included in the packet. The P&Z Commission's written findings were not included in the staff report or the packet that were posted online and he questioned if the Board was provided that full document. The other part he needs to object to is this is really sandbagging a development proposal; it was presented as a rezone with no plan of any type and that's how it went through the P&Z process at the end of last year and early this year and here we have at the last minute suddenly a claim in the staff report of a potential buyer but there's no evidence in the record of a letter of intent or an offer showing an actual buyer. All you have is an email from the real estate agent saying here's a conceptual site plan and it's something that could have been drawn on a napkin, or as staff mentioned it could have been pulled from the last CUP that expired. This is all brand new information, none of it was discussed at the neighborhood meeting or provided to any of the agencies that provided comment on this. They came in at the last minute and submitted a site plan to try to address one minimal concern of the P&Z Commission. If they want to change their application and add a potential buyer they can do so, and if they want to throw a site plan out there great, but it needs to go through the right process and have a neighborhood meeting so the neighbors can ask questions and discuss concerns. It's inappropriate for this to come to the Board without the full story of why the P&Z Commission recommended denial. The average acreage of the average lot size doesn't even go out to the minimum for that zone so they have major problems just with their conceptual site plan and those are things that could be cleaned up so this could be presented properly with all that's already taken into account. Residential development is not something that there is pressing need for and the property is currently surrounded by viable and farmed agricultural land. Following his testimony, Mr. Johnson responded to questions from the Board.

Robert Kopfle, who owns the property next door, wants to know what the development will consist of and how it will affect his property. When a new well was put in for the addition below his property it had a negative effect on his well and he's worried that if another well goes in his well will go dry.

Rebuttal testimony was offered by Sean Conner. The future zoning is rural residential and the density will be consistent with what is allowed in that zone, and may even be reduced slightly. They are willing to make adjustments if needed. He said the Babbitts concern about obstructed views is a valid concern and perhaps he could help work around that by positioning the building pads in a way that does not obstruct the view or has a limited obstruction of their view. He intends to create a beautiful subdivision and he's not trying to get the maximum dollar amount or try to get extra density. Mr. Conner recognizes that water is an issue out there and having lower density is better than the alternative of having one-acre lots. They are trying to work within the boundaries of what is allowed and they don't want to upset the neighbors and they are willing to work them. The project will have individual wells and septic systems. Commissioner Dale asked questions of Mr. Conner regarding well depths in the area.

Following testimony, Commissioner Van Beek made a motion to close public testimony. The

motion was seconded by Commissioner Dale and carried unanimously. Commissioner Van Beek said this is a really interesting proposal and she has found the comments by Matthew Johnson to be credible and worthy of the Board's consideration, specifically if there was information that was not provided to the Board on the agricultural discussion and component on this. She believes Mr. Johnson's objections are reasonable and she highlighted parts of his letter (Exhibit 6A). The applicant's testimony is that this is for speculation only and she cannot support something where she doesn't know what it is we are approving. Rezoning agriculture takes an exemption, it's valued less than residential property so there is some argument that to increase the property value you would rezone and to rezone on speculation is a disservice to the business industry of agriculture in that area. That is not planning nor is it orderly development. Commissioner White said the developer has to do some due diligence. She doesn't feel like they are trying to pull the wool over the Board's eyes, but she needs more time and more information from staff before she can make a decision. Commissioner Dale said the future land use map calls for this area to be residential and that's a big factor. Is it inappropriate or unusual to have a potential site plan come in at the last minute? No, it's not. The full site plan/proposal will always be vetted out during the platting process. The potential buyer is not something that is valid to consider in the appropriateness of the decision. The decision is based on the appropriateness of the zoning regardless of who buys it. He is not concerned if they have a potential buyer or not, that does not weigh in his decision at all. He looks at the appropriateness based on the land use map and the area's use. Regarding the views, he is very sensitive to that and he appreciates Mr. Conner stating they would very amenable to talking about that kind of consideration for views and to do what they can to site buildings so as not to obstruct the Babbitts' view. Regarding well depth, he understands the Kopfles' concern about wells so he would like to get some information on what the water table looks like in that area. He is not opposed to delaying this request so we can take some more information from the P&Z Commission and see the complete record. Commissioner Van Beek said there is general support for delaying it for additional information and she wants complete information from the P&Z Commission including the minutes of their discussion. Regarding the site plan, there is nothing creative about it and in these areas where we are taking good agricultural ground they need to bring a site plan that makes it look exciting. She then made a motion to delay the decision based on acquiring additional information and answering the questions as presented by Matthew Johnson. Dan Lister asked for clarification to make sure he understands the Board's request for the following: full information from the P&Z Commission; more information about what would they do protect the views; information pertaining to the water table; possible well permit information for the area; and a more detailed site plan. Commissioner White said she understands that Mr. Conner has the due diligence aspect of it because it has to be profitable for him too, but the neighbors want to know what is going in next to them and so she would like to see the developer put more creativity and diversity into what the proposal would look like. Mr. Conner said this was a very basic site plan and they have another one that had more thought put into it. Their goal was to establish that there were 14 lots available and that they could stick with current zoning. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to continue this discussion to Friday, July 24, 2020 at 8:30 a.m. to allow for the submission of additional information. The hearing concluded at 12:11 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY HFC, LLP, FOR A CONDITIONAL REZONE, CASE NO. RZ2019-0031

The Board met today at 3:02 p.m. to conduct a public hearing in the matter of a request by HFC, LLP for a conditional rezone, Case No. RZ2019-0031. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, and Deputy Clerk Monica Reeves. Present via Webex: DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Chris Coles, Harold Coles, and TJ Wellard. Jennifer Almeida gave the oral staff report. The subject property is approximately 73 acres and currently has a zoning destination of agriculture and the future land use shows this area as residential. Caldwell's area of city impact is the north boundary of the property on Lonestar Road. The project is adjacent to R-1 (single-family residential) zoning. Staff has recommended a condition of approval requiring community water system for the development as presented in the applicant's letter of intent. The P&Z Commission recommended approval on January 16, 2020. Staff has found the request, as conditioned, meets the standards of review for a conditional rezone. Following her report, Ms. Almeida responded to questions from the Board. Harold Coles testified in support of the request and he gave a brief history the property. His parents took the property out of the desert in 1951 and he has lived on the property his entire life. HFC is the result of his parents doing proper estate planning and passing it to their three sons. It is moderately suited land with a gravel pit on two sides of the property. There are problems with erosion, and it's getting hard to get anybody to rent it, and with the additional development on the corner of Orchard Avenue and Indiana Avenue they felt it was time to ask for a rezone and make plans for future use. In order to market the land there is a big advantage to have it zoned to R-1 and have people understand what the conditions are. Mr. Coles said they may sell it outright or partner with a developer. Chris Coles testified in support of the request and stated he agrees with the testimony given by his brother, Harold. They have a vested interest in seeing that the property is developed properly. Following testimony, Commissioner Dale made a motion to close public comment. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation Commissioner Dale made a motion to approve the conditional rezone with a development agreement for 15 parcels, for Case No. RZ2019-0031. 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 approve the ordinance for Case No. RZ2019-0031. (See Ordinance No. 20-017.) The development agreement will be signed at a later date. The hearing concluded at 3:38 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM

CALDWELL, IDAHO     JUNE 9, 2020

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

APPROVED CLAIMS ORDER NO. 6/10/20

The Board of Commissioners approved payment of County claims in the amount of \$149.00 and \$4,816.14 for accounts payable.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ConvergeOne in the amount of \$11,139.82 for the Information Technology Department
- Miwall Corporation in the amount of \$1,000.00 for the Sheriff's Office
- ACCO Engineer Systems in the amount of \$3,458.00 for the Facilities Department
- Quiet Curtains in the amount of \$2,093.00 for the Facilities Department

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Vern's Lounge, LLC dba Vern's Lounge. (See resolution no. 20-104.)

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

The Board met today at 8:30 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, IT Director Greg Rast, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross.

The following items were discussed:

- Reviewed things that have been done over the past few months in order to accommodate changes in the way business is conducted amid the COVID virus.
- The Microsoft audit has been completed and they are just waiting for the close-out letter
- A year-end report for 2019 was reviewed with the Board. Items reviewed included processed mailings, print shop click counts, service desk tickets, project report, project related hours, total hours spent on projects, comparison of hours between 2018 and 2019
- IT will begin programming the CAPS program in DSD to accommodate the collection of impact fees. August 1<sup>st</sup> is the targeted 'go live' date.
- Purchase orders will be coming soon for computer replacement. They are working to change out the computers that were purchased in 2015 and will be placing a bulk order in order to take advantage of the quantity discount.

At the request of Commissioner Van Beek, Director Rast addressed the chart of accounts stating that each one is different for each office/department and answered questions about the repurposing of equipment once a new commissioner comes in. The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

#### CANVASS ELECTION

The Board canvassed the May 17, 2020 Election results today which are on file with this day's minute entry.

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

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioner Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Dan Blocksom left at 9:38 a.m., Deputy P.A. Zach Wesley, Director of Juvenile Detention Sean Brown left at 9:12 a.m., Sheriff Kieran Donahue and Chief Deputy Sheriff Marv Dashiell arrived at 9:13 a.m. left at 9:38 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in juvenile detention facilities:*** Director Brown explained this is a yearly MOA that has been in place since 2009. There are just a couple changes to the contract this year. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in juvenile detention facilities (see agreement no. 20-085).

***Consider signing a resolution approving award of badge and duty weapon to Captain Daren Ward:*** Chief Dashiell said Captain Ward has been with the agency for 24 years and per Sheriff Donahue's recommended meets all the qualifications for award of duty weapon and badge. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution approving award of badge and duty weapon to Captain Daren Ward (see resolution no. 20-100).

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

*Note for the record: As properly noticed the Board met today at 9:06 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 9:18 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure and attorney-client



communication. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter, Deputy P.A. Dan Blocksom, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:37 a.m. with no decision being called for in open session. At the conclusion of the executive session the following action item was considered:

***Consider signing PREA audit contract with Idaho Sheriff's Association:*** Commissioner Dale stated that a good discussion regarding this contract was had in the executive session. Some privileged information was shared but this is mandatory operation that the county will need to engage in every 3 years. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the PREA audit contract with Idaho Sheriff's Association (see agreement no. 20-086).

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

*Note for the record: As properly noticed the Board met today at 9:06 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 9:40 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter (left at 10:10 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:18 a.m. with no decision being called for in open session.

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

MEETING FOR DELIBERATION OF THE REQUEST FOR AN APPEAL BY DAN WOODRUFF FOR A DECISION BY THE P&Z COMMISSION REGARDING THE APPROVAL OF THE GRANITE EXCAVATION, INC. CUP; CASE NO. 2019-0007- APL

The Board met today at 1:31 p.m. to deliberate on the request regarding the appeal by Dan Woodruff of the decision by the P&Z Commission which granted a conditional use permit Granite Excavation, Inc. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Dan Lister, Attorney Josh Leonard, Dan Woodruff, other interested

persons, and Deputy Clerk Monica Reeves. Present via Webex: DSD Director Tricia Nilsson, Josh Davis, and Donald Dean. The Board met on May 29, 2020 in the matter of Granite Excavation's request for reconsideration regarding their request for a conditional use permit, and at the conclusion of that meeting the Board voted to delay action in order to receive information from the including a reclamation plan, project narrative, site plan, and archaeological plan related to the gravel project that would be going to Rippee Island.

Commissioner White explained her position and why she requested today's meeting. The last meeting was three hours and she suggested the applicant provide a revised site plan, a reclamation plan, a new project narrative and an updated archaeological study. There was a long weekend following the hearing and as she looked back through the information and her notes she was uncomfortable with the compatibility aspect of this project and although the archaeological survey and the project narrative are good things, it's not going to make it compatible nor will it be in line with the comprehensive plan. Rather than asking for the applicants to put in all this money for these plans, even if they want to, she is not going to ask them to incur additional expense when it's not going to change how she feels about the compatibility aspect of the project.

Commissioner Van Beek said her decision supports Commissioner White's conclusion especially given the applicant's testimony that the bid has not been awarded, that Idaho Power has delayed this project and there's at least a year which is basically a different application in that space and time. She supports Commissioner White's re-evaluation and commended her for putting her thoughts on record in fairness to the applicant to not incur additional costs in order to move forward.

Commissioner Dale said he still believes there could be ways to work this out, some of them were briefly discussed in the past hearing where we talked about restricting the use of the gravel to the Rippee Island project and what would that look like because then you wouldn't have any gravel trucks going onto the roadways and he believes there could be some ways to mitigate that sort of an impact that would address a lot of the compatibility issues, but it would highly restrict the use of that gravel and then it would be a business decision with Nicholsons and Granite Excavation to say is that going to be worthwhile to do that. He sees the direction this is going and he wants to say that that is in the future, the applicants can bring this back as a separate application and go through the process again with all of those things we have asked for. He's not opposed to the direction the Board is going at this point. He said the Board didn't really take a vote on this at the last hearing, it just delayed it for more information, but he understands Commissioner White's point that the information will not answer her compatibility concerns. In the general good of the County and for highway districts and those who live out there when Idaho Power goes forward with this project they will need gravel and they can either get it right there or truck in hundreds of truckloads on the road we are trying to protect. There is a way to do it that does not negatively impact that area and he would like to see that in the future.

Commissioner White wants to make it very clear the way she feels about this has nothing to do with a plan or the lack of their project narrative, or their business, or who they are. They are a fine business and she appreciates the way they presented themselves and conducted themselves

with professionalism. She does not want to put any more financial burdens on Granite Excavation.

Commissioner Van Beek said Commissioner Dale has highlighted some boilerplate items that have been articulated in the staff report as to what would be needed in order to have an application move forward and she would submit that an application at any future point would be incomplete without those things. We are assuming there's only one access place for gravel and that would be from the north side of the Snake River, but there is a possibility where that is an island that it could come from the south side that wouldn't impact the archaeological area. There are options that have not been explored. She wants to listen to the audio of the previous hearing because she believes the question has already been answered: Would Idaho Power do this project if it was limited to that scope and size? She feels confident that the answer was no, but she will listen to the audio.

Commissioner Dale said in the narrative of the documents there was language that said if restricting the project only to be used for the island project was a deal breaker would they consider that and the applicant said yes, they would consider that but then they answered Commissioner Van Beek's question in a different way so they answered both ways which is confusing. Commissioner White said that is not the reason for her concern.

Deputy PA Zach Wesley said at the last hearing, the Board closed the record with the exception of allowing the submission of specifically requested information so he suggested a preliminary motion, before the Board further deliberates and votes, to formally close public testimony and withdraw that request for additional information. Commissioner Van Beek made a motion to withdraw the request for additional information and close public testimony. The motion was seconded by Commissioner Dale and carried unanimously.

Commissioner Van Beek made a motion to uphold the appeal to deny the request for a conditional use permit for Case No. 2019-0007-APL. Commissioner Dale seconded the motion for discussion and said the reason we had that hearing was because of a little used portion of the statute that said if they got this in before the Board finalized everything then we could do that, and the reason it took so long was because of the COVID-19 situation where everything was delayed more than ever expected and the initial vote on this was to do exactly what we are doing here, which is to grant the appeal and deny the permit. He will support the motion with the caveat that there is value in exploring the options of accessing that gravel in a manner that does not conflict with compatibility issues of the overall area down there and he would like to see something like that in the future happen. It's a valuable asset and it is there to be used nearby and he does not want to abandon that. A roll call vote was taken on the motion to uphold the appeal with Commissioners Van Beek, White and Dale voting in favor. The motion carried unanimously. The Board will consider the written findings of fact, conclusions of law and order on June 23, 2020 at 8:30 a.m.

The meeting concluded at 1:48 p.m. An audio recording is on file in the Commissioners' Office

MEETING WITH THE INFORMATION TECHNOLOGY AND HUMAN RESOURCES DIRECTORS TO DISCUSS EMAIL ARCHIVING AND REVISIONS TO THE PERSONNEL MANUAL

The Board met today at 2:01 p.m. with the Information Technology and Human Resources Director to discuss email archiving and revisions to the personnel manual. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, IT Director Greg Rast, Assistant Director of IT Eric Jensen, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. Commissioner White noted that she feels email archiving is a part of the security protocol and is not comfortable having an open meeting to discuss this issue. Director Rast said a general discussion would be fine but does not want to dive too deeply into the details. He said as far as he is concerned the email archiving program has already been vetted, purchased and is in the process of being put in place. Commissioner White spoke about an email that was received from Chief Deputy P.A. Sam Laugheed stating that he feels it's unnecessary to make changes to the personnel/employee manual and she is going to defer to the advice given by legal. Commissioner Dale also stated that he is not going to do something that goes against their legal advice. He noted that Mr. Laugheed stated in his email that he recommended against an amendment and the employee notice. Commissioner Dale said that the archiving program that has been purchased is for logistical purposes, it doesn't change any policy. Discussion ensued regarding the new archiving equipment and the personnel manual. The archiving equipment is just a procedural change and there is no policy change. Director Baumgart said employees should never have the expectation of privacy in regard to their email and feels it may put additional stress or anxiety on employees if there is concern of policy change. It was decided that at this time notification would not be sent out to employees regarding email archiving but would be included in the revised personnel manual which Director Baumgart hopes to have to the Board in September, it is currently in its final review. The meeting concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM  
CALDWELL, IDAHO      JUNE 10, 2020

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Wood Products in the amount of \$3,130.44 for the Parks Department
- Advanced Hardware Supply, Inc., in the amount of \$1,633.60 for the Parks Department

- Quiet Curtains in the amount of \$2,093.00 for the Facilities Department

PUBLIC HEARING – REQUEST BY JAMES AND SYLVIA BLAKE TO MODIFY A DEVELOPMENT AGREEMENT, CASE NO. DA2020-0001

The Board met today at 2:06 p.m. to conduct a public hearing in the matter of a request by James and Sylvia Blake to modify an approved development agreement associated with Case No. CR2018-0009. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, James Blake, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister and DSD Director Tricia Nilsson. Dan Lister gave the oral staff report. The request was approved in 2019 as a conditional rezone and part of it came with a development agreement where it shows 11 acres with a 2-acre envelope. The applicants want to sell 4 acres, and the new proposal is that 4.38 acres will be divided off and the rest of the property will remain in their ownership. It keeps a great deal of the property in agriculture and will retain a two-acre envelope. The modification, which is slight, is very similar to what was approved. When this property is divided and developed the applicants will have to meet the requirements for flood plain development. Staff recommends approval of the request. Commissioner Van Beek had questions about why we need to place additional restrictions on the property. Mr. Lister said the applicant agreed to preserve a certain amount of agricultural use and when making the modification he agreed to a building envelope eliminating a building permit for that area. James Blake testified in support of his request and addressed the envelope and pasture. He is going to sell 4 acres instead of 11, and the rest will stay agriculture because he has horses and he sells hay. Following testimony, Commissioner Dale made a motion to close public comment. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation Commissioner Dale made a motion to approve the findings of fact, conclusions of law and order, as well as the development agreement. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Agreement No. 20-087.) The hearing concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TROOST FAMILY TRUST FOR A DEVELOPMENT AGREEMENT, CASE NOS. OR2019-0002 AND RZ2019-0004

The Board met today at 3:02 p.m. to conduct a public hearing in the matter of a request by Troost Family Trust for a development agreement, Case No. OR2019-0002 and RZ2019-0004. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, TJ Wellard, Attorney Hethe Clark, Jace McQuivey, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Loyal Hulme, and Darryl Ford.

Jennifer Almeida gave the oral staff report noting the public hearings that have previously occurred regarding the request 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. At the conclusion of the December 11, 2019 hearing, the matter was continued to January 6, 2020 because the Board wished to get information pertaining to a site plan and the cost of development for a one-acre parcel. At the hearing on January 6, that information was presented by staff and testimony was received and at the conclusion the Board voted to approve the request. A second public hearing was required because the Board’s action differed from the P&Z Commission’s decision, and the subsequent hearing was held on March 6, 2020. At the conclusion of that public hearing, the Board closed public testimony and moved to approve the request with a development agreement, and staff was directed to work with the applicant and prepare an agreement for this project, which has been done. The purpose of today’s hearing is to go over the project and the development agreement and discuss the conditions of approval which are as follows:

**General:**

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**
- 2. The property shall be developed in substantial compliance with the proposed site plan, Exhibit 32 and attached to this agreement as Exhibit “C”.**
- 3. The development shall be platted pursuant to CCZO §07-17-09 & §07-17-13.**
- 4. The applicant shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”**
  - A subdivision plat is required for the development and commencement of the project shall be the acceptance by DSD of a complete application, together with the application fee, for a preliminary plat.**
- 5. The applicant shall adhere to the platting time limitations outlined in §07-07-23.**
  - a. In the event that the development of the preliminary plat is made in successive continuous segments in an orderly and reasonable manner and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twenty four (24) months, may be considered for final plat approval. In the event a longer period elapses, the preliminary plat must be reviewed by the commission and approved by the board;
  - b. Final plat application must be submitted and accepted by DSD within two (2) years of the date of written approval of the preliminary plat; and
  - c. The final plat shall be filed with the county recorder within sixty (60) days after approval of the board; otherwise, such approval shall become null and void unless an extension of time is applied for and granted. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011).
- 6. The applicant shall mitigate weeds on undeveloped lots within the subject property. At such time as an HOA is formed and CCR’s are recorded for the development, the HOA will then be responsible for maintenance of weeds on undeveloped lots within the subdivision.**

7. All storm water drainage shall be retained on site.
8. Six foot high privacy fencing shall be installed on the east boundary of Lots 11-16 (exhibit 32 and attached to the development agreement as Exhibit C). Said fencing shall be installed prior to the Board of County Commissioners signature on the final plat.
9. Each residential lot shall be no less than one (1) acre in size.
10. All exterior lighting shall be shielded and downward facing.
11. Irrigation for the development shall be via domestic wells for up to ½ acre pursuant to Idaho Department of Water Resource requirements.
12. The water rights available to the land shall be transferred from the subject property prior to the Board of County Commissioners signature on the final plat. Documentation of the transfer shall be submitted to DSD.
13. The applicant shall submit a draft copy of the proposed CCR's with the application for final plat. The CCR's shall be recorded with the final plat. The CCR's shall include provisions for the following:
  - Two (2) inch caliper trees to be planted on each residential lot.
  - Outdoor storage of recreational vehicles shall be screened behind 6 ft. high privacy fencing.
  - Front yard landscaping shall be installed within six (6) months. Landscaping (grass) shall be installed to the front property line.

**Access:**

14. The requirements of Golden Gate Highway District shall be met.
  - a. A traffic impact study in accordance with HSDP procedures is required prior to the submittal of any preliminary plat or improvement plan for the "C-2" (Service Commercial) zoned portion of the subject property, if required. A copy of the approved TIS shall be submitted to DSD with the application for preliminary plat on the "C-2" (Service Commercial) portion of the subject property.
15. Internal public roads shall be installed within the residential portion of the development and built to Golden Gate Highway District standards.
16. The proposed private "shared use access lane" that provides access to the commercial development shall be constructed to CCZO §07-10-03 private road and driveway requirements. A road user's maintenance agreement shall be recorded prior to the Board of County Commissioner's signature on the final plat pursuant to CCZO §07-10-03 B (3) which states:
  - Driveways serving two (2) properties and all private roads shall have a recorded road users maintenance agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The agreement shall also list any construction warranties applicable to the specific driveway or private road. Failure to maintain a previously approved driveway or private road shall be a

violation of this article subject to the enforcement procedures in [article 19 of this chapter](#).

**17. There shall be no direct access to State Highway 55 (Sunnyslope Rd.).**

**Fire Protection:**

**18. The requirements of Marsing Fire District shall be met.**

**Sanitary Sewer & Domestic Water:**

**19. The project shall utilize individual wastewater treatment systems and said systems shall meet Southwest District Health Requirements and standards.**

**20. If required by Southwest District Health Department, a nutrient pathogen study shall be submitted with the application for preliminary plat.**

**21. No commercial development will be permitted on the subject property until such time as the applicant has received approval for wastewater & domestic water from Southwest District Health Department and Idaho Department of Water Resources for the intended use.**

**22. The developer shall meet all requirements of Idaho Department of Water Resources for domestic water.**

Commissioner Dale noted that Condition #13 refers to two (2) inch caliper trees but it should be stated as two, 2-inch caliper trees; it also states that front yard landscaping shall be installed within six months, but he said landscaping should be installed within six months, or when appropriate, based on the time of the year.

The following people testified in support of the request:

TJ Wellard stated the applicant and his representatives have reviewed the development agreement, met with staff, and have covered everything that was discussed at the previous hearing. He has no objection to Commissioner Dale's point about landscaping being completed when the weather allows for it. Mr. Wellard said the late exhibits that have been submitted address a prior decision but the purpose of today's hearing is to review the development agreement.

The following people testified in opposition to the request:

Loyal Hulme is an attorney from Salt Lake City, Utah, who represents the Church of Jesus Christ of Latter Day Saints, who advised that he and Hethe Clark are serving as co-counsel and they want to some significant information on the record. The church owns a flourishing orchard immediately north of the property and it's critical to the welfare system of the church as the fruits that are grown there are distributed throughout the world. The church may have received notice of the hearing early on, but they are unable locate the notice that was claimed to be given. He was



provided information about today's hearing late Thursday night. They understand some things have gone under the bridge but are asking the Board to pause to evaluate the information because if this project goes forward it could be a significant impact to the County, the applicant, and the church as the adjacent property owner.

Commissioner White said the Board has not signed the written findings of fact, conclusions of law and order, but it did close public testimony and there was a two-to-one split vote approving the request. Deputy P.A. Zach Wesley said no final written decision has been issued, and under the County's ordinance we can entertain a motion to reopen the record to allow additional information. At the close of the last hearing the Board closed testimony and directed staff to work on the development agreement and the original intent of today's hearing is to discuss the conditions of approval, but given the request from Mr. Hulme, it is appropriate for the Board to entertain a motion on whether to reopen public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to reopen public testimony to allow the information.

Loyal Hulme said the church has a significant expensive investment that provides key food and other things throughout the world and they believe the impact of this adjacent development would be very significant. There is not a road between the two properties, the lane ends before it gets to the property where they would be putting commercial and residential use right next to the orchard. They were not at the table nor were they aware of the hearing notice. There have been representations in the record, but they are manifest misunderstandings that the church somehow supported or condoned the applicant's proposal, but they are absolutely opposed to this development and they urged the Board to stop it immediately. Because no facts have been made and no final decision has been made, they urged that no decision be made today unless it is to simply deny the application. Before a further decision is made the Board needs to evaluate all the facts as well as the verbal testimony and written communication they will provide. The church urged the Board to carefully review the P&Z Commission decision because it did an artful job of going through the true facts and finding against this application. Mr. Hulme has been a land use attorney for many years and throughout the United States on projects like this he has never seen a stronger comprehensive plan or zoning amendment process to favor agriculture than we have in Canyon County, but despite the strength of those, it seems for some reason we are now seeking an amendment to that and he pled with the Board to honor the plan and the zoning amendment process that's in place. Under the existing conditions in this area the applicant's plan must be denied, if not, they fear it will endanger years of precedent and risk in undermining the existing comprehensive plan and zoning amendment process that honors, respects, and upholds agriculture. They cannot see why in an agriculture community in this area at this time the County would allow a development of this nature and so it's important that we pause so they can meet with the applicant and see if there is something the church can do, and meet with the County to help appease the situation. Any effort to approve this any further will create a significant impact to the County, and the future precedent of how zoning will be interpreted. If this application is approved it will put commercial and residential use inexplicably, unconditionally, and in many ways an undefined use in the back of an orchard. They have all kinds of different farming techniques that are required with pesticides and all types of treatments, late night equipment running, and

large fans all of which will be at complete odds with a residential and commercial development right next door and it threatens the church's fruit trees. If the plan is allowed, they have a list of conditions they want considered, however, they do not believe they will mitigate the harm that will be created. Commissioner White said the project plans for farm worker housing which is agriculture related. Mr. Hulme disagreed and said the applicant is creative in trying to get it in the back door that way, but he doesn't think the County can say only ag-workers can live on the property, and just because they are ag workers doesn't mean they are lesser people or could be subjected to the risks, noises, and other problems associated with being located so closely to a functioning orchard. Regarding the noticing issue, Ms. Almeida said notice of the hearing was mailed to 50 East North Temple, Room 2225, in Salt Lake City. Mr. Hulme said the people who contacted him were not able to locate it, but they are still investigating where the notice went. They weren't aware until the rancher next door saw the notice. The church is very sensitive to farm housing and it does help to have it in the area, but it needs to be in areas that are designated residential, not in the middle of the farming orchards.

Hethe Clark, an attorney representing the Church of Jesus Christ of Latter Day Saints, said they agree with the position in the staff report and the recommendation of the P&Z Commission with regard to the fact that this application does appear to be inconsistent with the comprehensive plan and places these properties in conflict. The Canyon County Comprehensive Plan is famous for the number of times the words *prime agricultural land* show up. The policy of *support agricultural uses and protect agricultural lands from incompatible development* is ripe throughout the document. The plan speaks to ensuring that residential and commercial development is done in areas where services are or are likely. Population Goal No. 1, Economic Development Policy No. 1, and Land Use Goal No. 4 all speak to making sure services are available, but this property is not within an area of city impact, it's pretty far removed and it's unlikely there would be services. Residential development is to occur where agricultural uses are not viable, and this is clearly a viable agricultural area. They are concerned the proposal does not comply with the comprehensive plan, and that impact is exaggerated by not only putting the residential immediately adjacent to the orchard but creating a commercially zoned area there as well. It opens up a new C-2 zone which includes a wide list of uses that could go in. He does not believe the proposal satisfies any of the following factors: 1) Is it generally in conformance with the comprehensive plan. 2) Is the proposed land use more appropriate than the current comprehensive plan standards? 3) Is the proposed amendment compatible with surrounding land uses? 4) Have development trends changed such that this would be more appropriate. Mr. Clark said if the proposal goes forward the conditions of approval need to be beefed up, and page 9 of their letter to the Board outlines a number of conditions: Additional language in the CC&R's that would waive claims, and provides notice reminding people of the right to farm act; restrictions on the types of trees so they don't have issues with cross contamination; and setbacks to make sure there is adequate spacing. He said the harder item to deal with is the commercial component as the only real restriction on commercial is the traffic impact study. The Board needs to ask what happens if the TIS shows results the developer doesn't like. Does that allow them to move forward? Does the commercial designation get revoked? There are a lot of unanswered questions on the commercial side of things and so they are asking for a pause, and because there is no final decision, they think it is appropriate to make sure we get this right. Commissioner White said many of things the church

wants are in the conditions, a TIS being one of them. She questioned the request for a 100-foot setback and a 6-foot concrete wall. Mr. Clark said they are trying to create any kind of separation they can to allow people to co-exist. Commissioner Dale said on the concept plan the commercial portion does not border the orchard. Mr. Clark agreed, but said they are within 150 feet and so a lot of the same concerns will apply. When talking about commercial development one of the things is how much traffic will be generated and what will be the impact of people's ability to get out on the roads, how will tractors get on and off the road.

Darryl Ford stated he did not wish to testify but he asked that his written testimony be included in the record. He said he was unable to join the hearing via Webex so he missed the first portion of the hearing, but staff advised that the development agreement is posted on the land use hearings webpage and could be viewed there.

TJ Wellard offered rebuttal testimony and said what we have heard today isn't different than anything we've heard from the previous four hearings and it seems like with each postponement we hear more information on the same issues. It is the same information that's already been presented, but now it's being presented by high-powered attorneys. Residential is already adjacent to the church property and there is already commercial adjacent to the subject property south of where they are proposing commercial. At what point does someone's private property rights take over another person's property rights. With a six-foot concrete and a 100-foot buffer there it will reduce the lots by half and that doesn't make sense. Mr. Wellard it's wrong to pause this proposal. This is not a strict rezone, it's a conditional rezone restricted by conditions. The application has been in process for over a year and pausing it is wrong. He mailed a letter regarding the neighborhood meeting to the church to the same address Ms. Almeida noted and he did not hear from anyone about that letter.

Commissioner White said the Board requested screening around RV's and she asked about including screening around farm equipment. Mr. Wellard does not believe it will be an issue and said it was already stated that farm equipment will not be permanently located on the property because this is not a place where they will bring equipment home and work on it for their operation. Commissioner White is sensitive to the church's concern about the issue issues that could affect their fruit orchard, and although they would like a 6-foot cement wall she feels it's too aggressive for the area. The Board has asked for a 6-foot privacy fencing and she wants to know if that includes the north boundary. Mr. Wellard said they agreed to it for the neighbor to the northeast and between the commercial lots and they specified those lots. If the Board wants to add fencing along the north boundary the applicant and his representative can review that condition and if they have an issue with it they won't sign the development agreement. Commissioner White said she would like something on the north boundary. She also said the Board required two 2-inch caliper trees and she does not believe there will be a moth problem associated with those trees. It has been a long process and the Board has a large packet to review which includes new information that was received shortly before today's hearing and so she wants to leave the public testimony open and allow more time to review the information. Regarding the tree type, Commissioner Dale said there could be language in the development agreement that lists the type of trees that are not advisable or not allowed due to concerns about cross-pollination

or infestation of disease. The idea is that they would be decorative shade trees. Also, the time of year to do landscaping could be handled easily in the agreement as well. Commissioner Van Beek voted no at the underlying hearing but she finds merit in receiving additional information. The Sunnyslope area is a viticulture, agricultural region that has gained national recognition for the 16 wineries that are located in that area and it's beyond the scope of the expertise of this Board to decide what will or will not cross pollinate. It's a valid argument that anytime you introduce a non-compatible, non-conforming potentially conflicting use that there is going to be conflict in how to mitigate. She said it was previously put on the record that they would get to stage equipment on the property so she wants to review the minutes of the previous hearings regarding that statement. She spoke of how the Board needs to make carefully thought out and well-planned comprehensive decisions that meet our zoning ordinance and the comprehensive plan. She's in favor of rescheduling this hearing until the Board has had adequate time to review the information that's been provided. Commissioner Dale said we need to move this forward but he won't oppose giving time to make sure there has been an adequate review of the materials. There is a substantial well-developed subdivision to the west which also borders the orchard, and another one directly to the south of this development so he would not characterize this land as in the middle of farm country. There can be some compromises for the mitigation of the orchard and where the houses are placed on the lots could be adjusted so they are not on the back boundary. There hasn't been any information presented that would change his previous vote on this project. There have been some things brought forward by Mr. Hulme that deserve consideration but beyond that he is not going to oppose a time period to make that evaluation. Commissioner Van Beek said the subdivision that is nearby predates 1979, before the County had any real zoning or comprehensive guidelines and it has been the subject of numerous code enforcement issues and some mitigation issues out there. It's a nonconforming development. Commissioner White is troubled that the major landowner who is contiguous to the property did not have the time to comment on this request. Deputy P.A. Zach Wesley said Commissioner White's suggestion to keep the record open is important considering there is still a dialogue going on between the parties and staff, and when we come back again there will be a need for additional conversation about the conditions and leaving the record open for that purpose will be beneficial. Following testimony, Commissioner Dale made a motion to continue the hearing to August 4, 2020 at 2:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 4:02 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM

CALDWELL, IDAHO     JUNE 11, 2020

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

APPROVED CLAIMS ORDER NO. 6/15/20 AND 6/25/20

The Board of Commissioners approved payment of County claims in the amount of \$18,176.05 and \$145,860.91 For accounts payable.

EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Dimitri Morno, a computer network technician, in the Information Technology Department, and for Oneida De La Bretonne, the assistant director of misdemeanor probation.

APPROVED LIQUOR CATERING PERMITS

The Board approved liquor catering permits for Tricycle, LLC dba Eastside Tavern for use on June 27, 2020 and July 4, 2020.

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Maria Sarmiento dba Alondras Store. (See resolution no. 20-105.)

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:48 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manger Terri Salisbury, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2020-0805, 2020-0720, 2020-0721, 2020-0652, 2020-0719 and 2020-0723. 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. Liens were presented for Board signature. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER INDIGENT MATTERS

Then Board met today at 8:55 a.m. to consider indigent matters. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Case Manager Terri Salisbury, Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross.

The following cases meet the eligibility criteria for county assistance: 2020-310, 2020-467, 2020-420 and 2020-421. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue written approvals within 30 days.

Commissioner Van Beek made a motion to issue final denials with written decision within 30 days on case nos. 2020-301 and 2020-556. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to amend the initial determination of denial with written decision within 30 days on case no. 2020-154 so that it can be submitted to Ada County as the obligated county. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue case no. 2020-372 to July 30, 2020 and case no. 2020-9 to August 13, 2020.

The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-610

The Board met today at 9:07 a.m. to conduct a medical indigency hearing for case no. 2020-610. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Case Manger Terri Salisbury, Jonathan Yearsley and Erin Smith with Flahiff Funeral Chapel and Deputy Clerk Jenen Ross.

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

*Note for the record: As properly noticed the Board met today at 9:07 a.m. for a medical indigency hearings. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:29 a.m. with no decision being called for in open session.

Following the executive session and testimony Commissioner Van Beek made a motion to close testimony. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny the case. The hearing concluded at 9:47 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-263

The Board met today at 9:50 a.m. to conduct a medical indigency hearing for case no. 2020-263. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Timothy Ryan with St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the case and issue a written decision within 30 days. The hearing concluded at 9:54 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-233

The Board met today at 9:58 a.m. to conduct a medical indigency hearing for case no. 2020-233. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Attorney Mark Peterson for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the case to July 30, 2020. The hearing concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-284

The Board met today at 10:37 a.m. to conduct a medical indigency hearing for case no. 2020-284. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Lisa Buseth with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the case with a written decision

within 30 days. The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-487

The Board met today at 10:45 a.m. to conduct a medical indigency hearing for case no. 2020-487. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Lisa Buseth with St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the case to July 30, 2020. The hearing concluded at 10:45 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER INDIGENT MATTERS

The Board met today at 10:47 a.m. to consider indigent matters. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared for the following cases: 2020-294, 2020-475, 2020-524, 2020-482, 2020-281, 2020-302, 2020-361 and 2020-493. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials on the cases as read into the record with written decisions within 30 days. The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioners' Office.

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

Note for the record: As properly noticed the Board met today at 10:57 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 10:58 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Assessor Brian Stender, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox via teleconference, Deputy P.A. Dan Blocksom, Deputy P.A. Brad Goodsell and Deputy Clerk Jenen



Ross. The Executive Session concluded at 11:26 a.m. with no decision being called for in open session.

JUNE 2020 TERM

CALDWELL, IDAHO JUNE 12, 2020

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale, Vice Chairman  
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 \$8,200.00 for the Information Technology Department

#### MEETING TO DISCUSS 2020 CANYON COUNTY FAIR

Detailed minutes to follow

#### PUBLIC HEARING - REQUEST BY T-O ENGINEERS ON BEHALF OF REIN & LIESKE DOORNENBAL TRUST FOR A PRELIMINARY PLAT FOR GREEN HILLS LANDING SUBDIVISION, CASE NO. SD2018-0019

The Board met today at 11:03 a.m. to conduct a public hearing in the matter of a request by T-O Engineers on behalf of Rein & Lieske Doornenbal Trust for a preliminary plat for Green Hills Landing Subdivision, Case No. SD2018-0019. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, and Deputy Clerk Monica Reeves. Present via Webex: DSD Director Tricia Nilsson, DSD Director Dan Lister, Abbey Stover, Norm Brown, Pete Doornenbal, and Tyler Hess. Dan Lister gave the oral staff report. The applicant is seeking approval of a preliminary plat and irrigation and drainage plan for Green Hills Landing Subdivision. It's a 40-lot subdivision and it will be done in two phases. The property is south of purple sage road. This case came before the Board as a rezone to R-1 zoning with a restriction of no more than 40 lots on this property. The average lot size is 1.13 acres. Mr. Lister reviewed the technical aspects associated with the plat as well as agency comments. Staff recommends approval. On February 20, 2020, the P&Z Commission recommended approval subject to conditions. Mr. Lister responded to questions from the Board. Abbey Stover concurred that the applicants are in agreement with the highway district and the irrigation district regarding roadways and the irrigation lateral on the property. She said the layout presented today is the same layout that has been before the Board a few times now. Tyler Hess

testified that he is a partner on this with Spencer Kofoed to purchase this property and he has been working with Pete Doornenbal and Norm Brown and he believes they have done what's necessary to move forward. They will coordinate with engineers on the phasing and they will work to relocate the pipe to the west of the property this fall once the water is turned off. They have also been working with the highway district and they have plans to install a turn lane for Ranch Road. Pete Doornenbal testified that there is a test well on the property from the previous developer on the north side and it's marked with posts. Ms. Stover confirmed that it will be removed. Following testimony, Commissioner Dale made a motion to close public comment. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek said she had concerns on the first pass of this application due to agricultural and transportation issues; however, she likes the way it has come back. She believes the applicant and the developers have good intentions and she likes the work that has been put into this application. Following the Board's deliberation Commissioner Dale made a motion to authorize the Board to approve the preliminary plat for Green Hills Landing and to sign the findings of fact, conclusions of law, and order. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:26 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER COMPREHENSIVE PLAN TEXT AMENDMENT: IMPACT FEE STUDY AND CAPITAL IMPROVEMENT PLANS; CONSIDER ORDINANCE AUTHORIZING THE IMPOSITION OF DEVELOPMENT IMPACT FEES

The Board met today at 1:35 p.m. to conduct a public hearing to consider the following items:

- Consider a comprehensive plan text amendment adding appendix 3: Impact Fee Study and Capital Improvement Plans to the Canyon County 2020 Comprehensive Plan table of contents; and adding a policy adopting Capital Improvement Plans to Chapter 8 public services, facilities and utilities component; and adding a policy adopting a capital improvement plan to chapter 10 special areas, sites and recreation component; and adopting Capital Improvement Plans for the following fire districts; Nampa, Middleton, Caldwell, Star, Wilder, Kuna, Marsing; and adopting a Capital Improvement Plan for the Middleton Recreation District to appendix 3: impact fee study and Capital Improvement Plans to the Canyon County 2020 Comprehensive Plan.
- Consider an ordinance authorizing the imposition of development impact fees for the following fire districts; Nampa, Middleton, Caldwell, Star, Wilder, Kuna, Marsing; and an ordinance authorizing the imposition of development impact fees for the Middleton Recreation District.

Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, Deputy P.A. Zach Wesley, Controller Zach Wagoner, William F. Gigray, III, Anne Wescott from Galena Consulting, Steve Rhodes from Wilder Fire, Cleo Miller from

Nampa Rural Fire, Larry Stevenson and Deputy Clerk Monica Reeves. Present via Webex: Jennifer Kuhn, Mark Wendelsdorf, Richard Davies, Jake Astorquia, Tim O'Meara, Victor Islas, Andy Peterson, Greg Timinsky, Rachel Spacek from the Idaho Press-Tribune.

In February 2020, the P&Z Commission recommended approval. Director Nilsson said they have been working with the IT Department to reprogram the receipting functions to make sure the funds get disbursed to the districts. They will not be able to go live with that until August 1, and the County will charge an administrative fee for our time in administering that function. The impact fee committee met last week but they need another week to get their comments ready for the Board.

Zach Wesley said they are 95% of the way complete, there are a couple of items that still need to be finalized but today we can hear public comment and have a discussion and then get all the documents in place, provided the Board adopts the recommendation of the P&Z Commission.

Kate Dahl said the jurisdictions have already developed their capital improvement plans (CIP's) and impact fee studies, and the next step, which we are on now is to adopt the policies into the 2020 comprehensive plan to be able to adopt the impact fees as part of the appendix. Growth has come to Canyon County and everybody understands we need more public services and facilities to be able to accommodate this growth and everybody agrees the growth needs to pay for itself so this is the mechanism in order for that to happen. This is what would be added to the comprehensive plan: We have no amendments currently in the current comprehensive plan so it would just be a listing showing that. The second portion would be adding the appendix to the table of contents, and to chapter 8, public services, facilities, and utility component, we would add the policy Canyon County has adopted the following capital improvement plans to guide investments in utilities, infrastructure, public facilities and services and then with each of the fire districts plans called out with the date so we can keep track of each specific plan and when it was adopted: City of Caldwell Fire Department and Rural Fire District, Kuna Rural Fire District, Marsing Rural Fire District, Middleton Rural Fire District, City of Nampa Fire, Star Fire Protection District, and the Wilder Fire Protection District. The second policy would go into chapter 10, special areas, sites, and recreation and it would be Policy No. 8: Canyon County has adopted the following CIP to guide investments in recreational lands, facilities, and service areas and this would include the Middleton Parks and Recreation District's impact fee study. They will add the appendix with a summary statement in each of the capital improvement plans. Staff is recommending approval.

William F. Gigray, III is the attorney representing the districts in this matter. Galena Consulting was the consultant in putting all CIPs together with the advisory committees. With regard to the fees and the collection process, the way the ordinance is drafted and the statute provides it has to take effect 30 days after it's passed and they have worked it out so it will be published within that period so it would seem appropriate that the action the Board would take would be somewhere in that 30-day time window before preceding August 1 because otherwise you wouldn't be able to implement the ordinance. You cannot delay the effective date of an ordinance and in this instance we have a statute and the development impact fee law that says it will at that time so taking that action around the first part of July probably would be the appropriate step. He asked

if we are having the hearing on the ordinance itself or will that be delayed. Mr. Wesley said we are on the agenda for the ordinance which would include the imposition of the fees and we can have the conversation about the whole package – both the adoption of the CIP and the amendment to the comprehensive plan as well as comment on the adoption of the ordinance. We will have to wait on a vote on the ordinance, but we can do it sometime before the beginning of July. Mr. Gigray said the models for the fire districts are basically the same. With the one for the recreation district, the County will enter into an agreement with the City of Middleton which you can do for park and recreational facility impact fees which would be collected within the boundaries of that district, and then there's an inter-agency service agreement you can enter into, it's just a slightly differently different model but it accomplishes the same thing. With the ordinances there are three items which he sent to Mr. Wesley who will be looking at it to finalize and when we meet again in July it will be worked out.

Commissioner Van Beek asked questions pertaining to the fee amounts for the Greater Middleton Recreation Area District. Mr. Wesley said there are different government entities and districts using the same names, the City of Middleton has their own parks and recreation impact fee that is only applicable within the city limits, outside of that also exists the Greater Middleton Recreation Area and that is the district that is asking the Board to impose an impact fee. That district is within the unincorporated Canyon County, but also covers the City of Middleton and the way that would work is if you live in the district area and you had to get a building permit you would pay the impact fee. If you live in the City of Middleton and they have an impact fee for parks and recreation a builder would also pay that impact fee. Properties in both districts would have both impact fees to consider. Mr. Gigray said the County's ordinance will only cover impact fees collected within the unincorporated area of Canyon County that lies within the boundaries of the district. The City of Middleton will pass a similar ordinance and they will collect impact fees within the boundaries of the city. This CIP and facilities identified for this recreation district are different than the impacts the City of Middleton collects. This is not doubling up. Anne Wescott said there is no impact fee being charged within the area of impact in the unincorporated county by Middleton parks and recreation district right now. They have no fee, just property taxes. Middleton has a fee and she will confirm that the two CIP's are for entirely different capital because the city focuses on green grass and the district focuses on fields and recreational opportunities.

Cleo Miller, the Chairman of Nampa Rural fire District said the infrastructure is behind times and it's important that the new people coming in should pay for growth, not the ones who are already here.

Larry Stevenson asked what the County's impact fee committee recommended in this matter. Mr. Wesley said the advisory committee has a number of roles and duties as far as the impact fees go and their maintenance and one of those is to provide written comments to the Board regarding the CIPs and that's what they are finalizing for the Board. Director Nilsson said they met last week and prior to that they had copies of the CIPs and the draft ordinance. During their meeting there was only one comment, but they still want some time. She said they are not required to make a recommendation. State law says they can provide written comments. Mr. Wesley said the fire districts and the recreation district have implemented advisory committees which helped with the

development of the CIPs and through this adoption process will enter into intergovernmental agreements which will keep those committees alive and they will be subcommittees under the County's committee and work together to pass along information. Mr. Stevenson is encouraged that we have two commissioners who have experience with benefits outweighing the disadvantages of impact fees in Nampa. Taxpayers want to know why the County hasn't had impact fees already. We've had tremendous growth and it's strapping taxpayers. He appreciates Commissioner Van Beek's letter from September where the goal was to have growth pay for itself. He said we need to act on this, and we should have done this years ago. He said updating the amount of impact fee is very important and he asked if that will be included in the ordinance that they have to be updated every two years to keep up with growth. He said five years too long to wait. Commissioner White said the committees are required to meet once a year and give a report.

Director Nilsson spoke about how things are structured so they are transparent and how it is the duty of the impact fee committees and the jurisdictions to annually look and see if those assumptions need to be updated and once it's recognized there is an amendment it will go through the process. A CIP is not a wish list. You have to keep the numbers current and stay on top of that and it's expected that things will be amended over time as reviews are done annually.

Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Commissioner Dale made a motion to authorize the Board to approve the proposed comprehensive plan text amendment, Case No. OR2020-0001. The motion was seconded by Commissioner Van Beek and carried unanimously. (The hearing will be left open for the ordinance and inter-governmental agreements to be considered at later date.) Commissioner Dale made a motion to schedule another hearing for June 22, 2020 at 9:00 a.m. to readdress this issue of the impact fee ordinance and the resolution for the comprehensive plan amendment. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 2:36 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM  
CALDWELL, IDAHO     JUNE 15, 2020

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

COMMISSIONERS OFFICE STAFF MEETING AND CONSIDER SIGNING JUNE 15, 2020 AGENDA ITEMS

The Board met today at 8:32 a.m. for an office staff meeting and to consider signing the June 15, 2020 agenda items. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, DSD Director Tricia Nilsson via Webex, Deputy Clerks Jenen Ross and Monica Reeves. The items were considered as follows:

Director Nilsson requested the Board approve a building permit refund for Gary Tuttle due to the fact the property is located within the city limits, not the County. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to grant a refund to Gary Tuttle in the amount of \$370.

The Board considered an application requesting a change in the alcoholic beverage license for Jak\*s Place Neighborhood Grill. Commissioner Van Beek wants to find out if the City of Nampa has approved the license given its proximity to a church and school. The business already has a beer and wine license and they are adding liquor by the drink. The College of Western Idaho and the LDS church indicate they are in a neutral position on the license. The state has issued a license. In reviewing the accompanying paperwork Commissioner Dale said he found no legal reason to deny the application and then he made a motion to authorize the Board to sign the license to Jak\*s Place. The motion was seconded by Commissioner White. Commissioner Van Beek abstained. The motion carried.

Following the signing of the agenda items, the Board reviewed this week's schedule and the upcoming board of equalization hearing process. The Board will schedule a time to meet with the Assessor's Office for a discussion regarding the notification process for BOE hearings. There was also discussion about the facilities director's plans to talk with the Board about installing Plexiglas in the Commissioners' Office area. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR METRO COMMUNITY SERVICES

The Board met today at 10:02 a.m. to discuss the Fiscal Year 2021 preliminary budget request for Metro Community Services. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Grant Jones with Metro Community Services and Deputy Clerk Jenen Ross. Mr. Jones spoke about the services they provided over the past year and some of the challenges they've faced in light of the COVID-19 virus. In response to a question from Clerk Yamamoto, Mr. Jones addressed grants that they've received and how the halting of some of the services affected some of their funding. This year the organization is requesting \$125,000 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 10:31a.m. An audio recording is on file in the Commissioners' Office.

Agenda Amendment at 10:07 a.m. on June 15, 2020: ACTION ITEM – Consider extending COVID-19 Emergency Declaration

#### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR NATION SERVICE PROGRAMS OF JANNUS

The Board met today at 10:35 a.m. to discuss the Fiscal Year 2021 preliminary budget request for National Service Programs of Jannus. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Melissa Radloff with National Service Programs of Jannus and Deputy Clerk Jenen Ross. Ms. Radloff spoke about the volunteers and training for the volunteers for the different programs. She provided a handout illustrating the funding partners and the economic impact her programs have on the community. This year the organization is requesting \$15,000 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 10:52 a.m. An audio recording is on file in the Commissioners' Office.

The Board signed the emergency declaration extending the proclamation and declaration, until July 15, 2020 unless the Board authorizes the continuance or termination of such declaration.

#### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR TREASURE VALLEY PARTNERSHIP

The Board met today at 10:53 a.m. to discuss the Fiscal Year 2021 preliminary budget request for Treasure Valley Partnership. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Bill Larson with Treasure Valley Partnership and Deputy Clerk Jenen Ross. Mr. Larson spoke briefly about the SAUSA program. This year the organization is requesting \$5,918 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER EXTENDING COVID-19 EMERGENCY DECLARATION

The Board met today at 1:26 p.m. to consider extending the COVID-19 Emergency Declaration. Present were: Commissioners Pam White and Tom Dale, PIO Joe Decker, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross. Commissioner White read a note from Chief Deputy P.A. Sam Laugheed as follows: *I believe the extension is legally necessary and that there is no legal reason to not execute the declaration. In fact, I believe there to be no downside and tremendous advantage by extending the local disaster emergency.* Commissioner Dale made a motion to amend the agenda to include the action item of consider extending COVID-19 Emergency Declaration. The motion was seconded by Commissioner White and carried unanimously. Ms. Wendelsdorf said this is a 30-day extension of the emergency declaration and she agrees it should be extended as she is still purchasing PPE for the county and other necessities in preparation of the fall. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to extend the COVID-19 emergency declaration. Further discussion ensued

regarding surge numbers, testing and what surrounding states are seeing as far as numbers. The meeting concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM

CALDWELL, IDAHO JUNE 16, 2020

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

#### APPROVED LIQUOR CATERING PERMITS

The Board approved liquor catering permits for Tricycle, LLC dba Eastside Tavern for use on July 4, 2020, and for Parma Ridge Wine & Spirits Co., LLC dba Parma Ridge for use on June 25 2020.

#### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Intermountain Management, LLC dba Fairfield Inn & Suites. (See resolution no. 20-108.)

#### 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. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter left at 9:18 a.m., Deputy P.A. Dan Blocksom left at 9:11 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:18 a.m., Lt. Ray Talbot left at 9:06 a.m., Controller Zach Wagoner left at 9:11 a.m., and Deputy Clerk Jenen Ross. Participated via Webex: Assessor Brian Stender, Appraisal Supervisor Greg Himes and Assessor Office Manager Jennifer Loutzenhiser.

Consider accepting grant award from the Office of Justice Programs of the Department of Justice for the Canyon County COVID-19 Emergency Response Project: Lt. Talbot said the county has been awarded the supplemental funding grant for \$52K. Those funds will be used to purchase UV lights for Sheriff's facilities and for inmate care related to COVID. Board authorization will allow the county to accept the funds. Mr. Blocksom said he's reviewed the document and confirmed with Controller Wagoner that everything within the grant can be complied with. Commissioner Dale made a motion to authorize the chairman to sign the grant award from the Office of Justice Programs of the Department of Justice for the Canyon County COVID-19 Emergency Response Project. The motion was seconded by Commissioner Van Beek and carried unanimously.



***Resolution classifying records of the Canyon County Prosecuting Attorney's Office and authorizing the imaging and/or destruction of certain civil case files/records:*** Mr. Blocksom reviewed the file types they plan to destroy, which are lined out in the resolution. Commissioner Dale made a motion to sign the resolution classifying records of the Canyon County Prosecuting Attorney's Office and authorizing the imaging and/or destruction of certain civil case files/records. The motion was seconded by Commissioner Van Beek for discussion. Mr. Blocksom said his understanding of this resolution is to completely destroy the files, there would be no digital copy. He also clarified that these are civil files, not criminal, and are files that have not been needed or looked at by his office for at least 5 years. After discussion, a vote was taken and the motion carried unanimously (see resolution no. 20-110).

***Consider signing a resolution declaring certain property as not necessary for county use and for the exchange of property:*** Mr. Porter said the Sheriff's Office would like to take guns that are used, but not obsolete, and trade them for weapons that would be of better use. Chief Dashiell said they are working on upgrading their firearms inventory. They've found a vendor that has given them a really good price and will take in older weapons for trade-in. Through the exchange process there will be an approximate \$5600 savings. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of property (see resolution no. 20-109).

***Consider signing Treasurer's tax charge adjustment by PIN for May 2020:*** Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustment by PIN for May 2020.

***Consider application for casualty loss tax exemption for Catherine Berthold under Idaho Code 63-602X:*** Commissioner Dale said he's reviewed the document and it looks like the home sustained fire damage and the adjustment takes the taxable value from \$118,000 to \$40,000 which is the value of the land. Mr. Himes added that the \$40,400 is with a homeowner's exemption. The amount to be exempted is \$77,600. Commissioner Van Beek asked about this being a rental property vs. their primary residence. The document notes that the property is rented and Commissioner Dale asked how they can receive a homeowner's exemption if it is not their primary residence. The Assessor's Office will do some recalculation and bring this application back at a later time for Board consideration.

The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT

The Board met today at 9:32 a.m. to discuss the Fiscal Year 2021 preliminary budget request for Western Alliance for Economic Development. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Tina Wilson for the WAED and Deputy Clerk Jenen Ross. DSD Director Tricia Nilsson participated via Webex. Ms. Wilson provided a draft budget and spoke about public and private sector funding along with grant monies

they are looking to obtain. She also reviewed the projects the WAED has been working on. This year the organization is requesting \$27,650 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2020 TERM

CALDWELL, IDAHO JUNE 17, 2020

PRESENT: Commissioner Tom Dale, Vice Chairman  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

ABSENT: Commissioner Pam White, Chair

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HP, Inc., in the amount of \$20,750.00 for the Information Technology Department

#### APPROVED CLAIMS ORDER NO. 6/25/20

The Board of Commissioners approved payment of County claims in the amount of \$110,826.66 for accounts payable.

#### MEETING TO CONSIDER SIGNING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER FOR THE APPEAL BY KENNETH SMART OF AN ADDRESS CHANGE; CASE NO. RD2019-0028-APL

Commissioner Van Beek went on the record today at 9:02 a.m. noting that a quorum was not present at this time. The meeting will be continued to 11:00 a.m. today. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER SIGNING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER FOR THE APPEAL BY KENNETH SMART OF AN ADDRESS CHANGE; CASE NO. RD2019-0028-APL

#### MEETING WITH THE DIRECTOR OF FACILITIES TO DISCUSS UPGRADES TO THE COMMISSIONERS' OFFICE RECEPTION AREA

The Board met today at 9:33 a.m. with the Director of Facilities to discuss upgrades to the Commissioners' Office reception area. Present were: Commissioners Tom Dale and Leslie Van Beek, Facilities Director Paul Navarro and Deputy Clerks Monica Reeves and Jenen Ross. Director Navarro gave a review of the concept to put in a store front at the Commissioners' Office reception area. He provided an auto cad concept of what the changes would look like along with a spreadsheet of the cost (both documents are on file with this day's minutes). Discussion ensued regarding the changes and options for upgraded security. Commissioner Van Beek is in favor of the changes but would like to see further discussion once Commissioner White is available, additionally, she would like to seek input from the office staff. Based on the conversation Director Navarro will gather some additional information for when Commissioner White is back in the office. The meeting concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH ASSESSOR TO DISCUSS BOARD OF EQUALIZATION PROCESSES

The Board met today at 11:04 a.m. with the Assessor's Office to discuss Board of Equalization processes. Present were: Commissioners Tom Dale and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Assessor's Office Manager Jennifer Loutzenhiser, Deputy Clerks Monica Reeves and Jenen Ross. The processes discussed included the option to use Webex for virtual hearings and applicant hearing notification. Due to concerns surrounding COVID-19 it was decided that Webex would be offered as an option for hearings this year. Discussion ensued regarding the noticing of protest hearing times, for logistical purposes the Assessor's Office will be notifying property owners of their hearing time and the Commissioners' Office will continue to receive the calls confirming withdrawal of applications. The meeting concluded at 11:55 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR CANYON SOIL CONSERVATION DISTRICT

The Board met today at 1:33 p.m. to discuss the Fiscal Year 2021 preliminary budget request for the Canyon Soil Conservation District. Present were: Commissioners Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Lori Kent, Tate Walters, Mike Summerville, Dave Dixon, Bob McKellip, Mike Swartz for the Canyon Soil Conservation District and Deputy Clerk Jenen Ross. A PowerPoint presentation was given showcasing the services the district provides. This year the organization is requesting \$15,000 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 1:50 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR BOISE VALLEY ECONOMIC PARTNERSHIP

The Board met today at 1:52 p.m. to discuss the Fiscal Year 2021 preliminary budget request for the Boise Valley Economic Partnership. Present were: Commissioners Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Clark Krause with BVEP and Deputy Clerk Jenen Ross. Mr. Krause reviewed the projects they've been involved with over the past year. This year the organization is requesting \$10,000 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2020 TERM

CALDWELL, IDAHO     JUNE 18, 2020

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

#### APPROVED CLAIMS ORDER NO. 6/25/20

The Board of Commissioners approved payment of County claims in the amount of \$110,826.66 for accounts payable.

#### APPROVED CLAIMS ORDER NO. 2019

The Board of Commissioners approved payment of County claims in the amount of \$1,623,180.75 for County payroll.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HP, Inc., in the amount of \$4,208.00 for the Information Technology Department
- Positive Promotions in the amount of \$33,131.85 for the Sheriff's Office/Emergency Management

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Tokasha Huskey, an employee in the Coroner's Office.

#### MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:51 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale and Deputy Clerk Jenen Ross. Case no. 2020-0700 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision within 30 days. Liens were presented to the Board for signatures. The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

#### INDIGENT MATTERS

The Board met today at 8:58 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Deputy P.A. Brad Goodsell, Deputy P.A. Tyler Powers and Deputy Clerk Jenen Ross.

Case nos. 2020-332, 2020-506, 2020-388 and 2020-534 do not meet the eligibility criteria for county assistance or have been withdrawn by the hospital. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record.

Continues

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to continue the cases as follows with written decisions within 30 days.

- Case no. 2020-365 continued to August 13, 2020
- Case no. 2020-363 continued to August 27, 2020
- Case no. 2020-309 continued to September 24, 2020
- Case no. 2020-131 continued to August 13, 2020

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue final approvals with written decisions within 30 days on case nos. 2020-508 and 2020-222.

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

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-259

The Board met today at 9:08 a.m. to conduct a medical indigency hearing for case no. 2020-259. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell, Deputy P.A. Tyler Powers, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Timothy Ryan for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to continue the case to August 13, 2020. The hearing concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

## INDIGENT MATTERS

The Board met today at 9:21 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Deputy P.A. Brad Goodsell, Deputy P.A. Tyler Powers and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared for case no. 2020-480 and upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue a final denial with written decision within 30 days.

Neither the hospital nor the applicant appeared for case no. 2020-532 and 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.

The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:03 p.m. to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor's Office Manager Jennifer Loutzenhiser left at 2:10 p.m., Assessor Brian Stender and Appraisal Supervisor Greg Himes participated via Webex and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a new alcoholic beverage license to 4T Sports Bar:*** Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to 4T Sports Bar (see resolution no. 20-111).

***Consider granting casualty loss tax exemption for Catherine Berthold under Idaho Code 63-602X:*** This application was before the Board previously but needed to be revised to remove the homeowner's exemption. The house incurred fire damage and now has a taxable net value of \$80,800. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to grant the casualty loss tax exemption for Catherine Berthold under Idaho Code 63-602X.

***Consider resolution appointing Tammy Dittenber to the Canyon County Mosquito Abatement District Board of Trustees:*** Commissioner Van Beek noted for the record that Ms. Dittenber had been previously interviewed for this position. This appointment is to complete the term of Reece Verner who has retired from the Board. Commissioner White said she has spoken with Ms. Dittenber and she is excited to serve. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution appointing Tammy Dittenber to the Canyon County Mosquito Abatement District Board of Trustees (see resolution no. 20-112).

The meeting concluded at 2:14 p.m. An audio recording is on file in the Commissioners' Office.

### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR THIRD DISTRICT YOUTH COURT

The Board met today at 2:32 p.m. to discuss the Fiscal Year 2021 preliminary budget request for the Third District Youth Court. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Criminal P.A. Chris Topmiller, Tina Freckleton and Deputy Clerk Jenen Ross. Ms. Freckleton gave a breakdown of their budget, spoke about the allocation of Millennium Funds away from diversion programs, such as the Third District Youth Court, and provided a review of the way the program works and their success rate. The organization did not request a specific amount but have left it to Board discretion. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR WESTERN IDAHO COMMUNITY CRISIS CENTER

The Board met today at 3:06 p.m. to discuss the Fiscal Year 2021 preliminary budget request for the Western Idaho Community Crisis Center. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Nikki Zogg and Tim Hoekstra, Cristina Froude via Webex and Deputy Clerk Jenen Ross. Nikki Zogg, Tim Hoekstra and Cristina Froude gave a review of sustainability progress, achievements of the year and recommendations for improvements. This year the organization is requesting \$29,140 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 3:29 p.m. An audio recording is on file in the Commissioners' Office.

### MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR CANYON RECOVERY COMMUNITY CENTER

The Board met today at 3:30 p.m. to discuss the Fiscal Year 2021 preliminary budget request for the Canyon Recovery Community Center. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Aaron St. George, Hayden Senna, Don Schultz, Chris Carter and Deputy Clerk Jenen Ross. Mr. St. George, Mr. Senna and Mr. Schultz gave a review of the services they were able to provide last year. This year the organization is requesting \$158,536 in county funding. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 3:52 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 6/25/20

The Board of Commissioners approved payment of County claims in the amount of \$42,682.77 and \$101,457.46 for accounts payable.

MEETING TO DISCUSS FY2021 PRELIMINARY BUDGET REQUEST FOR ADVOCATES AGAINST FAMILY VIOLENCE

The Board met today at 9:35 a.m. to discuss the Fiscal Year 2021 preliminary budget request for Advocates Against Family Violence. Present were: Commissioners Pam, White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, AAFV Executive Director Kim Deugan, Tricia Lofton, Accountant Marina Mendoza, and Deputy Clerk Monica Reeves. Ms. Deugan reviewed the organization's statistical and budget information. This year the organization is requesting \$75,000. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

FY2021 PRELIMINARY BUDGET MEETING WITH THE NAMPA FAMILY JUSTICE CENTER

The Board met today at 10:04 a.m. for a FY2021 preliminary budget meeting with the Nampa Family Justice Center. Present were: Commissioners Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Criselda De La Cruz and Jeannie Strohmeyer with Nampa Family Justice Center and Deputy Clerk Monica Reeves. Ms. De La Cruz and Ms. Strohmeyer gave an overview of the services the organization provides to the community. This year they are requesting \$25,000 for FY2021. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS FY2020 PRELIMINARY BUDGET REQUEST FOR COMPASS

The Board met today at 10:46 a.m. to discuss the Fiscal Year 2021 preliminary budget request for COMPASS. Present were: Commissioners Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Executive Director Matt Stoll (via Webex), and Deputy Clerk Monica Reeves. Director Stoll reviewed the proposed membership dues and noted this year they are requesting \$114,775 from Canyon County. The amount represents an increase of \$5,181 over last year's amount and is based on the County's increase in population. Controller Wagoner said the



amount represents a 5% increase and he asked if that is consistent with a 5% increase in the COMPASS budget year over year. Director Stoll said the only increase they've had is the growth increase, and they are always looking for opportunities to drive down their costs. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 11:01 a.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2020 TERM

CALDWELL, IDAHO JUNE 22, 2020

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

#### APPROVED CLAIMS ORDER NO. 6/25/20

The Board of Commissioners approved payment of County claims in the amount of \$1,116.00, \$2,814.00, \$4,684.00 \$16,298.00, \$68,027.76, \$99,023.84, and \$266,053.74 for accounts payable.

#### APPROVED LIQUOR CATERING PERMIT

The Board approved a liquor catering permit for Moad, LLC dba O'Michael's Pub & Grill for use on June 27, 2020.

#### CONTINUATION OF PUBLIC HEARING - COMPREHENSIVE PLAN TEXT AMENDMENT: IMPACT FEE STUDY AND CAPITAL IMPROVEMENT PLANS AND CONSIDER ORDINANCE AUTHORIZING THE IMPOSITION OF DEVELOPMENT IMPACT FEES

The Board met today at 9:01 a.m. for a continuation of the public hearing regarding the comprehensive plan text amendment: impact fee study and capital improvement plans, and to consider an ordinance authorizing the imposition of development impact fees. Today's hearing was continued from June 12, 2020. Present were: Commissioners Pam White, Tom Dale, Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, Controller Zach Wagoner, William F. Gigray, III, and Deputy Clerk Monica Reeves. Present via Webex: Via Webex: Mark Wendelsdorf and Victor Islas.

Zach Wesley said the testimony portion of the hearing was left open to receive written comment from the advisory committee. Director Nilsson said she did not hear back from anyone on the advisory committee; they chose not to submit any written comments.

William F. Gigray, III, the attorney representing the fire districts and the Greater Middleton Area Recreation District, gave an update on the negotiations with Zach Wesley. He said they are in total agreement on the ordinance and on the intergovernmental agreements for the seven (7) fire districts, but he wants to hold on the Greater Middleton Area Recreation District because they need additional time to work out some of the administrative details of the trust account that would be established for the parks and recreation fees and they need to work with the County Controller and the Treasurer for the City of Middleton Treasurer. The best thing would be to remove article 3 from the ordinance the Board previously reviewed and then just go with the rest of it which they have worked out. He has asked to meet with the Controller, the PA, and Chris Yorgason the city attorney for the City Middleton and the city Treasurer, and representatives from the recreation district to work out some of the actual logistics.

Mr. Wesley said they have backed everything up from the first draft and our ordinance now is a general ordinance, a structure or the Board to impose development impact fees and that is the first article of chapter 11 and article 2 is the fire districts, and article 3 was the recreation district and he pulled that from the draft we have for signatures this morning. Commissioner Van Beek said the lowest impact fee per square foot is Nampa at 28 cents and the highest for Marsing at 62 cents. Director Nilsson said the impact fee itself is an output of the formula, so to say why there's a difference is because there's a different list of projects and costs than the respective CIP's. There is a great difference of development forecasts between those two districts where you have less development forecast, the higher the fee you will have.

Mr. Gigray said all of the fire districts will be approving the intergovernmental agreement but we have held on that until we had a final one that the Board approved. It will be on everybody's agenda this coming regular meeting which will occur prior to this ordinance going into effect. They had to add the administrative fee. When they impose and collect the fee the County will retain the \$15 administrative fee for each building permit and remit the difference and so they had to have wording in the agreements that the districts would then reimburse that amount and place it in the trust account so the impact fees are not deducted for something we cannot do. The City of Middleton is going to take action on the impact fees for parks and recreation on August 5, and they will be able to have their meeting and have this worked out in that period of time. He asked the Board to table the other things and they will do a notice again when the Board amends the ordinance to include the article 3 when it's ready.

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

Commissioner Dale made a motion to authorize the Board to sign the resolution which is entailing a comprehensive plan text amendment adding appending 3: Impact fee study and Capital Improvement Plans to the Canyon County 2020 Comprehensive Plan table of contents; and adding a policy adopting Capital Improvement Plans to Chapter 8 public services, facilities and utilities component; and adding a policy adopting a capital improvement plan to chapter 10 special areas, sites and recreation component; and adopting Capital Improvement Plans for the following fire

districts; Nampa, Middleton, Caldwell, Star, Wilder, Kuna, Marsing; and adopting a Capital Improvement Plan for the Middleton Recreation District to appendix 3: impact fee study and Capital Improvement Plans to the Canyon County 2020 Comprehensive Plan. The motion was seconded by Commissioner Van Beek and carried unanimously. (Resolution No. 20-113.) The findings of fact, conclusions of law, and order were also approved.

Mr. Wesley said there are seven intergovernmental agreements with the fire districts. The primary distinction between the drafts and the finalized ones today is the administrative fee that has now been worked out. The agreements are very similar in structure, the only difference between them is Nampa and Caldwell - where there is a city involved - having a third-party in there because those rural fire districts operate inside the city limits and also in the unincorporated county so there are three parties to those agreements. Commissioner Van Beek made a motion to sign the intergovernmental agreement and joint powers agreement for the collection and expenditure of development impact fees for the following fire districts: Nampa Fire Protection District, Middleton Rural Fire District, Caldwell Rural Fire Protection District, Star Fire Protection District, Wilder Rural Fire Protection District, Kuna Rural Fire District, and Marsing Rural Fire District. The motion was seconded by Commissioner Dale and carried unanimously. (Agreement Nos. 20-088, 20-089, 20-090, 20-091, 20-092, 20-093, and 20-094).

Commissioner Dale made a motion to authorize the Board to sign an ordinance authorizing the imposition of development impact fees for the following fire districts: Nampa, Middleton, Caldwell Star, Wilder, Kuna and Marsing. The motion was seconded by Commissioner Van Beek and carried unanimously. (Ordinance No. 20-018.) The summary for publication was approved along with the ordinance.

Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to postpone action on the following items:

- Intergovernmental agreement and joint powers agreement with the City of Middleton for the development of joint plans for capital improvements and to collect and expend development impact fees for parks and recreational facilities system (Greater Middleton Area Recreation District)
- Inter-agency contract for parks and recreational facilities system (City of Middleton/Greater Middleton Area Recreation District)
- The establishment of impact fees for the Middleton Recreation District

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

## CONSIDER SIGNING JUNE 22, 2020 AGENDA ITEMS

The Board met today at 9:32 a.m. to consider the June 22, 2020 agenda items scheduled for 9:30 a.m. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, GIS Technician Kyle McAllister, and Deputy Clerk Monica Reeves. The items were considered as follows:

**Consider signing development agreement for HFC, LLP; Case no. RZ20109-0031** - The Board already had the hearing on the rezone development agreement and we were waiting for the applicant, Mr. Coles, to sign it and now it's ready for the Board's signature. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the development agreement for HFC, LLP, Case No. RZ2019-0031. (Agreement No. 20-095.)

***Consider signing the findings of fact and conclusions of law and order for the appeal by Kenneth Smart of an address change*** - Commissioner Van Beek said those who initially opposed the address change are happy with the work Director Nilsson has done so kudos to her and her staff for being able to work that out, recognizing there are still changes to be made, but it was a good compromise. She then made a motion to sign the findings of fact, conclusions of law, and order for the appeal by Kenneth Smart for an address change, Case No. RD2019-0028-APL. The motion was seconded by Commissioner Dale and carried unanimously.

***Consider signing alcoholic beverage new license for Fast Mart*** - Upon the motion of Commissioner Dale, and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Fast Mart. (Resolution No. 20-114.)

The meeting concluded at 9:38 a.m. An audio recording is on in the Commissioners' Office.

Detailed minutes to follow:

PUBLIC HEARING TO CONSIDER A REQUEST BY JOHN CARPENTER FOR APPEAL OF A CONDITIONED APPROVAL OF A HOME BUSINESS; CASE NO. AD2020-0029APL

This hearing was rescheduled to August 5, 2020 at 2:00 p.m.

MEETING WITH FARMER'S CO-OPERATIVE DITCH COMPANY REGARDING REQUEST FOR SUPPORT  
Signed letter of support

JUNE 2020 TERM

CALDWELL, IDAHO JUNE 23, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Hanson Janitorial in the amount of \$15,783.40 for the Sheriff's Office

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

The Board met today at 8:31 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, Captain Mike Armstrong left at 8:50 a.m., DSD Director Tricia Nilsson left at 9:25 a.m., Planner Dan Lister left at 9:25 a.m., Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell left at 8:50 a.m., Weed and Gopher Control Superintendent AJ Mondor left at 8:59 a.m., Facilities Director Paul Navarro left at 8:41 a.m., Deputy P.A. Brad Goodsell, Deputy P.A. Mike Porter left at 8:50 a.m., Deputy P.A. Tyler Powers left at 8:59 a.m., Deputy P.A. Dan Blocksom, Chief Deputy Assessor Joe Cox, Assessor Brian Stender left at 8:57 a.m., Controller Zach Wagoner left at 8:41 a.m., HR Generalist Demi Etheridge, Assessor's Office Manager Jennifer Loutzenhiser, Appraisal Supervisor Greg Himes, Landfill Director David Loper arrived at 8:40 a.m. left at 9:10 a.m., Outdoor Recreation Planner Laura Barbour via Webex left at 8:37 a.m., Parks Director Nicki Schwend via Webex, EOM Christine Wendelsdorf arrived at 8:45 a.m. left at 8:50 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Idaho Department of Parks and Recreation grant agreement form for the RV Improvement project at Celebration Park:*** The grant amount is \$444,125 with a match of \$24,583 and will be used to make improvements to the RV area at Celebration Park; they will be working with a contractor on the improvements. Ms. Barbour reviewed the improvements that will be made and Director Schwend spoke about how the match amount is accounted for. Controller Wagoner said the majority of this work will happen in 2021 so match funding will be accounted for in the FY2021 budget. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Idaho Department of Parks and Recreation

grant agreement form for the RV Improvement project at Celebration Park (see agreement no. 20-096).

***Consider signing commercial lease agreement with Snake River Properties:*** Director Navarro explained that this is for the warehouse space at Industrial Way where surplus county property is kept along with various other paperwork and items are stored. This warehouse space has been used by the County for 10 years and this is just a renewal of the lease. Mr. Wesley said it is a yearly renewal with a 2% increase each year. The yearly cost to lease the space is approximately \$39,000. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the commercial lease agreement with Snake River Properties (see agreement no. 20-097).

***Consider signing Memorandum of Understanding between the State of Idaho Military Division Public Safety Communications and Canyon County for tower access:*** Chief Dashiell explained how the use of this tower came to be and what it's used for. The agreement and use have been in place for 3-4 years and their equipment is just mounted on the county tower. Mr. Blocksom said that language was added to the MOU clearly stating that they are responsible for their equipment and the county is responsible for county equipment. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the MOU between the State of Idaho Military Division Public Safety Communications and Canyon County for tower access (see agreement no. 20-098).

***Consider signing resolutions designating obsolete personal property (dispatch equipment; mobile and portable radios) with no monetary value for the Canyon County Sheriff's Office:*** Chief Dashiell explained that over the past 5 years the Sheriff's Office has been working to upgrade equipment. This equipment is at end of life and has been deemed obsolete. It is not of any use to any other agency and will be destroyed. Mr. Powers said the equipment is of no value, under \$250, and conducting an auction or trying to sell the equipment would not be cost effective. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolutions designating obsolete personal property with no monetary value for the Canyon County Sheriff's Office. See resolutions 20-115 (mobile and portable radios) and 20-116 (dispatch equipment).

***Consider signing agreement for Noxious Weed Control between Idaho Transportation Department and Canyon County Weed Control:*** Superintendent Mondor said this is the same agreement as last year and this service takes some burden off the state and lets the county control the weeds as they see fit. Mr. Mondor spoke about how this can be somewhat dangerous and the safety precautions they take. Mr. Powers confirmed there are no changes to the contract this year. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the agreement for Noxious Weed Control between Idaho Transportation Department and Canyon County Weed Control (see agreement no. 20-099)

***Consider signing cooperative agreement for Gopher Control between Idaho Transportation Department and Canyon County Gopher Control:*** This is also an annual agreement and there are no changes to the contract this year. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the cooperative agreement for Gopher

Control between Idaho Transportation Department and Canyon County Gopher Control (see agreement no. 20-100).

***Fiscal Year 2020 Pickles Butte Landfill Monitoring Well Abandonment Project Solicitation of Bids:*** Mr. Goodsell gave a review of the project stating that the landfill had to drill a new monitoring well but the old one needs to be capped for contamination reasons. Tetra Tech has said there are only a few contractors in the region who can do this work and the solicitation will be sent directly to the 3 contractors and posted on the county website. It is expected that bids will be under \$100K. Director Loper said this is the final part of the PB4 well project and explained the reasons behind the project and what will happen as far as monitoring moving forward. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Fiscal Year 2020 Pickles Butte Landfill Monitoring Well Abandonment Project Solicitation of Bids. A copy of the solicitation is on file with this day's minutes.

***Consider signing written findings of fact, conclusions of law and order regarding the appeal by Dan Woodruff of the decision which granted a CUP to Granite Excavation, Inc.; Case no. 2019-0007- APL:*** Mr. Wesley reviewed the procedural history of the case and what is included in the FCOs. Commissioner White made a motion to sign the written findings for fact and conclusions of law and order regarding the appeal by Dan Woodruff of the decision which granted a CUP to Granite Excavation, Inc.; Case no. 2019-0007-APL. The motion was seconded by Commissioner Dale and carried unanimously.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner 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 Assessor Joe Cox, Office Manager Jennifer Loutzenhiser, Administrative Supervisor Greg Himes, Deputy P.A. Brad Goodsell, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, HR Generalist Demi Etheridge and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:54 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.

CALDWELL, IDAHO    JUNE 24, 2020

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

APPROVED CLAIMS ORDER NO. 6/25/20

The Board of Commissioners approved payment of County claims in the amount of \$13,935.94 for accounts payable.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JAMES AND LINDA ADAMOWSKI

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:00 a.m. to conduct a property tax assessment protest hearing for James and Linda Adamowski, account no. 31077239 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Appraiser Ken Allen, Residential Supervisor Holly Hopkins, Office Manager Jennifer Loutzenhiser via Webex, Other Assessor's Office staff, James and Linda Adamowski and Deputy Clerk Jenen Ross. Linda Adamowski offered testimony in support of the protest application. Greg Himes, Ken Allen and Holly Hopkins offered testimony on behalf of the Assessor's Office. Following testimony and Board discussion Commissioner Dale made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR HUTER LAND INVESTMENTS LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:33 p.m. to conduct a property tax assessment protest hearing for Huter Land Investments LLC, account no. 30481010 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender left at 2:34 p.m. Appraisal Supervisor Greg Himes, Residential Supervisor Holly Hopkins, Rural Supervisor Roger Craig, Rural Appraiser Kyla Austin, Rural Appraiser Gerri Tallabas left at 2:00 p.m., Office Manager Jennifer Loutzenhiser via Webex, Steve Onofrei arrived at 1:39 p.m., Jake Smith via Webex joined at 1:41 p.m. and left at 2:15 p.m., Michael Huter and Deputy Clerk Jenen Ross. Greg Himes, Roger Craig and Kyla Austin offered testimony on behalf of the Assessor's Office. Michael Huter offered testimony on behalf of his protest. Following testimony and Board deliberation, Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Dale. A roll call vote was taken with Commissioners White



and Dale voting in favor and Commissioner Van Beek voting against. The motion carried in a 2-to-1 split vote. The hearing concluded at 2:39 p.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2020 TERM

CALDWELL, IDAHO     JUNE 25, 2020

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

#### APPROVED MARCH 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of March 2020 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.

#### CONSIDER SIGNING A RESOLUTION GRANTING A NEW ALCOHOL BEVERAGE LICENSE TO 2C WINE DOWN

The Board met today at 8:45 a.m. to consider an alcoholic beverage license (beer and wine) for 2C Wine Down, LLC. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Alejandro Zamora who is the owner of 2C Wine Down, and Deputy Clerk Monica Reeves. Commissioner Dale reviewed the application and said there are no red flags of anything that would prohibit granting the license, and then he made a motion to approve the new license for 2C Wine Down. The motion was seconded by Commissioner Van Beek and carried unanimously. (Resolution No. 20-117.) The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER INDIGENT DECISIONS

The Board met today at 8:52 a.m. to consider decisions. Present were: Commissioners Pam White and Tom Dale, Case Manager Terri Salisbury, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to issue initial denials with a written decision to be issued in 30 days for the following cases: Case

Nos. 2020-800, 2020-799, and 2020-893. The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

FISCAL YEAR 2021 PRELIMINARY BUDGET REQUEST FOR THE CANYON COUNTY COMMUNITY CLINIC

The Board met today at 9:03 a.m. to discuss the FY2021 preliminary budget request for the Canyon County Community Clinic. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, clinic representatives Steve Davis, Rick Tivis, and Barbara Howard, as well as Deputy Clerk Monica Reeves. Barbara Howard and Steve Davis reported on the clinic's services as well as their expansion plans to serve more people in Canyon County. The organization is requesting \$75,000 in County funding for FY2021. There was a brief discussion about how the clinic would be impacted if County funds were not available to them. No Board action was required or taken. The meeting concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 9:38 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a records exempt from public disclosure and attorney-client communication, communicate with the legal counsel regarding pending/imminently likely litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:*

Commissioner Dale made a motion to go into Executive Session at 9:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:10 a.m. with no decision being called for in open session.

BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR ADLER AB OWNER IX, LLC, AND X, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:11 a.m. to conduct a property tax assessment protest hearing for AB Adler Owner IX, LLC and AB Adler Owner X, LLC, Account Nos. 12642506 0, 12642507 0, 12642516 0, and 12912000 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Appraisal

Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraisers Darryl Speiser and Sam Stone, Mandana Tarr with Adler AB, and Deputy Clerk Monica Reeves. Present via Webex: Greg Ruddell, Michael Band, Jake Smith, and Andrea Rosholt. Mandana Tarr offered testimony in favor of the protest application. Mike Cowan offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to uphold the Assessor's value on Account Nos. 12642506 0, 12642507 0, and 12642516. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to uphold the Assessor's value on Account No. 12912000 0. The hearing concluded at 10:58 a.m. An audio recording is on file in the Commissioner's Office.

BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR 3900 OVERLAND, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:59 a.m. to conduct a property tax assessment protest hearing for 3900 Overland, LLC, Account Nos. 32504100 0 and 32504101 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraisers Sam Stone and Darryl Speiser, David Cadwell and Deputy Clerk Monica Reeves. Present via Webex: Greg Ruddell, Michael Band, Jake Smith, and Andrea Rosholt. David Cadwell offered testimony in favor of the protest application. Darryl Speiser and Mike Cowan offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to adjust the total assessed value presented at \$1,265,680 to an 11% reduction bringing the new adjusted assessed amount to \$1,126,455. The hearing concluded at 11:26 a.m. An audio recording is on file in the Commissioner's Office.

BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR TWIN ISLANDS, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:32 a.m. to conduct a property tax assessment protest hearing for Twin Islands, LLC, Account Nos. 04082000 0, 31223011 0, and 35336000 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraisers Sam Stone and Darryl Speiser, David Cadwell and Deputy Clerk Monica Reeves. Present via Webex: Greg Ruddell, Michael Band, Jake Smith, and Andrea Rosholt. Michael Band and Greg Ruddell offered testimony in favor of the protest application. Sam Stone and Mike Cowan offered testimony on behalf of the Assessor's Office. Mr. Stone said they are currently in litigation and these are the same arguments that have occurred at the Board of Tax Appeals for several facilities and the Assessor's Office has hired an expert to go through the district court cases and they are following his approach with their income approach. Commissioner Dale said given that these issues are being argued in court presently he would not want to rule on anything we have

been presented with today until after we hear the court cases and how they are resolved. He then made a motion to uphold the Assessor's values on all three properties, Protest Nos. 20013, 20014, and 20015. The motion was seconded by Commissioner Van Beek and carried unanimously. Michael Band said he wants to hear the County's presentation and understand the values for 2020 because those values are not subject to litigation at this time. Sam Stone offered to call Mr. Band and have a conversation with him and discuss it further. Mr. Band prefers to have the presentation made on the record. Mike Cowan said it's complicated and there are several issues where they differ in opinion, but the issues are the same whether it's 2018, 2019 or 2020 values. Commissioner Dale said the disposition of the court case will determine how we move forward and we need to wait for that court case to be resolved and then we can move forward with rest of it. Commissioner Van Beek supports that position. In response to a question from Mr. Band, Sam Stone said there are no comparable sales in the printed materials at this time and then he read this statement into the record: *"Per the Canyon County Prosecuting Attorney's Office, the following sales comp slides can only be shown in executive session."* Mr. Band wants to be provided with that information via email. Mr. Cowan said that will be up to the Prosecuting Attorney's Office or outside counsel to determine that. Mr. Stone said the information will be forthcoming via a response to Greg Ruddell's public records request. Mr. Band objected because he wants to hear the County's presentation on 2020 values which are not subject to litigation. Commissioner White noted that the motion to uphold the values carried. The hearing concluded at 12:07 p.m. An audio recording is on file in the Commissioner's Office.

#### ELECTED OFFICIALS MEETING TO DISCUSS COVID-19 UPDATES

The Board met today at 1:33 p.m. with elected officials to discuss COVID-19 updates. Present were: Commissioners Tom Dale and Leslie Van Beek, Commissioner White participated via conference call, Clerk Chris Yamamoto, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Coroner Jennifer Crawford, Treasurer Tracie Lloyd via conference call, DSD Director Tricia Nilsson, EOM Christine Wendelsdorf, PIO Joe Decker, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Director of SWDH Nikki Zogg, Mayor Kling participated via conference call and Deputy Clerk Jenen Ross.

Christine Wendelsdorf said they are seeing a surge in cases, 54 new cases were reported in Canyon County yesterday. She will be working with the EOC team next week to restructure things and with the health district to mitigate and streamline the situation and the response to handling. She has placed a PPE order 40K surgical masks and 100 thermometers; once that is received she will start getting it out to departments. A lot of masks will be going to the courts as jury trials are going to be starting soon. Several departments are placing individual orders but Ms. Wendelsdorf would like to be the one to order all the PPE, with Board approval, as she can get quantity pricing. Additionally, it will be easier to keep track of for reimbursement. Since the CARES money has to be tracked thru the county most fire departments will have to come thru the county and Ms. Wendelsdorf has been meeting with the area fire chiefs about this. Sheriff Donahue reiterated that information needs to flow thru Ms. Wendelsdorf.

Ms. Zogg said that District 4 has seen an increase in cases, they reported over 100 cases yesterday and thus have shut down their bars/nightclubs as that is where a lot of cases were coming from. A lot of the Canyon County cases are coming from family gatherings and work environments. As of last week there was one long term care facility that had exposure, there are now seven. They have identified gaps in needs with hospitals and long-term care facilities and Ms. Zogg spoke about how the facilities are handling the containment of the illness. Conversation ensued regarding the correlation between increased testing and the percentage of positive tests. Emergency department and hospitalizations are low at this time and ICU beds are moderate. Per Governor Little's announcement, phase 4 will be extended by a couple weeks and is leaving protocols to the health districts. SWDH Board's approach will be more educational so that people are informed on their level of risk and personal responsibility. In taking an educational approach they have identified some data-points in helping assist decisions and Ms. Zogg reviewed what they look at. In response to a question from Mr. Laugheed, Ms. Zogg clarified some of the terms such as probable, positive and asymptomatic and how they track and monitor those cases. Mr. Laugheed expressed the importance of using terms correctly amongst county officials to make sure everyone is on the same page. Sheriff Donahue and Mr. Laugheed spoke about how to balance office health with office performance, personal health, people taking advantage, and trying to determine who really needs to stay home or who can come in with a face covering. Ms. Wendelsdorf thinks each situation probably needs to be handled on a case-by-case basis.

Mayor Kling spoke about some misunderstandings that have happened surrounding hospitals and returning confirmed positive patients back to facilities and the logistics of that. She would like to move forward in identifying a location within Canyon County for COVID positive patients. She understands that St. Alphonsus has established a COVID hospital in Boise.

At the request of Sheriff Donahue, Mayor Kling said the Recovery Lodge in Nampa has been discussed and would be a great location for COVID positive long-term care patients but there are questions about funding and how/who it be operated by. She hopes the discussion will be actively pursued to identify how the facility could be funded.

Ms. Zogg spoke about the long-term care facilities, Karcher Estates in particular. They have a backup facility where they can send positive patients, however, the people who live in the assisted living have a choice, they rent that space and it's their home. They've been offered to move to the Twin Falls location in order to get better/proper care but they can't make a resident move. The other issue the care facility is facing is that they don't have a medical director and are not able to provide medication to residents. Ms. Zogg said they do have a liaison within the district who is working with the Department of Health and Welfare as they oversee the regulations within long-term care facilities. Additionally, there is also a statewide taskforce that is specific to long-term care facilities and they are working to connect with them about the needs and gaps that have been identified. Mayor Kling asked if a report could be provided showing where progress is at. She is also curious as to how Twin Falls was able to get their facility set up. Sheriff Donahue would like to see a separate meeting to discuss a care facility.

Sheriff Donahue said IDOC has a confirmed case. There are a lot of protocols in place and so far there are no confirmed cases in our jail. Pod 6 is at 50% capacity; at this point they are only using the east end. It is still capable to be used as a fall back facility for isolation units. He had hoped to have the work release program restarted by the end of the month but he may pause that as he's worried it may increase exposure. The same sort of trends are being seen nationally, higher population jails are having much higher numbers.

Commissioner Dale said that BOE is in full swing and Webex is being used for hearings.

Clerk Yamamoto had planned on opening passports a month ago but hasn't because they haven't opened at the federal level.

Controller Wagoner said that for FY2021 the county could levy \$63M in property tax per the formula that is followed. Based on the formulas Canyon County is eligible for approximately \$11.2M in property tax relief. Mr. Wagoner gave a rough estimate of how this would impact the average property tax payer in Canyon County. Discussion ensued regarding the impact this could have and it was decided this topic may be good for an additional meeting time.

Prosecutor Taylor said courts will be starting up soon and jury notices are being sent out. Felony trials are set to begin in August. Discussion was had about where the responsibility lies for providing PPE to the courts. Commissioner Van Beek asked if the TCA could be invited to the next meeting.

Clerk Yamamoto made a motion to adjourn the meeting.

The meeting concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR M GUTHRIE

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:03 p.m. to conduct a property tax assessment protest hearing for M Guthrie, account no.12642514 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen, Shannon Dearing on behalf of M Guthrie via Webex, Neil Wolfe on behalf of Packaging Corporation of America via Webex, Keri Smith-Sigman and Deputy Clerk Jenen Ross. Ms. Dearing offered testimony in support of the protest application. Mike Cowen offered testimony on behalf of the Assessor's Office. Following testimony and Board deliberation, Commissioner Dale made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Van Beek for discussion. Following discussion a vote was taken and the motion carried unanimously. The hearing concluded at 3:21 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR PACKAGING CORPORATION OF AMERICA

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:22 p.m. to conduct a property tax assessment protest hearing for Packaging Corporation of America, account no. 31201000 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen , Neil Wolfe on behalf of Packaging Corporation of America via Webex, Keri Smith-Sigman and Deputy Clerk Jenen Ross. Mr. Wolfe offered testimony in support of the protest application. Mike Cowen offered testimony on behalf of the Assessor's Office. Following testimony and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:37 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM  
CALDWELL, IDAHO     JUNE 26, 2020

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

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- GTS Interior Supply in the amount of \$1,649.00 for the Facilities Department

#### APPROVED LIQUOR CATERING PERMIT

The Board approved a liquor catering permit for Moad, LLC dba O'Michael's Pub & Grill for use on July 11, 2020.

#### BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR BLAINE JACOBSON/JACOBSON NAMPA, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:00 a.m. to conduct a property tax assessment protest hearing for Blaine Jacobson/Jacobson Nampa, LLC, Account Nos. 30993000 0, 13358000 0, 31093000 0, and 31104013 0. Present were: Commissioners Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraisers Sam Stone and Darryl Speiser, Blaine Jacobson, and Deputy Clerk Monica Reeves. Present via Webex: Greg Ruddell,

Michael Band, David Smith, Dawn Houghton, and Janet Mills. Blaine Jacobson offered testimony in favor of the protest applications. Sam Stone and Darryl Speiser offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to uphold the Assessor's value on Protest No. 20002 (Account No. 30993000 0.) Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to set the value at \$480,000 for Protest No. 20003 (Account No. 13358000 0.) Commissioner Tom Dale arrived at 10:22 a.m. (He did not participate in the hearings for Protest Nos. 20002 or 20003.) Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to uphold the Assessor's value on Protest No. 20020 and 20021 (Account No. 31093000 0 and 31104013 0.) Commissioner Dale abstained on the vote. The hearing concluded at 10:42 a.m. An audio recording is on file in the Commissioner's Office.

#### BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR LEO TAYLOR

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:43 a.m. to conduct a property tax assessment protest hearing for Leo Taylor, Account No. 20463000 0. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraisers Sam Stone and Darryl Speiser, Assessor Brian Stender, Leo Taylor, and Deputy Clerk Monica Reeves. Present via Webex: Greg Ruddell, Michael Band, Dawn Houghton, and Janet Mills. Leo Taylor offered testimony in favor of his protest application. Darryl Speiser and Greg Himes offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Van Beek and second by Commissioner Dale, the Board voted unanimously to grant the agricultural exemption on the portion of land that has been identified by the Assessor's office where cattle are grazing regarding Protest No. 20132 (Account No. 20463000 0), with information to be brought back to the Board once that area has been determined. The hearing concluded at 11:06 a.m. An audio recording is on file in the Commissioner's Office.

#### BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR EMBASSY, INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:08 a.m. to conduct a property tax assessment protest hearing for Embassy, Inc., Account No. 33917000 0. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Sam Stone, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Present via Webex: Greg Ruddell, Michael Band, Dawn Houghton, and Janet Mills. Chief Deputy Assessor Joe Cox (arrived at 11:38 a.m.) Greg Ruddell and Michael Band offered testimony in favor of the protest application. Sam Stone, Mike Cowan, and Greg Himes offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to uphold the Assessor's value on Protest No. 20127 (Account No. 33917000 0.) The hearing concluded at 11:49 a.m. An audio recording is on file in the Commissioner's Office.



BOARD OF EQUALIZATION – PROPERTY TAX ASSESSMENT PROTEST HEARING FOR CTI/SSI FOOD SERVICES, INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:51 a.m. to conduct a property tax assessment protest hearing for CTI/SSI Food Services, Inc., Account Nos. 62222137 0 and 36764010 0. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraisers Sam Stone, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, and Deputy Clerk Monica Reeves. Present via Webex: David Smith and Dawn Houghton. David Smith offered comments on behalf of CTI/SSI and Joe Cox offered comments on behalf of the Assessor's Office. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to uphold the Assessor's value on Protest No. 20082 and 20083 (Account Nos. 62222137 0 and 36764010 0.) The hearing concluded at 11:51 a.m. An audio recording is on file in the Commissioner's Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR BETHEL

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:33 p.m. to conduct a property tax assessment protest hearing for Bethel, account no. 02748000 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox, Office Manager Jennifer Loutzenhiser, Commercial Supervisor Mike Cowen, Appraiser Darryl Spieser, Appraiser Sam Stone, Appraiser Kevin Sorensen, Imaging Specialist Helena Thompson via Webex, Timothy St. George for Bethel, David Smith for Pivot Block via Webex, Jason Mau and Michael Shepard via Webex for Neighborhood Housing Services Inc. and Deputy Clerk Jenen Ross. Timothy St. George offered testimony in support of the protest application. Joe Cox and Jennifer Loutzenhiser offered testimony on behalf of the Assessor's Office. Following testimony and Board discussion Commissioner Van Beek made a motion to reinstate the exemption. The motion was seconded by Commissioner White for comment. A vote was taken and the motion carried in a unanimous vote. The meeting concluded at 2:13 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR NEIGHBORHOOD HOUSING SERVICES INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:14 p.m. to conduct a property tax assessment protest hearing for Neighborhood Housing Services Inc., account no. 34327538 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox, Office Manager Jennifer Loutzenhiser, Commercial Supervisor Mike Cowen, Appraiser Darryl Spieser, Appraiser Sam Stone,

Appraiser Kevin Sorensen, Imaging Specialist Helena Thompson via Webex, David Smith for Pivot Block via Webex, Jason Mau and Michael Shepard via Webex for Neighborhood Housing Services Inc. and Deputy Clerk Jenen Ross. Mr. Mau offered testimony in support of the protest application. Jennifer Loutzenhiser and Joe Cox offered testimony on behalf of the Assessor's Office. Following testimony and Board discussion Commissioner Dale made a motion to uphold the Assessor's valuation and non-exempt status. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 2:42 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR PIVOT BLOCK LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:43 p.m. to conduct a property tax assessment protest hearing for Pivot Block LLC, account no. 13415012 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen, Appraiser Darryl Spieser, Appraiser Sam Stone, Appraiser Kevin Sorensen, David Smith for Pivot Block via Webex and Deputy Clerk Jenen Ross. David Smith offered testimony in support of the protest application. Darryl Spieser and Mike Cowen offered testimony on behalf of the Assessor's Office. Following testimony and Board discussion, Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 3:11 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION MATTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:12 p.m. to consider Board of Equalization matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen, Appraiser Darryl Spieser, Appraiser Sam Stone and Deputy Clerk Jenen Ross.

Settlement adjustments were made to the following accounts:

62222135 0 Sorrento Lactalis Inc.  
30424000 0 Sorrento Lactalis Inc.  
37640000 0 Davis, Christopher  
32847177 0 Cox, Joseph  
24691000 0 Hastriter, Daniel  
24690000 0 McCann, Barrett  
24689000 0 MDK Family Trust  
24689000 0 MDK Family Trust  
35307000 0 VVP I LLC  
22589104 0 TV Hotels Inc.  
12075000 0 Bell-Garner Ricky Limous

34150010 0 Ethington, Steve  
34150010 0 Ethington, Steve  
34150010 0 Ethington, Steve  
34150010A0 Ethington, Steve  
34150010A0 Ethington, Steve  
32791010 0 Endurance Holdings LLC  
32791010 0 Endurance Holdings LLC  
23660000 0 Idaho Horse Therapy Inc.  
23660000 0 Idaho Horse Therapy Inc.  
23660000 0 Idaho Horse Therapy Inc.  
23660000 0 Idaho Horse Therapy Inc.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to accept the adjustments. The meeting concluded at 3:14 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM  
CALDWELL, IDAHO      JUNE 29, 2020

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

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Right! Systems, Inc., in the amount of \$9,734.00 for the Information Technology Department

#### APPROVED LIQUOR CATERING PERMITS

The Board approved liquor catering permits for Raising Our Bar, LLC dba Raising Our Bar for use on July 3, 2020, July 10, 2020, July 18, 2020, July 19, 2020, July 20, 2020, July 22, 2020, July 24, 2020, and July 25, 2020, at Still Water Hollow.

## FILE TREASURER'S MONTHLY REPORT IN MINUTES

The Board filed the Treasurer's monthly report for the period of May 1, 2020 through May 31, 2020.

## COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:39 a.m. An audio recording is on file in the Commissioners' Office.

## BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR U-SAVE STORAGE LLC AND CITY DEVELOPMENT INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:00 a.m. to conduct a property tax assessment protest hearing for U-Save Storage LLC and City Development Inc., account nos. 24368000 0 and 07540500 0. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen, Commercial Appraiser Sam Stone, Commercial Appraiser Kevin Sorensen, Commercial Appraiser Darryl Spieser arrived at 9:16 a.m., Andrea Rosholt, Jake Smith and Michael Band via Webex on behalf of U-Save Storage LLC and City Development Inc. and Deputy Clerk Jenen Ross. Andrea Rosholt offered testimony in support of the protest applications. Sam Stone and Mike Cowen offered testimony on behalf of the Assessor's Office. Following testimony and Board discussion, Commissioner Dale made a motion to uphold the value on both protests. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

## BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JOY JOHNSON

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:50 a.m. to conduct a property tax assessment protest hearing for Joy Johnson, account no. 02661010A1. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen, Commercial Appraiser Sam Stone and Deputy Clerk Jenen Ross. Greg Himes spoke about an email received from Ms. Johnson on June 26, 2020 requesting her value be upheld as they are trying to determine if a septic system can be installed on the lot. Commissioner Van Beek made a motion to uphold the value. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2020 TERM  
CALDWELL, IDAHO JUNE 30, 2020

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale, Vice Chairman  
Commissioner Leslie Van Beek  
Deputy Clerk Jenen Ross

APPROVED CLAIMS ORDER NO. 2020

The Board of Commissioners approved payment of County claims in the amount of \$1,696,870.90 for County payroll.

APPROVED CLAIMS ORDER NO. 7/10/20

The Board of Commissioners approved payment of County claims in the amount of \$115,281.10 and \$40,178.41 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HP, Inc., in the amount of \$4,208.00 for the Information Technology Department

APPROVED LIQUOR CATERING PERMITS

The Board approved liquor catering permits for Parma Ridge Wine & Spirits Co., LLC, dba Parma Ridge for use on July 2, 2020, July 9, 2020, July 16, 2020, July 23, 2020, and July 30, 2020 at Red Top Market.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR AMALGAMATED SUGAR CO. LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:30 a.m. to conduct a property tax assessment protest hearing for Amalgamated Sugar Co. LLC, account nos. 62222153 0, 30977000 0, 31032000 0, 31296000 0, 30976000 0, 31281000 0, 30991010 0,

30977010. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowen, Commercial Appraiser Kevin Sorensen, Commercial Appraiser Sam Stone arrived at 9:32 a.m. and Deputy Clerk Jenen Ross. No one appeared on behalf of Amalgamated Sugar Co. LLC. Joe Cox offered testimony requesting the protest be upheld allowing additional time for dialog between the parties. Commissioner Dale made a motion to uphold the value on each account. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION MATTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:42 a.m. to consider a Board of Equalization matter. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender, Administrative Supervisor Greg Himes and Deputy Clerk Jenen Ross. Assessor Stender and Mr. Himes said a motion was made on the protest application for Leo Taylor, parcel no. 20463000 0 in a previous hearing (hearing date was June 26, 2020) but that is was in suspension awaiting the revised appraisal values. The protest was presented to the Board for signature with the adjusted values noted. The protest form is on file with the minutes for June 26, 2020. The meeting concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF JUNE 2020 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CANYON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Commissioner Leslie Van Beek

\_\_\_\_\_  
Commissioner Tom Dale

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Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: \_\_\_\_\_, Deputy Clerk

DRAFT