

MARCH 2021 TERM  
CALDWELL, IDAHO MARCH 1, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 571907 to 571956 in the amount of \$81,340.64

#### MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. to conduct the first community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Larry Olmsted, Claudia Frent, Frank Phillips, Darryl and Sheila Ford, Ron Harriman, Kathy Alder, Larry Stevenson, other interested citizens, and Deputy Clerk Monica Reeves. Citizens offered the following comments:

Larry Olmsted gave comments regarding the jail situation which he believes has been handled poorly because the Board does not get enough citizen input and every few years everybody talks about the fear and safety concerns, but there is no way to fund it without going for taxes. He said the Board needs to look at alternative financing particularly impact fees. He referred to the May 16, 2019 guest opinion article written by Commissioner Van Beek where she spoke about the jail and the "how-to" and rather than saddling taxpayers with the total cost which will raise taxes, she suggested the Board of Commissioners exercise creative financing options like reallocating urban renewal dollars, expiring tax incentives allocating a percentage of new construction towards the debt service and supplementing those with other identified revenue sources to get the annual payment amount to cover the debt service. He agrees that the Board needs to explore other financing options and couple those options with a smaller bond by limiting new amount of property tax imposed on residents. Mr. Olmsted said nobody disputes we need a new jail, but we don't need to spend \$187 million. The Board needs to establish a capital improvement fund and make it "non-pilferable".

Frank Phillips wants to gather information on how conditional use permits are issued, voted on, and how to terminate them in the future. Commissioner Smith suggested he speak with the Development Services Department for more information, and then she explained the CUP process the County follows.

Claudia Frent believes the process is broken because if the P&Z Commission determines something is going to be given a CUP, it doesn't really matter how well prepared you are or how much

evidence you have; it's difficult to reverse a CUP. She also spoke of her desire to learn more about the role of the Commissioners because we are treading into very different times and she wants to know that her local government has her back when the federal government doesn't have her back in terms of the COVID pandemic and the requirement for masks, shutdowns, and vaccines. She said the role of government is to uphold the Constitution and our rights, not protect our health. She believes the government has overstepped its bounds and now we are at the middle ground and we will determine which way our country goes. She wants to know if she is going to have freedom or is she going to die enslaved. Commissioner Smith said Canyon County has done a good job this past year; we are meeting in a room and no one was forced to wear a mask. Leadership in the cities did not shut businesses down, we have low unemployment rate and businesses are thriving. This afternoon the Board will consider the extension of the COVID-19 emergency declaration and that will be a good opportunity for the community to show and express whether they want to it to continue. Do we want to be tied to the federal dollars that may be coming? She was one of the champions that said don't shut us down and don't take away our rights. We will do everything we can to make sure the community continues with its rights. Ms. Frent spoke about the financial impacts her family as a small business owner has suffered in the last year and how she's been kicked out of places for not wearing a mask. She believes the federal government is taking a toll on our lives and it's chipping away at the freedoms in the country.

Ron Harriman, the chairman of the Concerned Citizens of Canyon County Committee, presented a position paper the committee has created with regard to the jail and the need for fiscal responsibility. It's the Board's duty to establish an impact fee for future jails, but what we have is a tent and steel trailers both of which are temporary, however, impact fees cannot be used to construct those two facilities. You have to put up a bond to replace them. He said the committee has provided three stages of construction designed by professional jail designers that have looked at this issue many times. He said we do not need to continue with "hair-brained ideas" to keep people in jails. He's looked at impact fees and they will be high, but you need to do it anyway. Growth must pay for itself – the County will not be able to pass a bond. According to Me. Harriman they are in the process of getting the bill through and prepared for property tax relief in the county and through the state. Commissioner Van Beek said the Board has been pursuing impact fees for transportation and for fire and safety and once they are implemented impact fees for public safety will be a logical step.

Kathy Alder spoke about her concerns with the County budget. In the past budgets have gone through without a lot of questioning and she appreciates Commissioner Van Beek because she asks good questions. Adjustments can be made without increasing taxes or budget. She appreciates the Board not taking COVID money. Commissioner Smith said the Board has talked about a new process for the budget and it will be rolled out before the budget season. Commissioner Van Beek spoke of her pride in organizing the first-ever Power Plan (budget software) training. She wants a list of what we are going to fund this year for capital improvements. She believes funding of the employee compensation plan has taken the place of service and there is room for the Commissioners to be involved since they have the statutory authority for it. There needs to be greater accountability and transparency to citizens.

Larry Stevenson thanked Commissioner Smith for the refreshing change in citizen involvement. He said he spoke at a townhall meeting about creating financing where Commissioner Van Beek talked about \$100 million coming down the pike through the sunset of the Caldwell Urban Renewal District, and he would like to see that money dedicated for capital improvements. Do not put it one pot and spend it. If our priorities are a jail that would be a big percentage of the money. He looks forward to creative financing options so that taxpayers are not burdened with more bonds. He asked what the Board's position is on property tax incentives given to new business that erodes the tax base. Commissioner Van Beek and Commissioner Smith responded to tax incentive questions and said we need to tie incentives to high-paying jobs and increase the medium household income. Mr. Stevenson said the plan is to expand and develop commerce, but it's not the role of the government to pick winners and losers and that's what we are doing because we are penalizing existing businesses because they have to make up that deficit in taxes. He wants to know who enforces the provision on wage requirements for the companies who receive the exemption? Commissioner Smith said she will look into that question. Mr. Stevenson said the committee is heavily involved in impact fees and property tax reform and it's a difficult process and if we work together and have enough voices we will be heard. He proposes the County have two citizens serve on the employee compensation committee. Commissioner Van Beek said she's heard pay and performance are not tied and that does not work for her, but the compensation committee is something she is working on and acknowledged that change happens slowly. There needs to be a reasoned discourse: citizens first, then the Board of Commissioners and elected officials, and department heads.

Sheila Ford spoke about the Constitution being the owners' manual for the country and how those who have taken charge of the government in Washington do not respect the Constitution. She said we need commissioners to pre-emptively pass ordinances to protect citizens, and noted that a well-regulated militia is necessary to the security of a free state - the right of the people to keep and bear arms shall not be infringed. We don't need a Supreme Court to tell us what is unconstitutional. County Commissioners need to protect citizens. She also wants the Board to end the emergency declaration because there is no emergency.

Commissioner Van Beek said there was discussion six months ago about being able to declare Canyon County a sanctuary for certain things like churches where they would remain open and there is the ability to declare the right to bear arms and keep our churches going. We need to look to see if we can create a boundary against some of those federal things. Commissioner Smith said it's sad because we should never have to put extra measures in place to protect the Constitution. The number one way to effect change is through community involvement.

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

ELECTED OFFICIALS MEETING TO DISCUSS STATE OF THE COUNTY PRESENTATION

The Board met today at 10:03 a.m. with elected officials to discuss the State of the County presentation. Present were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto (left at 10:27 a.m.), Assessor Brian Stender, PIO Joe Decker, Claudia Frent and Frank Phillips and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the purpose behind the State of the County presentation is to highlight the great things that were done in 2020. The Board has asked their department administrators to compile information which has been done and shared with Mr. Decker and the Board would love input from the other elected officials. She doesn't think there needs to be a big presentation but more of an annual type report for 2020 presented on a website and/or with a short video which could also include what can be expected for 2021. She has seen some annual reports done by other communities that feature the amazing things done by local government and the impact it makes. She would like to see something that isn't overwhelming but has some brief highlights such as how the budget is managed, public safety and outreach. She feels the county needs to do a better job of sharing the work being done.

Commissioner Van Beek thinks that in the end this would help Commissioners understand where their tax dollars are going. Some of the areas she'd like to see highlighted include an outline of projects that were funded in the current budget including on-going marketing, expansion of the landfill, management of county parks and improvements made to the gun range.

Assessor Stender spoke about some deadline changes in his office last year and how they've navigated those changes along with meeting other deadlines. In response to Commissioner Van Beek's question he spoke about property tax increases and conversations being had in relation to the homeowner's exemption.

Commissioner Smith said the community needs to hear that the county understands their concerns. She would like to see the Sheriff share his successes in keeping COVID numbers at a minimum in the jail and his strategies in working with the Prosecuting Attorney and judges on controlling the jail population.

Sheriff Donahue asked Mr. Decker to send out what he has so far so that the other elected officials know what the Board is looking for. In response to the Sheriff's question about a timeline, Commissioner Smith said she would like to see it wrapped up by the end of the month. Assessor Stender said they still have a lot of time-consuming projects going on that need their attention. Commissioner Smith explained the Board is only looking for highlights, the public doesn't want to read pages of information.

Commissioner Van Beek noted that if there is a video done she would like to see it displayed on the monitors at the entry of the courthouse.

The Board asked the Sheriff, Clerk and Assessor to have information to Mr. Decker within the next couple weeks. The Board will reach out to the Treasurer, Coroner and Prosecuting Attorney asking them to provide some highlights.

Discussion ensued regarding timing for future years. Consensus of the Board is to wait until after the legislative session so that it can be shown how legislative decisions impact local government.

The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY C10 INVESTMENTS, LLC FOR APPROVAL OF A PRELIMINARY PLAT FOR HIPWELL ESTATES, CASE NO. SD2020-0014

The Board met today at 11:07 a.m. to conduct a public hearing to consider a request by C10 Investments, LLC, for approval of a preliminary plat for Hipwell Estates, Case No. SD2020-0014. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. Greg Hipwell participated via Webex: Greg Hipwell. Julianne Shaw gave the oral staff report. The applicant is requesting approval of a preliminary plat, Hipwell Estates, an eight-lot subdivision with the current zoning of "RR" (Rural Residential). The project includes one common lot. It was initially submitted as a short plat but due to hillside constraints that was not permitted. Ms. Shaw reported on agency comments and suggested conditions of approval. The P&Z Commission has recommended approval of the request. Ms. Shaw responded to questions from the Board following her report. Greg Hipwell testified they will follow the fire department's guidance and doing weed abatement in the spring to mitigate the fire risk. There is only enough water for the ½ acre of land around the house so there will be 1.5 acres that won't be watered. It will be managed the same as other properties in the area. Mr. Hipwell responded to questions from Commissioner Van Beek. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the request for the preliminary plat Hipwell Estates, Case No. SD2020-0014 and to sign the findings fact, conclusions of law, and order and accept late exhibit no. 1. The hearing concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 1:17 p.m. to consider extending the COVID-19 emergency declaration. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Sheriff Kieran Donahue, EOM Christine Wendelsdorf, PIO Joe Decker, Assessor Brian Stender, Claudia Frent, and Deputy Clerk Monica Reeves. Commissioner Smith said a lot of progress has been made so she wants to hear some reasons to continue this declaration from the elected officials' perspectives. Sam Laugheed said the current declaration does not expire until 11:59 p.m. on March 4, and from a legal perspective the value of this declaration has very little, if anything, to do with the mask mandates or a lot of

the things the public is very concerned with that Canyon County has not done. We have used the declaration to maintain eligibility for state and federal funding and to make it easier for the EOM to coordinate communication with cities and to procure the PPE and other materials that the county and local communities need. We could likely do a lot of that without a declaration but having it eases the process. Doing it in 30-day increments was an intentional decision the County made to make sure we were not declaring some sort of ambiguous indefinite emergency but rather revisiting the question monthly. The latest draft tries to take into consideration the fact that the numbers in Canyon County are improving and we continue to see a decline. The purpose of the declaration is not to be a tool for overreach but to maintain eligibility for aid. From a legal perspective there is no reason not to, and plenty of reasons to do it. Commissioner Smith asked if the declaration is not continued and we see an uptick in COVID cases, how difficult would it be to institute another? Mr. Laugheed said the legal concern would be we don't know what kind of aid might be available, there is a likelihood there could be significant amounts of aid related to COVID and the economic conditions and emergencies related from it and introducing uncertainty. He would be concerned about the interim time period and what effect the uncertainty might have on our eligibility. We could re-declare but the period where we have nothing could be problematic in terms of the federal government. Commissioner Smith asked what we would use the federal funds if we were to receive it because she understands we still have a large amount of PPE being stored. Do we want to be tied to those federal dollar standards? Prosecutor Taylor said he has not read the current \$1.9 trillion COVID bill that passed the House so he doesn't know what parameters the federal government has put on it. His concern is that taxpayers are already going to be paying part of that \$1.9 trillion so should they be entitled to get that money back into Canyon County if we're already paying the tax dollars on it. Clerk Yamamoto referred to the 6<sup>th</sup> paragraph of the draft document and requested that the following words be removed: "*approximately x amount million dollars*" and go with secure state, federal aid. He said whatever number we plug in would be wrong so there's not much sense in doing that. There have been several emails stating they would like to see the declaration ended but he thinks there is some confusion as to what Idaho and Canyon County are doing. This declaration has one use and that is to be able to be eligible for federal/state aid. We don't know what that will look like yet but it could be a sizeable amount and possibly have no strings attached with a direct payment to the various entities instead of going through the state. We turned down the state's first offer of federal dollars and that was the right thing to do for several reasons, but number one because it was unlawful. We have also turned down the rental assistance program. It would be much better, simpler and have a better look to it if we remained with the emergency declaration purely for the reason of collecting those monies if and when they are available. This declaration has nothing to do with any kind of lockdowns or mask mandates. In the beginning we didn't know what we were dealing with and we heard COVID could overwhelm the hospitals, but he thinks we've been lied to and duped. Dr. Fauci told us the truth when he said don't wear a mask, but now he's talking about wearing 2 or 3 masks. There are people who want to see this pandemic go on indefinitely, but we don't want this go on, we want to open up and be smart about it. The declaration extension for one more month is simply to have us in line for any federal monies that may come. Commissioner Smith said that could suggest we agree there is a pandemic and are buying into it for the money. Clerk Yamamoto said if there is money being passed around and shall we just say we don't want? What he is hearing is it could be a significant amount and if there are no strings attached it could be a significant

property tax reduction. Mr. Laugheed said what we would be doing is maintaining eligibility to receive those funds, it doesn't mean we are obligating ourselves to take them but preserving the ability to make that decision on a case-by-case basis. The County was offered, via the state and the federal government, monies for a couple different programs that upon review by finance and policy were decided to not be appropriate and could open the door to problems and those were denied. Some of funds were accepted and were used for a variety of things. In terms of whether it means the County is buying into a politically motivated part of the national discussion about this, that is just a policy question. The local disaster emergency can be related to COVID and the fallout from the regulations associated with COVID. Commissioner Van Beek asked if we are classified as being in a pandemic according to SWDH regulations. Commissioner Smith said yes, they are still showing us in a health emergency and we are still in their color system, but we should move to gray soon. The mortality rate in Canyon County is less than 1%. Prosecutor Taylor said Sam Laugheed is the legal counsel and his (the Prosecutor's) comments are solely with regard to policy. From a policy component there is so much uncertainty with what is going to happen in Washington, DC and he is afraid by opting out without knowing if the current bill will go through the Senate and signed into law, that Canyon County is setting itself up. Some of these funds could be used in the response to get the economy back up and running and if we can assist businesses, schools and communities by being the go-thru. If we don't have some indication that we are in a local disaster they will decide to divert it to other states and then our citizens will not see the benefit of that money. If we are not in this local disaster mode it's not just the financial aspect, will it ultimately impact the number of vaccines available to our residents? Going on for at least another month to see what's going to happen with this bill does not hurt us in any way. We have done an amazing job; we have not imposed any type of mandate since day one. Commissioner Smith said the fourth whereas statement talks about the recovery aspect, and she would like to clearly identify that we believe we are in recovery, and she feels like our businesses, schools and community need to know we are recovering and there is a light at the end of the tunnel. There is pressure to have that stimulus package approved by March 14 because of employment benefits ending. We need those unemployment benefits to expire so that people go back to work. Canyon County has a 5% unemployment rate and there are jobs not being filled because people are receiving benefits for not working and so someone needs to lead the challenge in our recovery. She asked if the language can be shortened to get us through the next couple weeks to see what happens with Congress. Sheriff Donahue said Canyon County has been in this for a year and we have worked extensively to collaborate with each other to make sure county government stays in operation and we have shown the public that we put priorities and protocols in place to make sure we keep offices operating and people working. COVID exists – he has 40+ employees who would argue there is a pandemic because they've had COVID, which is not the common cold or the flu. Those who were in intensive care would argue that COVID is real. It is not government's job to say we need to get moving – that is up to the chambers of commerce and people in business. We are not interfering with business nor did we shut down schools. With all due respect, SWDH has been at this for a long time and the health districts need to stand up and say the recovery is going along and we're seeing low hospital rates. That is their job, not the County's job. The declaration does not hurt us. The emails the Board has received today about mask mandates need to be sent to someone else because Canyon County is not issuing mandates. We have an opportunity to make sure the County is covered financially and to address things that could come up. We have spent

money on a pick-up truck, a trailer, and a Hyster to accommodate the needs of the County and it would not be responsible government to shut the door on those potential future needs. He said the Prosecutor's Office looks out for us every day and this is what we should be following. Commissioner Smith said COVID is real. People within our community have died from complications of COVID. Chambers of commerce don't have leadership opportunities like we do as elected officials to instill confidence in our community that we are moving forward and so that is her goal. She is not saying that she cannot support another 30-day extension, she's saying we need to figure out how to start instilling confidence that we can move forward. The health departments are advisory, and a lot of the emails she's reviewed place a lot of blame on health departments, but it is their job to advise of health alerts and it's how we use that information on moving forward. Unfortunately, schools have used that information in a way that shut them down and she understands that is not our role and that we need to keep sharing with our constituents and the Board did that this morning in a community meeting. It was not Canyon County or the health department that closed schools – that decision is up to the school board members who are elected. Sheriff Donahue said his office has led the way and shown the communities we are leaders. We have been at this for a year and we have shown how county government should operate and we have identified and brought to the attention the inadequacies of the SWDH board on numerous occasions including last week. We have led the way in the state on emergency management during this pandemic and we have shown the communities that we are leading the way. Commissioner Smith agrees completely. Commissioner Van Beek said there is concern of what it would look like because from the federal level what we are seeing is that freedoms are being taken and she is not willing to benefit at the expense of freedom. She does not know what the bill looks like. She likes Commissioner Smith's idea of extending this declaration only to the point where we understand what the legislature is going to do with that and our legal counsel has had an opportunity to review that bill. As leaders we are all for freedom, gun rights, churches, and many of things that are being dismissed at the federal level. On the stimulus statement that is good point where Canyon County residents are going to pay for it. We are being funded by foreign entities that are going to own this country if they don't stop printing money. The County has turned down a rent program and other things that didn't look lawful and because we couldn't figure out how to put it on the bill in a way that made sense. Sheriff Donahue doesn't see any language in the declaration where we are losing our freedoms. Sam Laugheed said that is not the intent of the declaration. He tried to clarify it to emphasize one of the things the County has done is try to protect the personal responsibility obligations and rights of our citizens and communities. Legally he pointed to Idaho Code 46-1007 which makes it clear that nothing in these acts that allowed this declaration can be construed under law to affect the jurisdiction or responsibility of the police or first responders. Commissioner Smith asked if there is a way to change the long paragraph on Page 2 to align closer with today's sentiment related to recovery? Mr. Laugheed said yes, some portions might be straight out of one of the statutes. The new emphasis in this declaration would be that the danger is also posed to the local economy and our community's wellbeing and because of those there is still an emergency. Commissioner Smith doesn't want to undermine that there's an emergency if we focus on that because of the actions of what's happened we still have a recovery help that needs help and assistance. There are some business owners that would say the public health emergency is that we have taken the work force away because we are paying them to stay home. There are a lot of reasons we can say we are still in an



emergency. Mr. Laugheed said emphasizing those is really important but he doesn't know that we can eliminate the underlying part about COVID still potentially posing a risk of loss of life and things like that. He will have to look at the definition of disaster. Prosecutor Taylor said it could be something as simple satisfying the concerns without taking away what the statutory requirements are to the declaration. Commissioner Van Beek said the County invested \$1 million in infrastructure for store fronts and to secure barriers for the protection of employees and the public. She is still having trouble identifying what we would want to take money for. We don't have enough experience with the current administration and she is not willing to have everything subsidized which is what it feels like. Where is this money coming from? There has been a strong response that we want our freedom from masks and from mandates. Clerk Yamamoto does not disagree with anything that's been said, it's all about freedom, but we are having a discussion over something we have no control over. All we are talking about is a well-written document that leaves the door open as to whether we can take some funds or not. He doesn't see any reason not to continue the declaration because there are no mandates of any kind that go with it. He suggested the Board extend the declaration and pointed out that they can put a stop to it at any time. Commissioner Van Beek proposes we shorten the timeframe and get a clean copy of the declaration. Mr. Laugheed said edits can be made and he referred to applicable statutes. Commissioner Smith wants to continue this meeting and ask for a two-week extension of the order which would be March 18<sup>th</sup> and consider the changes requested by the Clerk and the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue this item to March 3, 2020 at 9:30 a.m. The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:06 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen (left at 2:32 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution granting a refund to Lisa Bertoni for a withdrawn conditional use permit:*** Director Nilsson said that the applicant changed her mind and requested a refund. There was no work done by staff and DSD is recommending a full refund of \$850.00. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Lisa Bertoni for a withdrawn conditional use permit (see resolution no. 21-025).

Director Nilsson discussed the following with the Board:

- Earlier in the year she made a recommendation to add a Planning Director position to oversee the planning function. With her retirement in early May she believes it might be a

good strategic plan to recruit for both the Director and Planning Director/Assistant Director positions. She believes it would widen the applicant pool to recruit for both positions. In a couple of years, she anticipates that the Building Official, Senior Plans Examiner and Office Manager will all retire. She provided a job description to the Board - she tried to separate the Planning Director functions from the DSD Director functions. Currently the Planning Director position doesn't exist so how this would affect the budget would be a question for the Controller. Commissioner Smith said she can see merits to both scenarios of either hiring both positions at the same time or allowing the new Director to build their own team. She noted that economic development will be coming thru the Development Services Department and that there needs to be a knowledge of economic development practices for Director and/or Planning Director positions. Commissioner Smith would like to see the Director position posted as soon as possible in the hopes of having some amount of overlap time.

- Commissioner Smith asked what the options would be to start recruiting for an additional Planner position, the Admin position and possibly an Admin position for Code Enforcement. Director Nilsson said that in her absence, Kathy Frost met with Controller Wagoner and he indicated that he is not concerned with having to re-open the budget for the Planner I position. Director Nilsson thinks that perhaps Ms. Allen could touch base with Mr. Wagoner to determine whether the budget would need to be reopened or not. Further discussion ensued regarding immediate personnel needs vs. ones that could wait until the next fiscal year and the space need along with other necessities for new personnel.
- P&Z hearings are scheduled out thru May 20<sup>th</sup>. Director Nilsson will recommend Jenn Almeida to assist in overseeing them.
- Director Nilsson said she understands there has been some desire to not have the zoning map with residential zones in the ag areas. Another option would be some kind of a cluster ordinance. With a conditional rezone you're essentially clustering the residential lots for density but keeping most of the property in agriculture, that's what the development agreement does. This can be done with zoning districts. An ag cluster could be up-zoned to get additional entitlement and for the remainder, instead of a development agreement, it could be down-zoned and create a pure agricultural zone. There would be 3 agricultural zones – ag preservation, existing ag zone and a new ag cluster. The same locational criteria would be used for siting it on a property as is used for a building permit relocation as in the ordinance. The residential uses would be placed on the less prime soil on the site. Commissioner Smith would like to come up with a proposed ordinance sooner rather than later that has some clear standards for evaluation. Discussion ensued as to what those standards should be.
- Director Nilsson said that Caldwell is the only jurisdiction that uses a hearing examiner and has a call into Jerome Mapp for additional information.

The meeting concluded at 3:02 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 2, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Wall 2 Wall Flooring in the amount of \$4646.47 for Facilities Department
- Nemo Q Inc. in the amount of \$2420.00 for Information Technology Department

#### 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 Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Brad Goodsell (left at 8:40 a.m.), Deputy P.A. Zach Wesley, Sr. Deputy Treasurer Tonya May (left at 8:40 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 8:40 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

**Consider signing substitute resolution declaring certain properties as not necessary for county use and authorizing sale thereof and signing the notice of surplus property auction:**

Brad Goodsell explained that these items are a follow-up to what was done in the fall. The surplus property auction was scheduled for November but was cancelled due the Governor's order on limited gatherings. Since the original auction time some of the properties have been redeemed; additionally, minimum bids have increased to account for accrued interest. This substitute resolution will supersede the resolution that was signed in the fall and reflects the reduced number of properties that will be up for auction. Tonya May gave a brief review of the properties for sale.

Commissioner Van Beek made a motion to sign the substitute resolution declaring certain properties as not necessary for county use and authorizing the sale thereof. The motion was

seconded by Commissioner Smith and carried unanimously (see resolution no. 21-026). Commissioner Van Beek then made an additional motion to sign the notice of surplus property auction. The motion was seconded by Commissioner Smith and carried unanimously.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 8:41 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present for the meeting were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter. A brief break was taken at 9:02 a.m. to take up the action item of opening bids for the Fair Expo Building project. The executive session reconvened at 9:06 a.m. and concluded at 9:41 a.m. with no decision being called for in open session.

*During the break in the executive session the below action item was taken up as follows:*

***Open bids submitted for the Canyon County Fair Expo Building IFB:***

Present for the bid opening were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Facilities Director Paul Navarro, Fair Director Diana Sinner, Controller Zach Wagoner, Ken Fisher and Cole Coba with Paradigm, representatives from each bidder and Deputy Clerk Jenen Ross. Bids were received as follows:

**Construction Managers (CM Company)**

Received: March 2, 2021 at 8:48 a.m.

Bid amount: \$7,409,651.00

**ESI**

Received: March 2, 2021 at 8:42 a.m.

Bid amount: \$7,297,990.00

**HC Company**

Received: March 2, 2021 at 8:38 a.m.

Bid amount: \$7,276,000.00

**Scott Hedrick Construction**

Received: March 2, 2021 at 8:10 a.m.

Bid amount: \$8,708,000.00

Zach Wesley explained the bids would be forwarded for review and evaluation, the committee will then come back before the Board with a recommendation. A copy of each bid is on file with this day's minutes.

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

PUBLIC HEARING – REQUEST BY COREY BARNES FOR A SHORT PLAT FOR BARNES HOMESTEAD SUBDIVISION, CASE NO. SD2020-0025

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Corey Barnes for short plat approval for Barnes Homestead Subdivision, Case No. SD2020-0025. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Dan Lister, Corey Barnes, Samantha Barnes, TJ Wellard, and Deputy Clerk Monica Reeves. Commissioner Van Beek said she's known the Barnes/Borchert Family for a number of years but that should not impact her ability to make an unbiased decision. Dan Lister gave the oral staff report. This is a one-lot subdivision. The property came through a conditional rezone which included the preservation of over 50 acres of agricultural ground to allow this one division. It came through a different planner and by the time it got to the platting portion there were issues with it so they went through an administrative land division to separate the agricultural portion and the existing house away from this 1.7-acre to allow this one-lot subdivision. There is a road users' maintenance agreement and a private road for the shared access. It will be served by an individual well and septic system. The irrigation will be served by a domestic well and drainage will be controlled via landscaped swales and maintained by the property owner. Staff is recommending approval of the preliminary plat subject to conditions. The final plat is not yet ready for signature. Following his report, Mr. Lister responded to questions from Commissioner Van Beek. Corey Barnes and TJ Wellard agreed with staff's report. Following testimony, Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Smith and carried unanimously. Commissioner Van Beek made a motion to approve the preliminary plat for Barnes Homestead Subdivision and to approve the findings of fact, conclusions of law and order for SD2020-0025. The motion was seconded by Commissioner Smith and carried unanimously. The final plat will be considered at a later time. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:00 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Director Navarro reviewed the following items with the Board:

- A document was provided to the Board showing both the preventative and demand work orders that were completed in the month of February. A copy of this document is on file with this day's minutes.
- A substantial amount of snow removal was completed in February causing additional man hours expended and overtime paid out.
- Fencing at the Caldwell Event Center is nearly complete.
- Landfill scale house remodels are complete.
- The policy and procedure manual for his department is complete and being distributed to employees.
- Badge migration from HR to the security office in his department happened in February.
- Bid openings for the Fair Expo Building happened this morning and he will start to review with Zach Wesley.
- Fencing at the gun range will begin as soon as they are done at the event center.
- A pre-construction meeting recently took place for the Celebration Park RV Improvement project; the project is scheduled to begin on March 8, 2021.
- Director Navarro will be meeting with DSD Director Nilsson today regarding some remodeling she would like done in her office. Remodel of the Code Enforcement office will begin Monday.
- Flooring replacements in the deputy station within Pod 5 and the Extension office back hallway and storage area will be happening soon.
- Camera and NVR installation at Crossroads Museum is being worked on right now.
- Director Navarro and Director Rast will be meeting with LenelS2 Security Software to discuss potential use at the new Fair Expo Building as a trial run of their unified program which incorporates physical lock security and technology.
- A roundtable meeting with the City of Caldwell will happen Thursday to discuss a potential storage facility on Graye Lane. Additionally, Director Navarro will meet with Jerome Mapp regarding a special zoning district and city comprehensive plan.
- As requested by the Chairman, Director Navarro has looked into exterior painting of the Extension office. The building is located in a zone with a required paint scheme. He has received a copy of the required paint schemes and will be meeting with the local improvement district regarding other improvements.
- Commissioner Smith asked about the mandatory mask signs which are affixed the front doors of the courthouse. Director Navarro believes those signs were provided by the Supreme Court and suggested a meeting with the ADJ and Sheriff might be beneficial to ensure the county isn't stepping on mandates from the Supreme Court. Director Navarro said he would do some additional research to determine exactly what kind of signs are

located in which offices and reach out to the other elected officials for their thoughts on the signs on the buildings they occupy.

The meeting concluded at 11:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH DIRECTOR OF THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT TO DISCUSS THE 2021 MOSQUITO MANAGEMENT PLAN

The Board met today at 1:31 p.m. with the director of the Canyon County Mosquito Abatement District to discuss the 2021 mosquito management plan. Present were: Commissioners Keri Smith and Leslie Van Beek, Director Jim Lunders, Chris Osagetta, lab manager, Board of Trustees President Doug Shinn, and Deputy Clerk Monica Reeves. Jim Lunders became director of the district in March of 2020, and today he spoke about the district's mosquito control measures. The district has 10 fulltime employees and an additional 40 seasonal employees. The district wants to be more efficient at killing mosquitos at the larval stage so they don't have to spend so much time killing them after they are biting flying adults. Copies of the district's 2020 annual report as well as the mosquito management plan for 2021 are on file with this day's minute entry. Doug Shinn invited the Board to come to their office and look at the operation and see what a field crew does on a typical day. Commissioner Smith said the County Agent's office offers a "Living on the Land" class that teaches people how to care for their land, and a mosquito portion of that class would be really helpful. Mr. Lunders agreed it would be helpful and he said public education, if done properly, can kill more mosquitos than the district can and that will be important as more people move to area. No Board action was required or taken as today's meeting was held for information purposes only. The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 3, 2021

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

APPROVED CLAIMS

- The Board has approved claims 572174 to 572199 in the amount of \$15,489.00

- The Board has approved claims 572042 to 572089 in the amount of \$42,751.51

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Superior Gutter Company in the amount of \$1820.00 for Solid Waste Department
- Positive Promotions in the amount of \$20,541.95 for Canyon County Sheriff

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Alan Wilson, Lead Investigator

#### CONSIDER FINAL PLAT FOR OAK RIDGE ESTATES SUBDIVISION, CASE NO. SD2020-0002

The Board met today at 8::45 a.m. to consider the final plat for Oka Ridge Estates Subdivision, Case No. SD2020-0002. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Corey Blaine, and Deputy Clerk Monica Reeves. Jennifer Almeida reported the development consists of 27 residential lots and 3 common lots and is located in an “R-1” (Single Family Residential) zone. The preliminary plat was approved on November 25, 2019 subject to 11 conditions of approval - all conditions of approval have been met. The final plat complies with the code. Keller & Associates has reviewed and recommended approval of the final plat, and staff is recommending the Board sign the final plat. In response to a question from Commissioner Van Beek, Corey Blaine advised that he has relocated and tiled the entire Conway lateral drain ditch. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the final plat for Oak Ridge Estates Subdivision, Case No. SD2020-0002. The hearing concluded at 8:51 a.m. An audio recording is on file in the Commissioners’ Office.

#### PUBLIC HEARING - REQUEST BY HESS PROPERTIES, LLC (TYLER HESS) FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION, & DRAINAGE PLAN FOR PURPLE SAGE ESTATES NO. 5 SUBDIVISION, CASE NO. SD2020-0026

The Board met today at 9:00 a.m. to consider a request by Hess Properties, LLC (Tyler Hess) for approval of a Preliminary Plat, Irrigation, & Drainage Plan for Purple Sage Estates No. 5 Subdivision, Case No. SD2020-0026. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Tyler Hess and Deputy Clerk Monica Reeves. Stephanie Hopkins participated via Webex. Jennifer Almeida gave the oral staff report. The development consists of 23 residential lots and two common lots and is located in an “R-1” (Single Family Residential zone). The subject property, parcel no. R38131011, is located on the west side



of El Paso Road, approximately 1424 ft. north of the intersection of Willis Road and El Paso Road. Keller & Associates has reviewed the preliminary plat and recommended it be approved, and the conditions noted in their letter have been added by staff with the exception of condition no. 1 which was already corrected on the preliminary plat. The Planning and Zoning Commission recommended approval of this case on January 21, 2021 and staff is recommending approval finding the plat meets Idaho Code and the requirements of the Canyon County Zoning Ordinance. Stephanie Hopkins testified this is the 5<sup>th</sup> phase of Purple Sage Estates Subdivision and it consists of 23 lots and 2 common lots. They are proposing to extend Highmark Way, which has been a part of Purple Sage Estates Nos. 3 & 4, and extend it over to El Paso Road. They are proposing one cul-de-sac that will serve as access to seven lots. The subdivision will be served by individual wells and septic systems. Ms. Hopkins reviewed the storm drainage and irrigation plan. The property is located in a nitrate priority area so they have designed advanced treatment systems appropriately. Tyler Hess gave testimony about the provisions for common areas and additional greenspace. He also spoke about the drainage system. They are proposing a five-foot berm and a white solid fence along Old Highway 30 for privacy and to act as a sound barrier. One of the neighbors does not want to see a white solid fence along the southerly boundary and Mr. Hess will not include that type of fence in the development, it will most likely be a three-rail fence. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to accept the late exhibit No. 16. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the preliminary plat for Hess Properties, LLC, for Purple Sage Estates No. 5 Subdivision, Case No. SD2020-0026 and that we accept the findings of fact, conclusions of law and order as presented by staff. The hearing concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 9:32 a.m. to consider extending the COVID-19 emergency declaration, a discussion that was continued from March 1<sup>st</sup>. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, Coroner Jennifer Crawford, PIO Joe Decker, EOM Christine Wendelsdorf, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith said the current declaration is set to expire tomorrow at midnight and the most compelling argument related to funding is that our constituents have to pay whether the County takes the money or not which is unfortunate and so she wants to know more about that. We have moved into the yellow category which means we are having success with implementation of measures to protect the health and safety of our community and hopefully we are trending towards the gray category and can continue that recovery. She said it's a tough decision on where we should be. Christine Wendelsdorf said the County is doing well and is in the recovery phase, and she is still doing vaccine clinics for first responders. She believes the emergency declaration needs to be extended

so that if there is federal funding that comes through small business will be able to partake in it. We are currently in the yellow category but no one seems to know what's going to happen especially with the different variants so it's a good idea to continue with the declaration. Commissioner Van Beek had questions about the mortality rates and the recovery rates, and she spoke about how the suicide rate in Japan has exceeded the COVID death rate. She said there is a lot of political pressure that drove the emergency declaration and the introduction of the virus. The optics of putting a declaration in place when there are businesses that are turning people away and going under because they cannot get people to work because they are receiving more money on unemployment is a communist philosophy. She has received nothing in support from the citizen-base that says we should consider an emergency declaration. Commissioner Smith said the Board has received approximately 30 emailed responses and not one supported the extension of the declaration. Joe Decker said most of the emails seem to be misguided in thinking that a lot of the restrictions, such as mask mandates, have been caused by the County's emergency declaration when that's far from the truth. Canyon County has not instituted any mandates or put any restrictions on the citizens through the declaration. Commissioner Van Beek said the natural inclination is to tie local disaster emergency declaration to this continued climate of fear. Commissioner Smith said Canyon County has continued the emergency declaration every month and economically speaking we are doing better than any other county and we've done that under the current declaration. We never shut businesses down and events happened in Canyon County when they were not happening in other communities. With this current declaration the Board did not take away any rights. Ms. Wendelsdorf said Canyon County has set the standard as to how this pandemic has been handled in the state. We did not shut down businesses nor did we mandate masks. We did a lot and our actions are being looked at by those at the state level and that is something we should be proud of. Commissioner Van Beek acknowledged and thanked Ms. Wendelsdorf for her efforts which are greatly appreciated. She wants to know who will pay for the federal funding we receive and what will it be used for? She also asked for an update on the current inventory of supplies. Ms. Wendelsdorf said we are doing well and she feels we can sustain that, although she is running low on gloves because they are hard to come by and the cost is inflated. Commissioner Van Beek said the elected officials and legal staff took into consideration and evaluated the CARES Act itself, and we could have taken \$9 million in federal funding but we chose not to because we felt like the office of internal government affairs did not have guidelines. She asked if there is updated information from the legislature on what the bounds are for the newest proposal? Controller Wagoner said the federal monies we have received through the Coronavirus relief funds have been extremely beneficial in helping the County respond to the situation by not having to dip into property tax funds which has protected the financial interest of our local property taxpayers. Legislation has passed the US House of Representatives that would potentially result in a direct payment of \$45 million. The use of those funds falls under four areas: 1. Respond to or mitigate the public health emergency, 2. Cover costs incurred as a result of such emergency, 3. Replace revenue that was lost, delayed or decreases, and 4. Address the negative economic impacts of such emergency. In his opinion he considers that a broad use – those monies would be beneficially to the residents of Canyon County. Commissioner Van Beek said one of the arguments we made in not taking the \$9 million is that if the federal government was going to issue that through the state of Idaho, the state should send it directly. She asked what kind of rubric is in place for the Board in figuring out how that would be meted out as far as the impact?

She does not disagree with the Controller's position that people have suffered loss, and there's a need because the federal government created the issue but why can't the federal government distribute those funds directly instead of making it go through local governments – but nobody has an answer for that. Commissioner Smith said the declaration has been vetted by the elected officials and they are in support of the 30-day extension to give us some time to explore and try to answer some of the questions. She has her own personal beliefs about COVID and the federal government and the money issues, but that's not in front of us today. If we don't extend the declaration we are not serving the constituents' best interests in being able to vet the opportunities in front of us and that is the only reason she will support the declaration. She also supports it because of the way Canyon County has handled this COVID crisis, whether it's a health crisis or an economic crisis, Canyon County is the leader in encouraging personal protection and we never shut anyone down. Out of respect for the other elected officials and department heads she is going to support the extension although she doesn't know if she wants to extend it beyond 30 days. If we recognize there is still an emergency in the community we might have an opportunity to vet out some options that could help other people and if we say no today she doesn't know if we can explore the option so because of that she will support the extending the declaration. Commissioner Van Beek is not prepared to render a decision because she wants to look at it more carefully. She is struggling with what are we going to spend the money on, who's going to pay for it, and how are we going to decide who qualifies. Commissioner Smith said if the Board says not today we'll never know the answer to those questions. She also said extending the declaration does not mean the County is accepting federal money. Commissioner Van Beek made a motion to continue this matter to tomorrow at 11:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH AGRICULTURE REPRESENTATIVES TO DISCUSS THE LOSS OF FARMLAND IN CANYON COUNTY

The Board met today at 1:30 p.m. with agriculture representatives to discuss the loss of farmland in Canyon County. Present were: Commissioners Keri Smith and Leslie Van Beek, Fair Director Diana Sinner, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, Assessor Brian Stender (arrived at 2:12 p.m.), Roger Batt, Ken Day with Simplot, Mark Zirschky with Pioneer Irrigation District, Greg Alger with Houston Vineyards, George Crookham with Crookham Company, Kris Gross and Dane Johnson with Gross Farms, Rachel Spacek with the Idaho Press, Other concerned citizens and Deputy Clerk Jenen Ross.

Roger Batt explained they are coming before the Board today as concerned citizens and business owners that represent different sectors of agriculture. Agriculture has been a critical industry to Canyon County since the 1800's and based on a study by the University of Idaho in 2009 84% of the county is agricultural based meaning 84% of the land is in agricultural production. Additionally, based on the study agriculture constitutes 32% of base sales, 24% of all the base value added, 23% of all the base wages and salaries and 23% of all the jobs in the county. According to the USDA in

2017 the county generated over \$574M in ag sales received. These receipts are not inclusive of the seed industry due to propriety information. The true value of the seed industry is unknown, however, those in the sector estimate it to be at least \$250M to \$350M in the county. Each acre of cultivated land is worth about \$16K in base sales, worth about \$3400 in base wages and it also creates 1 job for every 10 acres in the county. For years there has been tremendous growth in the county but this unprecedented growth is rapidly replacing productive farmland. It is to a point where many sectors of Canyon County agriculture are worried about the future of agriculture and there is a serious concern that what once drove the economy here will soon be replaced with asphalt and buildings. It's no secret that the agricultural companies that are here, whether global, local, regional or statewide are here for a reason and if we keep paving over the farmland at the rate it's being swallowed up, it's guaranteed that these companies will reconsider being here and doing business here in the future. The seed industry alone, which contributes at least \$250M to \$300M to the county economy, we're seeing so much productive ag land being replaced with houses that's it's extremely difficult to find isolation for many of the seed crops that need that space. There are also challenges to the infrastructure. When subdivisions come into areas that are being farmed it creates more work for the irrigation delivery entities and more vehicles driving the roads are creating safety concerns when trying to haul equipment to and from fields. Few people understand farming practices and often complain about odor, pest, pesticide spraying, dust, noise, etc. It is a real problem and one that needs to have a solution in sight which is why they've requested this meeting with the Board because it's unknown if the county has a solution.

Ken Day spoke stating that the JR Simplot Company has a long history in the Caldwell area. Farmland loss is something that they, as a company, take very importantly. Idaho is one of the largest areas where they have operations, with more than 3000 employees in Idaho. The challenge for them is when you start pushing farmland farther out a lot of things become more difficult. They like to have their growers closer to factories which reduces the amount of time they have to be on the roads and makes it easier to deliver the products. But they also have to take into consideration that when you start having conflicts with ag operations, whether it's farming or in their case production, if you get too much residential near those operations it makes it extremely difficult to continue those operations. Obviously maintaining the cropland is important for the growers and it's a shame seeing a lot of good land being swallowed up by subdivisions. Additionally, you run the risk of pushing that land out into the desert which causes issues with irrigation. Caldwell has been an important part of the company and will continue to be an important part of the company, they plan to be around a long time but a balance needs to be found between keeping the ag industry alive and addressing the growth.

In response to a question from Commissioner Smith, Mr. Day addressed Simplot purchasing land around their Caldwell plant in order to protect themselves from growth but also to assist in water treatment. Commissioner Smith understands that land prices are so high right now that oftentimes buffers are not able to be purchased. Mr. Day confirmed that understanding noting that Simplot purchased their land when it was a lot less expensive and growth isn't what it is today. Mr. Day responded to Commissioner Van Beek, stating that they've invested a lot of money into the process of water treatment at the Caldwell plant, the water that comes from that plant is potable water so they don't have a smell issue but it is something they were concerned with in the meat

processing plant in Kuna. There is an ongoing issue of local state legislators and concerns on the federal issues as well of restricting crop protection items they can use. With new residents coming in there is a lot of misunderstanding about farming practices that can often lead to efforts to impose these types of restrictions, they work very hard in the communities where they're located to mitigate that.

Mark Zirschky explained that Pioneer Irrigation District delivers water from Can-Ada Road west to Greenleaf and then from the Boise River south to about Lone Star Road in Nampa. They also deliver water to Franklin Ditch Company, Mason Ditch Company and Canyon Hill Irrigation District along with the cities of Nampa and Caldwell. Mr. Zirschky has been with the district since 1992, working as a ditch rider for the first 12 years. At that time they averaged about 80 hours of overtime a season, last year, on average the ditch riders were between 400 and 500 hours of overtime for the irrigation season. Impacts to their systems include the time it takes to manage the system, travel time thru the district, maintenance, and the need to return equipment to the shop as it can no longer be left alongside the road since the shoulders are smaller and there is too much traffic. During his time with the district they've created 3 additional positions in order to manage it. He spends a great deal of time dealing with trespass including pedestrians, bike, ATV, etc. on the ditch banks. With the development that surround the ditch banks people often think of them as their public domain and as a public right-of-way. Dust is also becoming an issue with housing so close in proximity and in order to mitigate that they've had to slow down the speed at which they travel on the ditch banks. Additionally, they are having to water regularly to keep the dust down. The weeds, although problematic in some ways, do help keep banks established and from eroding but they often receive complaints about them. And due to environmental impacts chemical sprays that were once used are no longer allowed making the process of removing the weeds a much more mechanical effort thus costs continue to increase. Pioneer Irrigation District has 34,000 acres that they deliver water to which breaks down to about 60% residential and about 40% ag. As the cities grow and subdivisions come in land is annexed into the city so instead of delivering to 10-15 accounts they now deliver to 1 account, the city, and then the city delivers to the subdivisions. Meaning on the revenue side the irrigation district is seeing less money due to the loss of account fees they handle. Mr. Zirschky said he feels Pioneer Irrigation does a good job of maintaining infrastructure but the private infrastructure that delivers to a lot of the towns is aging, forcing a lot of requests for exclusions. Every Board meeting they see several exclusions that meet the criteria in state law that they can exclude their property because they no long have access to water. It is becoming a bigger issue when properties change hands and the new owner inherits the pre-existing problem. It is important to them to figure out how to keep going at a reasonable assessment rate without driving the farmers out of business, currently they are up to \$130 acre for water. His big concern is how to keep sustaining the impacts to the district and billing less for properties.

Commissioner Smith spoke about when they make land use decisions it needs to be based on the 9 criteria that are found in the zoning ordinance. One of those criteria talks about the availability of public services. She doesn't feel like the county hears from the public agencies enough about the impacts of development and the cost. Mr. Zirschky said he does see the agency requests come in and tries to respond to each one. One issue they have is that they don't know what the extent

of the project is going to be at the time. Commissioner Van Beek spoke about water delivery and would like to have further discussion on that issue. Mr. Zirschky explained said that an added element to their budget is pipeline inspections. Conversation ensued regarding the right-to-farm statement in relation to complaints of dust from the ditch banks. Mr. Zirschky said in the end sometimes the most economical way to address the issue is just to take care of it than for him to spend hours out talking with people.

Greg Alger said they are farmers but maybe in a more unique way than has been experienced in the county before. The reality is that there is farm ground and then there are city impact zones and then city limits and it seems to him that those three designations are very definitive, with maybe only one grey area being the impact zone. That which is within the city limits and things associated with a city should be in those areas – things such as hotels, gas stations and restaurants. And those things that are agriculture related should be allowed in the agricultural area – food processing, seed processing, production of wine and production and selling of fruit. He's not sure how things got mixed up and how in the ag county there are gas stations, restaurants and potentially hotels. The agricultural community is very strong, very powerful and there is some uniqueness in the crops that are grown here. What makes this a good seed crop region is what makes it a good viniferous vineyards and wine production region. One of his concerns is that a lot of attention has been focused on gravity irrigated crop plans and let go of crop grounds or possible crop grounds that were potentially not gravity fed irrigation. Subdivisions have been allowed to be built in those areas, extra permits to be added to those areas and he lobbies here today that that is some of the best ground for more farm ground, specifically viniferous grapes. He would ask that farm ground is looked at as being farm ground and the production of those items related to those farms. Another concern he has with ag land being eaten up is that there is always a delicate balance, those farmers who want and receive the opportunity to sell their land at best price. If a developer offers them \$100K an acre and farm ground is \$10K an acre the reality is the farmer should be allowed to sell their land at \$100K. But the moment that ground sells it eliminates the possibility of it being farm ground in the future because it becomes the comp value for all remaining farm ground. The effect is that the sustainability of each industry suffers because that becomes the comp value for that property. How do you manage those farmers' opportunities to maximize their balance sheet? He thinks these are pretty complex conversations and that there have been some solutions in the discovery mode that he would challenge the county to embrace and tackle, how do you handle those things for this to stop. Another option is to say no more but for those farmers, what do you do with your land?

Commissioner Van Beek asked, as farmers, where should labor housing be located? It is something she would like help with. She spoke about how she has worked with the Parks Director and lobbied hard to create a federal district that would be recognized, she would like that to be part of the comprehensive plan so that it can be used to protect the unique heritage that belongs to people that have been here.

In response to a question from Commissioner Smith, Mr. Alger spoke about differences of farmlands for grape production. The reasoning of un-level farm ground as not the best farm

ground cannot be continued to be used as an excuse. It's all viable ag ground. Every piece of property has its own uniqueness for ag related operations.

Commissioner Smith spoke about cluster development and being able to look at certain situations on case-by-case basis and evaluate the impact of development. She noted that the Board does utilize the comprehensive plan regarding impact areas but it could be argued that the impact areas are too big. Those need looked at and evaluated, asking if that is an area for growth and then making sure that ag is being treated as ag and protecting it from spot development in the ag zone. However, that does raise the question of property rights for retirement and Canyon County having to decide if it's an ag community bringing in \$574M in ag receipts, do we want to lose that revenue source?

Commissioner Van Beek said the Board is actively looking at ordinances on the books and objected to land use decisions that historically would have been approved because it changed the zoning designation. She wondered how much density is appropriate. What density protects large scale diversified farming? What protects the rights of the people that are there trying to provide an economic base for Canyon County and the State of Idaho?

George Crookham spoke about the seed industry stating that the Treasure Valley is a high desert mountain county with adequate water, you don't find that around the world. They believe that vegetable seed wise they are the 3<sup>rd</sup> most important vegetable seed area in the world. They range from 2-9 times the farm gate, so they are at the high end of the spectrum. Most of their product is sold outside of Idaho and sell on every continent except Antarctica. They are considered a basic industry and to any strong economy you have to have a basic industry. In that basic industry their crops get multiplied by 2-3 times and they estimate they are worth \$250-\$300M. Some things to be considered at planning and zoning is that they do require small fields, sometimes P&Z looks at those small fields and determines they're worthless and to develop them. At times they pay more for the small fields than they do for the 20 acre fields. Many of their crops are insect or wind pollinated and they need 1/8 to 3 mile isolation. They struggle with transportation to get their crops to facilities in a safely and timely manner; safety is becoming a huge issue. They are a dirty, dusty, muddy industry that work long hours and make a lot of noise – it is an industry that is not compatible with subdivisions. They had one property adjacent to them with one house on it and within a months' time they were called on by the residents and had to address the ISDA (Idaho State Department of Ag) to defend their actions. Each time they came out clean as a whistle and were told by the ISDA employee that 95% of the time there was not issue with the farmer but they have to address the concern. They want to remain in the Treasure Valley but they have moved about 20% of their operation out of the valley due to concerns. Most importantly they cannot farm between the cracks, it is impossible. In response to a question from Commissioner Smith, Mr. Crookham explained that those small plots are necessary because they have stock seed and need to increase the stock seed so they can grow larger crops which require isolation and vary from ½ an acre up to 5 acres. Commissioner Smith asked what would happen if there was a nearby subdivision and someone decided to plant a row of corn. Mr. Crookham said that in that situation they have to find a way to either bring them free corn, or talk them out of it or buy it out of them

because that little garden can destroy a crop worth literally tens or hundreds of thousands of dollars.

In response to a question from Commissioner Van Beek, Mr. Day said that the industry as a whole is looking at every option possible to accommodate for less land and greater population. There is a lot of technology out there that allow different types of farming. He said that Simplot is heavily involved in genetic issues in order to maximize crop output.

Kris Gross said her family is third generation farmers in Wilder. Collectively they farm about 3000 acres of which several 5 acre lots go to Crookham. At any given time they employ 15-25 families and provide for them housing, safety and everything that goes with that. They are seeing more and more close calls with their equipment. Equipment is getting larger and they are having to use pilot cars more often to move it. Last year they had 3 very, very close calls where it would have been disastrous if they had not made aggressive efforts to get people off the road. They also have concerns about their aquifers, many have invested in wells that are used when there are short water years. With the concrete and housing structures that are going up it prohibits water from being fed into those aquifers and eventually the well will have to be dug deeper in order to have the same benefits. Input costs are very crucial for them right now, commodities in farming, they are all happy to break even at the end of the year. Anything they can do to help tell their story is what they're searching for right now because there are a lot of people coming into the community who don't understand ag – they'd be happy to give tours and explain what they need to do on a largescale farm in order to make a living.

Dane Johnson explained he works for Ms. Gross as a farm manager in training. He is third generation agriculture. As a young person coming up, born and raised in farming and agriculture and that is what he wants to do. He and his wife want to own a farm at some point in the future but for him it is very sad and challenging to see all the development happening. He applauds the efforts of the Board to keep ag land in Canyon County viable because there are young people coming up who want a chance at farming and that lifestyle.

Mr. Batt would like to continue this dialog with the Board. He thinks that perhaps before the next meeting they can go back to their people to develop some kind of plan or path forward because there needs to be a solution for this. Whether its policy driven or something else something needs to be done. Mr. Batt suggested meeting in 3 months to continue the dialog and have something to present to the Board. Commissioner Smith said the Board is operating at a faster speed than 3 months and this is a large problem that has persisted for a long time. She spoke about how Director Nilsson and Kate Dahl are working diligently to get the 2020 comp plan completed. Mr. Batt said he would get back with his people immediately to start collecting information.

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.



MARCH 2021 TERM

CALDWELL, IDAHO MARCH 4, 2021

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

APPROVED CLAIMS

- The Board has approved claim 572200 in the amount of \$2,592.07
- The Board has approved claims 572139 to 572173 in the amount of \$38,743.91

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for December 2020

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slims Tavern to be used 3/27/21
- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 3/11/21; 3/12/21; 3/13/21; 3/20/21; 3/21/21; 3/27/21

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:30 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White – via the phone, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Deputy Clerk Jenen Ross and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-469; 2021-362; 2021-363; 2021-373; 2021-479; 2021-456; 2021-375; 2021-366; 2021-488; 2021-489.

Liens were presented for signatures.

Director Yvonne Baker presented a subordination agreement for case no. 2009-45 and read a letter provided by the applicant onto the record. Discussion ensued regarding the applicant's request for subordination of his lien.

Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to grant the subordination request.

Commissioner Smith asked for an update on last week's Subordination request, Director Yvonne Baker provided an update of the case.

The meeting concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.

#### ACTION ITEM: CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 11:00 a.m. to consider an action item, consider extending the COVID-19 emergency declaration. Present were: Commissioner Keri Smith, Commissioner Pam White via conference call, Clerk Chris Yamamoto, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Chief Deputy Sheriff Marv Dashiell, Assessor Brian Stender, PIO Joe Decker, EOM Christine Wendelsdorf, Controller Zach Wagoner, interested citizens, and Deputy Clerk Monica Reeves. (Note - Commissioner Leslie Van Beek was out of the office today for a planned vacation.) Commissioner Smith said the Board has received over 70 emails, most of which oppose the extension of the emergency declaration. She spoke about how at her previous job she operated Indian Creek Plaza and they were the only events center in the state that operated, partly due to her leadership in pushing through the barriers. She couldn't have done that if she didn't have a county and a city that had a declaration in place that did not take away our rights or freedoms, nor did it include a mask mandate. Regardless of what we believe in COVID, we have a disaster in this community, state, and nation because of what others did to our communities. Canyon County did not kill small business, in fact, the businesses that chose to stay open are thriving. The declaration includes language about how we have some local economy issues that need solved and the declaration will allow us to do that. She asked Commissioner White to consider extending the declaration for 15 days versus 30 days so we can continue having discussions and figure out where the federal government is going, and continue to monitor the process. Commissioner Smith said there are many things in the federal bill she doesn't support, but she represents 230,000+ constituents and she doesn't want to take any option off the table that would be important for consideration. Clerk Yamamoto spoke about how he appreciates people being engaged in government and attending today's meeting. He implored the Board to extend the declaration for 30 days noting that the federal bill has passed the House and is going to the Senate and they are talking about it being passed on March 14<sup>th</sup>, but he doubts it will happen in that timeframe which would mean we would have to have this conversation again in 15 days. The Clerk believes the stimulus package is full of earmarks and there is one party ramming it through and it's going to destroy the country. He asked why Congress is doing a \$1.9 trillion new stimulus when there's approximately \$1 trillion of the original that hasn't been spent yet. He said the County turned

down two other offers of federal aid and it could be that we turn down this one too, however, he doesn't want to close the door to \$45 million, saying it would irresponsible not to look at it. Following the Clerk's comments several members of the audience voiced their strong opposition to continuing the emergency declaration because they believe it infringes on their freedoms. Commissioner Smith assured the audience that every official in Canyon County is advocating for the citizens and we understand what the citizens are saying and we are not taking away their freedoms. Discussion ensued with citizens stating they believe mandates have been put in place and restrictions have followed. Commissioner Smith encouraged the citizens to read the declaration and see that there is nothing in it that tells anyone what to do. Commissioner White said the County has had emergency declarations in the past (heavy snowfall resulting in floods and destruction in 2016, for instance), and we were able to come to the rescue for businesses and that's how she views this action, she wants to leave it as a resource for the citizens. She reiterated that there are no mandates in Canyon County. Commissioner Smith read Commissioner Van Beek's written comments into the record where she entered a vote of no to extend the emergency declaration in the absence of citizen support and unbiased reporting as well as a failure to identify who the fund the significant liability of the latest stimulus package. The argument to accept federal dollars and big government does not outweigh the significant negative impacts of continuing to live under an emergency declaration where infection rates and mortality rates are continuing to decline. This does not mean or imply that she does not take the virus seriously, it means she recognizes the devastating impacts to families, schools, businesses, and the economy. Suicide rates, child abuse, and mental health issues continue to escalate because of the mandate to quarantine both the sick and the healthy. She spoke with a lobbyist to the Idaho Legislature who stated the latest stimulus package includes funding for abortion, and other sources indicate there may be strings attached translating to government overreach. She votes no. Commissioner Smith said the declaration identifies that we are improving and recovering and it references the negative economic impacts. We have a very low death rate in Canyon County, but that does not mean we don't have a local economic impact. She asked if there is a motion to support the March 4<sup>th</sup> through April 3<sup>rd</sup> extension, or rather if there is a 15-day extension that goes from March 4<sup>th</sup> to March 19<sup>th</sup>. Commissioner White made motion to extend the declaration for 30 days to get more information. *It was noted during the meeting that a citizen approached the deputy clerk and indicated that the Board was not complying with the Idaho meeting law, however, that is not an accurate statement. On Monday, March 1<sup>st</sup> the Board met at 1:15 p.m. to consider extending the COVID declaration (as noted on the Board's agenda), and that meeting was continued on record to March 3<sup>rd</sup> (as noted on the agenda) and it was continued again to March 4<sup>th</sup> (also noted on the agenda.)* Commissioner Smith asked Commissioner White if she would consider modifying her motion to end the emergency on March 19<sup>th</sup> in an effort to shorten the timeframe. There are reasons, including being moved into the gray category from SWDH and also a continued meeting with SWDH to address some of these issues at the next board meeting, as a compromise to continue this discussion sooner than later. Commissioner White said we are compromising the time, whether it's 15 days, or longer, to get the information. She then amended her motion to approve the emergency declaration from March 4<sup>th</sup> to March 19<sup>th</sup>. The amended motion was seconded by Commissioner Smith. The record noted that Commissioner Van Beek was opposed to extending the declaration, however, this is not a proxy vote. The motion carried unanimously by the two Commissioners who were present for the meeting. Commissioner White authorized

the use of her stamp on the declaration. The meeting concluded at 11:39 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING LEGAL NOTICE REQUIRING DEQ APPROVAL OF SITE CERTIFICATION APPLICATION FOR LATERAL EXPANSION

The Board met today at 11:41 a.m. to consider signing a legal notice requiring DEQ approval of a site certification application for lateral expansion. Present were: Commissioner Keri Smith, Commissioner Pam White via conference call, Chief Civil Deputy Sam Laugheed, Deputy PA Brad Goodsell, Deputy PA Zach Wesley, Landfill Director David Loper, and Deputy Clerk Monica Reeves. Mr. Loper said the County has applied for site certification approval from DEQ to expand the site certification boundary for the landfill for a lateral expansion project. We received an official decision from the DEQ approving the application and now we can move forward with other projects such as design. As part of the approval process we have 10 business days to post public notice that approval was granted. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to approve the legal notice for the DEQ site certification application that was submitted by Canyon County for lateral expansion of the Pickles Butte Sanitary Landfill. The notice will publish in the Idaho Press-Tribune on March 10, 2021. Mr. Loper left at 11:45 a.m. The Board went into Executive Session as follows:

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

Commissioner White made a motion to go into Executive Session at 11:46 a.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Keri Smith, Commissioner Pam White via conference call, Chief Civil Deputy Sam Laugheed, Deputy PA Brad Goodsell, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 12:04 p.m. with no decision being called for in open session.

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

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 5, 2021

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order (via electronic signature):

- HP, Inc., in the amount of \$1800.00 for Information Technology

There were no meetings held this day.

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 8, 2021

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

APPROVED CLAIMS

- The Board has approved claims 572090 to 572138 in the amount of \$81,976.25

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CXT Precast Products INC in the amount of \$47,082.00 for the Parks Department
- Pilot Rock RJ Thomas MFG. Co. INC in the amount of \$4,658.45 for the Parks Department

- Highland Products Group LLC in the amount of \$21,190.00 for the Parks Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Lea Durfee, Heavy Equipment Operator

#### CONSIDER FINAL PLAT FOR GOFF SUBDIVISION, CASE NO. SD2020-0028

The Board met today at 1:16 p.m. to consider the final plat for Goff Subdivision, Case No. SD2020-0028. Present were: Commissioners Keri Smith and Pam White, DSD Director Tricia Nilsson, DSD Planner Dan Lister, the applicant's representative, and Deputy Clerk Monica Reeves. Dan Lister reported that all conditions have been met and the required agreements have been recorded. There are no improvements for this project, and staff is recommending the Board sign the final plat. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve and sign the final plat for Goff Subdivision. The meeting concluded at 1:18 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith and Pam White, TCA Doug Tyler, Assistant TCA Benita Miller and Deputy Clerk Jenen Ross. The following topics were discussed with the Board:

- Judge Southworth is in court today and will not make today's meeting.
- Jury trials are set to begin next week
- Commissioner Smith asked about signs requiring masks in the courthouse. Mr. Tyler believes the signs should indicate that masks are required in courtrooms and any court offices. He indicated that they are required by the Supreme Court to have them at the entrance of the courthouse because they are not allowed to enter the courthouse for purposes of going to courtrooms or court offices if they meet any of the requirements. Additionally, they have signs outside each courtroom and each court office. He thinks that they have 2 at the Juvenile Justice Center and 2 at the front door. Mr. Tyler said he would look at them again to make sure they indicate they are for the courts. Front door security should be letting patrons know that masks are necessary for court and they try to have a marshal in each courtroom to enforce the rule. Ms. Miller will provide a copy of the most recent Supreme Court order to the Board.

- Jury trials are consuming most of their time. They are working to get a pool of qualified jurors. Jurors will be required to wear masks and temperature checks will be done.
- The Senate approved 1 District and 2 Magistrate judges. It will now go back to the House.
- Discussion was had regarding the 'Run, Hide, Fight training'. Mr. Tyler said that when he spoke with Judge Southworth today it was indicated that the training was originally meant for court personnel but they will welcome anyone else who wants to attend.
- TCA employees started transitioning back to work February 1<sup>st</sup> and all have returned as of March 1<sup>st</sup>. They are working to create a telecommute policy but it has to have support of the court before it can be implemented.
- A brief discussion ensued regarding funding in regard to COVID evictions.

The meeting concluded at 1:55 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:01 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- 3 purchase orders were presented for the East End RV improvements. A spreadsheet and additional supporting documentation were provided to the Board.
- Crossroads magazine was provided to the Board.
- Booklet showcasing The Five Tribes of the Boise Valley was provided to the Board. This booklet will be used for 4<sup>th</sup> grade curriculum.
- There have been a couple adjustments to positions and they are working to get positions filled. They are having a hard time filling interpretive specialist positions.
- Director Schwend will be on vacation March 20<sup>th</sup>-26<sup>th</sup>.
- Director Schwend addressed questions Commissioner Smith had earlier in the week regarding a claim for SWID RC&D. She provided an overview of what SWID RC&D does and spoke about where funds come from. Currently the Parks department is the only one using the RC&D although it's available to anyone. Commissioner Smith thinks this might be a better fit for the Parks budget vs. the BOCC budget. Commissioner White said she will contact Controller Wagoner about how this came to be taken from the BOCC budget.
- The field trip schedule is full but she is not sure what the fall will look like as far as in-person and/or virtual or a combination of both.

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

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

The Board met today at 3:02 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Director Nilsson would like to get her position posted ASAP and provided a red-lined version of the job description to the Board (a copy of this version is on file with day's minutes). Discussion ensued regarding adding economic development as a job responsibility to the position. Director Nilsson suggested also putting it on the APA national job board along with the local job boards. Brief discussion ensued as to who should be on the interview committee – initial thoughts include the Board, Assessor, Deputy P.A. Zach Wesley and 1-2 outside people.
- Discussion was had regarding INFRA Grants and necessary clarification as to which fiscal year it is for. Director Nilsson will draft a letter to Matt Stoll at COMPASS.
- A Permit Tech recently gave notice and Kellie George would like to move into that position which everyone is good with. That would then leave the Sr. Administrative Specialist position to be filled. Jennifer Allen will continue working on creation of the part-time admin position.
- Director Nilsson asked what kind of cases the Board would like to see taken by a hearing examiner. How much does the Board want planners involved in reviewing plats? The Board suggested it might be a good idea to consider bringing a surveyor in-house for the next budget year. Director Nilsson will work on a job description.
- Dave Curl is working with Director Navarro on a new layout/floorplan for the office.
- Jennifer Allen is working on the job description for the Planner I position.
- Director Nilsson said the subdivision ordinance needs some work which she is trying to work on. She said it may need some companion comp. plan policies to go with it.
- Commissioner White asked Director Nilsson to put together any information she may have about land trusts. Commissioner White is concerned with the conflict between personal property rights and preservation of ag land there will need to be something that works and is justifiable and transparent. Director Nilsson thinks it might be beneficial to have a meeting with a representative from American Farmland Trust and the director of the land trust for the Treasure Valley.
- Director Nilsson will be coordinating a meeting with impact fee committee to discuss Canyon Highway District no. 4.

The meeting concluded at 3:50 p.m. An audio recording is on file in the Commissioners' Office.



MARCH 2021 TERM

CALDWELL, IDAHO MARCH 9, 2021

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

APPROVED CLAIMS

- The Board has approved claims 571957 to 571993 in the amount of \$298,012.60
- The Board has approved claims 571994 to 572041 in the amount of \$87,700.37
- The Board has approved claims 571822 to 571872 in the amount of \$80,431.13

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, HR Benefits & Training Coordinator Nichole Ahlstrom (left at 9:57 a.m.), Deputy P.A. Mike Porter (left at 9:40 a.m.), Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

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

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Benefits & Training Coordinator Nicole Ahlstrom, Deputy P.A. Mike Porter,

Deputy P.A. Zach Wesley and Deputy P.A. Brad Goodsell. The Executive Session concluded at 9:57 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 settlement agreement between City Development, Inc., U-Save Storage, LLC, the Canyon County Assessor, and the Canyon County Board of County Commissioners:*** Assessor Stender said there has been several years of value disagreements but everyone has now come to an agreed value for 2018, 2019 and 2020. There will be a refund and some interest to be repaid but it will close out the years of 2018, 2019 and 2020. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the settlement agreement between City Development, Inc. U-Save Storage, LLC the Canyon County Assessor, and the Canyon County Board of County Commissioners (see agreement no. 21-008).

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

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

The Board met today at 10:32 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross. Director Rast discussed the following with the Board:

- Commissioner Smith said there was a question about being able to livestream the P&Z meetings. Director Rast explained that the hearings can be livestreamed but that someone will need to attend the meeting to set up and run the equipment. IT can work with either Mr. Decker or the DSD staff to get something set up. Livestream would provided as a courtesy service. The Board suggested that Mr. Decker work with Director Nilsson and she could decide if she wanted to move forward with it.
- This Thursday Director Rast will be meeting with CCMAD regarding county IT services; the Board is supportive of this. Director Rast will work with Mr. Lunders to determine what they're looking for exactly.
- Commissioner Smith would like to standardize the style of the website and printed documents. At this time there are over 20 different business cards styles and the print shop is having to manage a lot of different style forms. In order to keep upfront costs down, cards and forms there would be continued use of the current cards and forms and would just be replaced with the new style as they run out.
- Director Rast would like to move away from the current county email address with the .org domain and move over to a .gov domain. Additionally, he has also suggested changing the format of the address from a fist initial last name format to a first and last name format.

He said much of this change can be done behind the scenes to slowly phase out the .org addresses. He indicated that there is a nominal fee for the .gov domain but with that come some additional protections.

- The Board and Director Rast feel it would be a good idea to have further discussion regarding the standardized style and domain change with the other elected officials. The Board would like to see these changes made simultaneously.
- An MOU with the City of Nampa will be brought before the Board next week for the fiber optics that run down I-84.
- Directors Navarro and Rast met with Brent Orton with the City of Caldwell last week regarding a sewer project. The city will be putting down some conduit while the trench is up so that fiber optics can be run from the courthouse to the fairgrounds. This is a project that will be included in the FY2022 budget. The county is responsible for the fiber optic material and the city will be responsible for the digging and putting in the conduits.
- There was an MOU signed in 2017 to connect the Caldwell Airport to the county data center for connectivity. The project has been held up due to construction on I-84 but it is starting to move forward.
- In regard to the Nemo-Q queuing system at the DMV, the Sheriff's side went live with appointments on February 15<sup>th</sup> and it is working well so far. The Assessor side will go live on March 15<sup>th</sup>. He is also working with the Assessor to for 3 additional workstations to accommodate new staff.
- A review of active projects throughout the county was provided. A copy of Director Rast's discussion topics and list of active projects is on file with this day's minutes.

The meeting concluded at 11:09 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 10, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Hailey McLane Peterson, Interpretive Specialist

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for David Krawczyk

PUBLIC HEARING - MATT WILKE OF WHITE BARN REAL ESTATE, REPRESENTING L & J INVESTMENTS IDAHO, LLC, FOR A CONDITIONAL REZONE AND DEVELOPMENT AGREEMENT, CASE NO. RZ2020-0015

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Matt Wilke of White Barn Real Estate, representing L&J Investments Idaho, LLC, for a conditional rezone from an "A" (Agricultural) Zone to an "M-1" (Light Industrial) zone, Case No. RZ2020-0015. The request includes a development agreement. Present were: Commissioners Keri Smith and Pam White, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Deputy PA Zach Wesley, Matt Wilke, Alan Mills, April Wilke, Justin Parker, Lowell Fritz, Chanda Rodriguez, Jake Fillmore, Marnie Fillmore, Sandra Kershner, Kassi Chadwick, Marisa Borg, Glenda Lewis, Dan Chadwick, Vivian Ferkin, Sonya House, and Deputy Clerk Monica Reeves. Present via Webex: Joe Jones, Kerri and William Wells, Kayla Lemrick, and Candace Camin. Commissioner Smith disclosed she lives in the area and is familiar with the property, and she has received mailers regarding the request but it will not preclude her from making a decision on this case. She asked staff whether the legal notice for today's hearing clearly stated the P&Z Commission denied the request. The P&Z Commission had two motions: one to approve and one to deny, and there was a tie vote on both motions which is essentially a denial. Deputy PA Zach Wesley does not believe the local land use and planning act requires the specific language of denial and so he thinks the notice is sufficient for the purposes of today's hearing. The term *undecided* is in effect a denial and so for the purposes of this hearing if the Board makes a substantial change to the P&Z Commission decision, meaning if the Board approves the rezone, then a second hearing will be required. Commissioner Smith informed the audience members that unfortunately the Board has very limited time today because of a very important meeting Commissioner White has to get to and she needs to leave at 10:45 a.m. so the hearing will have to conclude by then and will possibly be continued to a later date.

Dan Lister gave the oral staff report. The request originally came before the Board on December 10, 2020 as a full rezone and the request was subsequently tabled to allow time for the applicant to add a development agreement as part of the application. The applicant agreed to prohibit the following uses:

- Transit or trucking terminal and/or service facility
- Mineral extraction
- Batch plant
- Impound yard
- Food processing facility
- Fertilizer processing plant

They also agreed to keeping noise-generating equipment substantially indoors. The equipment outdoors will be measured by a decibel reading of 80 decibels between the hours of 8:00 p.m. and 6:00 a.m. They agreed to have exterior lighting fixtures that are shielded and downward facing to minimize light pollution. Irrigation drains, ditches, and laterals will be maintained and protected. They added a clause within the development agreement stating once the adjacent properties turn into a similar zone the development agreement will become null and void. Upon review staff presented a more restrictive development agreement based on the comments by the public. It has the same restricted uses except for the addition of the sale of salvage goods, which is very similar to an impound yard. Staff recommends:

- An operations plan be provided for allowed uses.
- A noise management plan demonstrating noise-generating equipment will be mostly located within the enclosed structure and after 7:00 p.m. Noises cannot exceed 65 decibels at the perimeter of the property.
- A dust management plan.
- Approval from DEQ and Canyon Highway District.
- A landscaping plan to include trees, berms, and fencing around the perimeter. This is generated by previous approvals in that area for mineral extraction and contractor's shop. In the past we have allowed easements/buffer to remain 300-500 feet of the perimeter to ensure it does not impact agricultural uses.
- Staff does not agree with the clause to allow the agreement to be voided when adjacent zoning is nearby as it should be something that comes back through a development agreement modification process.

This property is zoned agriculture and is in an area that shows industrial zoning is designated for that area. It is a transition area from agriculture to industrial so there's a transition between two uses, however, there are plenty of existing uses in that area. Previous approvals for industrial zones and the TAZ forecast shows this is an area of increasing jobs. A lot of uses approved in that area are up against Simplot Blvd., not Lower Pleasant Ridge Road. The property is surrounded by agriculture and rural residential housing. The property consists of best suited soils and moderate to least suited soils. Mr. Lister gave a review of agency comments. Letters of support have been received as well as letters in opposition. Concerns include: noise pollution, impact to families, animals, agricultural uses, safety issues, impacts to property values, increased traffic impacts, air pollution, and the disruption to the agricultural setting and character. The P&Z Commission decision resulted in a tie vote which resulted in a denial. Staff is recommending approval of the conditional rezone subject to conditions.

Matt Wilke represents L&J Investments Idaho and they are seeking to rezone the site at the northwest corner of Lower Pleasant and Weitz Road. They chose the site in consideration of the accessibility to major traffic arterial on Highway 19 and because it has three-phase power. A cabinet company as well Parker Tree Service are interested in locating on the site. It's rare to find an industrial property ready to go, especially on a smaller parcel. There are very large properties but they are too big and too expensive for most small businesses. The property is shown as industrial on the future land use map and it is within the Greenleaf impact area. The soils map

shows it's not as well suited for farming as class 1 soils would be. The majority of the property is class 4 & 6 soils which is not best suited for farming. South of Lower Pleasant Ridge Road there are number class 1 soils and beautiful farm ground which they will not disturb with this rezone. The current landowner has a \$400 an acre lease on 3,600 acres for a mint crop that grosses \$14,400 per year. The lease ends in December. The wages the site currently creates for farming does not come close to the wages that will be created from the new businesses coming in. With the two proposed businesses they will create 70 direct jobs and 32 indirect jobs generating \$3.7 million in wages. The tree service and cabinet maker businesses will take five acres apiece, leaving 32 acres that could be developed for other small businesses. After hearing feedback from concerned citizens, they consulted with their clients and decided to limit some of the uses staff presented. They amended a letter of intent, but staff sent back a development agreement that did not follow their letter of intent and they added salvage goods, which the applicant disagrees with because if you're recycling and grinding trees for bark that is a salvaged good. Mr. Wilke does not agree with staff's recommendation of 65 decibels which is a normal speaking level. He recently performed a decibel reading at the site and nearly every vehicle that drove by hit 84/85 decibels. There is a lot of noise from outside the site already that's hitting 85 decibels and there's nothing in staff's recommendation that signifies that the noise is coming from onsite versus offsite. Staff's recommendation for the other change on item 1 in the conditions of approval states the development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property. Mr. Wilke said staff does not need to put in anything about DEQ as that is not their jurisdiction. He said they will be good neighbors as will their clients and future businesses. This project will be a great asset to the state, county and the neighborhood with the increased wages and the benefits of bringing in business to canyon county. Mr. Wilke presented an additional five letters of support.

Commissioner Smith asked for clarification on the decibel level. Mr. Wilke said they moved that number to 80. Commissioner Smith asked staff about the applicant's disagreement with the salvage goods definition. Dan Lister said there isn't a definition for it. When looking up the uses it had similar requirements for an impound yard including site obscuring fencing because of the type of storage that would be allowed for that type of use. She asked where the example of tree materials would meet a definition. Mr. Lister said it's a mix of landscaping business which is an allowed use in the agricultural zone right now as well as in the industrial zone. There is no definition for landscaping business. It used to be in the county code around 2009 but it went away. We have that use allowed but there is no definition at this time. A landscaping business and nursery are allowed uses in the agricultural zone. The retail part is a conditional use permit in an agricultural zone. Mr. Wilke testified he did not submit a landscaping plan with the letter of intent and they were not going to put that in the development agreement; that was staff's recommendation and the applicant does not agree with it because it will put too much burden on the current landowners. That is something you could do when permits get pulled for future businesses. They do not know what future businesses will come to the site. They are looking to rezone to industrial with the allowed uses that already exist under M-1 zoning. He doesn't understand why salvage goods was put on staff's recommendation. He said this property is a great transition from agriculture to Simplot Blvd., and they are conceding and doing the development agreement after listening to the neighbors and the concerned citizens. Commissioner White said

the unknown is the source of fear and she suggested the applicant keep their mind open to landscaping and fencing which is what would be expected in a transition area between residential and M-1. Commissioner Smith referenced the letters received from local farmers and she noted that last week the Board met with a group of farmers that talked about the impacts to farming specifically related to aerial spraying and spray requirements. She agrees with staff that any changes to the development agreement need to come back through a development agreement modification process. She wants additional clarification on the setbacks and the height specifically related to farming practices. She also wants additional information on the real need for salvaged goods, as well as more information on the decibel level recommendations and what the impacts of that looks like. Mr. Wilke's testimony will remain open so the Board can continue its discussion with him. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to Monday, March 15, 2021 at 1:30 p.m. The hearing concluded at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 11, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Annette Taylor, Interpretive Specialist
- The Board approved an employee status change form for Brenda Stone, Interpretive Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right Systems INC in the amount of \$2,050.00 for Information Technology Department
- Right Systems INC in the amount of \$24,978.05 for Information Technology Department
- HP INC in the amount of \$21,960.00 for Information Technology Department

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-217

The Board met today at 9:20 a.m. to conduct a medical indigency hearing for case no. 2021-217. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Applicant and Deputy Clerk Jenen Ross. Timothy Ryan for St. Alphonsus and Interpreter Mercedes Lupercio participated via teleconference. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to continue the case to May 6, 2021. The hearing concluded at 9:43 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-216

The Board met today at 9:52 a.m. to conduct a medical indigency hearing for case no. 2021-216. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Michelle Davis for St. Luke's, Attorney Mark Peterson for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to continue the case to May 6, 2021. The hearing concluded at 10:59 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NOS. 2020-1081 AND 2021-207

The Board met today at 11:04 a.m. to conduct a medical indigency hearing for case nos. 2020-1081 and 2021-207. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Michelle Davis for St. Luke's, Attorney Mark Peterson for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to deny case no. 2021-1081 with a written decision to be issued within 30 days. Commissioner White made a second motion to approve case no. 2021-207. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 11:11 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Case nos. 2020-1158 and 2021-212 have been withdrawn by the hospital and do not meet the eligibility criteria for county assistance. Commissioner White made a motion to issue a final denial



with written decision within 30 days on case no. 2020-1158. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner White made a motion to issue a final denial with written decision within 30 days on case no. 2021-212. The motion was seconded by Commissioner Smith and carried unanimously.

The following cases do not meet the eligibility criteria for county assistance: 2021-380, 2021-365, 2021-391, 2021-383, 2021-491, 2021-381, 2121-389 and 2021-390. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days.

Director Baker spoke about case no. 2014-485 which was discussed a few weeks ago. The applicant has agreed to reimburse the county 1/3 of the amount he is receiving as a result of a loan refinance. He will be making payment of \$17,070. A subordination agreement was presented for Board signatures.

There has been a request on case no. 2011-1171 for a subordination agreement. Director Baker provided the following history on the case: the case was approved on 12/28/11 for the amount of \$37,809.84. The applicants have paid \$7,205 leaving an outstanding balance of a \$30,604.84. The last payment was received on 2/13/14 and since that time the applicant and her husband (Mr. Taggart) have divorced. Mr. Taggart filed bankruptcy in 2013. The case was turned over to collections on 5/31/2018. Mr. Taggart and his new wife would like to refinance a home where several creditors will be paid off although the county lien does not appear to be included.

They will not be receiving any funds as part of this refinance. Divorce does not have any affect on the obligation still due the county, both parties are still responsible for the debt. Due to the bankruptcy the county cannot actively pursue payment from Mr. Taggart. Director Baker feels that if there is other debt being paid off she would like to see the county be a part of those payments although she is not sure how the bankruptcy plays into the county receiving payment. Liens were filed in both Canyon County and in Madison County where they also had a home. There is also a UCC filing with the Secretary of State. The Taggart's were attempting to sell their home in Canyon County so in an agreement for a \$6000 payment the Canyon County liens would be released but the Madison County lien and UCC lien remain. The bank is seeing these liens and requesting they be subordinated. Director Baker asked whether in exchange for the subordination agreement that Mr. Taggart may agree to start making payments. Director Baker said she believes they still own the home in Madison County but the home in Canyon County has been sold. Due to the large volume of information on this case and unusual circumstances surrounding it Mr. Wesley will review and present information to the Board at a later time.

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

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 11:30 a.m. for a properly noticed legal staff update at which time there was a request to enter into executive session as follows:

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

Commissioner White made a motion to go into Executive Session at 11:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed and Deputy P.A. Zach Wesley. The Executive Session concluded at 12:31 p.m. with no decision being called for in open session.

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 12, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kip Wiemers, Hazardous Waste Screener

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Forensics in the amount of \$1,530.00 for Canyon County Sheriff
- Hess Construction INC in the amount of \$6,860.00 for Facilities Department

CONSIDER SIGNING RESOLUTION REAPPOINTING ELIZABETH MAMER TO THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

The Board met today at 8:50 a.m. to consider signing a resolution reappointing Elizabeth Mamer to the Canyon County Mosquito Abatement District Board of Trustees. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. Commissioner Smith said that Ms. Mamer has been a Board member for quite some time and the Mosquito Abatement Board has requested that she be reappointed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution reappointing Elizabeth Mamer to the Canyon County Mosquito Abatement District Board of Trustees (see resolution no. 21-027). The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - CONSIDER THE APPEAL BY JOHN CARPENTER OF THE CANYON COUNTY DSD DIRECTOR'S DECISION REGARDING THE APRIL 17, 2020 CONDITIONED APPROVAL FOR A HOME BUSINESS: CASE NO. AD2020-0029APL

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of an appeal by John Carpenter of the Canyon County DSD Director's decision regarding the April 17, 2020 conditioned approval for a home business, Case No. AD2020-0029APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, James Jolly, Holly Reising, and Deputy Clerk Monica Reeves. Today's hearing was continued from February 26, 2021. As the hearing got underway there was discussion about whether the hearing could proceed since the appellant, John Carpenter, was not present and the burden of presenting information falls on him. The Board took a brief recess at 9:06 a.m. and went back on the record at 9:17 a.m., at which time staff informed the Board that appellant was on his way and would arrive momentarily. John Carpenter arrived at 9:22 a.m. Julianne Shaw gave the oral staff report. At a previous hearing the Board requested the parties mediate, and they did so and came forward with an agreement for a new road. Staff's recommendation brings in some of the criteria and outlines conditions recommending denial of the appeal. Ms. Shaw reviewed the conditions agreed to by the participants and following her report she responded to questions from the Board. John Carpenter testified that the parties went through mediation and reached a conclusion, and the point of today's hearing is to pull the appeal because they have come to an agreement. There will be a 12-foot-wide driveway. He said James Jolly would prefer a road just to name it but Mr. Carpenter doesn't care if it has not a name or not. He said in the documents where it references a 30-foot wide easement it should state 28 feet and that is something they can address with the fire department. The parties have already executed an agreement and have always referred to it as 28 feet. Ms. Shaw said the applicants of the home business will need to request a reduction in easement from DSD. Mr. Carpenter said the improvements consist of the road, irrigation work, and fencing. Both parties are paying for a portion of it which is roughly \$22,500 each. He explained where Wingsetter Lane will terminate, and where the driveway is located and stated both parties will have their own access which is the point of building a separate road. Following Mr. Carpenter's

testimony, he responded to questions from the Board. Ms. Shaw said the Parma Rural Fire Protection District and the parties involved agreed to a 12-foot drive on the west side of the property that is accessed off French Road. The fire district is requiring two 10-foot by 30-foot turnouts that are shown on a plan and a minimum of a 12-foot approved driving surface. They also required the Wingsetter Lane access to still be accessible for emergency vehicles, and they require that neither access be blocked or create delays for emergency vehicles to access all homes on Wingsetter Lane. James Jolly testified it is important that the fire district is on board with whatever happens, that's a deal-breaker for him if they don't want to have it terminated. He stated he will agree to anything the fire district requires. Director Nilsson recommended the wording of Condition No. 6 be amended to state: *The driveway shall meet county standards and be approved by the Parma RF Protection District.* Holly Reising asked what the definition of *interim period* is because that changes when she can teach classes. She currently does not teach classes on the weekends, but she understands that now she can hold two sessions each day on the weekend (Saturday/Sunday) between 9 a.m. and 2 p.m. Director Nilsson said read Condition No. 7 which states: *"Use of the Wingsetter access is permitted while the new access is being constructed in the interim period."* It is the period that the new access is being constructed. Commissioner Smith clarified that the interim period is until they switch to the new driveway, starting today until they complete the new driveway. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. The Board reviewed the proposed conditions of approval with staff. Commissioner Smith said the conditions that are outlined in the staff report are clearer than what staff showing on the screen at the hearing. Director Nilsson offered to finalize the conditions and bring back the final document for the Board's signature at a later time. Commissioner Van Beek made a motion to uphold the Director's decision and deny the appeal of with the modified conditions as presented for final review by the Board for Case No. AD2020-0029APL. The motion was seconded by Commissioner White. Condition #7 will remain in place and Condition #6 will state: "Meet county standards approved by the Parma Rural Fire Protection District." The written decision will be signed on March 15, 2021 at 10:15 a.m. The hearing concluded at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH ALL DEPARTMENT HEADS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:05 a.m. with all department heads to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, DSD Director Tricia Nilsson, Chief Public Defender Aaron Bazzoli, Fair Director Diana Sinner, Director of CCAD Michael Stowell, Parks Director Nicki Schwend, IT Director Greg Rast, Fleet Director Mark Tolman, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, Landfill Director David Loper, PIO Joe Decker and Deputy Clerk Jenen Ross.

Return to Work and Telecommuting Policies were handed out to each Department Administrator which will also be posted on the intranet for reference. Requests to telecommute on an ad hoc basis should be documented within the department. Each Department Administrator can establish within their team how they'd like written notification. It is not necessary for the DAs to notify the Board every time they are telecommuting. Director Rast spoke about VPN and device guidelines. PDF versions of the documents will be forwarded to each DA to be forwarded to employees. Both documents are on file with this day's minutes.

The meeting concluded at 10:25 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 15, 2021

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

#### APPROVED CLAIMS ORDER NO. 2112

The Board of Commissioners approved payment of County claims in the amount of \$1,750,256.63 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 572386 to 572439 in the amount of \$53,491.63

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kellie George, Permit Tech 1

#### CANVASS MARCH 9, 2021 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the March 9, 2021 General Election. The official documents were presented by Elections staff and were signed in the Elections Office.

CONSIDER FINAL PLAT FOR KIMBER RIDGE SUBDIVISION NO. 1, CASE NO. SD2020-0037

The Board met today at 10:18 a.m. to consider the final plat for Kimber Ridge Subdivision No. 1, Case No. SD2020-0037. Present were: Commissioners Keri Smith, Pam Smith, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, DSD Planner Julianne Shaw, Dennis Jones, and Deputy Clerk Monica Reeves. Dan Lister said the plat was approved in September 2020; this is the first phase of the project and it has five lots. All conditions have been met and staff recommends the Board sign the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the final plat for Kimber Ridge Subdivision No. 1, Case No. SD2020-0037. The meeting concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, CASE NO. AD2020-0029APL

The Board met today at 10:25 a.m. to consider the findings of fact, conclusions of law and order for Case No. AD2020-0029APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. The Board held the hearing on this case last week and today will verify that the conditions are what they asked for. In reviewing the findings of fact, conclusions of law and order, Commissioner Smith said the conditions adequately reflect what has discussed last week. Commissioner Van Beek said there will be an address change for the yoga studio, but it's not indicated in the document and she asked if it should be since it's going from Wingsetter Lane to French Road. Commissioner Smith feels like Condition No. 3 meets the intent, and in Condition No. 7 it's important to mention Wingsetter because they are still allowed to use Wingsetter for the interim and once they move to the new driveway Condition No. 7 will no longer be applicable. Director Nilsson said she spoke to the owner and he understood. DSD will work with the parties to give them lead time to change the address. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the findings of fact, conclusions of law and order for Case No. AD2020-0029APL. The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

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

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

- PREA classes were completed Friday
- Starting auction advertising
- Evaluations are complete
- Continuing to work on vehicle upfitting

At the request of Commissioner Van Beek, Director Tolman spoke about budgeting in regard to auctioning of a vehicle vs. trade-in.

The meeting concluded at 10:52 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:01 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner Smith said that in preparation for a joint meeting with Canyon County Fair and the University of Idaho, which manages the Extension office thru the 4-H program, she would like some background information on the relationship between the Fair, 4-H and the Extension office. Currently there is an MOU between the Fair and Extension/4-H but there seems to be a lack of movement in updating that MOU, the one in place was established in 1999 and updated in 2002. Director Sinner said in 2015 they started the process of getting an updated MOU but haven't had any success.

Director Sinner provided the following 3 documents:

1. Current MOU between the University of Idaho, Canyon County Cooperative Extension System and the Canyon County Fair Board
2. Optional MOU prepared in 2017 by Extension office staff which has had several revisions over the years
3. Outline of some of the changes to the 2017 proposal since the last time the Board saw it in July

Director Sinner explained the point of the MOU is to outline the responsibilities of the two entities since they work together to put on this event. Mr. Wesley said the overarching principles are that the County puts on the Fair which has many different components, one of which is the participation of youth in the agricultural events. Throughout the year youth will work on their projects and conclude with their annual event being held at the county fair. Essentially, the Fair hosts the event but doesn't actually run the 4-H program thru the year.

At this point the MOU is so old that it is unknown who initiated it. Commissioner Van Beek asked if it is still necessary since it's not being followed. Her understanding is that Director Sinner is picking up a lot of the responsibilities that are outlined as Extension office responsibilities which is creating a certain amount of hardship on Fair staff. Commissioner Smith said that is why we need an updated MOU, one that the County Fair Director can manage, execute and follow.

Director Sinner said the 2017 version (document no. 2) was done by Carrie Johnson at the Extension office. Her understanding is that Ms. Johnson took a version from another fair and tailored it to fit Canyon County and the Extension office. However, in the past 4 years there have been several revisions, mainly done by Director Sinner, which reflect what the most current relationship looks like. Director Sinner said that if it's the wish of the Board to continue with the current structure then she likes the 2017 version better than what's been used in the past. In July, when there was similar meeting Director Sinner presented 3 options in regard to how to continue this relationship with Extension or what the youth events at the Canyon County Fair should look like. One option is to continue with the Canyon County 4-H/FFA Expo where it is essentially an event run by Extension but held at the Canyon County Fair during fair dates. Extension would be responsible for managing all aspects of their event. In response to a question from Commissioner White, Director Sinner said this is not the way it is happening now. Currently Director Sinner meets monthly with the Extension office, they work together on the exhibitor guide which is about 75 pages of rules and regulations, Ms. Sinner does the edits to this along with getting it printed and posted to the website. The Extension office handles weigh-ins or declarations for market animals, they also handle the entries. Right now, they have the authority over superintendents but the County provides the funding to pay the superintendents. The superintendents work with the Fair in regard to the facility, anything concerning penning, showrings or bedding and is coordinated thru the Fair and the Facilities department.

At the request of Commissioner Smith, Director Sinner gave her background in showing livestock (from an exhibitor standpoint at the local level to a national level), working in the entry department at the Iowa State Fair and her years of experience in fair management.

Director Sinner spoke about the importance of entry information. She said right now all that information is collected by the Extension office and she is provided a summary about a week before the Fair. In their facility, which is extremely tight on space, they are having to adjust very quickly. There is a lot that goes into entry information and she just doesn't think it's being done as well as it could be. She doesn't believe they are allowing themselves enough time to double check everything and really look at the information received. In response to a question from



Commissioner White, Director Sinner said that if there is an issue with entry info the Extension office has to own it but it often falls to Director Sinner to solve.

Commissioner Smith feels that with the experience Director Sinner has and in the outline she provided (document 3) she identifies the current structure and a new plan for a Canyon County Fair Youth Livestock Show which puts the expertise back in the expert's hands to run a professional fair. By having it under the Fair, organizations such as 4-H, FFA, or Optimist could still request to participate. Commissioner Smith stated she also has concerns about how the superintendents have been managed recently and wondered if the relationship could be better. She would like to see more clearly defined roles for this year and a plan for how to move forward with the 2022 Fair.

Director Sinner said she prepared a document for the Canyon County Fair to have a Youth Livestock show which is something that she has worked on since she was hired by Canyon County if it ever transitioned to being under the umbrella of the Fair. She has a document that outlines Canyon County Fair youth competition guidelines, it's not necessarily an MOU because at that point it's unknown if an MOU would be necessary, however it does outline how 4-H and FFA are involved. The Fair would be responsible for determining rules and regulations, currently Extension does that. The Fair would want 4-H and FFA to be a part of that discussion because it's important for that relationship to work. They would also like youth who are not a part of 4-H and FFA to have the opportunity to participate.

Verifying eligibility of participants would be the responsibility of 4-H and FFA. In regard to the rest of the responsibilities, the Fair is really doing a lot of it anyway but they would now have authority which they really don't have currently. Additionally, the Fair would have responsibility for the superintendents, however, Director Sinner would do it slightly different than it's done now. She said her plan would have a superintendent and maybe an assistant superintendent but they would have committees or teams (ex: sheep team, beef team, swine team, etc.). Director Sinner has seen it done this way at other fairs and it has worked well.

Commissioner Smith asked if there is still a portion outside of the livestock show that the Extension office would still be asked to manage. Director Sinner said they have their static exhibits and she would like for that to continue. There are two ways of doing that, they can either continue in the way they do it now where they accept the entries and do the display or there is already an entry software program in place so there could a 4-H division and an FFA division where the Fair could accept the entries. Director Sinner is open to however the Extension office wants to manage that. Currently they manage the back third of the O'Connor Fieldhouse for 4-H specific projects. The proposed MOU (document no. 3) would need to be updated to indicate what it would look like to have the Extension office managing that area. In response to a question from Commissioner White, Director Sinner said that the plan for the 2022 Fair is for 4-H to have full use of the O'Connor Fieldhouse which she hopes they would share with FFA in order for them to showcase their static exhibits.

Discussion ensued regarding how ribbons are awarded and the potential of Canyon County being a bigger player in national competitions and increasing the level of competition. The Board and

Director Sinner would like to see more recognition of youth really putting in the effort vs. the ribbon for everyone system. Purchase of all ribbons and awards are made from the Fair budget, the Extension office does not participate in those costs.

Director Sinner said her heart is the livestock show and feels Canyon County has something really special. Canyon County is one of the most diverse agricultural counties anywhere in the world and it's something to be highlighted and celebrated. She feels Canyon County has one of the best livestock shows in the state if not the Pacific NW. Both the participation and quality are high.

Commissioner White asked if this could become a destination livestock show. Director Sinner said it could evolve into that if the county ever wanted to extend the fair dates and have a statewide livestock show, which she would love.

In response to a question from Commissioner Van Beek, Director Sinner said that if the county either wanted to have a separate event or extend the fair there could be an open livestock show which could include adults or an open junior livestock show and could potentially be opened up to the state of Idaho, Pacific NW and/or regionally.

Commissioner Smith asked Mr. Wesley about moving forward with the joint meeting with the Extension office later this week. Mr. Wesley said the county funds the Extension office separately from the Fair and provides their office space, administrative assistant staff and compensation for the person running the 4-H program. He asked if the Board is talking about changing that relationship because that's a different relationship than the 2002 MOU. Commissioner Smith feels that if Fair staff is asked to take on additional roles and certain responsibilities are taken away from 4-H then the money is shifting from one to the other, Commissioner Van Beek concurs.

The intention is not for the Fair to run the 4-H program, it is for the Fair to run the livestock show only and 4-H would continue with their programming, manage their livestock directors who then will apply thru Canyon County Fair for the livestock show. Essentially, they would be invited to participate in the Canyon County Fair just like FFA.

In response to a question from Commissioner Van Beek, Director Sinner said the Fair can run a livestock show and can run it well, the hesitancy has always been that it requires additional resources and additional staff. She feels that if 4-H is no longer accepting all the livestock entries the money contributed to the Fair Aide position should be put back to the Fair with the additional responsibilities.

Ultimately Director Sinner is always really conservative, they do a lot with a small staff and she is conservative with county resources but feels if they're going to be tasked to do more they're going to need more. Although she has concerns about logistics for the livestock sale and the optics of change the end-goal is to put on the best event possible for the youth.

Further discussion ensued regarding additional staffing, structure and leadership between 4-H, University of Idaho, Fair Board, Fair Director, BOCC and Superintendents. Commissioner Smith said

her goal is to come up with something that very clearly defines roles, responsibilities and leadership that allows the fair to grow and promote Canyon County agriculture. Director Sinner said she works very closely with the Extension office and wants to preserve that relationship but noted her biggest concern is accountability.

Mr. Wesley thinks there may need to be a series of meetings with the Extension office so that ideas can be presented with discussion and a possible counter proposal. It would be beneficial to let them know the Board is serious about changing the direction of this and giving them the opportunity to respond. With some of the responsibility pulled back the county will have more unilateral control over the Fair therefor an MOU wouldn't be necessary because rule would be in place.

Between the two budgets the county gives the extension office approximately \$274K each year and employs several county employees. Commissioner Smith doesn't feel that the Board has the level of accountability with funding of a department when it's managed by a completely different organization.

At the meeting Thursday with the Extension office/University of Idaho the Board would like to receive feedback on how county staff is utilized throughout the year, what has happened with executing a new MOU and a recent issue with a superintendent.

The meeting concluded at 11:56 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MATT WILKE OF WHITE BARN REAL ESTATE, REPRESENTING L & J INVESTMENTS IDAHO, LLC, FOR A CONDITIONAL REZONE AND DEVELOPMENT AGREEMENT, CASE NO. RZ2020-0015

The Board met today at 1:33 p.m. for a continued public hearing in the matter of a request by Matt Wilke of White Barn Real Estate, representing L&J Investments Idaho, LLC, for a conditional rezone from an "A" (Agricultural) Zone to an "M-1" (Light Industrial) zone, Case No. RZ2020-0015. The request includes a development agreement. Present were: DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy PA Zach Wesley, Justin Parker, Sean Haire, Matt Wilke, Jake Rodriguez, Alan Mills, Jim Reames, Blake Rodriguez, April Wilke, Tina Wilson, David Ferdinand, Pam Bower, Joseph Bower, Wilma Jean Parker, Kiel Kopensk, Karl Kopensk, Chanda Rodriguez, Kristy Fritz, Lowell Fritz, Jake Fillmore, Marnie Fillmore, Kassi Chadwick, Vivian Ferkin, Sandra Kershner, Carrie Smith, Dan Chadwick, Michelle Van Lith, Sonnie House, Diana Trout, and Deputy Clerk Monica Reeves. Present via Webex: Joe Jones, Kayla Lemrick, and Candace Camin. Commissioner Van Beek disclosed that she used to be neighbors with Jake and Marni Fillmore as well as the Hungates, who she has done business with, but that will not impugn her ability to make an objective decision. Commissioner Smith disclosed that she lives in close proximity to this property but does not believe that's a conflict of interest nor will it deter her from making a fair decision. She had a short message from a friend, Shelly Van Lith, who was asking about the hearing procedure (not the case

itself) so she disclosed hearing procedures to Ms. Van Lith that she could share with others. Today's hearing was continued from March 10, 2021 and at the conclusion of the hearing Matt Wilke's testimony was left open for further Board discussion. Commissioner Van Beek did not participate in the previous hearing but she did review the audio and is ready to participate in today's hearing.

Dan Lister summarized Exhibit #30, which addressed setbacks, the sale of salvaged goods, noise regulations/decibel levels, and an operations plan. Staff recommends the Board consider its recommended conditions. Discussion ensued with the Board asking additional questions of staff.

Testimony in support of the request was as follows:

Matt Wilke resumed his testimony and addressed the following topics: sound readings/decibel levels and noise-generating activities; a map that shows the ownership and what the land in the area is being used for; an exhibit referencing the history of Weitz Road; additional letters of support from community members as well as businesses who are looking to relocate to Canyon County; the proposal will help support ag-based business if they had a contractor shop that could work on ag equipment and trucks; he spoke about setbacks and height restrictions, and zoning in the area. Following his testimony, Mr. Wilke responded to questions from the Board.

Tina Wilson disclosed that she is as representative of the Western Alliance for Economic Development which is a nonprofit organization that's a collaborative effort between the Idaho Department of Commerce, Canyon County and Gem County and she serves six cities, one of which is the City of the Greenleaf. Funding for her organization comes from the entities involved in this conversation. She talked about this project with the Greenleaf City Clerk and his point was that if they have someone with high demand the hope is they will pay to connect to city services. Ms. Wilson referenced two businesses who wanted to locate in western Canyon County but they were not able to because she couldn't find a 5 to 10-acre parcel. One is a small metal fabricator that supports food processors and the other is a freeze-dried food processing company, both businesses ended up in Gem County. It's very difficult to find property that is already zoned light industrial. Following her testimony Ms. Wilson responded to questions from the Board.

David Ferdinand, who works in the commercial real estate industry, gave a historic perspective of the area including the Highway 19 corridor and the plans for industrial zoning. Additionally, he spoke of his time serving on the transportation committee in 1999 and on the Canyon County Economic Development Corporation Board. There is a need for more properties in the industrial zone.

Pam Bowers testified about the need for industrial zoned properties, especially for the smaller business owners.

Lowell Fritz and Kristy Fritz deferred their time to Alan Mills.

Alan Mills testified that the comprehensive plan map is very misleading as to the availability of industrial property. The plan shows this area as future industrial. One way to get the tax base

down for the residential and ag communities is to encourage residential commercial. The developer has setbacks of 70 feet on all four sides to allow for tree plantings, and has shown he is willing to work with any reasonable conditions. Mr. Mills responded to questions from the Board following his testimony.

Justin Parker testified that he cares about the neighborhood and wants to grow his business. Besides himself, Mr. Parker does not know who else will be on the property but he has friends who own small businesses who are looking for property. His friend owns a restoration business for older vehicles and he wants to have a 40x60 shop to build/repair classic vehicles. Mr. Parker would like to come to the property at night and work in the shop or work in the office. There are a lot of businesses who could use this type of property as long as there aren't too many restrictions. He is a 24-hour service company but he's not planning to work continuously at night, it will mainly be during the day and occasionally on weekends, however, there are times they get calls and the employees have to get the equipment ready and that could be at 1:00 a.m. He is not planning to have a wrecking yard or a jalopy jungle but he doesn't want to be restricted. Following his testimony Mr. Parker responded to questions from Commissioner Van Beek.

Sean Haire shared that he is a certified public accountant and he sees lot of people burdened by property taxes.

Jake Rodriguez gave testimony regarding his experiences with rezoning residential property to commercial so he could operate a diesel repair facility. His property is surrounded by residential use and he has been able to coexist with his neighbors for many years and he believes some common ground can be found in this case as well. He understands both sides, but as far as restrictions and the noise decibel he said that's a huge issue.

Joe Jones owns Classic Kitchens and he has been working with Matt Wilke for a year now. They have been in business in Meridian for 36 years and their facility is across the street from residential property and they have not had any issues with coexisting with their neighbors and they don't believe they have problems on this site either. They primarily run one shift but due to high demand they are looking at a second shift. We will be sensitive to the area and will build a nice facility; Their business has an extremely low traffic impact and it will not create more dust than farming does in the area. They want to have a conversation with their neighbors about what they plan to bring to the area.

Testimony in opposition was as follows:

Sandra Kershner lives in the area and she disagrees with the claims that the land is not good for farming because she grew up in the area and it has gardens, orchards, fields, and pastures. She is opposed to paving away agriculture for industries that are not owned or operated by people in the community.

Jake Fillmore is an adjacent property owner and he testified about the loud noises coming from the nearby Gayle Manufacturing facility. He said the P&Z Commission made a bad decision letting Gayle Manufacturing move in and operate for 24 hours, for approximately six days a week, and he

asked the Board not to allow someone else to come and make it less desirable to live there. He disagrees that property values will increase because of this proposed project and he is concerned about the negative impact on his property.

Kassi Chadwick testified the noise generated from the Gayle Manufacturing facility is so loud she is getting new windows in her home. She understands Parker Tree Service and the cabinet maker don't plan to run all night, but it's the fact that other businesses could be coming in and the neighbors don't know what that will look/sound like. She is also concerned about the increased traffic on rural roads as well as the negative impacts an industrial park would bring to their agricultural neighborhood.

Vivian Ferkin was opposed to the request and she gave her time to Kassi Chadwick.

Commissioner Smith asked if the following uses were not allowed in the zone would Ms. Chadwick still be opposed: batch plants, fertilizer processing facility, food processing facility, impound yard, kennel, mineral extraction, mini-storage, and RV storage, mobile or manufactured home sales, mortuaries, cremation and funeral home, rehabilitation of manufactured and mobile homes, rendering plant, banks, hotels, motels, restaurants, the sale of salvaged goods, slaughterhouse, transit or trucking terminal and/or service facility, vehicle fueling station with convenience store and vehicle sales lot. Ms. Chadwick said she appreciates that those things cannot go on the property but she would still oppose the proposal because of the noise and traffic issues in the area. Commissioner Smith said in 2008 this area was identified for industrial growth.

(The Board took a break from 3:39 p.m. to 3:48 p.m.)

Marnie Fillmore lives adjacent to the subject property and is very appreciative of the discussion about setbacks. She's concerned the developer just wants what they can get, not what is best for the neighborhood. Additional concerns include: how many people will be onsite; increased traffic; the high-water table; the unknown of what could come to the property; and the noise level that will be generated. If the request is approved the neighbors want to have a voice in what gets agreed upon such as the regulations and things that may be imposed on the property. Ms. Fillmore testified about the loud noises coming from the Gayle Manufacturing plant her concern about bringing something next to her property. She does not want to see farm ground disappear and replaced with industry.

Candace Camin testified that agriculture is the most important industry in the world. If it's such a valid idea of changing the zoning for tax purposes we are eventually going to run out of agricultural ground because everyone will want the tax base from manufacturing.

Rebuttal testimony was offered by Matt Wilke. They do not want to be a like the steel plant (Gayle Manufacturing) and they addressed that with their uses. The development agreement references north or west, and they want it changed to north and west so if any properties adjacent to them rezone to industrial to the north and west the development would go away. He said the noise and dust from farming use far exceed what they intend to do on the site. They've had a very large

supportive ag user, Western Farms, Inc., state that the land is not as suitable for farming as other farm ground. According to Mr. Wilke any businesses with significant traffic will be required to do a traffic impact study to mitigate issues. Although they intend for their access to be on Weitz Road if the fire department or highway district request a secondary access they may need to have access on Lower Pleasant Ridge Road, but that will be out of their control. The comprehensive plan has shown this area as industrial since 1999 and that's why they are here today and they do not want to be penalized because they have to deal with the steel plant. Commissioner Smith questioned the reference to the area being industrial since 1999 and said it was not labeled industrial until the comprehensive plan was later updated. Mr. Lister said in 1999 it did not say industrial zone it referred to a growth area but it did not dictate a use. Mr. Wilke said his clients are fine with the removal of the uses that were referenced earlier, but they feel some uses can work on site like RV storage. Commissioner Smith requests 100-foot setbacks so that agricultural operators can exist without being impacted by the development. Mr. Wilke wants to stick with the 70-foot setbacks instead. He then responded to additional questions from the Board.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the late exhibits into the record (Exhibit Nos. 5-35). Commissioner Van Beek disclosed that she drove by the property on Sunday with her husband, who works in that area.

Commissioner White said she is an advocate for personal property rights and she spoke about the generational landowners who live in the area. The property is zoned agricultural, and there is M-1 zoning along the Simplot corridor, but the roads are not built for dump trucks or other heavy trucks. There is a fear of the unknown and it is hard to rezone something having no idea what will go on the property except the tree business. She is not worried about Parker Tree Service but she will not support the rezone to M-1. It's agricultural land and she is struggling with the compatibility issue with the neighbors.

Commissioner Van Beek spoke of the area being agriculture and its proximity to the Simplot property. There are landowners who bought property based on the County's comprehensive plan and to her it feels like a "bait and switch" if someone purchased something and was not able to develop the property that way. Even though it's not looked at as palatable by the applicant, there will have to be limitations on the days and hours of operation. She said Parker Tree Service can be looked at as an extension of agriculture in supporting local businesses. She agrees with having setbacks of 100 feet, landscaping, and potential noise buffers to help mitigate the sounds of Gayle Manufacturing as a way to meet in the middle. She believes the applicant has a desire to be a good neighbor.

Commissioner Smith said she ran for office on a platform to protect agriculture; she supports agriculture and she understands the benefit from economic development. One thing that is key for Canyon County's ongoing agricultural success is supporting ag-related businesses. The M-1 zone supports 33 different agriculture-related uses in that zone. She then reviewed the various uses allowed in an M-1 zone and noted that we are sending agricultural commodities outside of

Canyon County for processing because we do not have areas designated for those facilities. Processing is part of the backbone for agriculture. If the applicants were seeking a straight rezone she would deny it hands down. This is an agricultural area, we can barely say its transitioning because of its proximity to Simplot Blvd. She asked if the Board is supportive in treating it as transition area and limiting those uses so that we can support agriculture through growth and finding a balance by imposing landscaping on the perimeter so there are adequate buffers, and imposing 100-foot setbacks, and limiting the scope to remove those uses that are not agriculturally related that could change the character of the area. Commissioner Van Beek said Mr. Wilke recommended the development agreement go away if the adjacent properties rezoned to light industrial, but the mitigation still needs to happen, it still needs that gentle transition where they can coexist so she is not in favor of the development agreement being nullified. In the attempt to grow together to look at what would support agriculture in that area that would soften the impacts of growth she is in favor of looking at the land use matrix and excluding a slaughterhouse and a rendering plant as they do not belong in that area. The Board needs the opportunity to look at and discuss what is the best fit. There is a lot to consider on the table.

Zach Wesley said the Board needs to have a full motion and reach a conclusion to close the hearing and then a second hearing will have to be held, but everything should be resolved and tied up today. We cannot just have a second hearing to look at the development agreement conditions, although that's not saying the Board couldn't change its mind or alter those conditions at the second hearing, but the sole purpose of that hearing has to be for a full public hearing.

Director Nilsson reviewed staff's conditions of approval, as well as what the applicant already agreed to:

1. Apply with all applicable standards.
2. The following will be added to the list of prohibitive uses: RV ministorage, mobile home sales, mortuaries, crematoriums, manufactured home rehabilitation, rendering plant, banks, offices, slaughterhouse, vehicle fueling with a shop, vehicle sales lot, a kennel, an ethanol plant, and bulk storage.

Commissioner Smith said we need areas for food processing facilities and asked if there is a way to craft it so that it's indoor. Director Nilsson said the development agreement will be more restrictive than the zoning so where it may be an allowed use you might be able to have it be a conditional use in the development agreement. Commissioner Smith said that's a great idea. A food processing facility will be a conditional use versus an allowed use under the development agreement. The decibel level will remain and 65, as recommended by staff. There was a request to remove the conditions from Canyon Highway District and the irrigation district as they felt like it was already covered. Mr. Lister said it provides proof that they got the review that way staff doesn't have to go out and look for it. Commissioner Smith said this condition will help when the use is identified then the highway district could help run the traffic generation models and determine if any mitigation measures are necessary. Commissioner Van Beek agrees. The Board wants to add a condition requiring a 100-foot setback for structures from all property lines, and establish a 30-foot landscaping area so there is a use buffer on the west, north, and south. (Use photo 2016-57 as a guide.) A landscaping plan shall be submitted to staff. Landscaping can allow



for site-obscuring fence. Commissioner Van Beek made a motion to approve the conditional rezone with the modifications the Board stipulated in its deliberation and with modified findings of fact and conclusions of law, as well as modifications to the development agreement which will be reviewed on March 17, 2021 at 9:00 a.m. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 5:08 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION CHANGING THE JOB DESCRIPTION FOR THE POSITION OF DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

The Board met today at 5:08 p.m. to consider a resolution changing the job description for the Development Services Director position. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The action item was originally scheduled for 3:00 p.m. but because of the length of the prior hearing this item was started late. Following review of the documents, Commissioner Van Beek made a motion to approve the job description for the Director of the Development Services Department. The motion was seconded by Commissioner White and carried unanimously. (See Resolution No. 21-066.) The Director's weekly meeting that was also scheduled for today at 3:00 p.m. will be held at a later date. The meeting concluded at 5:09 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 16, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell INC in the amount of \$16,097.04 for Canyon County Sheriff
- ACCO Engineered Systems in the amount of \$2,569.00 for Facilities Department
- Skyline Silversmiths, LLC in the amount of \$6,179.00 for County Fair Department

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

The Board met today at 10:01 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Director of Juvenile Probation Elda Catalano (arrived at 10:05 a.m.), Director of Misdemeanor Probation Jeff Breach (arrived at 10:07 a.m.) and

Deputy Clerk Jenen Ross. The following items were discussed:

- Numbers have fluctuated between 15-27 kids in custody this month; today they are at 23 – 14 from Canyon County, 2 from Payette County, 1 Ada County hold, 2 from Malheur County and 4 from the Department of Juvenile Corrections.
- Last month there was an incident that had to be reported to PREA where one juvenile touched the buttocks of another juvenile. CPD did an investigation and will not be moving forward with any action.
- GED testing is happening now; 2 students are testing on language arts.
- 5 staff members are currently on light duty which is making coverage a little more difficult.
- Open positions include some part-time positions and the Training Coordinator position which Director Brown thinks could be filled by someone within the department. He would also like to hire a part time admin. assistant – the Board would like to see the job description and budget for the position.
- Garden is seeds to plant under the lights.
- Caldwell Fine Arts has been in contact to bring in a master storyteller to speak about resilience; possibly looking at April 1<sup>st</sup> or 2<sup>nd</sup> for that to happen. They would also like to have someone come in for drawing or painting class.
- Wise Guys program will be starting this week. This is a program to teach health and equality for young men, provides instruction on skills and behavior for young men to create healthy relationships.
- Looking into woodworking for the kids. Ross Garven from Juvenile Probation has provided contact information of a person in the area who makes toys to be donated.
- Part-time/on-call employees continue to be worked on. Currently there are 4 on-call/part-time employees, 3 are on-call and 1 is part-time to cover busy times. All four employees have worked fulltime in Juvenile Detention previously so they are familiar with the operation and have all certifications in place. Director Brown is still working to find numbers in order to offer some kind of increased pay in order to create incentive to maintain these employees.
- The state inspection will take place on April 21<sup>st</sup> so he will be able to report back to the Board in May.

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

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

The Board met today at 10:19 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach (left at 10:25 a.m.), Joe Langan liaison with the Idaho Department of Juvenile Corrections and Deputy Clerk Jenen Ross.

Director Breach discussed the following with the Board:

- Review of the stats for last month: 1045 on supervised probation, 515 on bench warrant; numbers are continuing on a downward trend but will continue to monitor now that court trials are starting or if it is a more permanent trend. Community service has remained static.
- He has spoken with the Assistant TCA Benita Miller regarding the new magistrate judges that will be coming on. One of them will be carrying a general caseload which will affect the Misdemeanor Probation department. There has been a re-working of staff in order to cover that court. It is unknown at this time how the second magistrate judge will be used – tentatively it looks like they may spend ½ their time with child protection cases and mental holds but the remaining time is unknown. Director Breach believes more of these decisions will be finalized in July. He is also hoping to get an invite to the June calendaring meeting where scheduling is discussed so that he may have some input on which day of the week the new judge will hold court in hopes of it not landing on a day that his department can't absorb the workload.

Mr. Langan and Director Catalano reviewed the following information with the Board:

- Juvenile Arrests: Arrests, detention admissions, juvenile petitions and breakdown of felony, misdemeanor and status offenses.
- Probation and Diversion: Probation releases vs. intakes, diversion releases vs. intakes and success rates of each.
- Intake: Breakdown of age race and gender.
- One day snapshot (taken on September 30<sup>th</sup>): Juveniles on probation, juveniles on diversion, juveniles in IDJC custody, hours of community service completed, restitution paid, recidivation rates at 6,12 and 24 months.
- State funds: Legislative pass through funds, state behavioral health funds spent on juvenile treatment in the community and juvenile justice budget (% of state funding).

Director Catalano spoke about the following items:

- DocuSign contract is still being worked on by legal. The previous quote was voided as the timeframe had expired but she will see about getting an updated one.
- Juvenile court is preparing to resume in-person hearings.
- Provided accolades to Sean Brown, since he has taken over the department there has been a willingness to work with Director Catalano in coordinating services and trainings since both departments work with the same population of juveniles. Last week they came together to meet with the vendor who provides the case management system to discuss necessary improvements to the database in an effort to prepare for budget discussions.
- The department currently has an open admin. specialist position and Director Catalano would like to move forward to fill that position. She will work with HR to get the position posted.

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

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 2:01 p.m. with county attorneys for a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, Chief Deputy P.A. Sam Laugheed, EOM Christine Wendelsdorf, Clerk Chris Yamamoto, PIO Joe Decker, Deputy P.A. Zach Wesley, Rachel Spacek with the Idaho Press and Deputy Clerk Jenen Ross.

Commissioner Smith spoke about the Health Board meeting she attended earlier today. She said there was a lot of discussion regarding health alert color levels and that change to those levels was passed by the Board. A couple of the changes made include using a cumulative hospitalization rate vs. just a hospitalization rate. In regard to the preliminary case fatality ratio attributed to COVID 19, the word 'cumulative' has been added in. They are removing elected officials input from the health alert levels, Commissioner Smith stated during the meeting that many elected officials she's spoken with had no idea they could contribute their opinion which they recognized and is one of the reasons it's being removed. Generally, the recommendations have been coming from the county emergency managers. A special meeting will be held next week to consider additional changes to the health alert levels. Further discussion ensued regarding health alert levels and pandemic vs. endemic and what those numbers look like. Commissioner Van Beek asked Commissioner Smith if the topics of the President's statement regarding the goal of July 4<sup>th</sup> to have everyone vaccinated, if the Health District has ever addressed the OSHA standards for wearing masks, the particulate levels and what they do or don't filter and the concept of social engineering. Commissioner Smith said none of those topics were discussed today or in any meeting she has attended.

Commissioner Van Beek said that since the public was in attendance due to an incorrectly reported news report that a decision regarding the emergency declaration would be made today she

wanted to take the opportunity to provide comment in response to Sheriff Donahue's argument for keeping the declaration in place. It is her understanding that the county has always had PPE, although at a different level, the county invested \$1M in federal funding in purchasing PPE that we are now storing. There has been a request from the Sheriff for a building to store the PPE. The county appears to be adequately prepared with PPE at the current time but it is her understanding that there may be times when it is more difficult than others but that has existed whether there is a declaration, it is still a question in her mind that she has some uncertainty on and appears to be a weak argument from her perspective. The other argument the Sheriff has is the ability to sanitize the jail facility, as a health major she feels that the country as a whole could have upgraded their level of hygiene and exercise or any of those precautionary measures that are just good standard practices to circumvent disease process. She asked of legal, it has been suggested that there doesn't necessarily need to be an emergency declaration in place in order to receive federal funding, she asked if that is true or untrue or if legal has had an opportunity to vet that. Mr. Laugheed said that in regard to that particular question, that is a response he owes the Board an answer on but whether or not to provide legal advice in public is up to a Board majority. He is reluctant without Board direction to get into the legalities of what has previously been discussed or anticipated discussion. He said it is Board preference as to how much legal advice to take on the record and/or how they would like to receive the information.

Commissioner Van Beek referenced an email dated March 12, 2021 from the Idaho Association of Counties referencing revenue sharing as it relates to the latest stimulus package. To her revenue sharing translates to redistribution of wealth, this is not free money. There has been a lot of email traffic today, some in favor, some opposed to the renewal of the emergency declaration. She stated that revenue sharing is not a concept of a capitalistic government, it is a concept of socialism. Mr. Laugheed stated that legal staff has never been used in this fashion and he is not comfortable with it being used as a platform for statements. There is no action item, there is potential for legal discussion. He feels that if this is the discussion it would need to be suspended and moved to a different date with notice.

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

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

Commissioner White made a motion to go into Executive Session at 2:16 p.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A Sam Laugheed, Deputy P.A. Zach Wesley, PIO Joe Decker, EOM Christine Wendelsdorf, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Assessor Brian Stender and Chief Deputy Sheriff Marv Dashiell. The Executive Session concluded at 3:15 p.m. with no decision being called for in open session.

The meeting concluded at 3:15 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

## MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 17, 2021

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

### APPROVED CLAIMS

- The Board has approved claims 572319 to 572344 in the amount of \$19,265.27

### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bi-Mart Corp dba: Bi-Mart #614 (See resolution no. 21-028.)

### PUBLIC HEARING – SHORT PLAT FOR KESTREL ESTATES #2, CASE NO. SD2019-0048

The Board met today at 9:03 a.m. to consider a short plat for Kestrel Estates #2, Case No. SD2019-0048. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Dan Lister, Mr. and Mrs. Joseph Tague, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 9:07 a.m. Dan Lister gave the oral staff report. This is a short plat to allow for a one-acre, one-lot subdivision within the existing Kestrel Estates. It was split without approval in 2007 from the original Kestrel Estates without going through the process. In 2019 Mr. Tague came back with a comprehensive plan map amendment and rezone to make it a legal parcel. A review of agency comments was given. The final plat is not ready to be signed, but it will be brought back at a later date. Staff recommends approval with the following conditions: 1) if there are any improvements they must be done before the Board's signature, and 2) they must have all required agency signatures. Joseph Tague testified that the lot is a break-off of the original Kestrel Estates. They had a lot of problems for two years because their surveyor had health problems and they had to replace him on the project. Mr. Tague thanked Dan Lister for all the help he has provided on this project. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to approve the short plat, including the preliminary plat for Kestrel

Estates No. 2, Case No. SD2019-0048 including the findings of fact, conclusions of law and order as written. The hearing concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER THE FCO'S, ORDINANCE, AND DEVELOPMENT AGREEMENT ASSOCIATED WITH CASE NO. RZ2020-0015

The Board met today at 9:15 a.m. to consider the findings of fact, conclusions of law and order (FCO's), an ordinance, and a development agreement associated with the conditional rezone request by Matt Wilke on behalf of White Barn Real Estate, representing L&J Investments Idaho, LLC, Case No. RZ2020-0015. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The request was approved by the Board on March 15, 2021 for a conditional rezone to M-1 (Light Industrial). Staff presented the Board with amended FCO's with the updates requested by the Board on March 15 where quite a few uses were listed in addition to what was proposed as well as some setbacks. Dan Lister reviewed the changes to the FCO's including the conditions of approval. In finding no. 4 the Board asked to make sure it states the request was denied. He changed the findings to note that this is a conditional rezone. In finding no. 6 he added the history in the sense that this first came before the Board on December 10, and came back March 10, and March 15 with late exhibits being submitted. In Finding B, he added "the list of 13". Item D has been changed to show all the uses. He added *the Board finds that these uses have the potential to impact this area and therefore as a condition these uses will be prohibited, however a food processing facility may be allowed subject to a conditional use permit.* The conditions the Board required to be amended were shown, which mirrors what the development agreement will show and basically the first change is: *a site plan demonstrating all structures to maintain a 100-foot setback from the east, south, north and west property boundary lines.* He provided a site plan of what the perimeter is, but he doesn't think we care about the interior boundaries because they could split it in the future. There is no lot size – it will be SWDH who determines the lot size or what can be put there so it was important to consider the boundaries of that. They could split this for a land division to a total of four parcels altogether and anything after that would come before the Board as platting so staff added to the development agreement the information on the operation plan has to come back prior to commencement use, platting, or private building permit issuance. They must demonstrate noise reduction through hours of operation, restricting noise-generating equipment within a structure/building and minimizing outdoor operations to not exceed 65 decibels measured from the east, south, north, west property boundary lines after 7:00 p.m. Discussion ensued between the Board and staff regarding sound levels associated with agricultural operations. There shall be an exterior lighting plan demonstrating all exterior lighting fixtures will be downward facing and shielded to reduce offsite glare to ensure light pollution is minimized. It's not only important that the light is shining downward, but that it's shielded so as not to cause light pollution. There shall be review/approval by DEQ to make sure they have the proper permits for air quality, waste water and public drinking water requirements. A dust management plan is also a standard condition showing how they are going to water the dirt area. There shall be review/approval by Canyon

Highway District who wants to see trip generations, and see if they need to do traffic impact study for the applicable use. The landscaping plan shall be submitted to ensure a visual buffer is provided along the east, west, north, and south property boundaries. Landscaping shall consist of trees, bushes, and other native plants and shall be in substantial compliance with examples provided in Exhibit C. Bushes and other native plants shall be located within a 30-foot buffer maintained along the property boundaries. Landscaping shall be in consistent compliance with examples in Exhibit C. The plan shall include maintenance measures to ensure landscaping and 30-foot buffer are maintained and do not become a public nuisance as defined in County code. Commissioner Smith said the only thing that was missed is identifying the morning hours from 7:00 p.m. to 6:00 a.m. Mr. Lister will add that language. Commissioner Van Beek made a motion to sign the FCO's, the ordinance, and the development agreement associated with Case No. RZ2020-0015. Mr. Lister said we have to re-notice and have another hearing, but the Board can make a decision on the changes it made to the development agreement. Commissioner Van Beek withdrew her original motion, and made a new motion to sign the FCO's, and the development agreement associated with Case No. RZ2020-0015 (the Wilke case), with the addition of a time constraint under Section 2C II. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote. Mr. Lister will re-notice this item and get a new hearing date and come back for a signature. Commissioner Smith said we should withdraw the portion pertaining to the development but the Board should sign the FCO's today. Mr. Lister said the purpose of today's meeting was to have the Board review conditions and the final decision will be signed at the next hearing. Commissioner Smith said there are two public hearings and so this hearing has a set of FCO's and the second public hearing would need to have its own FCO's. Commissioner Van Beek said the applicant made a proposal that the development agreement be null and void once additional zoning came to that area but she does not necessarily agree with that. Mr. Lister said staff still recommends that not be included, and legal counsel agrees. If they want to remove that they would have to come back through a development agreement modification. Commissioner Smith said because legal counsel said not to sign anything we need to rescind the motion. Commissioner Van Beek rescinded her motion to sign the FCO's and the development agreement. The motion was seconded by Commissioner Smith. The motion carried. The Board did not sign the FCO's. The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 18, 2021

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



#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Dave Larson, Computer Network Technician
- The Board approved an employee status change form for David Kojima, Systems Administrator II
- The Board approved an employee status change form for Robert Fuller, Systems Administrator I

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Mountain Alarm Fire & Security in the amount of \$4,943.23 for Facilities Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-393; 2021-394; 2021-416.

Case no. 2021-492 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director of Indigent Services Yvonne Baker provided an update on case no. 2011-1171 that was brought to the Board last week as a subordination case. The Board has asked Director Baker to follow up with legal before they made a decision. Legal reviewed the case, and the issue was settled. Legal suggested to remove the ex-spouse from the lien. The subordination on this case is no longer needed and has been withdrawn.

Following the discussion Ms. Odom presented liens and lien releases to the Board for signatures.

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

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro (left at 9:21 a.m.), Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Fair Director Diana Sinner participated via teleconference (left at 9:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

### ***Consider signing notification of lowest bid for Canyon County's IFB for the Fair Expo Building Project:***

Zach Wesley explained this is the award letter for the Fair Expo building IFB. The proposals were reviewed and HC Company was the lowest apparent bidder. All proposals were reviewed for compliance and all met the IFB requirements. However, the cost exceeds what is currently budgeted for this fiscal year. Director Navarro said the bid documents that were received had 8 add alternates to it, a base bid and several other items. Some of those items are covered by URA funds and some are covered by county funds. Based on a meeting he and Director Sinner had with Controller Wagoner last week they went back to HC Company, knowing they were the lowest apparent bidder, to see if there are some cost saving alternatives that could be applied. A more in-depth budget conversation is scheduled to happen next week with the Board but at this point the budget number is coming in at about \$5.4M - \$5.5M short. Commissioner Van Beek feels that it's good to look at alternatives but wants to make sure the building is done right. Director Navarro explained this is not a low-level government building, this is a classy, high-dollar rental venue and cutting corners will have an effect on the ability to be rented for a rate that's reasonable for return on investment. Controller Wagoner appreciates everyone's work in making sure this project gets done correctly the first time and wants to make sure that the county is getting maximum value for taxpayer dollars. In the County Fair fund for the FY2021 budget \$1.6M was budgeted for construction, there was also \$2.3M budgeted for the site improvement project which utilized Caldwell Urban Renewal monies. Bids for construction of the building came in at \$7.2M. In response to a question about budgeting this project over several years, Controller Wagoner said that could happen and that this project could be a part of the FY2022 budget. He also confirmed that the county's fund balance is in good shape. It would be an option to use a portion of current funds from the fund balance to support this project. Director Sinner said that she anticipates, based on feedback from community partners, that this will be a highly sought-after facility in regard to rental revenue. The size of the building is larger than the Boise Center on the Grove and O'Connor Fieldhouse but significantly smaller than the Idaho Center and Expo Idaho leaving it right in the middle which is a good place to be. She believes that it will be rented frequently and the point of the building is to give the fair another revenue option so that it can become self-sufficient. Zach Wesley pointed out that the letter today is not the contract, it's just to make the award and initiate the contract process. Once we enter the contract the county will be required to commit that the funds are available in this fiscal year, in the current budget. Additionally, in speaking of this project as income or profit generating, rental rates for this building cannot exceed actual costs so it will never truly be a "money maker", although when rental fees are determined the cost of the building could be considered. Commissioner White asked about the capital improvements line

item, Controller Wagoner said there is \$1M in that line item. There is another meeting scheduled for next week to have a more in-depth conversation regarding funding. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notification of lowest bid for Canyon County's IFB for the Fair Expo Building Project.

***Consider signing Canyon County's Administrative Services agreement with GemPlan:***

Mr. Wesley explained that the county has a joint powers agreement with the GemPlan and in places within the contract where GemPlan's self-insurance fund is referenced it will reference the county instead so that it's clear that those funds for county employees are coming out of the county's self-insurance fund and not GemPlan's self-insurance fund. Commissioner Van Beek made a motion to sign Canyon County's Administrative Services agreement with GemPlan. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 21-009).

***Consider signing GemPlan and Canyon County acknowledgement agreement for CARES reimbursement:***

Mr. Wesley said that thru the State of Idaho the GemPlan received some monies for reimbursement of COVID related expenses for both the state and county health plans. About \$540,000 was received which is a number based on the county's actual expenses. Blue Cross reviewed claims from March 31<sup>st</sup> thru September, for testing and care, and this was the approximate amount that had been expended by the county. This acknowledgment will allow them to transfer funds back to county to reimburse those costs. The agreement indicates that the county will repay the funds to the GemPlan if they are ever called back from the state or the federal government. At the request of Commissioner Van Beek, Controller Wagoner spoke about the fund balance in the health insurance fund stating that it's in very good condition. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the GemPlan and Canyon County acknowledgement agreement for CARES reimbursement (see agreement no. 21-010)

***Consider signing resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile case files/records and criminal case files/records:***

Mr. Laugheed explained that these two resolutions allow the Prosecuting Attorney's office to destroy certain records that are of a certain age and have had no action 2 years after case activity. It is the same situation for the criminal case files. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolutions classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile casefiles/records (see resolution no. 21-029) and criminal case files/records (see resolution no. 21-030).

**EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, 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 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication. The motion was

seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed and Deputy P.A. Zach Wesley. The Executive Session concluded at 10:05 a.m. with no decision being called for in open session.

The meeting concluded at 10:06 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING – REZONE REQUEST FOR HANS AND CONNIE HILL BRUIJN, CASE NO. RZ2020-0018

The Board met today at 10:10 a.m. to consider a rezone request by Hans and Connie Hill Bruijn, Case No. RZ2020-0018. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Mitch Kiester, Charlie Kiester, and Deputy Clerk Monica Reeves. Via Webex: Connie and Hans Hill Bruijn, and Mike Carter. Jennifer Almeida gave the oral staff report. Since 1979 there have been numerous divisions, subdivision plats which have occurred and if this request is approved the parcel will have to be platted. Old plat maps show a connector bar which connects the subject property to the north parcel that the applicants also own and that was shown in the 1950s. In staff's research they refer to the middle maps that are from the time period after the old plat books which depicts the 1977 timeframe which shows the north parcel, not the subject property, being its own parcel in 1977 so this parcel would not have to be included in any subsequent plats. It is a legal parcel on its own right. In 2003 the applicant had ownership of the north parcel and the subject property. They created the subject property by recording of a deed, but that division was illegal so they are trying to remedy this and get a building permit through the process of a rezone and subsequent plat of the subject property. She showed the maps to clarify that the north parcel does not need to be part of the subdivision plat. The applicant is requesting to rezone the property to rural residential. The future land use map shows the area as residential and is located within the Nampa impact area and the city designates it as low-density residential. There was a review of agency comments. Platting will be required for development of the property as part of any subsequent plat approvals staff will require a road users' maintenance agreement be prepared and recorded. Some of the issues noted in the exhibits are primarily civil in nature and do not pertain to the Airport Road access. Adjoining property owners raised issues about the Airport Road access. It shows on our maps as a right-of-way that is most likely unmaintained by the Nampa Highway District so that will necessitate a variance when we get to the platting phase. The applicant has done an extensive title history. The P&Z Commission recommended approval on December 3, 2020 and staff is recommending approval as well. Following her report Ms. Almeida responded to questions from the Board. Connie Hill Bruijn testified in support of the request. The proposal is so their daughter and son-in-law can build a home on the back parcel of the property. They have invested significantly in getting the required property lines changed and are currently in contract for over \$10,000 with Skinner Land Surveying to do the plat to build one

house. She has submitted property descriptions, current and historical, describing the right of the use of the 50-foot right of way easement that has existed since the 1920s. A large portion of the gravel road in question is on her property, only a portion is on the Kiester property. She understands she cannot interfere or dictate how people use it. Through the 1980s and 1990s they had large trucks up and down that road many times a week and there were no complaints associated with it. The right-of-way access from Airport Road on that 50-foot easement is in place on every deed and it is mentioned on the property description and the deed to the property in question. It is legally documented that that piece of property has a right to the easement and right-of-way as described or implied. They have the right and the responsibility to maintain the road even if the Kiesters use it too. As of today, Carolyn Kiester has not contacted the Bruijns to express comments or concerns about their daughter building on the property. She said Mrs. Kiester purchased the strip or road adjacent to her property in 2006, prior to that it was the little strip that the road was on, it was owned by someone else. According to Mrs. Bruijn there is farm equipment that has been sitting there for 30 years but now complaints are being brought up. She said they are within their rights to grade the road and fill in potholes as needed to make it more passable. She said they were told there was no access to a building permit on the property so that's why they invested the money in this process. The homeowners' association of Lexington Meadows has been very adamant that they not use that road – they have put a fence on the Bruijns property to block anyone from accessing it. She said her only access is Airport Road and it's her deeded legal access. If they are able to access city water and sewer that is the route they want to go, but if the cost is too exorbitant they will do their own septic. She thinks they may be able to connect to her well and so they will do a water right through that. A second well may not be necessary and they may not even do a septic tank. Following her testimony, Mrs. Bruijn responded to questions from the Board. Mitch Kiester testified in opposition to the request and disclosed that he is here as a private citizen not as a representative of Southwest District Health. He offered comments on behalf of his mother who resides on Airport Road. He has the 1928 document referenced, however, he also has documentation from the Nampa Highway District from 2006 that states it is a private access next to his mother's property so he believes this is abandonment, it will no longer be a public right-of-way. DSD provided a letter in 2006 stating there are no maintenance agreements on file for the property his mother owns. The only agreement on file is in the Schwisow Subdivision; it does not pertain to the Bruijns or the Schwisows accessing that property. He said the County knew it made a mistake back then and although he understands mistakes happen it cannot continue from here on out. Some of the main concerns: It is his mother's private property and she owns it outright and even though somebody can access it they shouldn't be able to store property on it. Continuing to add more access can lead to environmental concerns and dust pollution. It is a non-maintained private road and they are asking his mother to gain access through it, deal with the maintenance, deal with dust and air pollution. She spent a fair amount of money updating the indoor air quality of her home dust to the amount of dust from people driving on the property. She pays taxes on the property and to take it away from her and more people crossing her property seems unjust. Commissioner Smith referred to sections of the law about vacations and abandonments. There is an easement and there is no true legal vacation so it is a civil issue and as a decisionmaker she can only look at the rezone request. Mr. Kiester said back in 2006 when they were going to do the land split they were forced by the County to do research and purchase the property. His mother bought it and that's

how they ended up with the land split. He's confused as to why the County would ask them to do that; they would not give access at the time for the land split because they didn't own it. Since then they have purchased it. Commissioner Smith said there is a lot of confusion as to whether there is legal access to the property at this point so she wants to visit with our attorneys and get more information from the Nampa Highway District. The Board is getting conflicting information so she wants to make sure we have a good record of access. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to Friday, April 2<sup>nd</sup> at 9:00 a.m. in order to give staff and legal a chance to review the information and do additional research on the issue of access. The hearing concluded at 11:18 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:02 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner participated via Webex, Deputy P.A. Zach Wesley, County Agent Jerry Neufeld, Carrie Clarich with University of Idaho Extension, Patrick Momont with University of Idaho and Deputy Clerk Jenen Ross.

Commissioner Smith said today's meeting is to determine a path moving forward so that everyone is on the same page. She explained some of the issues that have been brought to the Board's attention include a superintendent issue, lack of programming in 2020 and an MOU between the county and Extension office that has an extended period of inactivity.

The Board is very excited about moving forward with the 2021 Canyon County Fair and have given direction to fair staff that a full fair will be hosted this year. At this time the county intends to move forward with the fair operating under the MOU currently in place. In regard to 2022, based on conversations with Director Sinner, the Board would like to empower Director Sinner to be the true Fair Director and oversee the livestock show. A preliminary outline of the change was presented at a previous meeting with the Board; there will be some logistics to work out, specifically with the market livestock show. The Board understands that 4-H and the Fair have a long history and they want that to continue and not be misconstrued. The Board is asking that the MOU be a priority and that the Extension office work with Ms. Sinner on future changes to the fair.

Commissioner Smith spoke about a document that was provided to her by Director Sinner providing an outline of timelines. Ms. Clarich said that the timeline that was provided to Ms. Sinner was not actually a finalized version although it may have been marked as final leading to some of the confusion. Ms. Clarich said that they wanted to have face-to-face conversations with superintendents but due to COVID and other staffing issues they were not able to do that until later than they intended.

## EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 2:18 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner via Webex, County Agent Jerry Neufeld, Pat Momont and Carrie Clarich with the University of Idaho. The Executive Session concluded at 2:49 p.m. with no decision being called for in open session.

At the conclusion of the executive session Ms. Clarich spoke about some of the virtual programming they provided during COVID. She said that the clubs did hold meetings but often in a different format – often outside and socially distanced.

The Canyon County budget includes an allocated amount to the County Agent's office for 3 customer service representatives along with various other expenses including travel, postage and copy machine among other items. Over the past year they've done most of what they've always done but just in a different way and have transitioned what they could to an online format. Discussion ensued as to what programming looked like in 2020 as compared to other years and what the plans are moving forward. Commissioner Smith expressed her concerns about funding provided by the county but the lack of control and the responsibility the Board feels to its constituents. The Board informed the Agent's office that for the 2022 Fair the market livestock show will be under Director Sinner and with that the need for funding specifically related to one fulltime staff person and some temporary staff. Direction was given for there to be a collaborative effort in getting an updated MOU in place before the 2022 Fair. Ms. Clarich said that in the past there has been some miscommunication in finalizing the MOU but she is happy to work with Director Sinner and thinks they have a pretty complete draft of the MOU in place. She thinks there are some good things in place for Canyon County youth and wants to encourage them to get involved with 4H in the future. Director Sinner and the Extension office would like to include FFA in the discussion regarding the MOU. The meeting concluded at 3:11 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 19, 2021

PRESENT:     Commissioner Keri K. Smith, Chair

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

#### APPROVED CLAIMS

- The Board has approved claims 572284 to 572318 in the amount of \$19,341.14
- The Board has approved claims 572440 to 572476 in the amount of \$50,954.22
- The Board has approved claims 572202 to 572251 in the amount of \$28,469.35
- The Board has approved claims 572477 to 572503 in the amount of \$56,238.40
- The Board has approved claims 572623 to 572638 in the amount of \$11,043.00
- The Board has approved claims 572252 to 572283 in the amount of \$418,468.90

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- A-Gem Supply INC in the amount of \$2,926.00 for Parks Department
- SHI in the amount of \$3,653.89 for Information Technology Department
- Carousel Industries in the amount \$36,970.64 of Information Technology Department
- Carbon Networks LLC in the amount of \$9,555.00 for Information Technology Department

#### CONSIDER FINAL PLAT FOR HAWK'S SUBDIVISION, CASE NO. SD2020-0024

The Board met today at 9:02 a.m. to consider the final plat for Hawk's Subdivision, Case No. SD2020-0024. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, the applicant, and Deputy Clerk Monica Reeves. Jennifer Almeida reported the property is zoned "R-1" single-family residential. The development consists of two residential lots, and access to Sunshine Lane will be via a 30-foot shared ingress/egress easement. Individual wells and septic's will be used for the two lots. All conditions of approval of have been met, and a road users' maintenance agreement and a water users' maintenance agreement have been recorded. Staff is recommending the Board sign the final plat. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the final plat for Hawk's Subdivision, Case No. SD2020-0024. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

#### ACTION ITEM - CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION



The Board met today at 9:07 a.m. to consider extending the COVID-19 emergency declaration, which is valid from March 19 through midnight on April 18, 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, PIO Joe Decker, Christine Wendelsdorf, Chief Deputy Sheriff Marv Dashiell, Assessor Brian Stender, several interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith said the declaration does not mandate masks or order business closures, nor are there standards that ask the citizens to do something that violates any of their freedoms. The declaration is very specific about being able to address the economic impacts and the ongoing risk to life within our community. The Board has received approximately 182 emails in response to signing the declaration; 32 were in favor and 150 asked for the declaration to be removed. Most of the comments were about mask mandates and business closures so the Board sent a response clarifying that it not making any of those mandates. Commissioner Smith referenced the federal legislation for Coronavirus recovery funds and said the County has been told we do not have to apply for those funds, they will be deposited into every county account. The first deposit will be over \$20 million, and the taxpayers are paying for it no matter what. She does not feel now is the time take away the declaration when there so much to figure out. Her personal beliefs are all about opening businesses up and not taking away any control from local jurisdictions and businesses. This a hard decision but she doesn't want to take away opportunities for citizens to have some economic recovery. In reading through the federal bill that was passed there are some good opportunities to spend that money instead of letting other communities have it. Commissioner Van Beek said she has not supported a continuance of the emergency declaration or accepting the federal funding because "whatever you think you are getting for free will cost a lot." The bigger issue is the freedoms that are in jeopardy in our county and our nation and she does not want to see federally mandated vaccines. This declaration is benign but we do not know what the ramifications are. The federal aid will be on the backs of taxpayers, this is not free money. Our country was founded on hardworking people, and no government in the history of the world generates a profit – hardworking people generate profit while the government takes profit from hardworking citizens to fund their services. The debt and the potential takeover is an enemy that makes her afraid more than the Coronavirus. Commissioner White said it's been a difficult time for a lot of people and when you have to make difficult decisions you have to do it beyond the room you are in. She has to set aside her opinions and do what is best for the people – the greater good. She also spoke about how the other elected officials are in agreement with extending the declaration. Commissioner Van Beek said if the County accepts this money we have no idea what will be turned back out because there is no rubric for determining a fair standard and this is an acceptance of federal funds and a redistribution of those funds which could be called taxation without representation. The recovery rate of COVID is over 99% so if we look historically at pandemics, small pox killed 300 million people in the 20<sup>th</sup> century. It killed one-third of those infected. Polio killed 22% of the population in 1916 with an overall death rate 5%-10%. The bubonic plague killed between 75-200 million people with a one-third death rate for everyone infected. Ebola has a 60%-90% death rate. So when we say COVID poses an ongoing risk to life, a less than half percent death rate on this disease process is comparable to other disease processes that we are not hyper focused on. We could look at diabetes, cancer, and obesity, but we are not looking at those. We are so fear and control-driven that we are hyper focused on one disease process. Commissioner White made a motion to sign the extended emergency declaration until

April 18, 2021. The motion was seconded by Commissioner Smith. An audience member asked the Board to accept public input. Commissioner Smith said the Board has accepted public input via emails and when public testimony is taken the Board does not take repetitive testimony. The citizen said she lost her job and cannot work or get unemployment; she wants to work but her doctor won't allow her to. Commissioner Smith said one of the things being heard from the public is about not being able to work, and that is one reason the declaration should stand because it talks about the local impacts and the local economy effort for recovery. The motion carried by a two-to-one split vote with Commissioner Van Beek voting in opposition to the motion to extend the declaration. The meeting concluded 9:25 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 22, 2021

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

COMMISSIONERS OFFICE STAFF MEETING, AND CONSIDER ALCOHOLIC BEVERAGE LICENSE FOR O CRAB

The Board met today at 8:42 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule and administrative items with staff. The staff meeting concluded at 8:49 a.m. The Board was also scheduled at this time to consider an alcoholic beverage license for O Seafood, Inc., dba O Crab for an alcoholic beverage license. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the alcoholic beverage license for O Crab. (See Resolution No. 21-031.) The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING REQUEST BY RIDGELINE VISTA, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2020-0012

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Borton-Lakey representing Ridgeline Vista, LLC, for a conditional rezone to rezone Parcels R37368

and R37369, approximately 190 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. CR2020-0012. Present were: DSD Planner Dan Lister, DSD Director Tricia Nilsson, Todd Lakey, Alan Mills, Don Newell, Matt Drown, Darin Taylor, Roger Craig, James Blacker, and Deputy Clerk Monica Reeves. Present via Webex: Mike Wieland, Melissa Wieland, Debra Bruner, Brent Oetken, and Kevin McCarthy.

Commissioner Van Beek disclosed that she has a working relationship with an audience member who is also a county employee but that will not prevent her from making an objective decision. Commissioner Smith disclosed that she is very familiar with the property because as the former floodplain administrator for Canyon County and she dealt with a lot of floodplain issues on the original subdivision. In her role as the state floodplain coordinator she also sat through some discussions on the floodplain. She disclosed a conversation she had with Aaron Skinner at the Idaho Department of Water Resources (IDWR) regarding the subsurface water rights and getting some background knowledge on what that looks like. Also, she used to work with Debra Bruner and she knows a lot of people in the audience but it will not affect her ability to make a decision in this case.

Dan Lister gave the oral staff report. The request includes a development agreement to restrict residential development to no more than 20 lots in accordance with the conceptual site plan. The property is located adjacent to 11509 Shalako Street in Caldwell. In 1995 there was a conditional use permit to expand dairy operations, however, in 2004 a land division occurred, and as part of this Lot 14 was divided off and the building permits for it were transferred to create more divisions. The property does not have any building permits associated with it. In 2006 there was another CUP to divide the property into 27 lots. The P&Z Commission recommended denial due to lot size and road issues. The applicant submitted an appeal and it sat for a couple of years before they eventually withdrew their application. Mr. Lister reviewed agency comments. Idaho Fish and Game stated it is within the range of slickspot peppergrass, which is a threatened species, however, they did not find it in the area but they did find hawks, curlews, and owls in the vicinity. They don't have surveys showing if it will be affected so they provide best management practices to address that. Staff provided a condition stating they will do a biological assessment for the development and the applicant did not seem opposed to that. The fire district recommends using the firewise USA best management practices due to the high fire risk in the area and the applicant has agreed to adhere to that. The proposed development is not anticipated to require a traffic impact study. This is a flood zone A with no base flood elevation information and therefore the development will require a base flood elevation study. The conceptual plan shows the development will be located outside the floodplain so if they are able to modify the development to where it's not impacting the floodplain they may not have to do a base flood elevation study. Staff received letters of concerns from the neighbors regarding impacts to farming activities, to protected species, the exiting roadway, flooding and hillside hazards, and concerns about the need to protect existing homeowners from development. Darin Taylor, who represents High Plains HOA, added more conditions and they want this use to be subject to their existing CC&R's and they want the developer to pay for improvements to Shalako Road. Mr. Lister said an expansion to the road needs to meet today's requirements which is why staff required they meet the

minimum requirements of private road standards for this existing road and whatever extension they will need. Staff recommended approval subject to certain conditions:

Condition 2A(1) – The development shall have a minimum lot size of 8.5 acres. They agreed to a minimum lot size of 8 acre.

Condition 2A(4) – There shall be a new private road to serve the development and it shall meet the minimum requirements of the zoning ordinance, and that's where the applicant is recommending that change to existing Shalako Road.

There shall be a change regarding the wildfire prevention plan. That one still shows the initial recommendation; however, the P&Z Commission did allow for the change to state on 2E that the applicant will prepare a wildfire preparation plan addressing firewise use of landscaping defensible spaces and vegetation. This plan will be submitted to the fire district for review and is subject to the approval by the County as part of the preliminary plat.

Staff wants to change item D. After talking to the Idaho Department of Fish and Game they don't want to be an approval agency so they are fine with reviewing and commenting on the assessment when done, but they don't want to be the enforcer on that.

On January 21, 2021, the Planning and Zoning Commission recommended approval of the request subject to the conditions of the development agreement. Staff recommends approval as well. Following his report Mr. Lister responded to questions from the Board including proposed changes to conditions of approval.

The following people testified in support of the request:

Todd Lakey testified they started this request with a comprehensive plan map amendment but as they discussed it with staff their request for 8-10 acre lots promoted continuing ag-related uses similar to what's out there now and it fits with the comprehensive plan so there is no need to change the map. This will be a mix of high-end homes and small scale ag-related uses. It's a continuation of the initial plan of development for the High Plains Estates development to the west which are mostly nine-acre lots. Public lands exist to the north and south, and Little Land Company is located to the east, and this is a natural extension of that development but it's extremely unlikely any further development will happen. They are not establishing a pattern or trend to expand further. The floodplain issues have been addressed and their plan is to stay out of the floodplain, and they have designed the road accordingly. They also intend to keep structures out of the floodplain. They have no problem with the 2-acre building envelope. According to Mr. Lakey, Little Land Company is supportive of this request. The High Plains CC&R's recognized that the property would be developed in the future and they have had multiple communications with the HOA and reached agreement as to how the application would go forward. They agreed to be incorporated into their CC&Rs and have the same standards and restrictions. They agree to an 8-acre minimum lot size and will pay for the road improvements associated with the development. The comprehensive plan supports the application. The ground

has been farmed but is not prime for traditional row crop production. The soils map shows 47% least suited soils and 16% moderately and 36% best suited. The 8-10 acre lots will help maintain the agricultural character. Water rights will be apportioned to each lot. The proposed use will have less of an impact on Shalako Road than the agricultural uses with heavy equipment coming and going which cause more damage than residential use will. The P&Z Commission did not want the developer to tear out the road and build a new road, but they did suggest they pull that core sample so the developer did that and the proposed condition of approval submitted was a result of the some of the initial engineering. With that said they will pull that proposed condition and they will comply with county road standards. He would like the current condition to be left as-is. They are willing to comply with the firewise plan and talk about the type of vegetation and design and landscaping but the P&Z Commission specifically excluded the access and fire flow requirements in their conditions of approval. Following his testimony Mr. Lakey responded to questions from the Board. Commissioner Smith wants a plan that can be funded that makes sure that the water rights are utilized and maintains the character of the area. She also wants an interpretation of whether this project would be exempt from access requirements, and she wants an updated site plan if the request is approved. The floodplain maps were created in the 1970s and identified areas of known flooding but we don't know where the water goes and how can we maintain a channel takes that water. We need some type of plan that can hold that water in a flooding event. Mr. Lakey said they are okay with complying with the ordinance; they have to deal with the floodplain lines as they sit. (The Board took a brief recess at 11:20 a.m. and resumed the hearing a few minutes later.)

Matt Drown testified in support of the request. His family has owned the property since 2006 and they have tried a number of different farming solutions including finding five different farm uses from dry grazing to potato use. It's very sandy soil and they had handlines and wheel lines and looked into a pivot solution but because of the topography it was very expensive and they could not figure out how to make that economically work. We went from there to working with Mike Wagoner who most recently farmed it to keep the weeds down. They had complaints from the neighbors on the road use, and complaints about hobby farms and aerial spraying. They worked with the farmers to make sure they only sprayed during certain times and to keep a certain distance away. It's a difficult location/topography for a farm. They have tried to make it complementary to what's out there, and they did not push density.

Alan Mills testified there is a big demand for this lot size and they don't have them in Canyon County and a good reason for that is administrative splits don't tend to exceed two acres. He doesn't think a farmer wants to take the liability of driving through a residential development to get to this property. Heavy equipment causes more impact to roads. This project will not affect any other farmer as there are no adjacent farmers. He spoke about plans for irrigation. They will have to file new rights for fire protection and fire storage, the well only has an irrigation right. They are willing to work with the fire department. Following his testimony Mr. Mills responded to questions from the Board.

Neutral testimony was as follows:

Darin Taylor testified on behalf of the High Plains Estates HOA. The development includes 14 parcels that were developed administratively in 2004. Parcel 14 is the subject property which the applicants are seeking to re-subdivide into additional lots. The CC&Rs included two provisions: one said no parcel shall be further subdivided and the other had language regarding re-subdivision of Parcel 14. Twelve (12) existing parcels were contemplated to not be subject to further subdivision. Two parcels were and they were called out by name: Parcel 14 and Parcel 20 and they were excluded from the restriction against further development because they were owned by the developer. The HOA requests that Shalako Street be a legal nonconforming road they want it included in the findings of facts. There are no written agreements between the HOA and the applicant. There are series of emails that use the words *we agree to this*, so please note there is nothing official other than written documents both parties are relying on. Mr. Lakey said Parcel 14 will be subject to the CC&R's including assessments, the architectural review committee, and private road maintenance proportionate to the number of lots. The HOA concurs with the statements Mr. Lakey made on that subject. The road is in good condition; however, it does not have any pit run underneath it so the HOA does agree that the best condition is one that says they will comply with the ordinance. The HOA requests a couple conditions. Some existing landowners constructed fences, have landscaping or planted trees in the Shalako Street easement and they marked their north property boundaries and even with those markings the applicants recognize they can widen the pavement of the road to the north rather than to the south, therefore there will be no disturbance of the existing fences or trees put in by the existing landowners. They would like the Board to make that a condition of approval, to widen the existing road to the north where possible. The original application included an average of 8.5 acres for the parcels, subsequent to the application there have been discussions and at the P&Z Commission hearing the HOA also confirmed let's have a minimum parcel size of 8 acres. The HOA wants both requirements: a minimum parcel size of 8 acres and an 8.5-acre minimum average. Storm water should be retained and treated on site, with natural filtration being the most likely way to treat. The IDWR allows a domestic well to be drilled to provide domestic water for a residence and that same well can have two pumps, one that would pump water for irrigation. The point of diversion would take the water rights in the one big irrigation well and divide that up into the number of lots and those water rights would be pertinent to the resulting parcel or lot. There is usually an irrigation plan that comes with the preliminary plat, and with this type of irrigation it's handled with a note. Irrigation will be supplied by a pressurized system at the time the domestic well is drilled. Following his testimony Mr. Taylor responded to questions from the Board.

Nathan Coombs provided an online comment stating: *I am neutral as long as the development is done by the book. For example, impact mitigation recommendations for the existing portion of Shalako Road from a licensed Idaho engineer with supporting geotechnical investigation, no overhead power/phone lines running from Emmett Road to the new development. I am also curious if 20 additional wells would affect the existing wells of the adjacent property owners.*

Opposition testimony was as follows:

Roger Craig stated the road is not built to standards and he doesn't know if it can handle the traffic and so it should be brought to standards. He's lived adjacent to the property 15 years and he

spoke about the flooding that's occurred on his property and neighboring properties. Barrow pit ditches don't seem to be collecting the runoff and so they deal with issues every summer and when the snow melts because the water has nowhere to go. He is concerned the development will impact the wildlife in the area. Also, he wants to make sure there is maintenance on the lots that don't sell.

James Blacker lives in High Plains Estates and spoke of the unique and special nature of the land including the wildlife in the area. He concurs with Roger Craig's testimony about flooding and he also noted the area is very dry and it's only a matter of time until they experience another fire. He asked about a proposition of creating an egress route to address emergency access. He also wants to see Shalako Road brought to standards.

Melissa Weiland lives in High Plains Estates said she appreciates that the developer intends to make the lots comparable in size to the neighborhood but she has concerns about how they will be incorporated into the neighborhood and follow the CC&R's. She does not appreciate the fact that he does not want to bring Shalako Road up to code because traffic will double so it should be improved with an appropriate road base and safe width with the sole cost being on the developer. She also has concerns about the secondary emergency access as well as will happen to the existing well that's being used for farming irrigation.

Mike Weiland stated he takes exception with Mr. Lakey saying the HOA is okay with the road. The road is not in good condition and the HOA is not okay with it.

#### Rebuttal testimony was offered by Todd Lakey

Todd Lakey said this will be a consistent extension of the existing development that was anticipated and they see it as an opportunity to maintain the agricultural character of the area and with roughly 9-acre lots which will allow for the kind of activities that have existed compatibly in the High Plains Estates Subdivision. They are willing to do the wildlife study. He envisions the residents of this development existing compatibility with wildlife just as the residents of High Plains have been able to do. According to Mr. Lakey the road will meet county road standards. They have an agreement with the HOA which is referenced in Exhibit 6 and was generated at the time in regards to some additional improvements the developer was going to pay for on the road and it talked about recognizing that Parcel 14 would be developed. They are willing to do an 8-acre minimum knowing most of the lots will be close to 9 acres. The developer will comply with the floodplain ordinance. Mr. Drown feels like the change in the rows on the ag operations affected that; he had not seen that kind of flooding previously since they've owned the property. According to Mr. Lakey, Roger Craig built his house in the floodplain which has contributed to his flood issues. The developer's responsibility is to maintain and protect that floodplain and he noted that Mr. Craig would have that same obligation. The developer has no objection to the building envelope requirement. Their plan is to stay out of the floodplain, therefore, those homes and structures on the lot would not be impacted by any of the floodplain issues. He said their individual uses will have less of an impact than the more concentrated agricultural irrigation that was going on during the season. The homes will be of higher value and will contribute more to the tax base for the

schools than the standard urban development. Mr. Lakey said the main issue they heard about was Shalako Road and they are willing to address that and be subject to that condition. Following his rebuttal testimony Mr. Lakey responded to questions from the Board. With regard to the BLM access, Mr. Lakey is not aware of existing accesses on the property, but there could be and they would respect whatever limitations/requirements there would be for BLM to access those lands. Commissioner Smith asked if he would be okay with a condition that would allow for access to public lands from the property, although she is not saying the Board should require that. Mr. Lakey said if it was required they could include a public access point off the road that wouldn't go across someone's property if that was the Board's desire. Director Nilsson said it would require a permit from BLM and if they didn't have it permitted it would be a moot point. Commissioner Smith doesn't know if the Board should do that because there could be an argument from the homeowners about the increased traffic that would cause. In reviewing the conditions of approval, Exhibit B - 2A (i), it was requested to include the average of 8.5 acres. Mr. Lakey agreed to that and said they initially proposed a minimum average lot size of 8.5 acres. Commissioner Smith said condition 2.A.(iv) states the existing private road, Shalako, will meet current requirements of the Canyon County Zoning Ordinance Section 7.10.02 & 03 and we should add the following words: *construction improvements at the developer's expense*. Mr. Lakey is agreeable to that as long as we are talking about the initial construction and not ongoing maintenance. They will agree to have the improved Shalako Road rebuilt at the time of the final plat. Commissioner Smith asked if they will include that portion of the road for the road improvements in the platting so there will be an expansion, perhaps a supplemental page on the preliminary plat and final plat that would show the details of that road construction. Director Nilsson said they would just have the engineer's certification that that segment was done, similar to what it would be for what's within the plat. Commissioner Smith asked if there is a way to keep the road narrow but provide a specific walking path. Mr. Lakey doesn't know; he said there is a 60-foot dedication and the challenge is fitting all of that within the existing right-of-way. They are okay with the concept that they will build the road and to the extent possible not disturb those improvements to the south that are built into that road lot. They will keep the road width to 24 feet. Commissioner Smith said on Condition 2.D. we will remove the words *and approved by Idaho Fish and Game*. Staff was asked to work with the applicant on including the language. It would be nice to review at the preliminary plat so perhaps there should be a timeframe that mitigation measures will be provided with the application. Director Nilsson said the requirement would be to submit it to DSD and it shall be incorporated in the construction plans. Dan Lister said it could be similar to the fire requirements that they will do best management practices. He assumes that would also be not adding to their existing CC&R's, it would be added to the agreement for each lot within that subdivision to adhere to. Staff will figure out how to word the condition. In referring to Condition No. 4, Commissioner Smith asked if it's a condition or is it pausing for more information? She wants to understand more about the amendment of transfer from IDWR from agriculture to residential. With it being transferred and the owner bearing the expense for the new well, those wells if used for dual purposes are going to cost a lot whereas in a normal subdivision situation the irrigation improvements would be bonded so we would know they are happening. If someone bought the lot they could say they are not going to put in the well and the pressurized irrigation system and leave the land dry which would become a weed nuisance and fire hazard. Mr. Lakey said they will work with staff on that. Commissioner Smith said the



developer shall work with staff on the irrigation and IDWR for the transfer. And, there should be a condition that states the subdivision will join the existing homeowner's association. Mr. Lakey said they consider themselves to be part of it. Commissioner Smith said there should be a condition that states that secondary residences and golf courses are not allowed. A condition for stormwater to be retained on site. Mr. Lister said they have to demonstrate that as part of the platting stage. A condition will not be necessary. There was discussion about a plan for mitigation for the dam. The developer shall show existing dams and how to retain the water. There was a request to include in that condition for 2.A.IV regarding the street that where possible Shalako be widened to the north. There was a request to add to the findings of fact that Shalako Road is a nonconforming road. Todd Lakey said Darin Taylor wanted it to state: *legal nonconforming road*. Once they improve it then it would simply be a conforming use. Commissioner Smith wants to correct for the record, when talking about knowing the floodplain there, that it's unknown why the floodplain stopped where it did but from testimony it flows from the east to the west so it actually starts there versus stopping there and so it's important to note that we don't really know where the limit of that floodplain actually starts, it's unknown. It's hard to establish risk with that unfortunately, but we can address that during the platting stage. They need to look at the full drainage of the full site for the floodplain versus where just the map floodplain is. Mr. Lakey said they can discuss that, but he's not sure how that equates to a condition or process other than complying with the ordinance. Commissioner Smith said it's only mapped partially and so theoretically you can argue that the rest of the area is not a floodplain but, we could argue that there is known flooding so we could consider the additional extent of the area but for the record it would just be clear since we don't know where the floodplain starts that we would consider the entire property to be looked at. Mr. Lakey said they can look at that. You have the natural drainages on the property and surrounding areas that aren't part of the floodplain that they have to maintain. Director Nilsson said staff can work on that. One edit to 2.A.(i) - shall not exceed 20 residential lots because we'll have other lots due to the private so she wants to be clear. There may be other common lots or things as they get into it. Commissioner Smith agreed. She also wants an interpretation if the 5 acres is per lot that will be finished, or if we have to use that for the entire property. Because that makes a big difference if we have to have a secondary emergency exit. Additionally, she wants to have a response from IDWR regarding the wells and the transfers as well as a response from the school district to respond to the issue of the school bus and if a bus route could be added and what the impacts of that will be. If the applicant was willing to consider a path what that would look like to help with the safety concerns of people driving through that. It's not a requirement at this point but she would like them to explore the viability of that between now and then. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing and leaving public testimony open for investigative purposes to April 22, 2021 at 1:30 p.m. The hearing concluded at 1:20 pm. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:03 p.m. for a weekly meeting with the Director of Development Service to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Controller Zach Wagoner (left at 3:28 p.m.), HR Generalist Cindy Lorta (left at 3:28 p.m.), HR Generalist Ellen Cahalen (left at 3:28 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to John Healey on behalf of Hall Living Trust for a withdrawn conditional rezone application:*** Planner Dan Lister spoke with the applicant and based on other recent land use decisions the applicant decided to withdraw. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to John Healey on behalf of Hall Living Trust for a withdrawn conditional rezone application (see resolution no. 21-032).

***Consider a resolution approving the addition of one position in Development Services Department:*** Director Nilsson spoke about the necessity of adding the Planner I position and what the responsibilities will entail. Mr. Wagoner said this position was not included in the adopted FY2021 budget. Although it is always the goal to operate within the approved budget there is understanding that things change throughout the year. He said it is a little outside what he would consider the normal course of action to add a position in the middle of a fiscal year and since this was not included in the original 2021 budget there may need to be a budgetary adjustment, an opening and adjustment of the budget at some point during this fiscal year. Commissioner Smith spoke about how this department desperately needs the help and how the public deserves the help as well. Commissioner Smith asked about the Planner III position becoming an exempt position but Director Nilsson said she would like to have further discussion on that before any changes are made. Commissioner Smith also asked about previous job descriptions that couldn't be located. Director Nilsson said that she's spoken to Jennifer Allen in HR who found some binders with old job descriptions but she doesn't know within the PCN list what happened to those job titles. Mr. Wagoner said if the Board wanted to bring back some of those positions that would be a discussion to have during budget time. Commissioner Van Beek made a motion to sign the resolution approving the addition of one position in Development Services Department. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 21-033).

Director Nilsson reviewed the following with the Board:

- She attended the last fire/water supply meeting and will be putting together some notes from that meeting. She doesn't believe there will be one concise recommendation to the Board but probably more of a pro/con list of different options that could be considered. She will provide that information to the Board within the next couple weeks.
- She is hoping to get the agenda for the impact fee advisory committee out tonight. They will be meeting on March 30<sup>th</sup> for the purpose of discussing the possibility of submitting written comments to the Board on the Canyon Highway District CIP.

- On Thursday night she attended the Farm Bureau meeting. They were looking for an info session regarding impact fees. Director Nilsson provided a PowerPoint presentation and feels the information was well received.
- Recently she met with Roger Batt regarding the wine ordinance and believes Mr. Batt would like to get together. Director Nilsson feels she may have discovered some unintended consequences in the splitting out of the wineries from the breweries and distilleries. Director Nilsson will work to convene a meeting with staff and Mr. Batt to discuss further.
- Commissioner Smith asked if Kate Dahl is meeting her proposed timeline for the comp plan. Director Nilsson believes that she is but will follow up with Ms. Dahl.
- Director Nilsson asked the best way to recruit for vacant P&Z openings. Several unsolicited applications have been received so Commissioner Smith thinks those applications can be reviewed to see if any of them fit the requirements and are still interested in serving.

#### EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 3:48 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and DSD Director Tricia Nilsson. The Executive Session concluded at 4:18 p.m. with no decision being called for in open session.

The meeting concluded at 4:19 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 23, 2021

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

#### APPROVED CLAIMS ORDER NO. 2113

- The Board of Commissioners approved payment of County claims in the amount of \$1,653,307.01 for a County payroll.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- White Cloud Communications in the amount of \$3,725.30 for the Solid Waste Department

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell, IT Director Greg Rast (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Memorandum of Understanding to provide the City of Nampa a dedicated connection to the Canyon County "Dark Fiber" Network between Canyon County and the City of Nampa:*** Director Rast said this MOU has been reviewed and approved by legal. The purpose of the dark fiber is for use between municipalities for communication. The City of Nampa has been allocated 8 stands which they intend to use for disaster recovery. There are no costs to the county, any costs will be incurred by the city. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the MOU to provide the City of Nampa a dedicated connection to the Canyon County "Dark Fiber" Network between Canyon County and the City of Nampa (see agreement no. 21-011).

At the request of the Board, Mr. Goodsell provided an overview of how the tax deed property auction operates and the guidelines.

Commissioner Smith asked about the amount in transcription fees being paid out. She feels that there is an exorbitant amount being paid out for what is a state mandated service. She wonders if there is any legislative change that can be made. Mr. Goodsell said the fee is set by the courts so it may be something that needs to be discussed with them. Mr. Goodsell said he would let the rest of the legal team know that the Board has raised the issue.

Commissioner Smith asked about two recent land use hearings. Mr. Goodsell will pass along the questions to Mr. Wesley to provide input once he returns to the office.

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

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

The Board met today at 1:37 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Mr. Bazzoli reviewed the following with the Board:

- Review of FY2021 budget; overall his budget is on target for this time in the fiscal year
- Review of 'Age of Active Pending Caseload' reports
- Review of clearance rates numbers
- Review of monthly case type count from 10/1/20 to 3/21/21 compared to 10/1/19 to 3/21/20
- Currently there are 3 vacant positions in the department; 2 investigators and 1 attorney
- Update on re-opening of the courts and how trials/courts are operating

The meeting concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:00 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper reviewed the following with the Board:

- Waste amounts were up 1.42% in February, FY21 is up 6.1% - he is trying to find ways to reduce wait times on Saturdays.
- Well drilling at the Stuart property is anticipated to start this week.
- On February 25<sup>th</sup> he met with the Landscape Architect, Rodney Evans, to review the scope of the front entrance beautification project. Mr. Edwards is working on putting together a scope of work with costs. Once the design is done he feels landfill staff will be able to do some of the work; they will evaluate what can be done by staff and what will need to be contracted out.
- Open screen and operator positions were recently filled; they are still in process of backfilling the screener/operator position and a second operator position will be opening up in early April.
- For FY2022 he will probably look to purchase a loader and a service truck and trailer; they've looked at quite a few options for the truck and have narrowed it down to a Kenworth truck and chassis. He has worked with legal and Kenworth has provided a sales

agreement in order to begin the procurement process as the truck and chassis are around \$100K and the build for the rest of the truck is an additional \$100K. In order to secure and protect the pricing now Kenworth has provided the agreement to purchase the truck and chassis, expected delivery is early October so it is planned for the FY2022 budget. Further discussion ensued and at the request of Commissioner Van Beek, Director Loper will work with legal and the controller to see if this purchase can be made with funds from FY2021.

- The Board is supportive of the landfill being closed on Saturday, July 3<sup>rd</sup> in observance of Independence Day on Sunday. They will be open Monday, July 5<sup>th</sup> when the holiday is observed. Director Loper will work with PIO Joe Decker to do a public service announcement and/or press release.
- The household hazardous waste event happened recently at the Idaho Center where they served approximately 400 cars.

The meeting concluded at 2:33 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 24, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 572546 to 572592 in the amount of \$11,606.05
- The Board has approved claims 572639 to 572661 in the amount of \$59,613.48
- The Board has approved claims 572593 to 572622 in the amount of \$33,798.96
- The Board has approved claims 572345 to 572385 in the amount of \$41,536.09
- The Board has approved claims 572664 to 572664 in the amount of \$7,447.35
- The Board has approved claims 572504 to 572545 & 572566 in the amount of \$56,355.66

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Joshua Jameson, Heavy Equipment Operator
- The Board approved an employee status change form for Eric Savadow, Programs Manager

#### APPROVE LIQUOR CATERING PERMIT

- The Board approved a liquor catering permit for Slick's Bar for use on April 8 through April 10, 2021 for a catering event.

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

The Board met today at 9:35 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker reviewed the following items with the Board:

- He has been helping the Assessor in getting word out about issues at the DMV surrounding the state system.
- He has received information from the department heads for the State of the County project but nothing from the elected officials yet. Commissioner White suggested Mr. Decker reach out to the EOs with projects he's helped with over the past year in the hope of getting some forward momentum. Mr. Decker thought it might be helpful to have a meeting with the Board to create an outline of how the presentation should look. Commissioner Van Beek would also like to create a video; Mr. Decker indicated he has the equipment and knowledge to do that.
- Commissioner Smith asked Mr. Decker to work with Kate Dahl in Development Services regarding community outreach for the comprehensive plan.
- National Day of Pray is upcoming and the Board is okay with people gathering in either Justice Park or at the flagpole in front of the courthouse. Mr. Decker will relay that information to the representative.
- He has been working with David Loper to notify the public about the landfill being closed the July 4<sup>th</sup> weekend. Discussion ensued regarding a PSA being put out to local media about the closure; Mr. Decker said he would collect information to determine cost.
- Commissioner Van Beek has invited him to the mock run-thru of the Upon Death Flow chart meeting which will take place next week. She has asked Mr. Decker to provide objective input that can be used when meeting with the funeral homes at a later time.
- The Board would like to see an advertising line included in Mr. Decker's budget when they are submitted next month.

The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 25, 2021

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

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HUB Industrial Supply in the amount of \$1210.50 for the Solid Waste Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:46 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White, Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-462; 2021-465; 2021-524; 2021-357; 2021-464.

Case no. 2020-9 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue a final approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

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



## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

*Note for the record: As properly noticed the Board met today at 10:00 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

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

Commissioner White made a motion to go into Executive Session at 10:01 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter, and Carl Ericson and Blake Hall with ICRMP. The Executive Session concluded at 11:18 a.m. with no decision being called for in open session.

## MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 26, 2021

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

## MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:47 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Treasurer Tracie Lloyd (left at 8:49 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Treasurer's tax charge adjustments by PIN for February 2021:*** Treasurer Lloyd reviewed numbers to be adjusted off as \$75,930.30 for 2018, \$48,429.67 for 2019 and \$49,100.26 for 2020 the majority of the adjustments are due to a district court ruling for Twin Islands LLC

which the Board was informed of prior to today's meeting. The adjustments are the administrative end to be written off due to previous decisions made by the Board. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for February 2021.

***Consider signing resolution granting a transfer alcoholic beverage license to Lakeshore Market:*** There is concern about the question on the application regarding proximity to a church. Commissioner White made a motion to continue the action item to 10:30 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:33 a.m. to consider action items. Present were: Commissioners Keri Smith and Pam White, Commissioner Leslie Van Beek (joined at 10:35 a.m.), Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting a transfer alcoholic beverage license to Lakeshore Market:*** This action item was continued from 8:45 this morning and Commissioner Smith said the information has been reviewed. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a transfer alcohol license to Lakeshore Market (see resolution no. 21-034).

***Consider signing notice of Sole Source Procurement of Kenworth/Cobalt Service Truck from Kenworth Sales Company:*** Mr. Goodsell explained that this is just the notice required for sole source in order to notify the public of the opportunity to offer comment. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of sole source procurement of Kenworth/Cobalt Service Truck from Kenworth Sales Company.

The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – TRAILS END SUBDIVISION SHORT PLAT, CASE NO. SD2020-0034

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by Duane & Lora Darbin for approval of a preliminary plat and final plat for Trail's End Subdivision, Case No. SD2002-0034. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, DSD Planner TJ Wellard, Duane Darbin, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she assisted the Darbins in the rezoning hearing, and, they are the step-grandparents to her children but that will not impact her

decision today. Jennifer Almeida gave the oral staff report. The property consists of 9.81 acres and will be developed into two (2) residential lots in a "CR-R1" (Conditional Rezone/Single Family Residential) zone. Keller and Associates has reviewed the preliminary plat package for conformance with county code and is recommending it be approved. A road users' maintenance agreement has been recorded. Individual septic systems and wells will be utilized. The P&Z Commission recommended approval of the preliminary plat on January 7, 2021. Staff recommends approval subject to the conditions of approval. Following her report, Ms. Almeida responded to questions from the Board. TJ Wellard testified in support of the request. There is an existing residence on one of the lots, and the new lot will be for the owner's kids. A powerline goes over the neighbor's property and so there is an overhang between the two properties. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat and final plat for Trails End Subdivision, Case No. SD2020-0034, and to delete finding no. 5 which erroneously references the property being located within an impact area. The hearing concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 29, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Valmont Industries, Inc. in the amount of \$5,500.00 for Canyon County Sheriff

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

*Note for the record: As properly noticed the Board met today at 8:31 a.m. for a meeting with the Director Development Services. A request was made to go into Executive Session as follows:*

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

Commissioner Van Beek made a motion to go into Executive Session at 8:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Assistant Plans Examiner Stephanie Hailey. The Executive Session concluded at 8:55 a.m. with no decision being called for in open session.

PUBLIC HEARING – REQUEST BY M&T RANCHES, LLC, FOR A REZONE AND PRELIMINARY PLAT APPROVAL OF COUNTRY SAGE RANCHES SUBDIVISION, CASE NO. RZ2018-0036 AND SD2018-0031

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by M&T Ranches, LLC, for approval of a rezone and a preliminary plat with irrigation and drainage plan for Country Sage Ranches Subdivision, Case No. RZ2018-0036 and SD2018-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Penelope Constantikes, Clint Davison, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicant, Riley Planning Services on behalf of M&T Ranches, LLC, is requesting a zoning map amendment (rezone) of Parcel R38215010B from an “A” Zone (Agricultural) to an “R-1” Zone (Single Family Residential). The request includes a preliminary plat with irrigation and drainage plan for County Sage Ranches Subdivision, a 30-lot subdivision. The 40.81-acre property is located west of 12621 Purple sage Road, Middleton. The parcel was created by a land division that was subsequently divided without county approval; it does not have any building permits available and is currently used as farm ground. Mr. Lister reviewed the comments received by agencies and neighbors. On February 18, 2021, the Planning and Zoning Commission approved the rezone request, but denied the preliminary plat because the irrigation plan was not adequate due to the easement information which was not adequately shown on the plat; however, that has since been corrected. The P&Z Commission was also concerned with the lack of comment from the irrigation district and the lack of an identified traffic plan for this project. Staff contacted Black Canyon Irrigation District, however, they had no further comment. Staff is recommending approval of the rezone and the preliminary plat with conditions. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith would like the project to include curb, gutter and sidewalks. Mr. Lister said a neighboring developer said he had to connect to city services and he believes this project should have to as well. Penelope Constantikes testified on behalf of M&T Ranches, LLC. She noted the comprehensive plan designates this area as residential and said there is a lot of identical activity occurring in the area. The applicant will put in extended treatment systems so the nitrates are scrubbed out. They have gone through a full review with Canyon

Highway District and she's not sure they (the district) will want curb, gutter and sidewalks because these will be public streets so the improvements will be the responsibility of the highway district. Given the location and design of the site she is not sure those items will benefit the subdivision. Ms. Constantikes gave testimony regarding Purple Sage Road which she said is not operating at a dangerous level, it is under capacity at this time. There will be additional roadway added and as subdivisions come along more street capacity will be added and so it will have the room to expand when needed. The easement width is now at 50 feet and the drawings have been updated to reflect that. They did not include a landscaping proposal due to size of the lots. The project will not have starter homes; they will be custom homes and will support the local construction industry. The curve radiuses will be addressed with the final plat and the applicant will do what the highway district wishes. According to Ms. Constantikes there are lot sizes as small as .63 acres to the east of this project. She spoke about how extending sewer and water is very expensive and the applicant would have to double the lot count in order to support that. Sewer systems work best when looped and until more demand for sewer and water in the vicinity she's not sure how well it will work for the Middleton public works department. Commissioner Van Beek has concerns about traffic impacts and she asked about having a roundabout at Purple Sage Road and Emmett Road. Ms. Constantikes said her experience deals with trip generation and impact fees, but to her it sounds like it needs to be a 4-way stop. The applicant does not object to a traffic circle; they cannot do improvements on property they do not own. There was discussion about the amount of space curb, gutter and sidewalks would take up and according to Ms. Constantikes, the street improvements would consume 42 feet of the 60 feet. Following her testimony, Mr. Constantikes responded to questions from the Board. Commissioner Smith wants to have input from the City of Middleton and from the Canyon Highway District on internal curb, gutter and sidewalks. Clint Davison offered neutral testimony. He lives next to the subject property and is glad to know the Board wants to get additional input from the highway district and the City of Middleton because he has concerns with the traffic on Purple Sage Road as well as concerns about irrigation water. (The Board took a brief recess at 10:30 a.m. and went back on the record at 10:36 a.m.) Rebuttal testimony was offered by Penelope Constantikes. She said the Bureau of Reclamation and Black Canyon Irrigation District are immovable forces when it comes to delivery of water. The applicant will enclose and tile the lateral and there will be a complete restructuring of the water delivery system. With regard to traffic, she said the road is operating as it should, there is no alternative other than people driving carefully. She has spoken with City of Middleton representatives about this project, specifically about the sewer and water services but she has no idea why they didn't provide comments to staff. She has no objection to having further conversations with the highway district and the City of Middleton. Ms. Constantikes responded to the Board's follow-up questions. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the late exhibits identified as 12 & 13. Commissioner Smith wants to close public testimony related to the rezone and separate the rezone request from the subdivision request. The Board had questions for staff regarding interpretation of the ordinance and following that discussion Commissioner Smith said she is comfortable moving forward with the rezone although it makes her heart sad to develop farm ground, but, growth is imminent and this provides a needed variety of household opportunities for our community. There is a lot of work to do on the subdivision, but she is supportive of the rezone request and said the Board can provide adequate findings and conclusions for approval of the request. Upon the motion of Commissioner

Van Beek and the second by Commissioner White, the Board voted unanimously to close testimony on the rezone, Case No. RZ2018-0036. Public testimony will be left open the subdivision portion which will be continued to a date certain. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the findings of fact, conclusions of law and order for the rezone for Case No. RZ2018-0036 as presented by staff. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the ordinance directing amendments to Canyon County Zoning Map for Case No. RZ2018-0036. (See Ordinance No. 21-008.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue Case No. SD2018-0031 to April 12, 2021 at 9:00 a.m. in order to obtain information from Canyon Highway District and the City of Middleton regarding improvements for the subdivision. The hearing concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY HATCH DESIGN & ARCHITECTURE REPRESENTING MARSHALL DAVIS TRUST FOR A REZONE; CASE NOS. OR2020-0011 & RZ2020-0017

The Board met today at 1:20 p.m. to conduct a public hearing in the matter of a request by Hatch Design & Architecture, representing Marshall Davis Trust, for a rezone, Case Nos. OR2020-0011 and RZ2020-0017. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Victorina Mergurdio, Tim Tyree, Glenn Kaldhusdal, Theodor Savu, and Deputy Clerk Monica Reeves. Present via Webex: Jeffery Hatch, Tyler Nunes, Wade Willers, Christine Bowdish, Morgan Abrams, Matthew Abrams, and DSD Director Tricia Nilsson.

Dan Lister advised the applicant is requesting today's hearing be tabled because they want to add a development agreement so he recommended the Board proceed with the hearing and if it decides to proceed with a development agreement it can allow the applicant to apply for one and staff can re-notice the case for a new hearing. The Board decided to proceed with the hearing. Mr. Lister then gave the oral staff report. The applicant, Hatch Design & Architecture representing Marshall Davis Trust, is requesting a comprehensive plan map amendment to amend the future land use designation of Parcel R30731 from "Agricultural" to "Mixed Use". The request includes a zoning map amendment (rezone) from an "A" (Agricultural) zone to an "MU-A" (Mixed Use – Arterial) zone, which promotes a mix of residential commercial and industrial uses along principal arterials within an area of city impact which are designed in accord with adopted access management standards for state highways or arterials under the control of a local highway agency. The applicant's conceptual plan includes approximately 13 acres that are proposed for an RV mini-storage use; 5.2 acres along East Amity Road will be preserved for commercial-type uses; and approximately 10 acres will be left as agriculture. Currently there is a dwelling on the property which is being farmed and it consists of best to moderately suited soils. It is within a one-mile radius of a dairy operation. Mr. Lister reviewed the zoning in the area and noted the area is forecasted to have a lot of household growth. It is a nitrate priority area and shows signs of nitrates in the wells; they do not exceed the threshold, but some are very close to DEQ's threshold for nitrates in water. The City of Nampa and the Nampa Highway District will require a traffic impact

study, and a variance would also be required for commercial access to the site. The applicant has no objection to providing that prior to commencement of use. City water is approximately 1,000 feet from the property, and as part of the Britannia Heights development they would be able to possibly bring water over to service future uses. There was a review of the allowed uses in the "MU" zone, which could have some uses that could create a lot of changes to the area that's predominately agriculture at the moment. Mr. Lister reviewed the comments received by agencies and neighboring property owners. He said the Planning and Zoning Commission recommended denial of both requests, but their main concern is they wanted a development agreement that would limit the uses and be more commensurate with the area, and to have the applicant look at adding a condition to complete a traffic impact study if required, and to look at other opportunities to bring water to the site. According to Mr. Lister the P&Z Commission was going to table but it would take until July for a development agreement to come back. The applicant is in a time crunch to get this through so the P&Z Commission decided to deny it and let the Board decide if it needs a development agreement. If the development agreement was found to be okay it would not have to go back to the P&Z Commission, it could stay with the Board and save on process and time. Staff recommends the Board table this item and allow the applicant to submit a development agreement that would restrict the uses and provide more information about how to make it more commensurate with the area and the City of Nampa's forecast for that area to match the consistency of the existing area and also what is going to happen in that area. Without a development agreement staff is recommending the application be denied. Following his report Mr. Lister responded to questions from the Board.

**Testimony in support of the request was as follows:**

Jeff Hatch with Hatch Design and Architecture testified the proposed project has a range of uses. They have a couple commercial pads on the northern parcel along Amity Road. The majority of this was reviewed by the Nampa comprehensive plan and the intent of the MU-A zone to be complementary in uses and futures uses as utility annexation comes online. To the southwest with the density of housing in the area both current and projected, the proposed development has a self-storage facility with a range of flex spaces on the north which would provide more specialty storage for subcontractors, and recreational storage for boats and RV's, in a fortress-style which provides privacy to the neighbors with the buildings themselves versus having a short fence. They held three neighborhood meetings and gathered feedback. They will maintain the eastern 10 acres as agriculture, which has been reflected in the site plan. The request is consistent with the comprehensive plan and encourages commercial and residential development in a controlled and constructed manner. They removed the RV park along with the proposed amenities on the agricultural land and will maintain the existing land as agriculture which was a request from the neighbors. They increased landscape buffers on the western side of the property. There were comments from the neighbors in regards to fencing which is something they will provide. Mr. Hatch cited similar projects that were approved by the County in terms of agricultural lands that were rezoned. In agency comments and feedback the applicant did not find anything that was detrimental to the application. They agree with ITD that as the uses come online, especially along Amity Road, it will be very important to do a traffic impact study (TIS) to make sure they are maintaining proper flow and safety. The Nampa Highway District also wants a

TIS, which the applicant agrees with. In working staff and hearing from the neighbors at the previous hearing the applicant has established a draft development agreement as well as a metes and bounds legal description for the subdivision so that the rezone can be formalized in the development agreement. Through the agreement they restrict nuisance uses primarily focusing on noxious noise and odor concerns within those uses and they look forward to presenting that development agreement if the Board deems it appropriate. The P&Z Commission felt the use made sense but there were some approved uses in the "MU-A" that led to concerns from the neighbors as well as the Commission, and so the applicant felt a development agreement was an appropriate path to satisfy that request. The P&Z Commission recommended denial but they did have strong support for the applicant once a development agreement was established. The applicant originally submitted the application in May of 2020 and the process to get to a hearing was quite lengthy and took longer than anticipated. It gave them time to meet on several occasions with the neighbors and gather additional input for the refinement of the development and the application, but they feel this time would be better spent putting the development agreement together to refine the restrictions on the application itself. Commissioner Van Beek asked questions of Mr. Hatch regarding where his business is located, the status of the business ownership, plans for noise mitigation, the landscaping plan, the number of jobs created by putting in an RV park, and the hours of operation.

Wade Willers testified that he is the owner of the property and has had several meetings with the neighboring property owners and they have modified their plan. They were going to have an RV center facility where people could park their RVs, but the neighbors did not like that, so they have decided not to pursue that aspect of the plan. They have done some feasibility studies and said storage is a highly needed facility with the amount of growth the area has seen. The P&Z Commission advised that had they done a development agreement in the beginning they would have approved the application, but Mr. Willers did not know that. They want to implement the development agreement that keeps the community happy and at the same time provides a needed service in the area. Commissioner Smith asked questions of Mr. Willers regarding when he purchased the property and whether he has a site selector, and how he chose this site for purchase. Mr. Willers purchased the property last year and he does not have a site selector; he chose this site after looking at the Nampa overlays with the comprehensive plan and because it's in the path of growth.

Commissioner Van Beek asked if they are still leaving the application as a mixed use – arterial request? Mr. Willers said the site laid out will only be for RV storage. The east parcel will remain agricultural; the front two sites will be a mixed use. They have no plans for developing it anytime soon. It is for RV storage and self-storage.

Christine Bowdish stated she is in favor of the request but wants to give her time to Wade Willers. Mr. Willers testified that he and Christine Bowdish are the owners of the property and they are two private people who want to build a facility to serve a need in the area. They have done a feasibility study and it has revealed there is a deficiency of storage units in the area. Storage facilities are one of the lowest impacts to traffic of any commercial use. Amity Road is a busy road and it is going to be expanded for that reason. The facility will be fenced, secured, and monitored. They have planned for a buffer between the properties to the west. They have to provide fire access and will put up a landscape berm to have another screening between the facility and the



neighboring backyards. They are in the Nampa overlay zone and this use is what the overlay will be at the time when it's annexed. It is part of the master plan that's already in place for the area. They will continue to farm the 10 acres. When they were in the P&Z hearing that's when the development agreement was recommended to them, not any time before that so that's why they are seeking to do it to accommodate and adhere to the concerns of the surrounding communities.

**Testimony in opposition was as follows:**

Tim Tyree is an attorney representing V& L Ranches, Victorina Murgoitio and Lou Murgoitio, who are the owners of the farmland south of the project. This is a big application and the applicant will eventually need a conditional use permit, and the number of concessions the applicant must obtain for this project should tell you the project does not fit with the local community. He believes they are trying to avoid the full review of the project by adding a development agreement at this late stage. A lot of the concerns have not been addressed and even with an agreement the use will not fit within the area. The amendment is not compatible with the surrounding use which is predominately agriculture along with some residential. According to Mr. Tyree, the application is not properly before the Board. The applicant is only a minority interest owner in this property; the property is owned by three other different trusts with an address of Las Vegas, Nevada. The applicant has resisted bringing water to the area and storage units are a notoriously dangerous fire hazard and if they don't bring water to the area there could be thousands of acres being overrun by fire. They will want a sewage dump with the RV storage. There are over 500 potential sites for the RV's, if just one-third of those sites go out on one week, you'd get the equivalent of 24 homes on sewer in a nitrate area. This is a class 1 soils area and the applicant intends to pave it. A traffic impact study is not mandatory but if the application is approved with the condition of a development agreement he wants to see one. Mr. Tyree responded to questions from the Board following his testimony.

Victorina Murgoitio testified that she is one of the owners of V&L Ranches and she resides in Boise. She purchased the property a couple years ago and the biggest issue she has with this project is location. It is fragmenting the agricultural landscape by increasing urban development which limits ability to achieve an efficient scale of operation. She moves farm equipment and is very worried about traffic in the area. The close proximity to nonfarming neighbors will increase vandalism, theft, littering, trespassing, and stress. The proposed agricultural sector that they want to retain next to a commercial development is comparing apples and oranges. There is no access; will they go through their commercial development to access the agricultural ground? She is hoping the Board denies this request. Commissioner Van Beek disclosed that her husband has known the Murgoitio family for a number of years through their farming background. She asked questions of Ms. Murgoitio about her plans for her property.

Glenn Kaldhusdal testified that he owns 40 acres across from the development and his biggest opposition to this project is traffic. Development around farm ground needs to be properly fenced. Neighbors on the west have water rights and they need to have access to those rights. He spoke about the problems he's experienced with his water rights from the Britannia Heights development.

Theodor Savu testified he owns property next to the subject property and he has concerns about the impact to traffic in the area and the lack of a consistent plan. He wants privacy fencing of the commercial property, and he wants to keep his water rights along the border of the property.

Tyler Nunes lives near the subject property and he opposes this plan due to the following concerns: traffic, disturbance to the neighbors and agricultural operations, and negative impacts to agricultural operations.

Rebuttal testimony was offered by Jeffery Hatch who said the majority, if not all, of the concerns stated in the public testimony can be covered in the development agreement. One of the largest issues he heard was the need and desire to preserve water rights. In the proposed development agreement, they are proposing to connect to city water services to preserve the neighbors' water rights and to help with the infrastructure and safety concerns. They are fine with language in the agreement that would ensure that any historic waterways on site are maintained from their entrance and exit points on the facility. The majority of the site is not desirable for agricultural land use; the soils report showed they hit bedrock at two feet and sustained that in various areas on the site. He feels a commercial use would be a more prudent use. They do not propose to be renting RV's at the facility. Part of the neighbors' concerns about the proposed RV park dealt with dump stations, maintenance, noxious odors, etc. For a storage facility they do not need those things so they are not proposing them at this time. They will provide privacy fencing along the western side of the development and they are happy to memorialize that in a development agreement.

Commissioner Smith asked Dan Lister questions about the staff report. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioner Van Beek said she has read through this case with a lot of interest and an agricultural background and she appreciates the testimony by all parties. Sometimes it's a timing issue and in this case, she is going to uphold the P&Z Commission's decision to deny the application and find support for Mr. Tyree's statements that even with a development agreement this is not consistent with the area. She said the Board is charged with 8 or 9 different components for the findings of fact, conclusions of law and order (FCO's) on which to base a decision and in the ordinance, they find there has to be an agreement to find for all of the articles or it automatically goes to a denial. She referenced applicable comprehensive plan goals and policies. It is not compatible when you have residents and conflict with noise. There is the potential for 24-hour noise happening in this area and rather than trying to mitigate and put conditions on something sometimes it's just not the right decision. She finds support for Tim Tyree's testimony that new development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished. Even with a right to farm statement on a plat, because of the nature of agriculture it impairs their ability to continue the viability of farming. The answer is not right now because of what is surrounding that area. Mixing industrial and residential is

counterproductive for both parties. There are compatibility issues, and the agriculture component takes precedence.

*(Morgan Abrams joined via Webex at 2:52 p.m., after public testimony was closed. Matthew Abrams joined later as well.)*

Commissioner White said although there has been talk of making Amity Road a five-lane road there is no funding for it and therefore it has not reached the planning phase. Nearby subdivisions have RV garages and that's becoming more common. Traffic in the area is a nightmare with long lines of vehicles backed up. She did say she appreciates they won't have a dump station for RV storage, but she does not feel the area is ready for this proposal. Even if the timing was right, the location is not. She does not support the request because it's not in the interest of compatibility, safety, or quality of life, and, because the area is predominately agriculture.

Commissioner Smith recommended the following changes to the comprehensive plan map amendment FCO's:

In A: The conclusion should state the proposed use is not in conformance with the Canyon County Comprehensive Plan, however it is with the Nampa plan and staff should include a finding for that, specifically removing the policies that support the request in favor of the promotion of agriculture.

In E: She recommends adding the testimony on the concerns for water and sanitary and the lack of city services needed for an MU zone. There are many listed uses under the M-1 zone, if we try to just look at the zone, not the RV facility, the zone itself is not compatible because of the services that are not available.

In F: The last sentence states the affected agencies did not oppose the request, but it should also be noted this is in a nitrate priority area and that is a concern for surface and groundwater having growth in those areas.

With those changes to the FCO's she recommends a denial for the comprehensive plan map amendment.

Commissioner Van Beek made a motion to deny Case No. OR2020-0011 for a comprehensive plan map amendment with Chairman Smith's recommended changes to the FCO's (noted above). The motion was seconded by Commissioner White and carried unanimously.

For the FCO's for the rezone application, Commissioner Smith recommended the following:

Criteria A should be changed to state the proposed zone change is not consistent with the Canyon County Comprehensive Plan and is in general conformance with the Nampa comprehensive plan. She asked staff to mirror the language in the comprehensive plan findings.

Criteria B should be changed to state the zone amendment is not more appropriate than the current zone of agriculture, and staff should remove the words *subject to a development agreement*, and to include a finding that supports that with average lot size and specifically the very predominate use of agricultural uses south of Amity Road. She wants language stating the city services are not available.

Finding G should be changed to state that agricultural uses should remain. There is plenty of information about traffic but it was not substantiated with any facts so staff should address that.

Dan Lister asked if the Board wants to list any action the applicant can take to obtain approval? Commissioner Smith said perhaps when they can annex into the City of Nampa and it becomes more of a community use and when change happens in that area and when public services become available. Commissioner Van Beek supports that. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to deny the rezone for Case No. RZ2020-0017 with the amendments to the FCO's as stated on the record. The FCO's will be brought back at a later date. The hearing concluded at 3:12 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO MARCH 30, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jenna Gaines, Sr. Admin Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SHI, Inc. in the amount of \$27,863.58 for Information Technology Department

#### APPROVED CATERING PERMIT

The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 4/24/21 for Lewis Wedding; Raising Our Bar to be used 4/17/21 for Abner Wedding; Raising Our Bar to be used 4/16/21 for Stine Baugh Wedding; Raising Our Bar to be used 4/15/21 for PC Maintenance Event; Raising Our Bar to be used 4/11/21 for Still Water Open House; Raising Our Bar to be used 4/3/21 for Tellez Wedding

### MEETING TO DISCUSS PROPOSED GUIDELINES

The Board met today at 8:45 a.m. to discuss proposed guidelines. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Other interested citizen, Director of Juvenile Probation Elda Catalano (arrived at 8:54 a.m.) and Deputy Clerk Jenen Ross.

Commissioner Van Beek has created a preliminary guideline for the FY2022 budget which is on file with this day's minutes. The Board reviewed several of the lines and adjusted the language as necessary. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell (left at 9:08 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Director of Juvenile Probation Elda Catalano (left at 9:07 a.m.), other interested citizens and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Canyon County agreement with DocuSign for Juvenile Probation:*** An updated quote has been received which includes a slight cost savings. The contract is year-to-year with minimal legal risk. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with DocuSign for use by Juvenile Probation and Juvenile Detention (see agreement no. 21-012).

Mr. Goodsell provided an updated script for the property auction that will happen at 10:00 a.m. today.

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

*Note for the record: As properly noticed the Board met today at 9:03 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 9:09 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning

named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter. The Executive Session concluded at 10:12 a.m. with no decision being called for in open session.

At the conclusion of the executive session Mr. Wesley explained that there are 7 employees with dependent care savings accounts that would normally expire tomorrow. The CARES Act automatically rolled over the medical savings accounts but only gave the option for dependent care accounts. HR would like to allow those 7 dependent care accounts to run on the same timeframe as the medical accounts, allowing them an additional 6 month to draw on those funds. There is no expense to the county, these are funds that are contributed to by individual employees. The Board is in support of allowing the account deadlines to be extended the additional 6 months.

The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

#### SURPLUS PROPERTY AUCTION

The Board met today at 10:14 a.m. to conduct the surplus property auction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy Treasurer Addie Delaney, Director of Indigent Services Yvonne Baker, Indigent Case Manager Jenniffer Odom, Other interested citizens, Deputy Clerks Monica Reeves and Jenen Ross.

The following parcels were sold:

**PARCEL #1 – REDEEMED PRIOR TO TAX SALE**

PIN: 00780000 0

ADDRESS: 1420 LaCresta Avenue, Caldwell, Idaho

**PARCEL #2**

PIN: 18973010 0

ADDRESS: E. Stewart Avenue, Parma, Idaho

BID AMOUNT: \$4,410

BUYER: Emily Watson, Rown Investments, LLC

**PARCEL #3**

PIN: 19570000 0

ADDRESS: 207 E. Park Avenue, Parma, Idaho  
BID AMOUNT: \$ 20,200  
BUYER: Emily Watson, Rown Investments, LLC

**PARCEL #4**

PIN: 27207000 0  
ADDRESS: 20167 Apricot Lane, Caldwell, Idaho  
BID AMOUNT: \$39,500  
BUYER: Yuriy Sholotyuk, Overland Tree, LLC

**PARCEL #5**

PIN: 33932000 0  
ADDRESS: 10112 Iris Drive, Middleton, Idaho  
BID AMOUNT: \$87,500  
BUYER: Nick Kuzmenko, K2 Express, LLC

**PARCEL #6**

PIN: 35368013 0  
ADDRESS: 0 S. 21ST Avenue, Caldwell, Idaho  
BID AMOUNT: \$9,600  
BUYER: Yuriy Sholotyuk, Overland Tree, LLC

Once payment is received for the parcels the Board will schedule the signing of the quitclaim deeds. The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:19 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider Planning and Zoning Commission appointments and organization:*** Commissioner Van Beek moved on a motion to approve the reorganization of Canyon County Planning & Zoning Commission with the removal of John Carpenter and Sandi Levi. The motion was seconded by Commissioner White and carried unanimously. Copies of each letter are on file with this day's minutes.

Mr. Wesley presented a letter to FEMA for Board signatures. A copy of the letter is on file with this day's minutes.

Commissioner Smith asked about scheduling a meeting with Kate Dahl regarding the comprehensive plan update to make sure she is on track with the schedule and for the Board to provide input. An updated copy of the comprehensive plan has been sent out and Commissioner Smith feels it's really important for the Board to review that as soon as possible in order to provide comments. Director Nilsson will have Ms. Dahl attend the regularly scheduled update meeting next Monday. Additionally, Commissioner Smith, Director Nilsson and Zach Wesley will meet with Roger Batt regarding the winery draft ordinance and then the information will be brought back to the Board.

The meeting concluded at 1:24 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS CANYON COUNTY BOARD OF COMMUNITY GUARDIANS

The Board met today at 1:31 p.m. to discuss the Canyon County Board of Community Guardians. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Deputy P.A. Doug Robertson, TCA Doug Tyler (arrived at 1:40 p.m.) and Deputy Clerk Jenen Ross.

Mr. Goodsell gave a review of the role of the Board of Community Guardians play in the community and explained they really are a county entity. He gave a brief review of the role of the Community Guardians stating that they provide legal guardianship for adult residents in the county who would otherwise not have support from friends or family and are unable to support themselves.

The Canyon County Board of Community Guardians was established in 1987 when the legislature set out criteria in law which says Board can be established by individual counties or multiple counties can get together to jointly establish a board. Included in the criteria is a provision stating that when the Board is appointed it allows them to collect a \$25 monthly payment in order to cover costs.

Commissioner Smith asked how people find out about Claire Roper and the Community Guardians. Mr. Goodsell said that often it's by happenstance. Care centers have her contact information which is where these cases typically come from. Although Ms. Roper is not an official Board member she has volunteered since the beginning. Ms. Roper has been an outstanding volunteer for all of these years and a luxury for the county to have but there is going to be a point when Ms. Roper will need to retire and a contingency plan needs to be in place. She has acted as the management of the organization doing the day-to-day tasks, however, Ms. Roper is 91 years old and an official manager needs to be put in place.



Mr. Goodsell spoke about the \$25 fee that can be collected for each case and how over the year the Board of Community Guardians have built up a fairly significant fund, he believes it to be over \$20,000. Currently the fund is not under county administration which is part of the reason for today's meeting. With this being a county entity, the funds are not being controlled as they would be as a county fund. In response to a question from Commissioner Smith, there was conversation regarding state statute and where this organization may fall under the county structure.

Discussion ensued regarding the great work Ms. Roper has done and the years of service she's dedicated to the Board of Community Guardians. Clerk Yamamoto would like to see Ms. Roper recognized for her service.

The next steps would include generating a job description and creating a budget to be considered in the FY2022 budget process. General consensus is that there needs to be a manager within the county to oversee the organization. Clerk Yamamoto thinks it makes good sense for this kind of position to fall within the Indigent Services department, not as a Board member but as a manager. Mr. Goodsell pointed out that another advantage of this falling under Indigent Services is that the staff in that department are already well versed in public programs. Controller Wagoner said there are currently two vacant but funded positions in the Indigent Services department. He asked that if this organization comes under the county that their accounting and funds would also need to be managed by the county, a trust fund could be created so that those monies would be separate from the county budget.

Mr. Laugheed asked about the timeline; Mr. Goodsell said he believes the critical items are getting a job description and a budget prepared. Mr. wagoner said that a budget can be adjusted during the year if the need presents itself and timing is such that it needs to happen before October 1.

At some point there will be an action item for the Board's consideration but in the meantime a job description will be created and budget developed.

The meeting concluded at 2:02 p.m. an audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS BUDGET PREPARATION

The Board met today at 2:05 p.m. to discuss budget preparation. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

General discussion revolved around the timeline for budget submissions and presentations. This year the Board would like a more complete view of the requests of their Department Heads before their budgets are presented by the Clerk and Controller. Some of the details outlined include the following:

- By statute budgets are due to the County Clerk by May 17<sup>th</sup>
  - Other key dates include:
    - Presentation of the suggested budget by August 2<sup>nd</sup>
    - The Board must finalize a tentative budget for publication by the 3<sup>rd</sup> week in August
    - The final budget presentation must be completed by September 7<sup>th</sup>
- Meeting with outside agencies requesting funding to take place prior to mid-May
  - It was decided that the week of May 10<sup>th</sup> would be held for meetings with the outside agencies
- 4-day budget workshops to happen sometime around mid-June where all departments and Offices, along with the Clerk and Controller in attendance, can present their un-balanced budget to the Board giving everyone the opportunity to hear the information at the same time; everyone is welcome to stay for the duration of the 4-days in order to “compete” for the budget dollars if there are competing interests.
- Clerk’s suggested budget to be presented once Board of Equalization closes, sometime after July 12<sup>th</sup>.
- Clerk’s tentative budget to be completed before the end of July
- Discussion ensued regarding the possibility of notifications being sent to Offices, departments and outside agencies of approved and/or unapproved budget items

The meeting concluded at 3:04 p.m. An audio recording is on file in the Commissioners’ Office.

MARCH 2021 TERM  
CALDWELL, IDAHO    MARCH 31, 2021

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

*The Commissioners attended Board of Equalization training in the public meeting room of the Administration Building. No Board action was required or taken.*

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Nemo Q in the amount of \$3,547.00 for Information Technology Department and the Assessor's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Mike Barclay, Lead Investigator in the Public Defender Department.

CONSIDER SIGNING RESOLUTION AUTHORIZING THE ISSUANCE OF QUITCLAIM DEEDS TO SUCCESSFUL BIDDERS AT THE MARCH 30, 2021 AUCTION OF SURPLUS PROPERTY

The Board met today at 11:38 a.m. to consider signing a resolution authorizing the issue of quitclaim deeds to successful bidders at the March 30, 2021 auction of surplus property. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Brad Goodsell, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy Treasurer Addie Delaney, and Deputy Clerk Monica Reeves. Mr. Goodsell said the resolution memorializes the results of yesterday's auction and authorizes the issuance of quitclaim deeds those who were successful bidders and who paid. One person decided not to pay for the parcel the bid on (Parcel #2). Apparently, there was some confusion about what they were trying buy, which is why we have disclaimers within the notice and the preauction statement. He added language in the last paragraph to deal with the issue which states where payment has not been received no deed will issue and the Board will later consider actions to be taken regarding those properties. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution authorizing the issuance of quitclaim deeds to successful bidders who paid at the March 30, 2021 auction of surplus property. (Resolution No. 21-035.) The Board issued quitclaim deeds as follows:

Overland Tree, LLC  
Parcel No. 27207000 0

Overland Tree, LLC  
Parcel No. 35368013

K-2 Express, LLC  
Parcel No. 33932000 0

Rown Investments, LLC  
Parcel No. 1957000 0

The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF MARCH 2021 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 \_\_\_\_\_, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

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

\_\_\_\_\_  
Commissioner Keri K. Smith

\_\_\_\_\_  
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

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