

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 1, 2021

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

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for April 2021

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

The Board met today at 8:37 a.m. for a monthly meeting 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. The following items were discussed:

- Mr. Decker said his budget has been submitted. He has met with the Clerk and Controller and will meet with the Board on June 17th. Commissioner White would like to see Mr. Decker have spending authority. This will be his 10th year with the county although he's not sure where he's at in the compensation plan but he did present info to the Clerk and Controller comparing his salary to other area PIOs. Commissioner White is supportive of Mr. Decker receiving an increase in pay. Nothing is included in his budget for capital improvements although a bid of NTE \$35,000 from Director Navarro to expand the PIO office space was provided to the Clerk and Controller. As an alternative they've offered use of a spare office in the Records/Audit office that could be used if necessary.
- Commissioner Smith said she would like to see information on the percentage of work Mr. Decker does for the other EOs, priority of work, etc. She thinks perhaps in the future a part-time social media manager would be a good additional person. Mr. Decker believes he can get the Board a rough estimate of the work he does and give an idea of the greatest need.
- In regard to the State of the County project all the EOs asked Mr. Decker to create a general statement on their behalf. Commissioner Smith feels that if the other EOs don't want to participate they can just be removed from the project. Commissioner Van Beek agrees with Commissioner Smith. It will instead just be a message from the Board and an illustration of what Board departments have accomplished. Mr. Decker said he will get it finalized this week and to the Board for review. Commissioner Van Beek said she would still like a video

to be done. Commissioner Smith feels a video might be better to do at the end of the year since we're already so far into 2021.

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

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

The Board met today at 9:02 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. Mike Porter, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Sheriff Kieran Donahue (left at 9:28 a.m.), Captain Harold Patchett (left at 9:28 a.m.), Assistant Park Director Laura Barbour (left at 9:07 a.m.), Attorney Carl Erickson, Attorney Blake Hall (joined via Webex at 9:07 a.m.) and Deputy Clerk Jenen Ross.

Consider signing Canoe Camp Registration Services Agreement between the City of Nampa Recreation Department and Canyon County: Mr. Robertson said he's reviewed the documents and there is no legal reason not to sign. The City of Nampa will manage the registrations and fee collection. Ms. Barbour explained this is a 5-day camp and they will run 4 to 5 sessions. A \$50 fee for the program was approved last year. The fee collected will be split between Canyon County and the City of Nampa. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canoe Camp Registration Services agreement between the City of Nampa Recreation Department and Canyon County (see agreement no. 21-038).

A review of the bids received for the thermal imaging project was given. Mr. Ported noted for the record that when the bids were opened there were 4 packages opened but the bid from ADANI contained 3 bids which was not realized at the time. There was a total of 6 bids all received in a timely manner. Cpt. Patchett has reviewed the criteria laid out in the scope of work to determine which of these bids would meet or qualify for the first phase, meeting all the scope of work requirements.

Cpt. Patchett explained that spacing was one of the biggest criteria when considering these machines. Many of the machines are similar in their functionality and meeting the needs of the jail to stop drugs and weapons from coming into the facility. The room in which this machine will be located is a 10'x12' space and on the surface all of the machine met that criteria. However, when evaluating 4 of the machines they are 9' only leaving a 1' clearance to move around the machine. Mr. Ported explained that in the IFB, one of the criteria is that the machine must fit in the space but also allow room for staff to move around it. Commissioner Smith noted that ADANI page 31 of 36 was being reviewed, which is the Compass Smart DV machine, Mr. Porter said that the same holds true for the OD Security SOTER RS and Compass LTE. Technically 3 of the 6 bids fit the first half of the of the requirement that the machine fit into the room, but do not meet the

second half requiring staff is able to safely move around the machine. Mr. Porter said that 2 of the 3 from ADANI and the one from OD Security are all too big. Cpt. Patchett said the machine from Tech 84 is a much smaller machine but it works in a way that the inmate steps in and out and they are wanting something that can be accessed from both sides in case of a combative situation. Mr. Porter explained that Command Sourcing, Tech 84 and ADANI Clearpass were the 3 remaining after the space issue was taken into consideration. Of those 3, the bids were as follows: ADANI at \$170,000, Tech 84 at \$169,000 and Command Sourcing at \$141,000. Cpt. Patchett said it was between the ADANI machine and the Command Sourcing in regard to which met the basic criteria. Mr. Porter said with just two left the options would be presented to the Board based on price. It was noted in the IFB that an available additional warranty was requested. A 5-year warranty was assumed for comparison purposes only - Command Sourcing price is \$141,000 and includes a 2-year warranty, if the warranty were to be extend (3 years) it would increase the cost to \$171,000. The ADANI Clearpass comes with a 5-year warranty at \$170,698.12. The ADANI machine is approximately \$300 less than the Command Sourcing machine but the warranty was not a requirement in the IFB. The Board is being asked to consider just the cost of the machine in the decision to award. Commissioner Smith asked if a bid from ADANI could be requested excluding the warranty costs. Mr. Porter said that he would rather not because then the same request would have to be made of the other four bids. It would require another round of negotiation and that is not how an IFB works – it's qualifying and lowest bid. It is up to each bidder how they choose to package their bid. Since the warranty wasn't a requirement of the IFB it is requested that be excluded from consideration of the lowest bid.

Commissioner Van Beek asked Cpt. Patchett to give his opinion on which machine he feels will work best for his office based on longevity, functionality, features, etc. if price was not a consideration. Cpt. Patchett said since the last meeting he tried to reach out to references from each bidder but was only able to get ahold of the references provided by Command Sourcing, the others did not return his phone calls. The references he received about the Command Sourcing machine said they were very pleased with it and had no issues. One agency had a small 'hiccup' but they were able to call tech support and the issue was resolved immediately. Based on a question from Commissioner Van Beek, Cpt. Patchett spoke about some of the differences of the two machines – the ADANI machine doesn't have any moving parts and new technology will give highlighted boxes indicating area of special interest although he is on the fence about this feature as he doesn't want staff to become reliant on the feature. In regard to the Command Sourcing machine, there is a conveyor belt. Commissioner Van Beek noted that it was noticed by Ada County that there was concern about the conveyor belt causing a false notification. Cpt. Patchett said that is a concern with all the machines. When he was talking to different agencies about the machines he heard that even in the machines with no moving parts even movement by the inmate can cause a false notification. It is something they would have to combat in the training of staff. Sheriff Donahue said that he concurs with Mr. Porter and that everyone had the same opportunity to offer the lowest bid. Command Sourcing comes with a 2-year warranty within the lowest bid so he is comfortable with that. It is still unknown if a longer warranty will be necessary or if the money needs to be spent. In his opinion it's problematic that no other references would return calls. Additionally, several other purchases have been made from Command Sourcing; they have a great reputation and CCSO has never been disappointed with a purchase or addressing any concerns

that may have arisen. He is very comfortable with how this project has turned out and with what the team has done and the legal advice that has been provided.

Discussion ensued about a new detention facility, how this machine would fit into it and potential options for financing.

In response to a question from Commissioner Van Beek, Cpt. Patchett indicated the life expectancy of the machine is not completely known. He knows of agencies that have had machines in place for several years.

Commissioner White asked about the ADA accessibility of the machines. Cpt. Patchett indicated that only the Command Source machine could accommodate a wheelchair. Commissioner Smith said that the ADANI information says that it is ADA accessible with wheelchair compatibility.

Mr. Porter said that the record created to protect the county is that there was a list of criteria, several bids were eliminated and ended with two bids that were qualifying and of the two qualifying the lowest is chosen. While all the other information discussed today is relevant and useful it would not be a factor the Board should consider in order to stay within the procurement laws of the State of Idaho. In response to a question from Commissioner Smith, Mr. Porter said there was one machine from ADANI that had a lower bid than Command Sourcing but there were a couple areas of concern; one being that the machine doesn't fit in the room as desired, making it unsafe for deputies to move around it and two there is an issue with the resolution of the screens but that wasn't something considered in the evaluation of each machine.

Mr. Porter said there will be a notice of intent to award and himself or Cpt. Patchett will send out a letter noting the discussion and outcome of today's meeting.

There was a request to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, 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 Van Beek made a motion to go into Executive Session at 9:29 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding a personnel matter, 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 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. Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Carl Erickson and Blake Hall with ICRMP. The Executive Session concluded at 10:33 a.m. with no decision being called for in open session.

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

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 10:38 a.m. for a monthly Elected Officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Controller Zach Wagoner, Prosecutor Bryan Taylor, Sheriff Kieran Donahue (arrived at 11:25 a.m.) and Deputy Clerk Jenen Ross. The following topic were discussed:

Assessor Brian Stender said that assessment notices were mailed last week; Average increase is 30%. He has been working to get the homeowner exemption pushed thru; the bill that went thru increased it to \$125,000.

Based on a question from Commissioner Smith, Mr. Wagoner explained that the 2021 budget did not include a COLA; only employees who were affected by the step program received increases. In 2020, there was a 2% COLA given. Clerk Yamamoto said at this point they are about half way thru with budget meetings and most things have remained the same, however, there will be increases in the 'A' budget just due to additional personnel. Commissioner Smith would like to see what the impact to the budget looks like with the additional support staff for the new judges coming on.

Clerk Yamamoto spoke to his frustration with HB389. It is a very complicated process and a timeline that is unattainable. He doesn't have concerns in regard to property tax in Canyon County, the concern is what will happen next year. At this point he can't answer what the Clerk's budget will look like because there are too many moving pieces. He anticipates that many of the local taxing entities are going to pull all of their foregone and thinks that will also be looked at for Canyon County. Treasure Lloyd explained that her greatest concern is the administration portion because there is so much room for error. Assessor Stender said the State Tax Commission issued an original guidance document that tried to address the main points of the bill but there have already been two amendments issued and all of the questions asked have still not been addressed.

The CARES monies should be deposited this week. Commissioner Smith would like to have a joint meeting to discuss use of those monies. Clerk Yamamoto said the non-BOCC EOs have a priority list starting with storage and auto license. Unfortunately, with so many things still unknown with ITD that may be on hold for another year. Assessor Stender spoke about the new program ITD is planning to roll out which will allow people to register their new vehicle purchase from home. This, along with a bill that was passed allowing a number of companies to work with dealerships to process paperwork for customer will reduce the revenue and transactions in his office. With all this change, Assessor Stender is not sure what the future of the DMV is going to look like so he doesn't want to buy or build anything at this point. He hopes to have a better picture of things by September. Discussion ensued as to what it may look like if the State took over the vehicle registration portion of DMV. Assessor Stender hopes to meet with the Governor's office along with ITD and transportation committee leadership to get a better idea of where all of this is headed in order to start better planning.

Prosecutor Taylor reported that his office has processed approximately double the amount of felonies. He feels it's mostly due to a growing population. They are having a hard time keeping younger attorneys, many are moving on to higher paying entities. He feels that without cost of living raises there will continue to be a trickle-down affect because they are losing staff to fairly small amounts of money. In response to a question from Commissioner Smith, Prosecutor Taylor believes that the compensation plan hinders the ability to negotiate for the professional level employees.

Clerk Yamamoto said that in the last two months they've lost 8 Court Clerks. Half of them left for increased pay and the other half left for work-from-home opportunities.

Prosecutor Taylor spoke about how he thinks it's time get the compensation plan caught back up and make the county competitive salary-wise. Commissioner Smith said she would like to see some negotiating room in the compensation plan for the professional/salaried employees. Discussion ensued in regard to making the county more equitable to other area agencies. Sheriff Donahue spoke about the recent loss of employees in his Office.

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:34 a.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, HR Generalist Jennifer Allen (left at 11:49 a.m.), Controller Zach Wagoner (left at 11:49 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution to adopt the changes to the title, salary, job description, and FLSA status of two (2) positions in the Development Services Department:

Director Fultz explained there are two jobs they are looking to make a change to. The first job is a Building Permit Tech I – there is an employee in place doing the Tech I job but has taken on responsibilities outside of that job description so the recommendation is to move that person to a Tech II position. Director Fultz said the employee meets the qualifications for the higher position. There is also an employee in a Planner III position that Mr. Fultz would like to change to a Planning Director position. Commissioner Smith would like to see the Planner III position as an exempt position with higher pay as generally employees in those positions are not able to take vacation/compensation time and tend to accrue a large balance. Mr. Wagoner explained that a certain amount of comp time is paid out at the end of the fiscal year, generally 20 hours are allowed to be carried over to the new fiscal year. The Board has requested the amount paid out in comp time. Discussion ensued as to how to implement changes from non-exempt to exempt for

the Planner III position. In response to a question from Commissioner Smith, Jennifer Allen explained that the Planning Director position will be opened up to those currently in Planner III positions so with one of those employees moving to the Planning Director position it would be a change in job title and moving from non-exempt to exempt. Controller Wagoner further clarified that today's resolution is to change one current Planner III position to a Planning Director position. Additionally, he noted that if the Planner III that moves up has a comp balance at the end of the fiscal year it would need to be paid out. In response to a question from Commissioner White about where this will leave the office staffing-wise, Director Fultz said his vision is to move his department into areas of specialty. Assuming a Planner III moves up he would look to make one of the other two over current planning, the other one over long-range planning and then possibly a third element which would be an Economic Development Specialist. At this point he would not look to hire another Planner III but rather an Economic Development Specialist. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to adopt the changes to the title, salary, job description, and FLSA status of two (2) positions in the Development Services Department (see resolution no. 21-135). Commissioner Smith noted for the record that she would like to see a commitment to move the Planner III position from non-exempt to exempt by the end of the fiscal year, Commissioner Van Beek provided support for this.

Director Fultz continued with the meeting updating the Board on the following:

- Application fees collected for the month of May were \$279,946.09 (this doesn't include impact fees).
- An org chart was provided to the Board illustrating potential revision to the structure of the office. A copy of the chart is on file with this day's minutes.
- At this point all cases have been assigned. 58 new cases have been assigned and a letter has been drafted to be sent out letting those people know that DSD will continue to work with them. He would like to do an assessment in a month or two to see how busy the summer will be and how the DSD staff is able to handle things. He is hoping to be able to handle the workload with a contract employee.
- A comprehensive plan critical path spreadsheet was reviewed with the Board. A copy of the spreadsheet is on file with this day's minutes. Consensus is that a January date can be achieved and everyone has been given their assignments. They will be meeting on a weekly basis to discuss.

The meeting concluded at 12:03 p.m. An audio recording is on file in the Commissioners' Office.

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 574700 to 574731 in the amount of \$24,131.48
- The Board has approved claims 574653 to 574699 in the amount of \$26,320.25
- The Board has approved claims 574590 to 574624 in the amount of \$78,236.95
- The Board has approved claims 574732 to 574767 in the amount of \$9,538.49

APPROVED CLAIMS ORDER NO. 2118

- The Board of Commissioners approved payment of County claims in the amount of \$1,685,407.06 for a County payroll.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Annette Taylor, Interpretive Specialist; Janie Moore, Interpretive Specialist; Hayley McLane Peterson, Interpretive Specialist; Jessica Sweeney, Interpretive Specialist; Terry Srodawa, Interpretive Specialist; Katelyn Webster, Interpretive Specialist; Dylan Starry, Visitor Services Specialist.

SIGNED DUPLICATE COPY OF ALCOHOLIC BEVERAGE LICENSE

- The Board signed a duplicate copy of an Alcoholic Beverage License for Alejandras 1 LLC dba Alejandra's Mexican Restaurant. The original license was signed on May 19, 2021, but was misplaced by the applicant.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for The Tilted Ace LLC dba The Tilted Ace; Evergreen Restaurant LLC 1313 dba Outback Steakhouse (Resolution no. 21-136).

RESCHEDULE PUBLIC HEARING - REQUEST BY BOYD BATES FOR A REZONE: CASE NO. RZ2021-0004

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Boyd Bates for a zoning map amendment (Rezone) of Parcel R29569010 from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone, Case No. RZ2021-0004. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The applicant was not present for today's hearing therefore the matter needs to be rescheduled. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to June 10, 2021 at 10:00 a.m. The hearing concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED PUBLIC HEARING – REQUEST BY GREG SCHATZEL FOR A REZONE FROM AGRICULTURE TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2020-0027

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Greg Schatzel for a rezone from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone, Case No. RZ2020-0027. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Greg Schatzel, Alan Mills, Darin Taylor, Nancy Farnsworth, Terri Slay, Don Janak, Mikel Bartol, Middleton City Clerk Becky Crofts, Middleton City Planner Roberta Stewart, other interested citizens and Deputy Clerk Monica Reeves. Today's hearing was continued from May 5, 2021 where testimony was left open for the following new information:

1. Staff will contact Idaho Dept. of Water Resources (IDWR) and Dept. of Environmental Quality (DEQ) regarding well levels and the water table.
2. Southwest District Health (SWDH) requirements regarding the lot and potential future development.
3. Cost comparisons shall be provided to address the comparison between bringing services or allowing individual wells and septic systems.
4. Obtain more information about pre-annexation agreements.
5. Have a review by Canyon Highway District regarding their request versus one access for future development.
6. Correct the Findings of Fact, Conclusions of Law, and Order (FCO's).

Dan Lister submitted corrected FCO's from the P&Z Commission which accurately reflect the Commission's recommendation which was a denial. *(The original document erroneously referenced a recommendation of approval.)* He said staff did not receive any comments from IDWR or DEQ regarding well levels or the water table, however, staff has provided soils map from the USDA web soils survey which identified the soils on the property. The soils show a depth to water table of 18 to 36 inches, and in some locations it's 36-60 inches. This is a high groundwater area. Staff also provided well reports from that area from 1972 and from 2005. Staff received a letter from SWDH stating they know it's a high ground water area so future development will require monitoring and onsite evaluation before a subdivision engineering report can be

reviewed/approved. Monitoring can take up to a year. Upon discussions regarding city services SWDH said they can only make recommendations for connections to existing systems if available. The only time they can recommend connectivity is if the development is within 200 feet from city services. The existing services are over 1,600 feet away. The Board requested cost comparison information between city services and placing advanced treatment systems on each lot, but neither the applicant nor city provided those cost comparisons. Mr. Lister said the Canyon Highway District provided comments regarding the abandonment of the future road connection of Whisper Creek Drive stating modifications to the adopted functional classification map will require a highway district board approval and possibly a comprehensive plan map amendment through the County. The district is also saying this might require a study to see if there are any impacts by removing the connection. The corridor plan for State Highway 44 shows that the existing roads of Whisper Creek Drive and Buskirk Drive will be restricted to right-in/right-out only at that point when that plan is in place and therefore that connection will provide that left turnout access onto Highway 44. The highway district finds that it is still needed but a modification could be requested by the applicant. The last requirement was a pre-annexation agreement and Exhibit #14 shows the emails between the City of Middleton and the applicant's representative. The applicant is willing to enter into a pre-annexation agreement subject to no extension of city services, and the city accepted the agreement subject to the extension of city services; there was not an agreement at the end of the day. Mr. Lister addressed the late exhibits that were submitted. The P&Z Commission has recommended the case be denied. Staff initially recommended approval and felt a lot of the concerns by the public could be addressed at the subdivision stage, but the P&Z Commission found that without a development agreement and due to cumulative impacts related to traffic it could not be supported. Following his report, Mr. Lister responded to questions from the Board.

Testimony in support was as follows:

Darin Taylor, who gave testimony on behalf of Greg Schatzel, stated the applicant contacted him to help coordinate with the City of Middleton. He referenced emails between himself and Middleton City Clerk Becky Crofts dated May 28, 2021, where Ms. Crofts said procedurally it would seem now is the time to discuss the water/sewer extension since they are at the beginning of the project and zoning has not been established. He let Ms. Crofts know that five months ago would have been the right time to talk with the developer about extending water and sewer when they were determining the scope of the project as well as the timing and costs involved. Coming to the Board's hearing at the end of a rezone process is not the right time to start those discussions. Individual wells will provide potable water. The developer has frontage on Lansing Lane and 50 feet at Highway 44. ITD and Canyon Highway District are taking steps to consolidate the intersections to change the configuration so it's right in/right out so the traffic will flow better, and they have constructed right turn lanes from Highway 44 onto the north/south roads. Mr. Taylor said the applicant shares the same recognition of long-term community design for the area between Middleton and Star, including the provision of water/sewer services. The issue is timing for those extensions when it's contiguous property-to-property that makes sense. When somebody is requested to extend it more than a ¼ mile it makes a lot less sense. When he met with the city he understood the water/sewer would need to go through the subject property to vacant land at the other end of the property. After that meeting he realized a more direct path is

to come from 9th Street and Lansing Lane due south to the intersection of Lansing Lane and Highway 44, which is where the city is wanting to serve those future vacant lands. They were not able to come to an agreement; the applicant is willing to sign the pre-annexation agreement that consents to annexation and the city would like the applicant to sign the one that says they will pay for water and sewer ¼ mile, plus to and through the subject property. That expense and that much offsite at this time is not in the applicant's plan. The County's comprehensive plan and subdivision ordinance apply in the Middleton area of city impact. The character of the area is suburban with a myriad of residential acreages, overhead utility transmission lines, and collector and arterial roads. The property is in an urbanizing area with properties that are zoned commercial and residential. They meet all eight criteria that the County is required to consider. Commissioner Van Beek asked why the applicant did not provide a cost comparison for bringing services to the area versus allowing individual wells and septic systems. Mr. Taylor said he did not know about that until two hours ago. There are three levels of numbers when talking cost comparison: a planning level cost which is a guess at the beginning of the project, then the planning level numbers when you have a concept plan, engineered drawings, and agency responses, and the third set is actual bid numbers which are received after you have approved construction plans. Even if he had known the Board asked for cost comparison numbers, it would just be planning-level numbers because you cannot get contractors to give you a number for a planning level. Mr. Taylor continued responding to questions from Commissioner Van Beek once his testimony concluded.

Alan Mills testified in support to the request and he referred to a 1969 study by IDWR that shows the aquifer has come up which, in his opinion, is because of Black Canyon irrigation being pumped from the Payette River onto the bench and finding its way into the aquifer. They had their predevelopment agreement with SWDH in April have had eight weeks of testing where they monitor every week and send in reports and do what SWDH requires. He has lived east of the subject property for 33 years and does not know of a failure of a septic system in this area. On this project there will be a septic engineering report and they utilize state-of-the art systems. They will follow the advice of the highway district, and as far as he knows the neighborhood is unanimous in pursuing the route of trying to get Whisper Creek Drive not to be an access onto the property. Mr. Mills said an impact fee committee is being established and he fully expects when the lots become for sale next year they will be paying impact fees; those improvements will go for the improvements at Lansing and Highway 44. Duff Lane, Lansing Lane, and Kingsbury Road are on the list and will be determined by use. He said it would make no sense to do improvements now to Lansing and Highway 44 because they would have to be torn out when the improvements go in. The comprehensive plan analysis has 25 elements in favor of the request and there are two that could not be found in favor in the staff report. He can think of seven (7) rezones nearly exactly the same as this one where there was no opposition from the City of Middleton. He had no knowledge the city would reverse its position on this rezone. This is a rural area and there is a backlog of people who want a rural lifestyle but we are short on inventory. Following his testimony Mr. Mills responded to questions from the Board regarding the road issue and access issue.

Nancy Farnsworth, who lives in Whisper Creek Estates Subdivision, testified that the HOA and the neighbors support the proposed R-1 zone change. The applicant has the right to develop his

property as he sees fit subject to health and safety requirements governed by Canyon County codes and ordinances. The proposed development is compatible with the existing neighborhoods in the area and will enhance the current and residential development in the area. R-3 zoning, as proposed by the City of Middleton, is incompatible with the development in this area. Canyon County has provided many families with the well sought-after rural lifestyle and community and this proposed development will ensure the continuation of that lifestyle. She said the representative from the City of Middleton seems to challenge the very fabric of the area through the push of high-density homes. The rural lifestyle of the area assists in promoting and maintaining the roots of agriculture and the larger lots proposed will provide the space residents need to raise animals. Ms. Farnsworth testified if the highway district requires Whisper Creek Drive to be connected through she will contest it due to concerns about widening and congestion. Following her testimony Ms. Farnsworth responded to questions from the Board.

Terri Slay testified there is a large safety hazard because the road is not meant to handle more traffic than it already takes and so to do anything else with the road is going to “mess with their livelihoods.” She wants to see R-1 zoning but she doesn’t want to see the road connected through. Don Janak stated there will be no need for Whisper Creek Drive to be connected to the development; however, if the project density is increased there may be a need for another access, but nobody in the area wants that. With the new technology that’s available he does not believe there will be a problem with septic tanks. The city says it can bring services in but they don’t say how much it costs each month to take care of the water/sewer, but it’s more than a property owner will pay to put in a well and septic tank. Mr. Janak has lived on his property for 20 years and has not experienced any problems with his well.

Mikel Bartol has a bio-tech background and he gave testimony regarding the biological processes of nitrites, nitrates, and nitrosamines. He also spoke of surface water versus deep well water. He said the deep well waters in the area are very clean, low in nitrates, and supply all the things the human body needs with very few contaminates. His well is 160-180 feet deep and his septic system is up to code and works great.

Testimony in opposition was as follows:

Middleton City Planner Roberta Stewart presented a diagram for the Board’s review and said now is the time to discuss pre-annexation. She said even though Alan Mills and Darin Taylor know what the city wants to do they did not approach the city; somebody named Andrew Peterson who was thinking about buying the property spoke to her multiple times during January and February and they spoke with him about doing a pre-annexation agreement, but Mr. Mills and Mr. Taylor ignored the city. When asked why is Middleton suddenly addressing these issues, Ms. Stewart said the previous Mayor allowed Star to come into Middleton’s impact area and allowed all kinds of county settlements to come around them and it has gotten to the critical mass point and now the new administration is addressing it and now handling the problem. Ms. Stewart reviewed a map showing the location of city services and developments as well as the city’s planning efforts and water loop. She also spoke about the need for pre-annexation. They have latecomer agreements for pre-annexations and they will only pay for their portion of it. All the parcels to the east and south will pay the developer back. She asked the Board to deny the request so the city

can have time to talk about roads and pre-annexation. It's Ms. Stewart's opinion that the developer is seeking a rezone so he can flip the property, just as other developers in the area have done. Commissioner Smith spoke about how the County's comprehensive plan applies in the impact area and how the area is more residential than it is agriculture. She cannot make a finding that the zoning amendment would be incompatible with surrounding land uses or that it would negatively affect the essential character of the area. Ms. Stewart said the Board has a duty to help protect Middleton's rights and she believes the developer is tying the Board's hands and not allowing it to impose conditions to protect the city because the end goal is to flip the property and sell it. Ms. Stewart continued responding to questions from the Board. Commissioner Smith said the ordinance supports the application for approval. She noted the impact area agreement is from 2001 and it needs amended and she encouraged the city to apply for an amendment as quickly as it can.

Middleton City Clerk Becky Crofts said the city has been in contact with DSD staff to review and update Article 9 because they keep running into this issue. The numbers would suggest that even in an R-1 approval by the County the water and sewer can be cost effectively pulled. It's approximately \$100 per lineal foot for water and sewer and with 17 lots at 1700 feet it will be an estimated cost of \$710,000. Well and septic will run each property owner \$40,000 multiplied by 17 lots for a total of \$680,000 which means the developer is less than \$100,000 away from extending city services. The ordinance today may not support that but she wishes the developers would meet with the city and work with them. The city would agree to an R-1 and they may end up putting in a road without an R-3 density anyway. The city is trying to remedy this situation in a normal and natural way with developers to not cause contention and not have these things happen the way they are happening today. It's important that the city grow the way it's intended to grow and that there be a plan in place that recognizes urban and rural development.

Commissioner Smith said it should be noted this is an R-1 zone so if they did bring services the density would be much higher than one-acre lots. It is a straight rezone request so the neighbors should know that by approving this request they could bring services and have a very dense subdivision. (The Board took a break at 3:16 p.m. and went back on the record at 3:27 p.m.)

Darin Taylor offered rebuttal testimony and said properties sometimes change hands but he does not view it as unfortunate that they are now talking to the city to give them exactly what the city wanted. He said Mr. Schatzel has no intention to sell or flip this property, he will be the developer. There are 17 lots and the test pits have been dug and the monitoring wells are in so they cannot get more than 17 lots with the setbacks from the live water and the water that's out there. The developer is coordinating with the agencies through the platting process and they have provided adequate evidence of the eight criteria identified in the code. The developer has offered to sign a pre-annexation agreement with the city to consent to annexation, not to extension of utilities, but the city declined that offer. They can continue coordinating as they have conversations about plans and ordinances applying in the impact area. Mr. Taylor responded to questions from the Board about the costs to bring services to the property. Following his testimony, the Board entered the late exhibits into the record. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Van Beek said the lower density would allow others to enjoy the freedom of walking pets and having children in the area. The need is there for transportation at every front and the highway district has a proposal for impact fees that looks like it would fit in nicely with what the City of Middleton is doing. She noted the area will be more impacted if the developer flips the property but she has no control over that. In response to a question from Commissioner Smith, Dan Lister said staff initially recommended approval believing that some of the issues could be dealt with at the platting stage but the P&Z Commission did not agree and so staff was trying to honor their recommendation by bringing it to the Board based on the hearing and the testimony given. Commissioner White said this hearing has uncovered some of weaknesses and flaws in the process and there is a possibility that one day the property could be annexed, or, it could stay as an enclaved piece of county property surrounded by the city. Commissioner Smith said staff has prepared FCO's that support denial, however, staff's findings are very supportive of an R-1 zone. There is access to the property and that's one of the findings, the functional classification map shows the road going through which makes sense to her and she knows the neighbors don't like it but it's a rural area with predominately single-family homes and that's to be expected. Through the platting process they will be working with the highway district and ITD and it's within their purview to figure out the road issues, not the Board's. To her, this is an easy approval. Mr. Lister said the rezone does not require mitigation at this time but platting will mitigate for those requirements so the improvements would be taken care of that time, whether that be a private road through our county ordinance or a public road through Canyon Highway District. There was discussion about improvements. Commissioner Smith said at platting it may be determined that they have to improve the entire road surface so they can get access, but the actual changing of the zoning map does not require road improvements. Commissioner Van Beek said it seems backward especially where there is no ability for the Board to impose conditions. Commissioner Smith said the ordinance could use an amendment. She asked if they were to bring city services to the property and develop at 12,000 square feet can the highway district require a traffic impact study. Mr. Lister said yes, any connection to Highway 44 requires a traffic impact study. If an impact study was required highway district would state that and they would identify that it would be needed at the time of development, not necessarily at the time of rezone. Commissioner Smith wants changes made to the FCOs that are consistent with approval. Mr. Lister said his staff report has a section where it shows how it is consistent and a small portion of how it is not. He can update the FCO's to reflect the changes and make positive findings that are consistent with the testimony the Board accepted today. Commissioner White made a motion to approve the request by Greg Schatzel for a rezone from Agriculture to Single-Family Residential R-1, Case No. RZ2020-0027. The motion was seconded by Commissioner Van Beek and carried unanimously. A new hearing will be noticed and the process will start over with staff preparing a new staff report and FCO's. The hearing concluded at 4:02 p.m. An audio recording is on file in the Commissioners' Office.

**Note – the Board did not sign FCO's today.*

CALDWELL, IDAHO JUNE 3, 2021

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

APPROVED CLAIMS

- The Board has approved claim 574910 in the amount of \$262,600.00

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Data Bank IMX LLC in the amount of \$59,086.04 for Information Technology Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for SAS Restaurant Ventures Inc dba Denny's Restaurant #6640 (Resolution no. 21-138)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The End Zone to be used 9/25/21 at the Barton Wedding; Craft Lounge to be used 6/5/21 at the Pina Birthday Party; The Hop House to be used 6/3/21 at Thirsty Thursday

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:45 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Case nos. 2021-654 and 2021-655 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.

Commissioner White made a motion to issue an initial approval with written decision within 30 days on case no. 2021-734. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2021-393 AND 2021-394

The Board met today at 8:49 a.m. to conduct a medical indigency hearing for case nos. 2021-393 and 2021-394. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Attorney Brian Nickels for St. Al's and Deputy Clerk Jenen Ross. Commissioner White made a motion to continue case no. 2021-394 to July 15, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve case no. 2021-393 with a written decision within 30 days. The hearing concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Commissioner White made a motion to continue case no. 2021-451 to July 15, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case nos. 2021-381, 2021-416 and 2021-389 have been withdrawn by the hospital. Commissioner White made a motion to issue final denials with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Neither the hospital nor the applicant appeared for case no. 2021-464 and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a final denial with written decision within 30 days.

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 ACTION ITEMS

The Board met today at 10:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex

Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Mike Porter, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing notices of intent to grant surplus property to the City of Homedale Police Department and to the Payette County Sheriff's Office: Mr. Robertson explained this is a notice of 10-day comment period for potential donation of property. Chief Dashiell answered questions from Commissioner Van Beek about the property being donated. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notices of intent to grant surplus property to the City of Homedale Police Department and to the Payette County Sheriff's Office.

Consider signing a resolution declaring certain property as not necessary for county use and for the exchange of county property: Chief Dashiell explained the Sheriff's Office would like to trade-in old generation stock which will provide a reduction in cost toward the purchase of new stock. New guns have already been purchased but this trade-in will be a credit to the account. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property.

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

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 4, 2021

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

APPROVED CLAIMS

- The Board has approved claims 574796 to 574810 in the amount of \$8,527.00
- The Board has approved claims 574811 to 574861 in the amount of \$70,837.92

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Trane in the amount of \$19,431.26 for Facilities Department
- Tree Maintenance in the amount of \$1,900.00 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for 2C Family Brewing Company to be used 6/7/21 for Yenor Wedding.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Travis Engle.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 11:55 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution granting a transfer alcoholic beverage license to BFC 12th Avenue LLC dba Boise Fry Company and consider signing resolution granting a new alcoholic beverage license to Red Top Market LLC dba Red Top Market LLC: The Board said they've had a chance to review both applications and did not have any questions. Commissioner White made a motion to sign the resolution granting a transfer alcoholic beverage license to BFC 12th Avenue LLC dba Boise Fry Company (see resolution no. 21-139) and the resolution granting a new license to Red Top Market LLC dba Red Top Market LLC (see resolution no. 21-140). The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 7, 2021

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

APPROVED CLAIMS

- The Board has approved claim 574914 in the amount of \$92,071.56

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Vegd Out to be used 6/12/21 for Butler-Johnson wedding reception.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Treasure Valley Road Runners LLC dba The Tower Grill (Resolution no. 21-142).

COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Leslie Van Beek and Pam White, Glen Richter, Larry Olmsted, Al Dauven, Mark Crohn, Tammy Crohn, Mark McKibben, and Deputy Clerk Monica Reeves. The following citizens offered comments:

Glen Richter received his property assessment notice and was surprised to see his property value had increased 24.3% over last year's assessment and he's concerned that if that kind of increase continues to happen people will be taxed out of their homes. Something needs to be done at the state legislature otherwise Idaho may have to go for Prop 13 like California did. He said citizens need help from the Board of Commissioners and he suggested a committee be formed for citizen comment. Commissioner White said she contacted the Governor about HB 389, and Commissioner Van Beek said she has been in contact with legislators about the issue.

Larry Olmsted said he shares Mr. Richter's concerns but he's talking to the wrong group. The Assessor is required by law to assess properties at market value and so we need to get the ley rate down. He appreciates Canyon County, specifically Assessor Stender and Controller Zach Wagoner on where they stood on the property tax issue as they worked closely with the concerned citizens. Mr. Olmsted believes Representative Mike Moyle was playing politics on the issue and the citizens need to take it to the state legislature because they created this problem in 2016 when they put the \$100,000 limit on the homeowner's exemption.

Albert "Al" Dauven is a City of Star resident who said Rep. Moyle will have a difficult time being re-elected because concerned citizens are willing to go out and fight for a different candidate and get rid of those in the statehouse who no longer represent the citizenry. He also spoke of his concerns with the "land grab" that's occurring with the Star annexation proposal. Commissioner Van Beek said the City of Middleton and the City of Star are at odds with the impact area and the Board has met with both cities and have asked the City of Star for a temporary moratorium. The Board is

aware of the problem that's been growing for a while and is now involved to help facilitate good discussion. She recognizes there needs to be citizen input. Mr. Dauven said the process should be stopped and then started over. Mr. Dauven suggested the Board make itself known to the community and obtain citizen input on important issues.

Mark Cron said the City of Star is proposing a development at the end of Blessinger Road with 300 houses on 100 acres. He is not anti-growth, but he moved to the county for the rural community character. Properties are being sold with the intention of being annexed into Star and he doesn't like that they are doing this without input from Canyon County. Commissioners Van Beek and White spoke of the steps the County has taken to get involved in the process which includes being a part of a newly-formed committee consisting of the Canyon County Commissioners, City of Star representatives, and three county citizens who review the impact area negotiations. Mr. Cron is encouraged that the County is looking at it, but his concern is Star is moving so fast they will keep annexing and it will be too late for the citizens who want to keep a rural community.

Mark McKibben is concerned about the Star annexation, specifically the density issues and the residents' way of life and he would appreciate anything the County can do to help.

Larry Olmsted said he does not like that the front door security team requires people to remove their belts when coming in to the courthouse. Commissioner Van Beek said she will look into that, but she thinks the security component falls under the Sheriff's Office. Mr. Olmsted ask the Board for its philosophy on development. Commissioner Van Beek said her philosophy is that residential development should not be subsidized and we have to have jobs that pay enough where people don't have to be subsidized. Mr. Olmsted said development should pay for itself and his concern is the glacial pace the Board is demonstrating with impact fees, and also the lack of a capital improvement plan. He asked if the impact fee advisory committee could be expanded to include citizens, such as Hubert Osborne, who are passionate about the issue and can push the process forward. He wants the Board to establish a capital improvement fund and make it non-pilferable and come up with alternate funds. Commissioner Van Beek said she has lobbied for that for over two years but wasn't able to get a Board majority to agree. Commissioner White said during the budget process she asked the Clerk and Controller to set aside \$500,000 a year and they committed to that. As for the election equipment that cost \$3 million, she said that was a capital expense and it was not pilfering because it was for the benefit of all voters. Mr. Olmsted wants a capital construction fund which could be funded with impact fees and funds from when urban renewal sunsets, as well as the funds received when companies' property tax exemptions expire. He said if the Board tries to pass another jail bond but doesn't have any savings set aside to help offset the costs he will be an active opponent of the bond proposal. Commissioner Van Beek said she has presented the idea numerous times but it has not gained traction. Mr. Olmsted suggested the Board establish a capital improvement committee to look at the issues and plan for future needs.

Tami Cron asked if the moratorium on annexing beyond Can-Ada Road includes the development the city pushed through a month ago for 300 homes. Commissioner Van Beek said it's her understanding that annexing is not cemented in concrete and they are going to be re-evaluating

things. Commissioner White said the Board did not do a moratorium. Commissioner Van Beek said the Board asked them to stop, and because there isn't an MOU the County has the right to say we are putting you on notice and so they will either find that it meets the requirements of the law or it doesn't and without an MOU in place that would be tough to prove up.

The residents at today's meeting indicated they have a lack of faith in the City of Star and are concerned that previous leaders were selling out to developers. They want government responsibility; this feels like a land grab and they are pushing as fast and far as they can until someone tells them to stop. They want citizens from the area appointed to the impact area review committee. No Board action was required or taken as today's meeting was held for discussion purposes only. The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO CBOCS WEST INC DBA CRACKER BARREL #683

The Board met today at 10:16 a.m. to consider signing a resolution granting a new alcoholic beverage license to CBOCS West, Inc., dba Cracker Barrel #683. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the new alcoholic beverage license for Cracker Barrel #683. (Resolution No. 21-141.) The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

FY2022 BUDGET PRESENTATION FOR SOUTHWEST DISTRICT HEALTH AND LIFEWAYS/WESTERN IDAHO COMMUNITY CRISIS CENTER

The Board met today at 1:18 p.m. for a FY222 budget presentation by Southwest District Health and Lifeways/Western Idaho Community Crisis Center. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner, Director of SWDH Nikki Zogg, Troy Cunningham with SWDH and Deputy Clerk Jenen Ross.

Ms. Zogg spoke about HB316 and the impact it has to health districts. This bill will eliminate the state appropriation. The appropriation will be reduced this year and fully eliminated by next year. The expectation is that the counties will pick up the amount eliminated by the State. At the request of Commissioners White and Van Beek, Ms. Zogg and Controller Wagoner explained their understanding of this change and their opinions of it. Additionally, Mr. Wagoner noted that the county is spending less on indigent medical due to Medicaid expansion and due to that the county can contribute more to the health district.

Ms. Zogg said that this year the Board voted to not ask for an increase to funding but there will be an increase just due to HB316. She provided a review of revenue highlights including state appropriations, county appropriations, fees and sub-grants and expense highlights included salaries, employee benefits, operating expenses, capital expenses and trustee and benefit expenses. For FY2022 they are requesting \$1,401,892 in county funding and an additional \$491,100 for March-June when HB316 takes effect. Additional revenue sources include fees, contracts, state appropriation, Millennium fund appropriation, interest, sale of land, buildings & equipment, other, carry-over funds and reserve. Expenditures include \$5,733,833 for salary & wage and \$2,631,858 for employee benefits, other expenditures include operating expenses, capital outlay and trustee benefits. Crisis Center revenue and expenditures were reviewed. Total budget for FY2022 is \$11,514,408. The total number of FTEs is 116.7, 12 are temporary positions based on COVID response and 104.7 are base employees.

Other information reviewed within the handout includes the following:

- changes in county populations and net taxable market value
- spreadsheet showing changes in contribution once HB316 takes effect
- pie chart indicating budget funding sources
- Fund balances for restricted funds, committed funds, capital reserve fund and unrestricted operating funds; summary of restricted and committed funds.

A copy of the handout that was reviewed is on file with this day's minutes.

Ms. Zogg addressed questions posed by Commissioner Van Beek regarding some of the services they provide, how COVID affected their operations and how unrestricted funds get used

Mr. Wagoner said there is a specific property tax levy for SWDH, for the current year the budget amount in that fund is approximately \$1M, for FY2022 it will go to \$1.5M; this amount will be offset by a \$1-1.5M decrease in the indigent fund.

In regard to the crisis center, Ms. Zogg explained that the Board of Health instructed that no cities or counties were to be invoiced for any funds if they weren't needed to cover the operating costs. Currently, Lifeways is able to bill insurance to sustain operations. Ms. Zogg said she would like to hold off on making any budget requests at this time as there isn't a need right now and because she doesn't know what is going to happen with indigent fund. There has been some conversation with the Division of Behavioral Health that the State may be able to be billed for some visits in the future. However, she feels this could take some trailer bills after HB316 to determine those details. Mr. Wagoner suggested contingency monies could be added to the budget just in case.

Further discussion ensued as to whether ARPA funds could be used to support the health district.

The meeting concluded at 2:20 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 Pam White and Leslie Van Beek, Director of DSD Steve Fultz and Deputy Clerk Jenen Ross. Director Fultz reviewed the following:

- There is a rezone application they've been working on for a while. The property is in ag but it has not been farmed or should not be farmed. In speaking with DSD staff it was noted that in code from 1997 there is an allowance for additional splits if it is not productive ag land so they are taking another look at the application and it may come back before the Board. Additionally, they are reviewing the code to determine what the exact definition of 'non-productive' ag land should be.
- DSD activity summary report for the month of May was provided to the Board for review. The report shows a comparison of May 2020 to May 2021 permits. A copy of the report is on file with this day's minutes.
- Interviews are being conducted this week for the open Planning Director position and the Planner I position. Director Fultz anticipates having a decision by the end of this week or early next week.
- Director Fultz received a call today from Bruce Eggleston notifying him that he is interested in becoming the hearing examiner for the county. Mr. Eggleston is the hearing examiner for the City of Caldwell and has been able to resolve the conflict of interest concerns he had. The hope is to possibly secure Mr. Eggleston one day a month to conduct hearings the entire day.
- Dr. Tom Daniels will be here on August 10-11 to conduct meetings on farm land preservation, conservation easements, transfer of development right and overall land use. On the 10th he will spend time with DSD staff for training and on the 11th it will be opened up to the community.
- According to the development agreement for Treasure Valley Renewables, commencement was to be within 2 years. A permit was pulled on September 13, 2019 for a fence to run the perimeter of the property but to date it has not been completed. An inspection was done on March 17, 2020 for the post holes and setback with final inspection to be done within 180 days which has not happened. DSD believes the building permit has expired at this point. According the development agreement an annual report is due to be submitted by October 2, 2021 but Development Services has not heard from them in close to a year and Ms. Almeida doesn't believe a report will be submitted. Additionally, the development agreement stated that there needed to be an enclosed structure with a building permit within 2 years to begin construction and DSD has heard nothing on that, the due date to submit for that permit is October 1, 2021. Commissioner White expressed her frustration with this project stating that she feels misled and that they did not follow thru on anything they said they would. She would like to withdraw the whole project.

Commissioner Van Beek said she has always felt this project presented as high-risk venture capital. She would have liked to see Ms. Wilson with WAED present to the Board and update of what was really happening with the project. She concurs with Commissioner White in that she would like to see the entire project withdrawn, she does not feel they have met the conditions of the development agreement. Director Fultz said he fully supports whichever direction the Board would like to go.

- There is a meeting scheduled for tomorrow with the Planners to discuss the comprehensive plan. Assignments have been made and they just want to make sure everyone is heading in the right direction. Draft documents have been sent to the Board for review and input.
- Commissioner Van Beek asked about the impact area/MOU pertaining to the cities of Star and Middleton. Director Fultz provided an overview of items that were discussed and suggestions made during a meeting with the City of Middleton this morning.
- Director Fultz received a call today from an industrial business located on Hwy 20/26 and Farmway. Currently the property is zoned C2 but the person operating the business would like to do an expansion and add another building but at this time DSD is having to deny the request because it is not properly zoned for what he'd like to do, it would need to be zoned M1. The City of Caldwell's comprehensive plan shows the area zoned as M1 and Director Fultz thinks this would also be M1 on the county's future land use. He feels there needs to be an evaluation of how to get this area properly zoned.
- Discussion ensued regarding Farmway Village.

The meeting concluded at 3:39 p.m. an audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 8, 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 574862 TO 574884 in the amount of \$30,588.53
- The Board has approved claims 574885 to 574909 in the amount of \$11,686.53
- The Board has approved claims 574768 to 574795 in the amount of \$60,778.25

- The Board has approved claims 574862 to 574795 in the amount of \$30,588.53

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$10,950.00 for Facilities Department
- AA Tronics in the amount of \$3,950.00 for Information Technology Department
- Netwrix in the amount of \$11,928.00 for Information Technology Department
- IBM/ConvergeOne in the amount of \$11,139.82 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Janet LaMont, Permit Tech II; and Tom Crosby, Building Inspector.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal Hispanic Cultural Center of Idaho Inc dba Hispanic Cultural Center of Idaho; BFC 12th Avenue LLC dba Boise Fry Company (Resolution no. 21-144).

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 and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Chief Deputy Assessor Joe Cox (left at 9:06 a.m.), Director of Juvenile Probation Elda Catalano (left at 9:16 a.m.), Director of Juvenile Detention Sean Brown (left at 9:11 a.m.), Juvenile Detention Mental Health Clinician Chelsea Schwickert (left at 9:11 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing substitute resolution granting Syngenta Crop Production, LLC a property tax exemption pursuant to Idaho Code 63-602NN: Mr. Cox explained this resolution was signed last year but due to COVID construction was delayed so they have asked for the resolution to be revised to begin one year later. Building construction should be completed and the building should be occupied this year. The exemption term will run 2021-2025. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the substitute resolution granting Syngenta Crop Production, LLC a property tax exemption pursuant to Idaho Code 63-602NN (see resolution no. 21-143).

Consider signing 2022 memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in Juvenile Detention Facilities: Director Brown said this program has been in place since 2006 which puts a clinician in every juvenile detention facility. Having a clinician in place has really reduced suicide attempts, use of force, crisis, and they are able to meet with juveniles prior to release providing them information on resources in the community. Ms. Schwickert spoke about the juveniles she works with in the detention center and the help she provides. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the 2022 memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in Juvenile Detention Facilities (see agreement no. 21-040).

Consider signing Idaho Department of Juvenile Corrections memorandum of agreement to support the Community Based Alternative Services Program and the Substance Use Disorder Services Program: For the past 10 years there has been an agreement in place with the Idaho Department of Juvenile Corrections to access specific funding for juveniles needing certain programs or services. This year the agreement is a bit different as it includes the Substance Use Disorder Services (SUDS) program. When a juvenile is identified as needing a resource but the family doesn't have the funding to pay for the program the Juvenile Probation department can apply for these funds. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Idaho Department of Juvenile Corrections memorandum of agreement to support the Community Based Alternative Services Program and the Substance Use Disorder Services Program (see agreement no. 21-039).

Commissioner Van Beek asked Mr. Wesley about impact fees based on a comment received at the community input meeting yesterday. A citizen wants to know why the county hasn't instituted a public safety impact fee. Mr. Wesley said that he believes when the Board created their committee to evaluate impact fees the idea was that if the Board ever pursued a public service impact fee or other impact fee the same committee could be used as a vehicle to get it started because that is a requirement of the statute. The counsel provided by the PAs Office has been to speak with the Sheriff in advance about the potential for this and the good it could do. Based on that information a consulting firm could be engaged to collect the data and compile the presentation for committee and Board review. At that point it would also have to go thru the Planning and Zoning Commission for the adoption of the impact fee mapping into the comprehensive plan. There would also need to be conversations with the cities. The county can only collect fees for the unincorporated areas of the county and the cities would need to collect the fees thru their building permit process for the incorporated areas. The other caveat that would need to be discussed with the Sheriff and consultant regarding an already an existing need, impact fees cannot go toward existing needs, they can only go toward the need created by new development. Commissioner Van Beek said she would reply to the citizen from yesterday's meeting and also wondered if there could be a standard response the Board could issue to these questions. Mr. Wesley noted that at this time the Prosecutor's Office isn't actively working on this project, the first step would be for the Board to have a conversation with the Sheriff to engage the committee in the project and to hire a consultant to do the "heavy lifting". The primary role of the PAs Office would come at the point of

implementing the fee, agreements with the cities and the ordinance to impose the fee. The committee is comprised of citizens and at-large members appointed by the Board; there is a minimum number of committee members but not a maximum.

Commissioner Van Beek asked about a letter received from the City of Middleton regarding water/sewer fees and what they're developing and Article 9 which relates to impact area agreements. Mr. Wesley said that the city thru DSD has indicated that they want to reevaluate the area of impact agreement. Kate Dahl is the assigned planner and Mr. Wesley's understanding from Ms. Dahl is that the City of Middleton is going to put together their vision for what they'd like the area of impact agreement to look like and then bring it to the Board for discussion.

In response to a question from Commissioner Van Beek, Mr. Wesley said that if a property is annexed into the city then the city zoning requirements apply and the county's requirements are no longer applicable. There is a separation between the counties and the cities and under the state annexation laws the county really doesn't have a role in annexation; once that occurs the county is really limited to offering public comment.

The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:31 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Information Technology Greg Rast, Assistant Director of Information Technology Eric Jensen and Deputy Clerk Jenen Ross. The following items were discussed:

- Director Rast asked for clarification on the budget hearing – the Board suggested it would be helpful for IT, Facilities and Fleet to attend as many workshops as possible but it's not mandatory.
- A new voter look-up GIS map was created and added to the election portion of the county website and will be active as election dates near.
- Mr. Jensen spoke about a meeting with the City of Nampa and the vendor that will be moving the fiber along I-84 to determine where the cable will run. The meeting went well and there is a good working relationship between all parties. This project is part of the Motorola radio upgrade.
- Director Rast has been working with legal on an MOU for the Third District website. IT will maintain that website for a fee.
- Commissioner Smith asked if there is a way to add term dates to the Elected Officials page of the website in an effort to provide more transparency. Commissioners Smith and Van

Beek requested that their terms be added immediately and they will address it with the other EOs at a future meeting.

- .Gov emails will be starting this month but will be a two-year phase in.
- For FY2022 \$60,000 will be budgeted for the IT portion of the renovation to the BOCC meeting room. Due to the equipment currently being used in the BOCC meeting room and the public meeting room service with AA Tronics will continue thru the remainder of the fiscal year but starting October 1st a new vendor will be used. The public meeting room will continue to be serviced by AA Tronics until the time it is upgraded.
- A review of the handout was given providing a progress report of active projects. There are 15 projects in process and 13 projects in the queue. Director Rast answered questions from Commissioner Van Beek about OnBase and electronic purchase orders and Commissioner Smith about the DSD online permit process. A copy of the handout is on file with this day's minutes.
- Commissioner Smith asked about giving the PIO access to the project management program to track his time. Director Rast said it's a cloud-based program and they can create a log-in for Mr. Decker to create his own workflow.
- The Board asked about the possibility of consolidating claims and purchase orders. Director Rast said that is the end-goal.
- There has been no additional conversation regarding County IT providing service to the Ambulance District.

The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

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

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

- Waste amounts were up 2.2% in May, FY21 is up 7%.
- A draft letter to the DEQ has been written in regard to the landfill expansion requesting a meeting to kick off the landfill expansion design project. In order to determine the design of the project it needs to be determined if a liner will be required or if an exemption will be granted. Discussion ensued regarding the statutes and factors that may dictate the design and/or factors that may impact the liner exemption being granted or not.
- Director Loper thinks it may be time to start considering a transfer station. He believes it would be beneficial for both the community and county; reduced traffic volume at the landfill reduces infrastructure costs, reduced blowing litter, more convenient for many

Canyon County residents. Director Loper had hoped private industry would do this but it doesn't seem to pencil out and spoke to the reasons why it doesn't seem to work for them. There is no location in mind at this point and there will need to be further conversations and considerations to placement but money will be included in the FY2022 budget for a possible land purchase. Director Loper feels the site would need to be about 10 acres and included \$2.5M for the potential purchase. In regard to a question from Commissioner Smith about a public/private partnership, Mr. Loper feels it would be best if it was county operated as the county is not-for-profit and it can be packaged to the community thru the enterprise fund using reserve funds meant for this sort of thing. Commissioner Smith has concerns about growing government with the necessity of additional personnel and equipment but Director Loper feels tipping fees will offset additional costs.

The Board took brief break at 2:30 p.m. to consider the action items. The meeting with the Landfill Director continued at 2:38 p.m.

Director Loper continued updating the Board on the following:

- FY2022 budget was discussed – anticipated revenue is \$7.4M and expenses are \$6.5M (excluding land purchase). Other budget items included: New FTEs, service truck, loader, core drilling for expansion, land/transfer station, beautification project and dust control/water rights. Commissioner Smith requested that public relation money be added to his budget for discussions regarding covered loads and the transfer station.
- Director Loper believes that staff may need to be hired to help with clean-up along Missouri. He has an outstanding request to Personnel Plus but so far nothing has worked out. The Board is supportive of increasing the hourly rate hopes of getting additional help. Commissioner Smith suggested having another meeting that would include the Sheriff to discuss covered loads, additionally the PR person could be at that meeting so that enforcement of the covered loads will be put out to the public. Commissioner Smith instructed Director Loper to work with Commissioners' Office staff and possibly the Sheriff to get a meeting scheduled and to work with Mr. Decker on the PR matters.

The meeting concluded at 2:50 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:30 p.m. to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing updated FCOs for Shilo C. Hixon (Watts), Case no. RZ2020-0020: Ms. Almeida said that the FCOs reflect the dates that the hearings were heard by the Board and the decision is based on testimony that given at all of the hearings. The findings section is specific to the Board’s finding at the hearing on May 28th. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the updated FCOs for Shilo C. Hixon (Watts), case no. RZ2020-0020. Commissioner Van Beek made a motion to uphold the denial for the development agreement as per the last hearing by the Board. The motion was seconded by Commissioner Smith.

Consider signing reappointment letter of Viki Purdy to the Southwest District Board of Health for the term ending June 30, 2026: Commissioner Smith said that she sits on the Board of Health and Ms. Purdy is an active participant and a good member of the Board. She supports signing the letter. Commissioner Van Beek said that from everything she’s heard Ms. Purdy has represented the interest of those in her district and has been a leader in opening up Idaho. She is also supportive of the reappointment. Commissioner Van Beek made a motion to approve the reappointment of Viki Purdy to the Southwest District Board of Health for the term ending June 30, 2026. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 2:37 p.m. An audio recording is on file in the Commissioners Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 9, 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 Melissa Hodges, Interpretive Specialist

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Chaz Howell

APPROVED PURCHASE ORDER

- The Board approved the following purchase order:

- Gartner IT in the amount of \$4,775.00 for Information Technology Department

ACTION ITEM: CONSIDER SIGNING A RESOLUTION GRANTING A REFUND TO JERRY ROETTO FOR A CONDITIONAL REZONE APPLICATION FEE

The Board met today at 9:21 a.m. to consider a resolution granting a refund to Jerry Roetto for a conditional rezone application fee. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Director Fultz said the applicant was charged a fee for their project and upon further review it was discovered that a conditional use permit had been filed and the applicant met all conditions thus not needing the conditional rezone thus the request for a refund. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting the refund for a conditional rezone application fee to Jerry Roetto in the amount of \$1,235 (Resolution No. 21-145.) The meeting concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY SKYLINE HOMES & DEVELOPMENT FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. CR2019-0016/SD2019-0046

The Board met today at 9:30 a.m. to conduct a public hearing in the matter of a request by Skyline Homes and Development for a conditional rezone of 111.4 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone/Rural Residential) zone, as well as a preliminary plat, and a grading and drainage plan for Thunder Ridge Subdivision, Case Nos. CR2019-0016 and SD2019-0046. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Thomas Hawksworth, Dale Newberry, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she asked the Sheriff's Office for callout/service information for this area based on a letter in opposition that referenced an increase in crime in the area, but, she did not gain any information to share. Commissioner Smith disclosed that she is familiar with the area because she ropes at nearby arena.

Jennifer Almeida gave the oral staff report. The development consists of 45 residential lots and nine (9) common lots. The property is located at the northwest corner of the intersection of Windmill Rim Drive and North Can-Ada Road and is in an area that is designated as a residential on our future land use map and it's also in the area of city impact for Middleton. The request is in compliance with the comprehensive plans for both Canyon County and the City of Middleton. North of the subject property is a skydiving center, go kart track, and a private airstrip. The nearby area consists of residential uses, residential zoning, platted subdivisions, a special events facility. The property is adjacent to agricultural zoning and residential uses. There are 19 platted subdivisions within one mile. Access to the site will be via internal public roads. Canyon Highway

District has approved the roadway locations as depicted on the preliminary plat. Wells and septic are proposed. The property is not located within a nitrate priority area. The applicant has agreed to enter into a development agreement to limiting the residential lots to 45. Also, before the Board today is approval of the preliminary plat for Thunder Ridge which contains 45 residential lots with an average lot size of 2.06 acres. The property does not have surface water rights and as such domestic wells will be utilized to irrigate up to ½ acre of the lots. Storm drainage will be collected in roadway swales, and storm retention facilities will be determined in the final design. Canyon Highway District noted the applicant gained approval of a variance on September 2, 2020 to allow the grade of Willis Road to exceed the standard grade of a collector road or arterial. SWDH indicated they will need to conduct a site evaluation during the subdivision engineering report review of the project. Staff found the request complies with criteria for a conditional rezone and it complies with the comprehensive plan and future land use map; and the plat complies with Idaho Code and the Canyon County Zoning Ordinance. The P&Z Commission recommended approval on April 1, 2021. Staff is also recommending approval. Following her report, Ms. Almeida responded to questions from the Board.

Thomas Hawksworth is a civil engineer with Blue Peak Engineering and he gave testimony on behalf of the applicant. They ran into some boundary challenges with the go kart property Ms. Almeida was instrumental in guiding them through that process. The demand for this type of development is high as there are over 300 names on a list of potential buyers hoping this project is approved. The applicant has reached out to the neighbors and have listened to their feedback and made changes to the site plan and project based on coordination with them. He has added details to the construction plans to address construction related concerns that were raised including dust mitigation. In addition to the 45 residential lots they are planning four small common lots planned for storm water retention with two at each entry for entry signage, and one common lot to encompass Windmill Rim Drive which is a private drive along the southern boundary. The public roads within the development will be paved. They will widen Can-Ada Road along the project frontage, and they have provided frontage to the highway district for improvements the highway district plans to make. They are planning for a Willis Road extension in the future. They plan to install perimeter fencing around the project boundary, and they will construct a 10-foot berm with a fence on the top along the northeastern lots to help mitigate sound from the go kart track. The CC&R's will make note of the go kart track as well as a notice that the property is within the vicinity of the airport and skydiving facility. Following his testimony Mr. Hawksworth responded to questions from the Board. They plan to include perimeter fencing, and they will spray and water during construction and hydroseeding when there is no activity in the areas where dirt has been moved. Some type of soil tackifier will be more effective. Discussion ensued about the dust mitigation measures that could be used.

Dale Newberry is the owner of the property and he testified they have an agreement with the homeowners on the south and the go kart facility, and have sold each one of them a portion of the land to help them. They sold part of the property so the go kart facility doesn't have to move the whole track, just a portion of it. We are selling Windmill Rim Drive to the homeowners so that will be their responsibility. Mr. Newberry will put up 3-rail white plastic fence around the perimeter, but the homeowners don't want that, they want a 3-rail wood fence so we'll do that

along Windmill Rim Drive. As far as access onto Can-Ada Road the plan is to put up a private property/no trespassing sign. When roadwork is done they cut it off and there will be no access to Windmill Rim Drive so they will have to come back in the entry to the subdivision to their property on the backside.

There was discussion about the need to control dust on site. The applicant proposed the following condition of approval: *If any part of the property does not have grading activity within 30 days they will apply tackifier to the soil.* Commissioner Smith also wants the builders to submit a dust mitigation plan when they apply for their building permit. Commissioner Van Beek wants to make sure we are not over-conditioning the project. Discussion ensued. Commissioner Smith wants to delay the signing of the findings of fact, conclusions of law, and order (FCO's) for the inclusion of language addressing dust mitigation during subdivision construction and dust mitigation for construction of the homes and any buildings. Ms. Almeida said staff can work through those with the applicant and bring them back to the Board at a later date for signature. Commissioner Smith wants a condition for the subdivision stating the applicant will comply with the letter of intent requiring the common area well/pump for the irrigation system. She also wants a modification made to plat note #12 making it less restrictive. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. For the conditional rezone, Commissioner Smith wants to require dust mitigation plans for construction as well as the building, and a condition that matches the letter of intent for the entryways as well as a water source for the common lots. Commissioner Van Beek supports that. Commissioner Van Beek made a motion to approve the conditional rezone request from an "A" (Agricultural) zone to "CR-RR" (Conditional Rezone/ Rural Residential) zone for Parcels R37629 and R37629012 and R37629013 and to approve the development agreement with two additional conditions that include the letter of intent and the well and pump, as well as the mitigation for dust. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to approve the preliminary plat with the modification to the subdivision agreement on plat note #12 as discussed. The motion was seconded by Commissioner White and carried unanimously. The FCO's, and development agreement will be brought back at a later date. The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

FY2022 BUDGET MEETING TO REVIEW BUDGET MATTERS

The Board met today at 2:03 p.m. to review FY2022 budget matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender (arrived at 2:22 p.m.) and Deputy Clerk Jenen Ross.

Access to PowerPlan notes for all EO/DA's: Commissioner Van Beek would like to be able to make notes on particular POs in PowerPlan. Controller Wagoner said there hasn't been any changes to the structure and set up of PowerPlan and the Board should have access to all notes in the budget section of PowerPlan.

Funding plan for community groups: Controller Wagoner said the process is to meet with the outside groups to receive their reports and funding requests for the upcoming fiscal year. Next week there will be meetings with county departments and offices to receive their requests for FY2022. In mid-July the Clerk will present the suggested budget. At this time Mr. Wagoner hasn't made any kind of decisions regarding the community groups as they are still evaluating information for the FY2022 budget. Clerk Yamamoto said he has concerns about overlaps with certain things and certain organizations. Commissioner Smith said There are some organizations that must be funded such as Southwest District Health and COMPASS. Discussion ensued regarding the implications of funding or not funding COMPASS.

The total requested amount for all outside agencies is \$517,483.

The FY2022 mandated amount for Southwest District Health is nearly \$1.5M and Controller Wagoner explained that SWDH has its own special individual levy.

Requests from each agency are as follows:

- COMPASS: \$118,802
- Canyon Recovery Community Center: \$125,000
- VRT: \$49,546
- Veterans Council: \$32,000
- 3rd District Youth Court: \$10,000
- Metro Community Services: \$125,000
- WAED: \$27,650 requested with a minimum request of \$15,000
- National Service Programs of Jannus: \$18,000
- AAFV: \$30,000
- WVHS: \$200,000 to the humane society, \$100,000 for building maintenance
- TVP: \$5,918
- Canyon Soil Conservation: \$15,000
- Canyon County Community Center: \$75,000
- Nampa Family Justice: \$40,000
- SWDH: Approximately \$1.4M
- BVEP: No request at this time but Director Fultz is working on this
- Western Idaho Community Crisis Center: At this time, they are financially self-sufficient

The Board would like to know how Genesis could be combined with Canyon Recovery Community Center as they are both run by the same person. Mr. Wagoner said that for several years the organizations were one organization but in recent years they've split into two organizations. Clerk Yamamoto doesn't think it would be successful to ask the organizations to combine again.

In response to a question from Commissioner Smith regarding how the Community Guardians will be funded Controller Wagoner and Clerk Yamamoto said it could be included in either the general or current expense fund or fall to either the Indigent Department or Prosecutor's Office. Clerk Yamamoto originally thought this program would be moved to the Indigent Department once Claire Roper retired, however, Ms. Roper is not retiring but would like to slow down. Two members of the Community Guardians Board have offered to take over several of Ms. Roper's

responsibilities but they would not do it on a volunteer basis. Clerk Yamamoto feels Ms. Roper's position is a full-time position. In comparison, Ada County has 1.5 people doing the job and only have ½ the number of participants as Canyon County.

Discussion ensued regarding the Guardian Ad Litem program and the effectiveness of the 3rd District Youth Court.

The Board would like to see the outside agencies divided into groups based on their services and to evaluate the level of funding based on the level of service provided. Additionally, next year they would like to see a standard request form be filled out by each organization with a clear indication of the information the Board expects to be provided during presentations.

Following review of each of the requested amounts from each organization the Board feels they would like additional information on the following:

- Valley Regional Transit and Metro Community Services: Additional information needed on service levels and how the programs overlap.
- Western Alliance for Economic Development: Additional information is needed from Director Fultz; Commissioner Smith would like to fund at least the minimum amount for this year.
- Canyon Recovery Community Center: Commissioner Smith said she needs to speak with Ms. Zogg at SWDH about how this organization differs from the crisis center.
- Commissioner Van Beek suggested Commissioner White reach out to Grant Jones with Metro regarding their Meals on Wheels program and how it differs from the Ada County program. Additional information is also requested as to why the county provides funding to the Homedale Meals on Wheels program.

Discussion ensued regarding funding of the Extension office positions. Commissioner Smith said the idea is to move one position to the Fair department which will cut one position from the County Agent's budget. Clerk Yamamoto suggests that the Canyon County Fair department runs the fair in totality without involvement from the Extension office and then treat the Agent's budget accordingly. Commissioner Smith agrees with Clerk Yamamoto and wants to know what the Extension office is doing with the funding and positions if they're not participating with the fair. In response to a question from Commissioner Smith, Clerk Yamamoto would like to see written documentation to the Agent's office notifying them of the changes. The Board would like updated job descriptions of the three Extension office employees funded by the County and suggested a meeting to further discuss may be beneficial.

The meeting concluded at 3:09 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH ASSESSOR REGARDING ASSESSED VALUE CHANGES

The Board met today with the Assessor regarding assessed value changes. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, (Commissioner White left at 3:50 p.m.), Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Administrative Property Appraisal Supervisor Greg Himes and Deputy Clerk Jenen Ross. The following information was reviewed with the Board:

Residential increases this year are anticipated at 20-50%

On average commercial is up 15%

PTR applications

- 2019: 3768 applications were received, 62 VA applications, 46 applications for both
- 2020: 4600 applications were received/approved
- 2021: 4350 applications were received/approved

Assessor's Office is cautiously watching to see what will happen with HB389

A news clip titled 'Why the real estate market continues to explode' was watched 6 minutes

Documents reviewed (a copy of the presentation is on file with this day's minutes):

- Graph of Canyon median sale price as a % of Ada median sale price from 2011-2021
- New subdivision lots in Canyon County from 2017-2020
- Average assessed value % change by neighborhood 2020 vs. 2021 (cities)
- Bar graph of average assessed value comparison 2020 vs. 2021 and 2018 – 2021 (cities)
- Average assessed value % change by neighborhood 2020 vs. 2021 (county)
- Bar graph of average assessed value comparison 2020 vs. 2021 (county)
- Bar graph of average assessed value comparison 2020 vs. 2021 and 2018 – 2021 (county)
- Ratio study average annual sale price from 2012-2020
- COD – Coefficient of Dispersion, a measure of dispersion around a median from 2012-2014 among top 10 counties
- Canyon County average annual single-family sale price based on MLS data from
- Canyon County Single Family Average Days on Market based on MLS data
- Contacts vs Appeals from 2008 to 2020
- Number of BOE hearings held from 2008 to 2020
- 34 appeal hearings were held in 2020 and it is trending that way again, or perhaps less, for 2021

Commissioner Smith asked about "campers" (buildings) in downtown that are not helping with revitalization. She indicated that there were property owners in both Nampa and Caldwell that were not contributing to their buildings which were being assessed at \$100,000 but they were trying to sell them for millions of dollars.

The meeting concluded at 4:01 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 10, 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 574911 to 574913 in the amount of \$2912.20

APPROVED RESIGNATION, SEVERANCE, AND RELEASE AGREEMENT

- The Board approved a resignation, severance, and release agreement. (Personnel record pursuant to Idaho Code Section 74-106.)

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Creative Awards in the amount of \$1724.70 for County Fair

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, 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: 2021-752; 2021-731; 2021-735.

Liens were presented for Board signatures.

The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER SIGNING JUNE 10, 2021 ACTION ITEMS

The Board met today at 9:02 a.m. to consider signing the June 10, 2021 action items and to have a legal staff update. Present were: Commissioners Leslie Van Beek and Pam White, Chief Deputy Sheriff Marv Dashiell, Chief Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Commissioner Smith arrived at 9:06 a.m. Attorney Blake Hall participated via Webex from 9:17 a.m. to 9:47 a.m. The items were considered as follows:

Consider signing a Resolution Approving Award of Officer's Badge and Duty Weapon - Chief Dashiell said Sgt. Kelley Anderson has announced his retirement and the Sheriff is requesting the Board award Sgt. Anderson his duty weapon and badge. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution. (No. 21-146.)

Consider signing Amendment No. 2 to Agreement 19-095 for Inmate Health Care Services between Canyon County and VitalCore Health Strategies, LLC – Deputy PA Doug Robertson explained there are two documents to consider; one is a notice of intent to renew the contract, which is a formality since we have already been undergoing negotiations, and the other is the amendment for a fee increase. Chief Dashiell said VitalCore has been the jail medical provider for two years and the Sheriff's Office is very pleased with the service they provide. One aspect of the contract is for the adult detention center and the other is for the juvenile detention center. Last year they asked for amendment to move/add staffing, and so the Sheriff's Office negotiated with them which resulted in a benefit for both parties. VitalCore is competing with hospitals for staffing, and they have experienced increases in their medical insurance as well as supply costs so they have proposed an increase of 5.3% from last year. The amendment shall result in the following total annual cost commencing 10/1/2021 and ending on 9/30/2022:

Adult Detention Facility:	\$1,763,960.21
Juvenile Detention Facility:	\$ 124,652.20

Commissioner Smith made a motion to approve the notice of Canyon County's intent to exercise the auto-renewal option under Agreement No. 19-095 with VitalCore Health Strategies and to sign Amendment No. 2 to Agreement No. 19-095 for Inmate Health Care Services between Canyon County and VitalCore Health Strategies, LLC. The motion was seconded by Commissioner White and carried unanimously. (Agreement No. 21-042.) At 9:16 a.m. the Board held an 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

Note for the record: As properly noticed the Board met today at 9:16 a.m. for a legal staff update. A request was made to go into Executive Session to discuss named personnel matter, records exempt from public disclosure and attorney-client communication, and to

communicate with legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:

Commissioner Smith made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, Chief Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Attorney Blake Hall joined the Executive Session (via Webex) at 9:17 a.m., and left the session at 9:47 a.m. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY MICHAEL & HEIDI WILLIAMS-BLACK FOR A PRELIMINARY PLAT FOR DESERT PINE ESTATES SUBDIVISION NO. 2: CASE NO. SD2020-0038

The Board met today at 10:24 a.m. to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision no. 2, case no. SD2020-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister and Deputy Clerk Jenen Ross. There has been a request to continue this hearing and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to table the hearing to June 28, 2021 at 9:00 a.m. The meeting concluded at 10:25 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY BOYD BATES FOR A REZONE, CASE NO. RZ2021-0004

The Board met today at 10:25 a.m. for a public hearing to consider a request by Boyd Bates for a rezone, case no. RZ2021-0004. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister and Deputy Clerk Jenen Ross.

Commissioner Smith stated for the record that she spoke with legal counsel about the applicant not appearing for the hearing today. She was informed that the applicant submitted an application and it is their burden of proof but if the application is complete and the Board doesn't have any questions then the hearing can move forward. This hearing has already been tabled once due to the applicant's failure to show so if the Board has questions that cannot be answered today the case can be denied. No case information was shared, the conversation for procedural purposes only.

Mr. Lister gave the staff report stating that this is a request for rezone of 5.01 acres from an ag zone to rural residential zone. The applicant is requesting this to provide a parcel for a family member. The RR zone encourages and guides growth in the area where a rural lifestyle may be determined to be suitable. The rural residential zone promotes a 2-acre average minimum lot size. The property was created by a split, this is a second split of the original parcel so the ag land adjacent to it does not have a building permit associated with it. Canyon County designates this area as residential use on the future land use plan, similarly, the City of Nampa also shows this to be a low-density residential area. As indicated on the city map, to the north is medium density residential and transitions to a low density. The vicinity map shows a 7.13-acre lot size because to the south, east and west are large agricultural properties but to the north is much smaller lots created by previous subdivisions. An R2 zone is directly adjacent northwest of the property which has city services and to the east there are several smaller lot subdivisions. Osprey Subdivision was approved last year and city services were brought in to that property as well. Mr. Lister provided a review of other similar rezones in the area that have happened recently. The property is surrounded by subdivisions, there are 37 subdivisions within a 1-mile radius of the property. The surrounding area is best suited soil and prime ag land, however, this is a 5-acre lot and they are asking for a 2-acre minimum lot size. There would only be one split available after this and would have to go thru the platting process because it is in the City of Nampa's impact area where there is an agreement in place that the county will observe their subdivision definition. This division would require platting so it would be coming back before the Board as a short plat. Nampa Highway states that this is a rural major collector and therefore a shared access approach is required. They would be able to work with the highway district at the time of platting. ITD had no concerns or opposition. Nampa School District didn't have any opposition. Nampa Planning said this is within their low-density residential area and is consistent with their future land use plan. Nampa engineering identifies this as a collector and will require a right-of-way of 40' from Powerline, this would not prevent them from splitting their property, there would still be enough acreage to do so. City services are located within Table Meadows but separated by a canal so it would be difficult for this property to pull the service. Well and septic are okay and would be reviewed at the time of platting to make sure everything complies with the requirements. No comments were received from the public which was adequately noticed. On April 15, 2021 the planning and zoning commission recommended approval of the request. The applicant did not appear at the planning and zoning hearing, however, the commissioners found that the property was too small for agricultural use and to be a good transitional zone between the R1 zone and agricultural. Staff is recommending approval of the rezone and if approved today the actions would be to sign the FCOs and the ordinance to amend the zoning map.

At the request of Commissioner Van Beek, Commissioner Smith explained that for her the reasons that make this rezone different from others is that although this property is surrounded by agriculture on three borders, the north border is very residential and farther north, closer to the city, is residential tracks and immediately north is R1 which is even more dense than what is being requested. Lake Shore is a good divider and has been identified by the city as their impact area boundary so she believes there will continue to be in-fill within the three miles shown on the zoning map (exhibit 4G). It's in an impact area, the comprehensive plan shows it as a residential area and it's adjacent to a zone that's denser.

The Board did not have any unanswered questions and upon the motion of Commissioner Van Beek and second by Commissioner White voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the request for rezone by Boyd Bates on case no. RZ2021-0004 and sign the findings of fact, conclusions of law and order and the ordinance (see ordinance no. 21-014). Commissioner White seconded the motion noting that she appreciates when the applicant appears for their hearing. The motion carried in a unanimous vote. The hearing concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 11, 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:

- HP Inc in the amount of \$2054.00 for Information Technology

CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO EL CAFETAL COLOMBIAN RESTAURANT LLC DBA EL CAFETAL

The Board met today at 8:52 a.m. to consider signing a resolution granting a new alcoholic beverage license to El Cafetal Colombian Restaurant LLC dba El Cafetal. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new license to El Cafetal Colombian Restaurant LLC dba El Cafetal (see resolution no. 21-147). The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – PRELIMINARY PLATS FOR HESSE ACRES SUBDIVISION, CASE NO. SD2019-0013 AND HESSE LANDING SUBDIVISION, CASE NO. SD2019-0011

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of requests by Mark Hess for approval of a preliminary plat with irrigation and drainage plans for Hesse Acres Subdivision, Case No. SD2019-0013, as well as preliminary plat approval with irrigation and drainage plans for Hess Landing Subdivision, Case No. SD2019-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, William Mason, and Deputy Clerk Monica Reeves. Hesse Acres Subdivision consists of nine residential lots, three common lots, and one road lot. The properties are located at 17178 and 17260 Madison Road in Nampa. Hesse Landing Subdivision consists of three residential lots. The 34-acre property is located adjacent to 17407 Madison Road in Nampa. Dan Lister gave the oral staff report for **Hesse Acres Subdivision** and responded to questions from the Board. On March 11, 2021 the P&Z Commission recommended approval, and staff recommends approval as well with modified conditions. Commissioner Smith said findings need to be added to address certain sections of the ordinance, namely 7-10A-11, and others, to make sure the plat meets the floodplain requirements of the ordinance. Dan Lister gave the oral staff report for **Hesse Landing Subdivision** and responded to questions from the Board. On October 1, 2020 the P&Z Commission recommended approval and staff also recommends approval subject to conditions. William Mason with Mason & Associates gave testimony on behalf of the applicant. He addressed FEMA and County requirements for base flood elevation and he responded to questions from the Board. Discussion ensued about the plat notes, a no-build area, the berm and Lot 3 on Hesse Landing and the possibility of doing a short plat. Plat note #15 will be removed from the preliminary plats for Hesse Acres and Hesse Landing. Mr. Mason needs time to speak with the owner. Commissioner Smith wants to leave the hearing open in case we come back with just the corrections and the revised findings and if so we can finish the hearing with the corrected FCO's. Or, if the owners make the decision to do a short plat for the one subdivision then noticing can be done for that case and then the Board will take up the other plat. The issues are about whether they can comply with the floodplain requirements, and remove the note about the waiver of sidewalks. Commissioner Van Beek made a motion to continue the hearing to Friday, July 9, 2021 at 8:30 a.m. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 14, 2021

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

FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 8:36 a.m. for FY2022 preliminary budget workshop meetings. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Director of Juvenile Detention Elda Catalano, Director of Misdemeanor Probation Jeff Breach, IT Director Greg Rast, Fleet Director Mark Tolman, PIO Joe Decker (arrived at 8:43 a.m.), Coroner Jennifer Crawford (arrived at 9:38 a.m. left at 10:16 a.m.), Treasurer Tracie Lloyd (arrived at 9:53 a.m.), Assessor Brian Stender (arrived at 10:00 a.m.), DSD Director Steve Fultz (arrived at 10:00 a.m.) and Deputy Clerk Jenen Ross.

Commissioners' Office:

- Commissioner Van Beek said that at this point there hasn't been much focus on the salary portion of the budget. There has been a request for 5% but that's negotiable. In 2018 for FY2019 the Commissioners took 0%, in 2019 for FY2020 3.5% was taken and in 2020 for FY2021 0% was taken. They do not yet have the numbers for the compensation plan so there will need to be a collaborative effort to look at that information.
- Commissioner Van Beek said the Board has asked EOs and DAs to identify actual hard costs for every line item. Either identify if there is a margin in things that have been budgeted for and what that amount is or create a line for contingency within the budget. Commissioner Van Beek said she's spoken with Controller Wagoner and he didn't care which way it is was done just that it was identified because as she understands it this is what makes up the fund balance. There are departments she knows of that balance their notes within PowerPlan to the dollar amount with identified contingency.
- Cell phones: all costs have been identified
- Advertising: no change
- Included some money for training and associated expenses such as meals, mileage and airfare.
- Association dues: Nampa, Caldwell and Middleton chambers of commerce
- Appreciation: to be used for condolences or recognize employees at some level.
- Computer equipment: directly tied to the IT recommendations - Commissioner Smith's computer will be repurposed to the front office along with the purchase of a new computer for the front office; Commissioner Smith has requested a more enhanced system.
- Office furniture: meeting room chairs for the Board
- Improvements to the BOCC meeting room have been included in the IT and Facilities budgets; anticipated cost is approximately \$76,000.

General budget:

- Outside auditor: budgeted \$70,000 to account for single audit which will be required for federal monies received.
- Attorneys: \$10,000 carryover from FY21
- Misc. professional services: \$5000 carryover from FY21

- Misc. personal services: Controller Wagoner suggested leaving this line at \$0 and the reserve fund could be used if there was something to be paid to the crisis center. The Board agreed to put \$0 in personal services and keep \$150,000 in the reserve fund.
- ICRMP: payment is divided between fire insurance and torts; \$40,000 is allocated to fire for buildings and structures, the remaining portion is for tort related issues.
- IAC: Board is in support of continuing, dues at \$22,000
- VRT: requested amount – not an approved amount, there are still outstanding issues to be researched prior to committing to funding.
- TVP: requested amount
- COMPASS: requested amount
- Chamber dues: will be \$0 in general budget but accounted for in the Commissioners' budget under 'association dues'.
- NACO: will remain the same as previous years
- Public lands assessment: \$30 for PILT monies
- URA: budgeted \$760,000 in FY2021 which has not and will not be spent; this line will be \$0 for FY2022.
- WAED: budgeted amount will carry forward but there will be continued discussion as to the level of funding.
- AAFV: requested amount
- Transcript fees: \$0
- BVEP: \$2500 but will be included in the DSD budget so it can be removed from the general budget.
- Metro: \$125,000 - not an approved amount, there are still outstanding issues to be researched prior to committing to funding.
- Meals on Wheels: \$1500 has been the amount budgeted in previous years for payment to the Homedale Senior Center which serves a portion of Canyon County. The Board has requested to hold on this budget line.
- Jannus: increased from \$15,000 to \$18,000 per their requested amount
- SWIDRC&D: \$500
- Youth Court: \$10,000
- Nampa Family Justice Center: line left at the requested amount; Commissioner Van Beek would like additional information so the Board has requested to hold on this budget line.
- Soil conservation: same as previous years
- Misc.: \$1500
- Employee appreciation: \$8000 for the employee appreciation lunch
- Reserve fund: \$150,000
- SWDH: increase due to state code; increase will be offset by decrease in indigent medical. Full increase begins in March so this is a prorated amount and will be higher in FY2023.
- Historical society: this is a separate fund and separate levy although still under the umbrella of Canyon County.

- Tort: \$50,000
- Liability insurance: reflects the actual 2022 premium.
- Reserves: contingency line for an unanticipated or unexpected tort related matters; leaving \$50,000 on the litigation fees line.
- Melba Gopher: this is a separate taxing entity, only taxpayers in that geographic location contribute, monies come from their property tax monies. Fund will remain at \$12,000.

The Board took a brief break from 9:30 a.m. to 9:34 a.m.

Public Information Officer:

- Software: for the Grammarly program to assist with grammatical errors in web posts, press releases, etc. and for Adobe Creative Cloud which is video editing software. Commissioner Smith suggested adding these to regular IT subscription budget. Controller Wagoner likes these items in the specific department.
- An 'Advertising' line item with a \$2000 budget will be added
- The 'COVID' and 'Elections' lines will be removed
- Mileage: \$100 budgeted and the Clerk and Board would like to see Mr. Decker claim mileage. Commissioner Smith encouraged the use of Fleet vehicles.

Coroner's Office:

- Morgue supply: increase of \$3500 to \$6500 to replace worn out tools.
- Expansion of Coroner's office: \$39,500 – Commissioner Smith wants to make sure this expense isn't included in the Facilities budget.
- Subscriptions: \$0
- Vehicles: replace a 2008 Jeep Liberty for a cost of \$28,000 – Commissioner Smith would like to see this expense moved to the Fleet budget. Controller Wagoner feels vehicle purchase budgets should remain within their individual budgets and explained why this a greater savings to the taxpayer.
- 'A' budget: pathologist salary needs to be reviewed and reassessed; Controller Wagoner recognizes that need and it is being reviewed.
- Education and Training: 5 staff members are allotted \$1000 each for the training they'd like to take; airfare, hotel and meals are included as part of the \$1000.
- FY2021 anticipated revenue from Owyhee County is \$19,450

Treasurer's Office:

- Cost of collections is down some due to a decline in delinquencies.
- Interest earnings: the last 3 years have exceeded what was budgeted so that has been increased.
- Public Administrator: revenue is offset by an expenditure
- Misc. services: printing and processing of tax notices, increased \$3000 for FY2022

- 'A' budget: included 5% increase to the compensation plan
Discussion ensued regarding security in the administration building.

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

FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 1:17 p.m. for FY2022 preliminary budget workshop meetings. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Chief Marv Dashiell, CCSO Financial Manager David Ivers, Director of Juvenile Probation Elda Catalano, Parks Director Nicki Schwend, CCAD Director Michael Stowell, Director of Juvenile Detention Sean Brown, Director of Misdemeanor Probation Jeff Breach, Fleet Director Mark Tolman (arrived at 1:29 p.m.), PIO Joe Decker (arrived at 1:30 p.m.). Sheriff Donahue and his staff left at 3:25 p.m., Facilities Director Paul Navarro arrived at 3:31 p.m., Fair Director Diana Sinner arrived at 3:31 p.m. and Deputy Clerks Jenen Ross and Monica Reeves.

Sheriff's Office:

- Protective gear - Increase of \$50,000 mainly due to increased cost of gloves.
- Increased revenue from \$375,000 in FY21 to a projection of \$632,637 in FY22 for driver's license.
- Anticipated decrease for prisoner housing.
- Requesting to replace ballistic shields for the SWAT team.
- Construction projects: rehab for the booking area in the jail.
- Landfill work release program: anticipated revenue reduced from \$200,000 to \$100,000 due to lack of workers.
 - Discussion ensued regarding employee shortage and amount of open positions.
- Other miscellaneous revenue: \$29,700
- Grant thru ISP for live scan fingerprint machines: \$15,000 - \$22,000, also some firearm trade-ins.
- 'A' budget: not requesting any additional personnel for FY22. Currently there are 15 funded but unfilled positions.
 - Discussion points included being competitive with surrounding entities regarding wages and how the salary budget lines are managed.
- Protective gear:
 - Security Services: includes gloves
 - Field Services: ballistic vests and shields
- 4449 SWAT Supplies: \$23,000 for ballistic shields

- 577100 Computer Equipment: \$51,000 – a breakdown of the costs was provided by Mr. Ivers and is included in the PowerPlan notes.
- 521120 Misc. Professional Services: \$15,000 – number based on previous trends and what is known going forward.
- 533301: \$139,708 is accounted for in the line.
- 535501 Construction Contracts: \$11,300 – project for the jail for the booking/ad-tech area and crime lab upgrade. \$5,300 for specific projects and \$6000 for any unanticipated projects or repairs.

Chief Dashiell reviewed some of the regular costs that are accounted for each year in the budget.

Security Services:

- 521170 Inmate Medical Services: approximate \$124,000 increase for FY22.

Discussion ensued regarding a funding source for a public safety building. Sheriff Donahue, Chief Dashiell and Controller Wagoner answered several questions posed by Commissioner Van Beek regarding possible funding.

- 684314 Safety Equipment: \$170,000 for the body scanner project. If the project completes in FY21 this number will not need to be included in the FY22 budget.

Dispatch:

- No new employees are being requested. Currently down 6 employees.
- Office Furniture: \$12,000 request for new chairs.
- 342101: Anticipated revenue of \$490,373
 - Discussion ensued regarding possible charge to smaller cities for this service. Sheriff Donahue provided a breakdown of the fee structure.

CCNU:

- Works as more of an accounting pass-thru account for forfeitures and seizures.

Motor Boat License:

- This budget is entirely funded by fees, no property tax dollars support this fund. Fees are collected by the State and it is very unpredictable.

Emergency Communications:

- This budget tracks the E911 surcharges. Sheriff Donahue said Chief Dashiell has worked to get the balance up from \$300 to \$2 million over the past 8 ½ years.
- Includes 3 computer systems – 2 for GIS operations, 1 for Spillman operations.

Emergency Management:

- There are not typically big projects assigned to emergency management; it's typically the emergency operations plan and the all hazard mitigation plan. The identified revenues are grant revenues and they have seen a decrease in those funds over the years.

Commissioner Smith asked the Sheriff if there are areas in his budget where he could reduce any line items that haven't been fully used in past years so perhaps it could free up funds for a smaller department's funding request. Sheriff Donahue said he will have to look at it, but it's likely it would only be a minimal amount. Clerk Yamamoto said there is little to nothing the Sheriff could reduce.

Commissioner Van Beek said there have been discussions about securing the administration building and she asked if the Sheriff has any input on the issue. Sheriff Donahue said he has not been privy to those discussions. Additionally, his office is already short staffed therefore he wouldn't have anyone to assist with this. He is currently studying the model Ada County uses in regard to providing security to the courtrooms and the court service offices, however, that is a large task and he anticipates it could take a couple years to get off the ground.

Chief Dashiell responded to a question from Clerk Yamamoto about the purchasing of vehicles stating that he has no issues with the process and feels that he and Director Tolman work well together. The Sheriff's Office appreciates the service provided by the Fleet department and Director Tolman.

In response to a question from Commissioner White about AT&T service, Sheriff Donahue spoke about the FirstNet service which the government is trying to push out. It is a very big project and it's anticipated to take several years to implement. Chief Dashiell explained that for our location within the US, Verizon provides much better coverage.

The Sheriff's Office budget workshop concluded at 3:25 p.m.

The Board took a brief break from 3:25 p.m. to 3:30 p.m. Deputy Clerk Monica Reeves took minutes from this point on.

County Fair:

- Review of revenues:
 - Gate fee will increase by \$1.00
 - Commissioner Smith suggested that the price for beer needs to be increased
- Requesting a new position in response to the Fair office taking over the livestock show from the Extension office.
- Slight increase to temporary employees and overtime in response to taking over the livestock show and having a summer person.
- Youth superintendents and judges: increased slightly due to having to hire vets
- Main stage entertainment: increased \$25,000 due to competition in booking concert acts
- Slight increase to gate attendants, security/parking and contract workers due to the lack of temporary staff.
- Slight increase to fair equipment rentals

Fair Building:

- Review of Fair Building revenue
- Expenses are in line with previous years
- Registration and travel: there are two trainings and a meeting that they would like to attend in person if possible
- Office supplies: has been reduced due to not moving into the new building yet but slightly increased due to taking over the livestock show
- Building/ground maintenance supplies: projects or repairs within the building
- Custodial supplies: possible air conditioning for the rabbit barn
- One new computer as recommended by IT
- \$8 million for the Fair Expo building in capital construction contracts
 - Controller Wagoner said there is \$2 million in the fair fund so there would be an \$8 million investment. The \$2M would be expensed from the fair fund leaving a remaining need of \$6M. The initial thought is that the \$6M would be budgeted in the current expense fund in the capital investment line. There is also \$2M budgeted for the site improvement project that is funded in partnership with the Urban Renewal Agency.

Budget discussion regarding the Fair concluded at 3:52 p.m. and general budget discussion ensued. Commissioner Van Beek asked questions regarding increased fees for the Sheriff's driver's license fund and if Director Sinner has had an opportunity to evaluate rental fees for the new building. Commissioner White provided some suggestions to Director Sinner for the Fair temporary/seasonal help. At the request of Commissioner Van Beek, Director Sinner outlined some of the new responsibilities the Fair will be taking on by bringing the livestock show back under their purview.

The meeting concluded at 3:59 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 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. 2119

- The Board of Commissioners approved payment of County claims in the amount of \$1,651,499.24 for a County payroll

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill LLC to be used 6/19/21 for Vets Fund Raiser; The Curb Bar & Grill LLC to be used 6/19/21 for Manu Wedding; Eastside Tavern to be used 7/3/21 for Sosa Wedding; Eastside Tavern to be used 7/24/21 for Etzel Wedding; Eastside Tavern to be used 7/31/21 for Class Reunion; La Michoacana Mexican Restaurant to be used 7/3/21 for Sotelo Quincenera; La Michoacana Mexican Restaurant to be used 7/10/21 Sotelo Wedding.

FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 8:31 a.m. for FY2022 Preliminary Budget workshops. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Landfill Director David Loper (left at 10:50 a.m.), Director of Juvenile Probation Elda Catalano (left at 10:50 a.m.), Director of Misdemeanor Probation Jeff Breach (left at 10:50 a.m.), IT Director Greg Rast (left at 10:50 a.m.), PIO Joe Decker, DSD Director Steve Fultz (left at 10:00 a.m.), Mark Tolman (arrived at 8:34 a.m.), Indigent Services Director Yvonne Baker, Case Manager Camille Tilden and Recording Supervisor Emily Howell (arrived at 8:52 a.m. and left at 10:00 a.m.), Director of Court Operations Jess Urresti, Court Training & Development Manager Raena Bull (arrived at 8:54 a.m. and left at 10:00 a.m.), Elections Supervisor Haley Hicks (arrived at 8:59 a.m. and left at 10:00 a.m.), Assessor Brian Stender (arrived at 9:42 a.m. and left at 10:50 a.m.), Director of Juvenile Detention Sean Brown (arrived at 9:50 a.m.), Chief Deputy Assessor Joe Cox (arrived at 9:54 a.m. and left at 10:50 a.m.), Fair Director Diana Sinner (arrived at 10:52 a.m.), County Agent Jerry Neufeld, Debbie Lowber, Carrie Clarich, Nic Usabel (arrived at 10:57 a.m.) and Deputy Clerk Jenen Ross. The budget workshops were heard as follows:

Landfill:

- Projected revenue: \$7,160,000 from landfill fees and \$60,000 for recycling capital. There will be an additional \$60,000 in revenue from the sale of a piece of equipment.
- New/reclassified positions: \$250,000 for 4 new FTEs for a mechanic, operator, operator/screener and a fee collector.
- Professional Consultants: \$175,000 for Tetra Tech.
- Misc. professional services: \$1,620,000; \$1,420,000 for County support services (20% of fee collection) and \$200,000 to the Justice Fund for SILD workers.
- Well monitoring: \$175,000 for Tetra Tech to do groundwater monitoring.

- Wood waste removal: \$450,000 for 3rd party contract with Timber Creek, construction is going up and they've added sheetrock collection – may look to increase fees on “tan wood” (construction wood) and sheetrock.
- Hazardous waste: \$200,000
- Landfill expansion: \$250,000 to be in compliance with DEQ requirements for expansion.
- Purchase of land: \$2,500,000 for possible transfer station.
- Other improvements: \$365,000 for \$40,000 for automated kiosks, \$75,000 for landscape project, \$100,000 for asphalt and \$150,000 for Stuart well water right and infrastructure for water right.
- Machinery: \$105,000 for a lube trailer, water tank/trailer, portable/wireless truck lifts.
- Trucks and pickups: \$75,000 for recommended replacement of 2 trucks.
- Heavy equipment: \$560,878 for a loader and service truck.

FY2022 preliminary budget workshop for Clerk's Office

Recorder:

- In FY2020 the Recorders office had a 14% increase in revenue; revenues are continuing to increase in FY2021 mainly due to recordings.
- New/reclassified positions: \$102,000 for 2 additional positions; one for scanning old records and one due to the increase in documents being recorded.
- Machinery: \$10,000 for a copier and paper drill.
- Building supplies and materials: \$10,500 for remodel to vault shelves.

Elections:

- Addition of an assistant supervisor position.
- Small office equipment: \$7400 for charging carts for e-poll pads and a duplicator to load the information and prepare the equipment for each election.
- Mileage: \$4000 for District Judges on election days.
- Updated mini conference PC.

Indigent:

- Currently have 7 funded positions, but operating with just 5 – requesting just 6 full-time positions for FY2022. They intend to leave one position unfunded.
- Involuntary commitment: \$850,000 which is a reduction from FY20.
- Provider payments: \$400,000 which is a reduction from FY20.
- Misc. professional services: \$40,000 for medical reviews and transcripts.
- Total request: FY2022 is \$1,937,706 reduced from \$3,662,355 in FY2021.

Clerk of The Court:

- Personnel: Requesting 7 new positions; 1 district in-court clerk, 2 magistrate in-court clerks, 1 magistrate in-court lead clerk, 1 court administrative specialist, 1 court support services lead clerk and 1 court systems technician due to addition of 3 new judges.
- Capital construction: \$30,000 for remodel of vault to add additional space for new judges and support staff.

Auditor:

- Misc. professional services: Increase to \$125,000 for ADP due to increase in county employees.

The Board took a brief break from 10:00 a.m. to 10:07 a.m.

FY2022 preliminary budget workshop for Assessor's Office

Reappraisal:

- GoverMax: Reduced to \$0 as Canyon County was the only entity in the state charging customers for access to the data so in the next budget cycle the fee will be discontinued. They will work with IT to create a public facing page that contains the information.
- No employee wage changes but would like to reinstitute the COLA.
- New/reclassified positions: \$176,000 for the addition of 3 new positions – one each for residential, commercial and rural.
- Professional consultants: Reduced to \$60,000.
- Misc. professional services: Reduced to \$60,000.
- Postage: Increased \$10,000 to \$40,000.
- Computer equipment: Increased \$10,000 to \$20,000 for IT recommended replacement equipment.

DMV:

- Title fees: Projected at \$122,000 for FY22 which is an anticipated decrease.
- Compensation program: Increased to \$100,000 in order to apply COLA adjustments and to compensate for under compensated positions.
- New/reclassified positions: \$134,000 for the addition of 4 positions.
- Construction contracts: \$160,000 to remodel a building (for potential second location).
- Machinery: \$8000 for a printer/scanner/copier (for potential second location).
- Computer/networks/software: \$30,000 to set up a queuing system (for potential second location).
- Office buildings: \$110,000 for lease of a 9000 sq. ft. building (for potential second location).
- Administration fee revenue: Projected \$1,640,000 if the fee is increased.

The Board took a brief break from 10:51 a.m. to 11:00 a.m.

County Agent:

- County Agent's contract: Increased \$1000; the Fair Aide position was removed but they are requesting an additional \$3000 for the Master Gardner, \$1500 for U of I reimbursement per educator and increase to fee for the checkbook audit; the 4-H Coordinator remained the same.
- Building supplies and materials: \$0 due to no requests for FY22.

Discussion ensued regarding workload, responsibilities and programing run thru the Extension office.

Net request for fiscal year 2022 is reduced by \$7400.

The meeting concluded at 11:22 a.m. Audio recordings are on file in the Commissioners' Office.

FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 1:23 p.m. for FY2022 preliminary budget workshop meetings. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor (left at 2:03 p.m.), Chief Deputy P.A. Sam Laugheed (left at 2:03 p.m.), CCPA Administrative Supervisor Melinda Longoria (left at 2:03 p.m.), Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Assessor Brian Stender, Director of Juvenile Detention Sean Brown, Chief Public Defender Aaron Bazzoli, PIO Joe Decker, CCAD Director Michael Stowell, Fleet Director Mark Tolman (arrived at 1:36 p.m.), IT Director Greg Rast (arrived at 2:18 p.m.), DSD Director Steve Fultz (arrived at 2:37 p.m.) and Deputy Clerk Jenen Ross. The budget hearings were heard as follows:

Prosecuting Attorney's Office:

- Budget is very similar to FY21 budget
- SAUSA: Increased from \$100,000 to \$115,000.
- Salaries: Advocating for investment in salaries. With the addition of 3 new judges they are requesting 6 new employees (3 attorneys and 3 support staff) and associated costs.
- Temporary: \$25,000 for law school interns.
- Hotel: \$5,000 for witnesses.
- Association dues and Bar dues: Total for both lines is \$53,700 to pay dues in all 44 counties.
- Expert witness: \$10,000 which is a budgetary guess based on a trial that may happen.
- Research fees, computer equipment, and office furniture: All lines were increased due to additional employees necessary to accommodate the additional judges.
- Software: \$75,000 is a placeholder in case there is an emergency with the JustWare system. The goal is to start the RFP process for a new system.

Juvenile Probation:

- Budget will remain largely the same with the exception of one division.
- '300' budget (Juvenile Probation): Anticipated revenue of \$245,000; budget is similar to FY21 budget.
- '804' budget (Parole Block): Anticipated revenue of \$404,548; budget is similar to FY21 budget.
- '805' budget (Cigarette Tax): Anticipated revenue of \$463,024.
 - Group counseling will be reduced from \$20,000 to \$10,000.
 - Some funds from this account are allocated to the juvenile drug court and juvenile detention center.
- '828' budget (Lottery Tax):
 - Software: \$30,000 for improvements to the management system.
 - \$3500 has been included to send a judge to juvenile drug court training.

For FY22 Ms. Catalano will not be requesting any positions. There is currently one open administrative position which she is actively recruiting for.

Discussion ensued regarding possible site consultants to evaluate space for a meeting room that could be shared between Juvenile Probation and Juvenile Detention. Mr. Wagoner said that \$45,000 has been included in the Facilities budget for the design and engineering type fees for this project.

At this time nothing has been budgeted for personnel. She has been able to retain her staff but feels their work and longevity need to be continue being compensated.

The Board took a brief break 2:20 p.m. to 2:27 p.m.

Misdemeanor Probation:

- Currently has 1 unfilled position but would like to keep it funded and evaluate thru the year if it needs to be filled or remain vacant.
- Nothing has been accounted for in regard to compensation; those numbers will be added later at the recommendation of the compensation committee.
- 'B' budget for the Community Service is \$10,000 although, \$7200 of that is pass-thru workman's compensation.
- Protective gear: \$11,000 for soft body armor
- Small office equipment: \$7900 - \$5500 for 2 additional handheld radios, \$500 for 2 additional security cameras, \$1200 for a standalone battery lock.
- Reduced revenue projection down to \$407,788 from \$438,000 in FY2021.

Juvenile Detention:

- Revenues: Increase from \$225,000 in FY20 to \$350,000 for FY2021 for board and room of juveniles.
- Requesting to re-fund one of the 6 positions that were cut in FY2020 in order to fill a vacant FTO (Field Training Officer) on one of the teams.

- Part-time: Reduced to \$25,000 from \$50,000 in FY2020
- Inmate medical services: Increased by \$9000 to \$125,000

The meeting concluded at 2:55 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 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 ORDER

The Board approved the following purchase order:

- Curtis Blue Line in the amount of \$1,431.60 for Canyon County Sheriff

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an alcoholic beverage license renewal for Pacific Sushi LLC dba Pacific Sushi (Resolution no. 21-148)

FY2022 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 8:33 a.m. to conduct Fiscal Year 2022 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assistant Facilities Director Ricky Britton, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, IT Director Greg Rast, Assistant IT Director Eric Jensen, IT Business Manager Caitlin Pendell, IT Operations Manager Don Dutton, PIO Joe Decker, Fleet Director Mark Tolman, DSD Director Steve Fultz, Landfill Director David Loper, Administrative District Judge George Southworth, Acting TCA Benita Miller, TCA Admin. Supervisor Tara Hill, Deputy Judicial Marshall Matt Burgess, Chief Public Defender Aaron Bazzoli, Assistant Public Defender Scott James, Deputy Public Defender Erik Ellis, Parks Director Nicki Schwend, Weed and Pest Control Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. The workshops were held as follows:

Facilities Department (8:33 a.m. to 9:24 a.m.)

A Budget

Director Navarro is requesting a fulltime maintenance technician position to help with the Fair expo building and the arena building, and he would like to reclassify a maintenance technician position to a project manager/purchaser position to track down purchases and quotes, control inventory, and help with mobilizing and de-mobilizing safety equipment and materials. The position will be a slight increase over what is being paid now. (60% of their time will be as maintenance tech and 40% as a project manager.) Commissioner Smith raised the issue of contracting out lawn mowing services. Director Navarro said he has, but his staff doesn't just mow lawns, they do weed control, maintain parks and county grounds, move boat docks, and haul trash and he doesn't think a contractor can do that. He has looked at contracting ground control and housekeeping and the pricing is astronomical, however, he said he can look into contracting a piece of it. Another issue is that most grounds people don't have public works licenses. Commissioner Van Beek said Director Navarro does a good job keeping that inhouse. Commissioner Smith said she's received complaints about trash piling up at parks on the weekends and so she would like the facilities staff to consider doing cleanup on weekends.

B Budget

Director Navarro has \$85,000 in architect's fees, and he wants to set aside \$40,000 for a warehouse design for property on Graye Lane as our currently warehouse is at capacity. (For A&E fees to get a stamped design to put out for bid to get an idea of cost.) He would like to use \$45,000 to have an architect and engineer to help us design an unused portion of the juvenile detention center that's been unused for years and Jeff and Elda need the space to turn cells into office space. He increased his budget to account for rate increases from Idaho Power, Intermountain Gas, and gasoline rate increases. He would like to bring snow plowing services inhouse. He is requesting the following:

- \$15,000 for security systems to purchase/install cameras to add levels of security
- \$10,000 for computer replacement as suggested by IT
- \$75,000 to replace trucks/pickups that have reached their end of life
- \$26,000 for a used skid steer for snow removal
- \$594,000 for capital improvement contracts:
 - \$84,900 for a water source chiller on juvenile detention center rooftop
 - \$11,648 for a key cutting machine/software to make care keys for fleet shop
 - \$37,970 to pull fiber optic from courthouse to fairgrounds
 - \$195,000 to replace the SPRUNG roof on Pod 5
 - \$20,000 replace store front doors on courthouse on 12th Avenue
 - \$8,000 to replace windows in jail admin
 - \$46,000 to replace roof at the extension office
 - \$45,000 to replace 8 MAU in courthouse
 - \$6,500 to upgrade cellular dialers for fire alarm systems to 5G network

- \$9,500 to replace 2 hot water heaters in courthouse
- \$5,200 to replace 12 wall heaters in stairwells
- \$33,000 to expand reliable DDC controls to Elections, building maintenance and animal shelter
- \$5,600 to add 3 HVAC units in crime lab/morgue into reliable DDC program
- \$9,800 to replace windows at DMV building
- \$6,850 for BOCC meeting room improvements
- \$4,500 to replace gate for juvenile probation parking area and controller
- \$6,500 to replace 2 gate openers for Fleet shop
- \$4,850 to remodel the IT vault into useable office space
- \$14,350 for LID improvement to Extension office
- \$39,300 to seal-coat and restripe parking lots in 3-year rotation

There was discussion regarding the following items: Clerk’s vault project for Clerk’s Office and Recorder’s Office; animal shelter roof project, which needs to be done but is not dire; fund balances; and the employee wage problem where it’s difficult to recruit and retain employees. The Board took at break at 9:24 a.m.

Trial Court Administrator (TCA) – (9:35 a.m. to 10:35 a.m.)

A Budget

- 4 part-time judicial marshals
- 1 part-time mediation coordinator to start eviction court again and hopefully grow to have data and try to add small claims in a few years
- 1 fulltime Judicial assistant (there will be 2 magistrate judges and one district judge)
- 1 part-time family court services class administrator
- 1 fulltime staff attorney

Seeking reclassification of specific positions in the TCA Department: 4 judicial assistants; the assistant TCA position; and the TCA administrative supervisor. They are also seeking the adoption of a job description and salary range for the chief marshal position.

B Budget

Cell phone stipends have increased significantly. Discussion followed regarding the need for a policy for cell phone usage, and it was suggested that perhaps that could be a task for the new TCA.

\$15,000 for protective gear for marshals.

Clerk Yamamoto said the Court Clerks have requested a second IT person and that should be something the state pays for. Judge Southworth said he will bring that up during the TCA meeting that will be held in July. There was a review of the district court budget, family court services budget, court device budget, court facilities budget, and the treatment courts budget. Topics of

discussion included: jury fees; court classes and class fees; DUI court, and the interlocking device costs; plans to remodel the 2nd floor courtrooms and perhaps the need to explore charging back County labor; shared coordination expenses for treatment courts and associated revenue.

Commissioner Smith asked for an update regarding the SILD program. Judge Southworth said he sent communication to magistrate judges reminding them that the SILD program is full force and working now and he suggested in their discretion, instead of using community service, to use the SILD program. The Board is thankful for that. The new TCA will start next week. There was discussion regarding courtroom security, the marshal staff and their presence in the courtroom. With the shortage of labor, the costs are going up.

The Board took a brief recess at 10:35 a.m.

Information Technology (10:43 a.m. to 11:17)

There was a reviewed of the projected revenue accounts.

A Budget

Director Rast is requesting a new sys admin position. He said wages are a problem so he's utilizing internal promotions so he doesn't have to compete with the private sector. The A Budget increased by \$43,000 and the B Budget was reduced by \$50,000.

B Budget

Education and training increased from \$42,100 to \$58,042. He has 25 positions scheduled for training to counter offsite training he pays for on-pace training that used to be in service contracts line item and he moved them to education/training. He uses vouchers to go against some training.

\$10,000 for OnBase upgrades.

Service contracts increased from \$640,000 to \$708,000; it's the cost of doing business with 90+ vendors.

There is a \$10,000 increase for internet, but it will be reduced when they connect fiber for the Nampa communications project.

Office supplies increased from \$4,185 to \$10,000; this is not just for IT, it covers other County offices.

There was discussion regarding the IT computer equipment replacement schedule.

Software reduced from \$136,000 to \$86,000.

Small office equipment \$2,500 to \$3,600.

\$60,000 for BOCC recording equipment/meeting room upgrade.

\$64,000 has been set as a placeholder for a potential DMV second location in Nampa.

\$32,000 for a small to mid-size truck to transport equipment

Development Services Department (11:17 to 11:36 a.m.)

Revenue projections are at \$2.3 million which is a 12% increase over 2021. If trends continue we will see more.

A Budget

Seeking a part-time administrative person in code enforcement; a fulltime code enforcement officer and a fulltime economic development specialist. There was discussion regarding a fine structure for code enforcement and have a specific line item for it.

\$20,000 for professional consultants.

\$70,000 for engineering services.

\$20,000 for miscellaneous professional services to bring on a hearing examiner to assist P&Z Commission. He has spoken with the Controller about the possibility of the County having its own engineer.

Increased costs for advertising and gas and oil.

Commissioner Smith asked Director Fultz to evaluate which employees receive cell phone stipends and why.

A potential reduction of \$15,000 for the P&Z Commission (5 members vs. 7 members)

\$8,000 for building supplies and materials for office space reconfiguration. He will look at moving the code enforcement division into the empty space in the indigent department.

\$75,000 to replace a vehicle and acquire a new vehicle for the code enforcement officer.

Clerk Yamamoto said he is not in favor a County economic development person but he might entertain the idea if the County created an urban renewal area countywide.

The meeting concluded at 11:35 a.m. and resumed at 1:26 p.m.

Public Defender (1:26 p.m. to 2:11 p.m.)

A Budget

The previous Public Defense Commission (CDC) grant received in 2016 was used to hire five new staff members but it was an offset and didn't cover the costs and that became of what they call the 15% or the County's share. That amount has increased over the course. In FY2020 the public defense grant was \$542,646 for just the 15% mark and that went up this fiscal year by about \$50,000 and it will go up this next year based on the grant application fund of \$663,000. That fund is used to offset the expenditures made for those five staff members from the last years. In the last two years he has received a total of \$226,112 to hire two additional attorneys for workload compliance. Those two attorneys are differently hired than the previous five so if the grant monies go away the attorneys will go away. The current request for the PDC is \$226,112 for the previous

two attorneys and the five additional attorneys needed for workload compliance for a total of \$717,707. (He is not requesting that from the County.)

For the new expanded court, they will need four new attorneys and one legal support specialist and he is hopeful he will get attorneys from the PDC. If he gets all five he will not ask for any other attorneys from the County. He will know in July, August, or September what the amount of the grant is. He has five open positions. He would like to see a COLA for his staff as they worked extremely hard during COVID and continue to make this an amazing place to work. He spoke about the success of mediations which have resulted in a significant savings.

B Budget

Mr. Bazzoli has lowered 85% of his line items resulting in a \$45,000 reduction over last year's B Budget.

The computer equipment line item will be \$10,000 not \$15,000 **Commissioner Van Beek would rather IT carry that contingency.* Discussion ensued regarding contingency amounts.

The software line item can be reduced from \$50,000 to a lower number.

Controller Wagoner spoke about the interlock device fund which has an approximate balance of \$150,000. Mr. Bazzoli is aware of the fund and he advises clients they can make application to that fund to get their installation expenses covered. Clerk Yamamoto said the DUI ignition devices get installed immediately but getting them uninstalled is another story because the private companies won't take it off until the order expires and people are left pay for additional weeks which isn't fair.

There was discussion about the trials where clients represent themselves and do not want the public defenders advising them. Not only do public defenders have to be present (even though they are not participating) the County can be on the hook for any wrongdoing but there can be bar complaints which is concerning. The Board wants more information on this topic.

Fleet (2:17 p.m. to 2:47 p.m.)

A Budget

Director Tolman is requesting \$16,000 to fund a part-time position to help with the carwash, and \$12,500 to fund a position reclassification that was approved last year.

B Budget

The biggest change is in the fuel line item which increased from \$300,000 to \$375,000.

Vehicle repair costs have gone down when replacement schedule is followed.

\$12,000 for a nitrogen machine (grant money can help with that).

\$165,000 for a dealer-style car wash. Expects there to be savings in both time efficiency and water usage. (There is a potential to use American recovery funds for this project).

Parks Department (2:55 p.m. to 3:37 p.m.)

A Budget

Director Schwend is seeking an increase to the part-time budget. Increased the canoe science camp line item because they've had a hard time keeping interpretive specialists.

B Budget

Two grants totaling \$20,000 will be added to the revenue/grant line item.

\$68,000 for master planning assistance for \$64,000; and engineering for a grant application for Celebration Park boating improvement for \$4,000. (*Parks and outdoor recreation do return in revenue. For every \$1 spent in state parks there is a return of \$54 that's spent in the community.*)

Gun range line item reduced from \$46,200 to \$15,000.

\$3,400 increase in the exhibits line item.

\$6,610 for an automated gate system for the Lake Lowell shops (Potential to use American recovery funds for this).

\$20,000 increase to cover the Celebration Park museum mezzanine project. Director Schwend hopes to market the dorms at the museum. Clerk Yamamoto said after 12 years it would be nice to get this project completed.

There was discussion about the potential revenue for the parks budget. The budget request is nearly \$900,000 and the revenue was \$12,000. We appreciate efforts but you have a long way to go before this is funded by fee-driven revenues. Commissioner Van Beek understands but wants to explore the idea for entities that generate revenue where all their revenue flows back to current expense fund without the ability to generate. Controller Wagoner said it doesn't flow back to current expense, there is a specific parks fund that has its own fund balance. Discussion ensued.

Weed and Pest Control (3:38 p.m. to 3:53 p.m.)

B Budget

- \$20,000 to replace the UTV
- \$4,500 to paint office and shop
- \$44,000 for a truck to haul water. He will sell the old truck (this is a 2nd priority)
- \$15,000 to pay for the owl box program. (BSU Ornithology Department is seeking funds to cover mileage costs and for grad student interns to clean and study owl boxes. They have been providing the service for free.)

The meeting concluded at 3:54 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 17, 2021

PRESENT: Commissioner Keri K. Smith, Chair – SWDH Board Meeting all day
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:50 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: 2021-662; 2021-695; 2021-696.

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

CONSIDER JUNE 17, 2021 AGENDA ITEMS

The Board met today at 9:04 a.m. to consider signing the agenda action items that were scheduled for 9:00 a.m. Present were: Commissioners Leslie Van Beek and Pam White, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alexis Klempel, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Captain Harrold Patchett, Controller Zach Wagoner, Weed/Pest Control Superintendent AJ Mondor, Indigent Services Director Yvonne Baker, Case Manager Jenniffer Odom, Deputy Treasurer Tonya May, and Deputy Clerk Monica Reeves. The items were considered as follows:

Agreement with Idaho Transportation Department for Noxious Weed Control – It's the annual renewal agreement, the only change is getting the chemical names rather than brand names put in for the acceptable chemicals. The department sprays for the Idaho Transportation Department and it encompasses the freeway and all state highways that run through the County. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreement. (Agreement No. 21-043.)

Resolution Authorizing Transfer of Excess Sale Proceeds to Parties in Interest and to the State Treasurer pursuant to I.C. § 31-808 – Tonya May reported there are three claims for excess funds from the March 30, auction; two were for property located t 20167 Apricot Lane in the amount of \$1,062.03, and \$163.21; the third claim was for property located 10112 Iris Drive in Middleton in the amount of \$66,341.90 and there are still excess fund to be sent to the State of Idaho after those claims are paid. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing the transfer of excess sale proceeds to parties in interest and to the state treasurer pursuant to Idaho Code, Section 31-808. (Resolution No. 21-149.)

Consider signing Notice of Public Auction – The intent is to put 16 surplus vehicles on the auction July 8-July 15. The notice will publish in the Idaho Press-Tribune on June 22, 2021. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to sign the notice of public auction.

Consider Signing Prosecution Services Term Agreement with the City of Notus – PA Taylor said this is the same contract they have with every other municipality and he anticipates the caseload will be low, therefore the monthly installment amount is \$100.00. If the caseload volume increases there is the option to increase the payment amount. The City of Notus recently engaged in a contractual agreement with the Parma Police Department to provide law enforcement services. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to. (Agreement No. 21-044.)

Canyon County purchase agreement for Thermal Imaging Kiosk for the Dale Haile Detention Center – On June 14, 2021 ADANI Systems, Inc., submitted a letter objecting to the County’s decision to award the contract to Command Sourcing. Another email was received from OD which we will treat as a protest. Deputy PA Doug Robertson recommended the Board postpone the signing of the agreement so we can deal with the protests. Deputy PA Robertson and Captain Patchett will meet with the Sheriff and bring it back to the Board at a later date.

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

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 18, 2021

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

CONSIDER SIGNING RESOLUTION CHANGING THE TITLE OF ONE POSITION IN DEVELOPMENT SERVICES DEPARTMENT (PLANNING OFFICIAL)

The Board met today at 8:46 a.m. to consider a resolution changing the title of the Planning Director position in DSD to Planning Official. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The position was approved on June 1, 2021, but legal counsel said it could cause some confusion with another director title so they recommended a title change to planning official. Director Fultz said he met with the Controller and based on the amount of people they will supervise and the level of responsibility they felt it was comparable to the building official position. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution changing the title of the Planning Director position to Planning Official. (Resolution No. 21-150). The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW AMERICAN RESCUE PLAN FUNDS FOR THE PURPOSE OF REVIEWING ALLOWABLE EXPENSES

The Board met today at 9:01 a.m. to review the American Rescue Plan (ARP) funds for the purpose of reviewing allowable expenses. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy Sheriff Marv Dashiell, Chief Civil Deputy PA Sam Laugheed, Prosecutor Bryan Taylor, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Treasurer Lloyd reported that \$22,322,737 in federal funds has been deposited into its own separate account. She has been in contact with state, and she has an application to put the money in an LGIP (Local Government Investment Pool) account where it will earn interest at a rate of .17%. Currently it's in a noninterest-bearing account waiting for direction from the Board to put it into the state LGIP account. The Board has no problem with moving the money it to the account specified by Treasurer Lloyd and Commissioner Smith signed the application as a ministerial item.

Clerk Yamamoto said before we talk about how to utilize the funds, we must first have to discuss the County budget. We were told the state was going to do something about property tax, but they did nothing. This last legislative session they did a last-minute move behind closed doors and Canyon County's bill, which would have provided actual property tax relief to all homeowners, never saw the light of day. In an unprecedented move the County chose not to take the 3%, or forgone, or new construction and we lowered our budget and because of those actions we will be able to say the County had nothing to do with raising taxes. The blame for this goes on: 1) what residential values are doing and 2) HB 389, which has created more issues than it will fix.

Use of ARP funds:

- Any local government that lost revenue during COVID-19 is eligible to use the funds.
- We have three years to spend the money.
- The first installment is in the bank now; and the second installment will come next year.

Canyon County was on a trajectory of a 10.4% growth rate, and we can prove over a \$6 million reduction in revenues. To ensure use of the ARP funds legally and to protect the taxpayers the Clerk suggests we allocate \$7 million a year that is earmarked to go into County funds to replace lost revenue to help taxpayers. We are at a \$110 million budget now and when you figure in the Fair, and the addition of employees, and a 5% COLA for FY2022 we are looking at a \$118M budget, possibly more.

Commissioner Van Beek was contacted by a legislator who said Canyon County could have provided tax relief, but it opted out of using \$9 million in federal funds. Clerk Yamamoto said there is no other local taxing entity that did what Canyon County did without that money and it was because of good sound financial management. Commissioner Smith agreed. Discussion ensued. Clerk Yamamoto thinks we should earmark \$7 million (as a round number) a year to take care of taxpayers. Treasurer Lloyd said the County will receive another payment of \$22 million in six months and it must be earmarked for a project by the end of 2023 and completed by 2026. Prosecutor Taylor said hypothetically at the end of 2023 we could earmark \$44 million for a down payment on the construction of a jail. Sam Laugheed had questions about FAQ's and the calculations of the amount of funds. Clerk Yamamoto said half of the money should be earmarked for taxpayers and other half could be for some other use, but we don't have to be in a hurry to decide what to use it for. Treasurer Lloyd said there was discussion in the legislature about reducing revenue sharing over the next few years because we have this money so we need to keep that in mind, and if that were to happen and we have a plan to use this money to replace what could be taken away from us that needs to be kept in mind. Commissioner Smith said the same reason we had for not taking the money to supplement the taxes is still there. There are a lot of things we could spend money on that would bolster the economy and there are things we have told our department heads and elected officials we need to wait on that we could creatively fund and get off the plate and put some of that money into the economy, such as hiring businesses to do some of the work and creating plans that help with tourism. Putting some funding aside is important but we also need to look at how to spend the money and get it into the community that helps long-term visions. Commissioner White said the biggest thing that lost revenue is the non-essential businesses, and property taxes have had to supplement everything in a huge way. Clerk Yamamoto said he is presenting a plan that fits well and it gives us time to figure out what we need to do. It utilizes half of the money for citizens and the other half is available for what is reasonable to help the community. Commissioner Van Beek asked if there is vision to build a jail? If so, then we have to identify revenue sources. We could take some of the retiring allocation funds, some of the tax incentives that come off, understanding that we could provide property tax relief, but we will have to turn around go out for a bond that puts it right back. We have to have a guaranteed source of repayment then that's what we can take and market if we still see the need for a public safety facility. She likes the Clerk's idea of creating an urban renewal district. If we have a guaranteed stream and if we put part of the funding toward creating a master facilities plan those are the kinds of things that are tangible.

Ideas that could make a difference:

Commissioner Smith said the parks director wants to invest in a parks plan (at a cost of \$65,000) that would identify the needs going forward for our existing parks and as we anticipate growth where the other gaps are in the parks' needs. The director also wants funding for the mezzanine at the museum (based on tourism), and to upgrade the gate lock systems. The fleet director has an idea for a carwash and that could be related to COVID in terms of maintenance of other people's cars and cross-contamination. Commissioner Smith wants a tourism plan that connects the cities and the County that would promote tourism.

Commissioner White would like a crime lab with DNA testing in Canyon County. Chief Dashiell said the accreditation responsibilities for the facility and personnel are not something he recommends the County taking on.

Assessor Stender was hoping to purchase a building for a second DMV location in Nampa, but due to the unforeseen future of what the DMV is going to look like he is backing away from that idea. His team is in close quarters and nearly at max capacity for employees so a second facility would allow for more space. Perhaps an amount could be earmarked for the Assessor down the road but if it doesn't pan out he will give the money up. He likes the idea of giving property tax relief to the taxpayers.

Coroner Crawford spoke about how she is limited on space. She agrees with the idea of setting funds aside for the nonessential businesses that have failed and said we need to look at how we can help them, not just ourselves.

Treasurer Lloyd said we need to determine what kind of percentage we want to give to local businesses, or tourism. We need to identify a percentage and move forward with a cautious plan; we have some time to think about it unlike the CARES funds where we had to act fast but that was not a safe way to move forward.

Chief Dashiell said the storage of equipment became an issue and they used the jail annex to store 100 pallets of protective gear. The Elections Office and facilities department have a lot of storage issues too and currently the County is leasing warehouse space for \$50,000 a year. The revenue stream goes to the businesses, but our services still have to have a funding mechanism and with growth comes more need for services. He spoke about how the Sheriff's Office cannot get job candidates because of the cost to live here and we have to figure that out.

Commissioner Smith said everything is focused on residential growth and we have to do something. Canyon County historically had the largest leakage problem in the entire valley where we take our local money and spend it in Ada County and until we turn that around we will continue to suffer and be the bedroom community.

Chief Dashiell said until the legislature decides to make commercial properties pay for themselves to provide for what's going on around them we are stuck. With the new HB 389 the

Middleton/Star Fire Department anticipates a loss of revenue in the amount of \$350,000. Clerk Yamamoto said with the last Presidential Election they were having trouble with polling locations and the Elections Office was able to use the O'Connor Fieldhouse for one month and they learned a lot about what can be done election-wise to run a better election and better serve the voters and have ample parking. If there is ever a time to allocate money toward an election center that would be a fantastic thing. Commissioner Smith said we will have a Fair Expo building and in an emergency the Clerk could use that space. (Assessor Stender left at 9:58 a.m.)

Prosecutor Taylor said we must be cognizant with what the state is going to do with revenue. He leans more toward the nonprofits who stepped up during COVID, such as the Boys and Girls Club, shelters, etc., but the challenge is how much it will take for the County to manage it and determine how to equally distribute it. He leans more toward utilizing the funds for major capital improvements because we need more space, more employees, more parking, and we have a tent that is getting ready to expire and we have a decision to make about the jail trailers. Commissioner Van Beek wants to purchase properties around the courthouse. She spoke about an investment tool to be able to use the interest generated off a restricted fund that would be dedicated to improving the current footprint of the campus and eventually expand. She likes the parking garage idea as a capital investment project. Commissioner Smith said auto park is a better option because it does not require an entire city block, we could build it on what we already have. Sam Laugheed said his focus is on procedure and compliance vs. advocating for any particular use and in this situation, we have some time and it will be critical to thoroughly vet all these things. Putting the money aside for taxpayer relief is in keeping with Canyon County's historical budget philosophy but it is also the safest objectively measurable thing we can do with the monies because in the Treasury rules there is the formula established so it is very objective. All the other uses we are talking about would have to be viewed through a subjective lens whether it's responding to a public health emergency and its negative economic impacts, or to provide premium pay to essential workers to provide government services to the extent of a revenue loss and to make necessary infrastructure investments.

Commissioner Van Beek said a lot of good ideas have been generated and we should triage it on the *SAFE* or the *WANT TO* and get buy-in. She referred to issues the Coroner's staff has in dealing with COVID-related issues and perhaps we could look at getting the Coroner's Office and first responders included in hazard duty pay.

Commissioner Smith likes the Treasurer's idea to identify percentages and set some goals of how we want to divide that up which would allow us to start looking into some of those areas we would like to fund. Clerk Yamamoto said it will involve a priority list and his office will look at what the financial impacts are. He and Controller Wagoner will "crunch it out" and have it after the week of July 4th.

The meeting concluded 10:17 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY CODE ENFORCEMENT MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:03 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. Mr. Wesley provided a list of active cases with PA's Office and updates. Eric Arthur reviewed the type of cases noting which cases are active and which are suspended. There was discussion about how cases are categorized and the processes for code enforcement cases, and discussion about how to expedite criminal proceedings that are pending. It was agreed that the abatement process would be the most immediate remedy. The Board give direction that it wants to start again on a case and bring it back for abatement noting that this will be a good test run to see if we can find anyone to abate. When details of a specific case were discussed the Board went 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 1:22 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White 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 PA Zach Wesley, Deputy PA Doug Robertson, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:09 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.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 21, 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 574941 to 574969 in the amount of \$145,891.44

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Wood Products in the amount of \$1680.00 for Trial Court Administrator District Court
- Intermountain Wood Products in the amount of \$1927.05 for Trial Court Administrator District Court
- PIPECO Nampa in the amount of \$4006.31 for Parks
- Army Navy Outdoors in the amount of \$5417.22 for Parks

COMMISSIONERS OFFICE STAFF MEETING, AND CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MARWOOD, INC., DBA 208 BURGER Q, AND RESCHEDULE A PUBLIC HEARING FOR MARLIA SUBDIVISION

The Board met today at 8:52 a.m. for an office staff meeting, and to consider a resolution granting a new alcoholic beverage license to Marwood, Inc., doing business as 208 Burger Q. The Board also went on the record to reschedule the land use hearing for Marlia Subdivision, Case No. 2021-001. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider new alcoholic beverage license for Marwood, Inc., dba 208 Burger Q: In reviewing the alcoholic beverage license for Burger Q, Commissioner Van Beek noted it is near a church and so further review of the application is necessary. She would like a review of the alcohol application because it could be improved and she spoke of the need to have a standard review process. Commissioner Smith reviewed the ordinance language. The Board wants to have legal review the application and have staff ask the City of Middleton what action they plan to take and if they have any information regarding the proximity to the church. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the license for 208 Burger Q to this afternoon at 1:25 p.m. in order to gather additional information the facility's proximity to a church.

Reschedule Marlia Subdivision short plat hearing, Case No. SD2021-001 - The applicant requested the hearing to be continued to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the case to July 22, 2021 at 1:15 p.m.

As part of the office staff meeting, the Board reviewed this week's schedule with staff. The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MARWOOD, INC., DBA 208 BURGER Q

The Board met today at 1:23 p.m. to consider a new alcoholic beverage license for Marwood, Inc., doing business as 208 Burger Q. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. This item was continued from this morning to obtain additional information from the City of Middleton, but additional time is needed for legal counsel to weigh in. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith the Board voted unanimously to continue the item to tomorrow at 9:00 a.m. The meeting concluded at 1:24 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 22, 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 575188 to 575201 in the amount of \$15,739.37
- The Board has approved claim 575119 in the amount of \$50.00
- The Board has approved claims 575035 to 575064 in the amount of \$28,994.41
- The Board has approved claims 575223 to 575263 in the amount of \$15,153.27
- The Board has approved claims 574915 to 574940 in the amount of \$27,607.64

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$4906.32 for Facilities Department
- HP INC in the amount of \$2895.00 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Moad LLC dba O’Michales Pub & Grill to be used 7/10/21; 7/13/21; 7/24/21; Raising Our Bar LLC dba Raising Our Bar to be used 7/1/21; 7/8/21; 7/15/21; 7/23/21; 7/25/21; 7/29/21; 7/30/21; 7/31/21; County Line Wine Co LLC dba County Line Wine Co to be used 6/26/21.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Daniel M Lister, Planning Official; Jenna Petroll, Planner I; Karen Sue Miller, Fee Collector; Abdiel Philpott, Juvenile Detention Field Training Officer, Abigail Woods, Maintenance Technician.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Family Dollar INC dba Family Dollar #30025 (See resolution no. 21-151)
- The Board approved an Alcoholic Beverage License renewal for Family Dollar INC dba Family Dollar #27267; Family Dollar INC dba Family Dollar #27513 (See resolution no. 21-152)

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:06 a.m.), EOM Christine Wendelsdorf (left at 9:06 a.m.), HR Generalist Jennifer Allen (arrived at 10:24 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution designating surplus property and donating to City of Homedale Police Department:

Consider signing resolution designating surplus property and donating to Payette County Sheriff’s Office:

Mr. Robertson explained that notice of these donations was signed about 10 days ago; since that time no public comment has been received. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution designating surplus

property and donating the City of Homedale Police Department (see resolution no. 21-153) and the Payette County Sheriff's Office (see resolution no. 21-154).

Consider signing written decision on the request for reconsideration in Case Nos. OR2020-0011 and RZ2020-0017: Draft copies were provided to the Board for review. The request for reconsideration was received on April 23, 2021 regarding the decision made by the Board on April 9, 2021. The request for reconsideration addressed three areas 1) use of the Nampa comprehensive plan 2) the weight given to certain evidence and 3) request for additional time to negotiate a development agreement. The Board's written response addresses each point which Mr. Wesley reviewed on the record. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the written decision on the request for reconsideration in case nos. OR2020-0011 and RZ2020-0017. A copy of the written response is on file with this day's minutes.

Consider signing a resolution granting a new alcoholic beverage license to Marwood, Inc. DBA 208 Burger Q: There were questions raised yesterday on the proximity of this business to a church. Ms. Klempel explained that the county ordinance references state code in regard to licensing near churches or schools but there are exceptions to that. The exception being if the municipality approves; the municipality in this case is both the County and the City of Middleton. Commissioner Van Beek would like to hold off on signing this resolution until input is received from the City of Middleton. Commissioners White and Smith spoke about the location being in the business district and one can presume the church knew they were located in this area where a business would likely be. The City of Middleton still has the option to deny this application and it will be invalid. Commissioner White made a motion to sign the resolution granting a new alcoholic beverage license to Marwood, Inc. DBA 208 Burger Q. The motion was seconded by Commissioner Smith with the amendment to include language noting that the Board did take into consideration the location of the church. A vote was taken on the motion with Commissioners Smith and White voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. (See resolution no. 21-155).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:22 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 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, Deputy P.A. Alex Klempel and Deputy

P.A. Doug Robertson. Ms. Klempel and Mr. Robertson left the meeting at 9:43 a.m. and HR Generalist Jennifer Allen joined the meeting at 10:24 a.m. The Executive Session concluded at 10:29 a.m. with no decision being called for in open session.

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

MEETING WITH THE PARKS DIRECTOR TO DISCUSS FY2022 HISTORIC PRESERVATION GRANT AWARDS

The Board met today at 10:37 a.m. with the Parks Director to discuss FY2022 Historic Preservation Grant Awards. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Park Director Nicki Schwend, Outdoor Recreation Planner Juli McCoy and Deputy Clerk Jenen Ross. Director Schwend gave background information on the Historic Preservation Commission, Advisory Board, Certified Local Government (CGL) and HPC grant award program. This year there were 13 applications received from 11 agencies for a total of \$105,240 being requested this year. Grant award recommendations for FY2022 are as follows:

- American Legion, Joseph H. Murray Post 18 – Nampa American Legion Chateau: \$25,000
- Canyon County Historical Society: \$5,847
- Friends of Deer Flat National Wildlife Refuge: \$10,000
- GFWC Woman's Century Club: \$2,000
- Greenleaf Historical Society: \$6,000
- Historical Society of Middleton: \$8,000 (This is for 2 projects)
- Nampa Public Library Foundation: \$1,000
- Melba Valley Historical Society: \$17,590 (This is for 2 projects)
- Upper Snake River Tribes Foundation: \$11,664
- Warhawk Air Museum: \$9,600

At this time, they are not recommending funding for the Advocates Against Family Violence for the Caldwell Odd Fellow Home for the Aged. This building is on the National Register list and they have requested funding for replacement of the windows, however, it needs to be done historically accurate but with modern upgrades (energy efficient). The Historic Preservation Commission tried working with them and to get them in contact with the State Historic Preservation Office providing information on architectural offices that do this kind of work but the AAFV never got back in contact with the HPC. If this were to be funded and not done to historical standards it could cause the property to be delisted from the Nation Registry. The total amount being recommended for FY 2022 is \$96,701.

Mr. Wagoner said the county has the authority to levy a specific tax for historical preservation purposes. Funding does come from property tax and there is a maximum levy rate. This request is significantly under the maximum potential levy rate. There is no action item today, the official action item is acceptance of the budget and approving the funding amount within the budget.

As a side note, Director Schwend spoke about a musician who will be coming to Celebration Park in May of 2022.

The meeting concluded at 11:26 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:38 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 updated the Board on the following:

- He is going to hire someone to do some scanning in order to clear out one of the storage containers located on the Fleet lot.
- An open staff position was recently filled; currently there are no vacant positions in the Public Defender's department.
- The new investigators are doing well and there will be a training next week on some of the software programs.
- Budget is on track for this point in the year.

The Board took a brief break at 1:51 p.m. and went back on the record at 2:00 p.m.

- There will be an upcoming meeting to discuss the contract with Pine Technologies.

The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:04 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper updated the Board on the following:

- Waste amounts were up 2.2% in May, FY21 is up 7%.

- A letter has been submitted to DEQ for the landfill expansion. They are currently in negotiations as to when the meeting will occur but hoping for mid-July. A review of some new rules that have been adopted in regard to landfills was provided to the Board. A plan will have to be submitted within 12 months of June 21, 2021, when the letter was submitted, and implemented within 16-18 months. Director Loper has worked with Controller Wagoner to adjust the budget to accommodate unanticipated expenses related to this change.
- Director Loper would like to start some public relations in order to get community input on a transfer station. The Board is supportive of moving forward with collecting community input. His plan is to speak with the cities and to work with Joe Decker and the 3rd party consultant to get information out.
- Operations staff will be demoing a couple of loaders so that the process can start in selecting a new machine.
- They are still working on litter control but having a hard time finding personnel. Commissioner Smith met with the SILD Director (Lt. Engle) and Judge Bever yesterday and learned there are multiple players in the SILD program. Right now, there is an option between community service and SILD but the community service program is free and SILD charges participants \$15 per day. Lt. Engle will work with Prosecutor's Office on the costs. The Board has instructed Director Loper to work with Lt. Engle on the reimbursement agreement for the services. Additionally, the Board would like to see the fee waived for participants.
- They are working to extend the fencing to expand the landfill footprint which will encompass the area used as a motorcycle park.

The meeting concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:38 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

- 2021 Fair update:
 - Competitive entries are being received
 - New layout for the food court area
 - Review of special programs/events that will be part of the Fair
- Budget for FY2021:
 - There are concerns about staffing and equipment rental expenses; Director Sinner anticipates exceeding the budgeted amount on these line items but it shouldn't actually affect the bottom line
- Fair/Extension MOU:

- Director Sinner thinks it's getting close and once she receives it back from Ms. Clarich at the Extension office she will forward it to Mr. Wesley for final review.

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner White made a motion to go into Executive Session at 2:47 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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 and Fair Director Diana Sinner. The Executive Session concluded at 3:08 p.m. with no decision being called for in open session.

At the conclusion of the executive session Director Sinner continued with her regular update as follows:

- Building rental/non-Fair:
 - Reviewing the rental process, application, agreement and fee structure
 - Developing event calendar for the website
 - Researching area rental rates for the Expo Building
- Concert ticket sales
 - 2021 ticket sales: \$41,905
 - 2021 ticket sales budget: \$13,000
 - 2019 ticket sales: \$48,815

Discussion ensued regarding the groundbreaking planned for tomorrow. Commissioners Smith and White have decided to cancel the groundbreaking as they feel there should be some additional planning. The construction of the expo building is a big deal and the groundbreaking needs to be celebrated. Tentatively it will be rescheduled for the first day of the Fair.

The meeting concluded at 3:19 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 23, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SHI in the amount of \$1,490.48 for THE Information Technology Department

APPROVED CLAIMS

- The Board has approved claims 574970 to 574999 in the amount of \$92,953.97
- The Board has approved claims 575065 to 575089 in the amount of \$8,827.26
- The Board has approved claims 575090 to 575118 in the amount of \$54,119.38
- The Board has approved claims 575158 to 575187 in the amount of \$28,256.75
- The Board has approved claims 575202 to 575222 in the amount of \$21,319.00
- The Board has approved claims 575000 to 575034 in the amount of \$29,543.98
- The Board has approved claims 575120 to 575156 in the amount of \$108,148.27
- The Board has approved claims 575333 to 575375 in the amount of \$18,364.18
- The Board has approved claims 575295 to 575332 in the amount of \$42,332.07
- The Board has approved claims 575264 to 575294 in the amount of \$56,555.17
- The Board has approved claim 575376 in the amount of \$5,417.22

RESCHEDULE PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 1:57 p.m. to go on the record to reschedule the public hearing in the matter of the appeal by Peckham Road Trust for a conditional use permit, Case No .CU2020-0001. Present were: Commissioners Keri Smith and Pam White, and Deputy Clerk Monica Reeves. The matter needs to be rescheduled to a later date so the Board can have a full day to consider the case. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to July 13, 2021 at 10:00 a.m. The meeting concluded at 1:58 p.m.

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

APPROVED CLAIM

- The Board has approved claim 575406 in the amount of \$958.33

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pilot Rock RJ Thomas Mfg.Co. in the amount of \$2,225.00 for Parks

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

Note for the record: As properly noticed the Board met today at 9:05 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 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, 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 and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session.

MEETING TO REVIEW DRAFT ZONING ORDINANCE AMENDMENTS - AGRICULTURAL LAND

The Board met today at 9:45 a.m. to review draft zoning ordinance amendments regarding agricultural land. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Kate Dahl, Roger Batt, Dan Steinson, George Crookham, Kris Crookham, various members of the community and Deputy Clerk Jenen Ross.

Commissioner Smith gave background information regarding a meeting that was had several months ago where the Board asked for input on an ordinance. Roger Batt gave his background stating that he is representing the Idaho/Eastern Oregon Seed Association and Coalition for Agriculture's Future.

A PowerPoint presentation was given and reviewed the following topics:

- Land Use Planning
 - "Spot zoning"
 - 2010 zoning ordinance amendments
 - Eliminate rezoning ag land by CUP
 - Require compatibility determination
- 2011 Legislation
 - Right to Farm Act
 - Land Use Planning Act
- 2011 Comprehensive Plan
- CAF Effort to Implement Comprehensive Plan regarding Ag Preservation Provisions
- Treasure Valley Ag. Delineation between 2001-2005
 - Lower Boise River Watershed Ag Land inventory – 2005
 - Treasure Valley Ag change between 2016-2020
- Proposed Rezone Criteria
 - A. The proposed zone change is consistent with the goals, policies and implementation actions of the agricultural component of the comprehensive plan.
 - B. Each lot for which the change is requested is adjacent to non-agricultural or non-agriculturally related uses on at least two (2) sides of the lot and at least fifty percent (50%) of the lot perimeter.
 - Commissioner Smith would like some additional information on this.
 - C. Each lot for which the change is requested is within five hundred (500) feet of existing utilities.
 - Commissioner Smith wants clarification on exactly which utilities; she feels this one is very subjective.
 - D. The change will constitute a logical contiguous extension of an adjacent non-agricultural zone.
 - E. There is no feasible alternative location in a non-agricultural zone for the use for which the change is requested.
 - F. The change will be compatible with nearby agriculture and agriculturally related uses.
 - G. The boundaries of each lot of which a change is requested that is adjacent to agriculture or agriculturally related uses shall include a buffer to prevent conflicts with agricultural uses, activities and practices.

- Commissioner Smith asked what that buffer looks like. Does it need to be big enough that when residential does encroach that strip can be developed or will it always be a 100' dead zone?
- Commissioner Van Beek asked if the option for the county to grant a variance should be eliminated?
- Commissioner Van Beek also posed the question, what are the other options for development when taking into consideration the preservation of ag land?

Ms. Dahl suggested a workshop between the ag community, DSD and possibly the Board might be beneficial to discuss the different strategies and ideas. She is concerned it is being discussed in a piecemeal way and would be better if everyone was on the same page at the same time.

Mr. Lister noted that the comprehensive plan is being updated right now. A lot of the goals and policies are the same and it's really the implementation part that they're looking into. He said that DSD would like to work with the ag group to resolve some of these things at a policy level vs. the law level.

Commissioner White expressed that her biggest struggle is personal property rights and she would like a better understanding of how that plays into zoning and the comprehensive plan. Commissioner Smith spoke about personal property rights stating that when people purchase property they are responsible to do their due diligence and to understand how their land is zoned. LUPA was set up for each county to have land use standards and guide growth. The Idaho property rights guarantees your right to operate the land the way that it was purchased. It allows you to apply for a zone change, however, it doesn't guarantee that it will be approved. Mr. Crookham said that he feels that the zoning is what matters, if you put personal property rights over the zoning then essentially what you have is a free-for-all and anyone can do whatever they want with their property. Mr. Lister spoke about how they have to evaluate the property rights of not just one land owner but the neighbors and how a change affects all of the surrounding area.

Commissioner Smith encouraged the groups to meet and then come back to the Board with an update. She would like to see the ideas shared within a workshop format where there can be a discussion on which criteria is meant for the comprehensive plan and to explore other ideas.

Mr. Batt spoke about how they've operated with other agencies with workgroups and the effectiveness of the process. The Board is supportive of this process.

Discussion ensued regarding the best way to move the ordinance thru the process. Commissioner Smith believes that Canyon County can be the responsible party for moving this forward.

A copy of the PowerPoint presentation is on file with this day's minutes.

The meeting concluded at 11:07 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER A REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 1:30 p.m. to continue the public hearing to consider a request by Taylor Jene Homes, Inc. and Valley View Ranch Subdivision No. 4 for a rezone and preliminary plat, case nos. RZ2020-0019/SD2020-0035. Commissioner White made a motion to continue the case to June 28, 2021 at 1:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 1:30 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION, PURSUANT TO IDAHO CODE, SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OR TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner White made a motion to go into Executive Session at 2:03 p.m. pursuant to Idaho Code, section 74-206(1)(e) to consider preliminary negotiations involving matters or trade or commerce in which the governing body is in competition with governing bodies in other states or nations. 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 and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Deputy P.A. Doug Robertson, Steven Jenkins with the City of Caldwell and Planning Official Dan Lister. The Executive Session concluded at 2:41 p.m. with no decision being called for in open session.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 25, 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 575377 to 575405 in the amount of \$42,631.84

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$365,842.00 for Fleet
- W2W Commercial Flooring in the amount of \$41,471.69 for Trial Court Administration District Court
- Right! Systems Inc in the amount of \$26,790.00 for Information Technology Department
- Right! Systems Inc in the amount of \$1,311.00 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Fuerte LLC dba Goodwood Barbecue Company to be used 7/3/21; 7/10/21; 7/24/21.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Edmy Vega, Temporary Summer Employee

PUBLIC HEARING TO CONSIDER A REQUEST BY JARDINE TRUST FOR A CONDITIONAL REZONE; CASE NO. CR2020-0011

The Board met today at 9:04 a.m. for a public hearing to consider a request by Jardine Trust for a conditional rezone, case no. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Deputy P.A. Zach Wesley arrived at 9:44 a.m., TJ Wellard, Arlene Jardine, Teresa Jardine, Mike Jardine, Christy Pancheri, Cynthia Sandford and Deputy Clerk Jenen Ross.

Commissioner Van Beek noted for the record that she had previously spoken with Teresa Jardine about her frustration with this situation but there was no advice given. It was a benign conversation and will not impact her ability to make an objective decision.

Jennifer Almeida provided one late exhibit, no. 24, which is a letter in opposition from Dr. Harold Neville Cynthia Sandford.

The oral staff report was provided as follows, the Board of County Commissioners heard this case on February 17, 2021 and voted at that time to deny the request. Due to a material change from the Planning and Zoning Commission's recommendation Idaho code requires that a second hearing be held. The subject property is approximately 1.75 acres, not located within an impact area or in a floodplain. The applicant is requesting to conditionally rezone the property from agricultural to single family residential. In 2020 the applicant applied for a secondary residence to care for aging parents. The secondary residence construction was commenced, however, to complete the project the lender required the home to be on its own parcel. In 2020 .75 acres was divided off of the north parcel but because it was smaller than the allowed lot size the applicant also applied for a variance and received approval of a variance by the Director on December 1, 2020. The applicant is requesting the conditional rezone to comply with Canyon County code and complete the residence on the property. The subject property is designated as agricultural on the Canyon County Future Land Use map and as proposed the home would be located adjacent to existing homes and residential uses clustered along Dearborne Rd. and would not impact agricultural uses that are adjacent to the property. The predominant zoning district within the area is agriculture. The subject property is adjacent to residential uses and one additional homesite would not create an incompatible use as proposed. Within one mile of the property there are four platted subdivisions and those subdivisions have a total of 31 lots and a 9.08-acre average lot size. Access to the property will be via Dearborne Rd. which is a public road. The highway district has already issued an approach permit for the residence which was submitted with the building permits. Individual domestic well and septic system will be utilized and a septic permit was submitted with the application for the building permits. As previously stated, the Planning and Zoning Commission did recommend approval of the request in December of 2020. As conditioned staff has found that the request complies with the Canyon County comprehensive plan and are recommending approval as outlined in exhibit 1 of the staff report.

Ms. Almeida addressed questions from Commissioner Van Beek regarding the lot size and ownership of the surrounding properties.

Commissioner Smith asked if putting the property back into the Pancheri's name and do a transfer of development or relocation of building permits was an option. Ms. Almeida said that is always a possibility but doesn't think that is an avenue they have discussed. Commissioner Smith said that the way the ordinance reads is that the land has to be in the same ownership but if there are available contiguous parcels that have a building permit available you can transfer it. She suggested that transfer of development rights might be another option but the ordinance would have to be amended for that so that there could be separate owners.

Mr. Wellard offered testimony in favor of the request stating that the Jardine's needed to move closer to family and there was vacant, fallow ground between two existing houses that was available. There was a property line adjustment made between the Pancheri's and the Jardine's to allow this .75 acres to be part of the Jardine property so the secondary residence had a place to be built. The rezone process and construction of the house were happening at the same time. There is a legally permitted house already sitting on this piece of ground, it's not changing the use of this property and the only reason they're doing this is for ownership purposes. There are

currently two houses on the 1.75 acres and if this gets approved there will still be 2 houses on the 1.75 acres, the restrictions that are going to be put on this conditional rezone make that the case. In Canyon County every property can have 2 residences on it. This house exists legally under the Canyon County ordinance and all they're requesting is to be able to draw a line between the houses so that ownership can be separate. They are not asking for new entitlements, there aren't going to be new residences, there's not going to be new building permits – all they're asking for is to be able to draw this line and be in conformance with Canyon County ordinance. If they wanted to build a shop or sell the property it would have to be sold as two houses on one piece since it's non-conforming with the ordinance and there wouldn't be able to be a loan. Based on Canyon County ordinance no. 7-10-27, single family residences are allowed in the agricultural zone so the character of the area is not being changed. In regard to statements made in the previous hearing about spot zoning, Mr. Wellard read into the record ordinance no. 7-6-07, section 1 and based on that ordinance he feels that this request is valid and that the ordinance does allow for a request like this to be approved. Additionally, ordinance no. 7-6-07, section 3 regarding spot zoning was read into the record by Mr. Wellard who argued that this section of the ordinance states that granting conditional rezones does not create a precedent. It's a case-by-case basis and the limitations that are put on conditional rezones are specific to that property and it's not enabling someone to come in next door and request the same zoning. He also cited a decision made by the Idaho Supreme Court regarding zoning noting that the thing they've made clear is that it defers to the land use agencies determination of whether the application is in accordance with the comprehensive plan. There is a lot of case law that provides the Board a lot of discretion in interpreting and applying the comprehensive plan. The original parcel of this property can still be split thru and administrative land division, all it has to have is a zoning change to do that. It's not a subdivision, new entitlements aren't being created, they are not asking for more building permits. These are existing uses that are there today. In response to earlier questions, Mr. Wellard said that the Jardine's only own the 1.75 acres but none of the surrounding ground. There are no common ownerships of any grounds with any other transferable rights.

Commissioner Smith said there are Supreme Court cases that support LUPA that this would be considered spot zoning. She feels that by requesting a change to a residential zone it is an entitlement.

Commissioner White doesn't feel like the property is being redesigned, they can have the secondary dwelling, it is the circumstances. She said change to the area keeps being discussed but it's allowed. She believes the Board's job is allowing the secondary piece to have a property line, it's not changing any uses or anything else. The issue is the process and the order of the process. In this situation she is not going to hold these people responsible for that process.

Commissioner Smith said that at the last hearing they testified that they bought the property "as is", they developed the property under the current code and they knew that when they built the secondary residence that it had to stay as one parcel.

Mr. Wellard asked how many secondary residence splits have come before this Board? How many non-conforming splits have come before this Board for approval that actually have to be

subdivisions that have to be rezoned and subdivided as one lot subdivisions? He explained that he can count dozens of projects that he's personally been involved with that are one lot subdivisions on a non-conforming parcel that has been allowed to be rezoned specifically for one residence.

Commissioner Smith doesn't think this is a fair question; it would require research for a fair answer and she doesn't think the Board should answer it unless this hearing is delayed. She feels that Mr. Wellard's dispute argues against the statement that its case-by-case, it's now arguing that there has been so many that it has to be done.

Mr. Wellard explained that's not what he's saying, he's just trying to point out whether it has or hasn't happened. The Board says it's creating a precedent so if it is then there have been none before, if it's not or maybe just a couple, then it may not even be an issue. Also, previous Boards have approved sub-roll conditional rezones that actually have to be a one lot subdivision plat. Whether it's interpretation of the code difference, what's they're dealing with right now is that they don't know what to expect. This is the direction that they were given to go.

Discussion ensued regarding the predominant use in this area and the allowed uses.

In response to a question from Commissioner White, Mr. Wellard said they are not opposed to any restrictions on the property, they want the property to stay how it is, all they want to do is separate ownership of the two houses. Commissioner White explained she looks at things on a case-by-case basis and a highly restrictive development agreement that goes with the land is just another safeguard the Board can put there to protect what they want to see growth in Canyon County look like. Additionally, there are already two houses there so there won't be any change to the character.

Mr. Wellard spoke about how he thinks the chairman believes they are trying to skirt the ordinance but that is not the case here. They are just trying to bring the property into conformance and for a specific reason. This was an allowed building permit and all they want to be able to do is separate ownership. He doesn't see how this is an issue, especially with the restrictions they're putting on it. There are no new entitlements for this property, the only thing being allowed is separate ownership. It's a family surrounded by a family farm, nothing is being changed. He referenced a conditional rezone that was recently approved by this Board for Ridgeline Vistas that was irrigated farm ground. He doesn't understand why something like that would be approved but something like this where the use isn't changing can't be approved.

Commissioner White asked about the transfer of development rights and a relocation of a building permit. Commissioner Smith believes this would be an option for solving this but it would require some finagling of property ownership. One option would be to apply for an ordinance text change. She said there are neighboring communities that allow for transfer of development rights, Canyon County has always talked about it but never done it. It would allow for situations like this without rezoning agricultural land. Commissioner White asked Mr. Wesley that even though this is something that hasn't been adopted by Canyon County, is it legally something that can be considered. Mr. Wesley said that before the Board today is the application for the conditional rezone and the applicant is requesting a decision on that application and is entitled to one. If there

is a denial the local land use planning act requires the governing body to make suggestions or recommendations about how the application could be approved. As a suggestion/recommendation of a potential avenue to get this approved the ordinance amendment could be a solution, any amendment to the zoning ordinance has to follow a separate process. There has to be either an application filed or county initiated, go thru the planning and zoning commission for a recommendation and then come before the full Board again for a decision. The application would then have to go thru the process again under the new ordinance, going before the planning and zoning commission and potentially the BOCC.

Teresa Jardine handed out an exhibit for Board review which Ms. Almeida noted as exhibit 25. She then provided testimony in favor of the request speaking of how they had an unused lot between their parents and siblings that has sat vacant and useless for 17 years. They needed to be closer to their parents in order to help them as they age. They started this process as the COVID-19 pandemic began and therefore it was put on hold for quite a while. They realized the lot was not quite the necessary acre but in order to do that they would have to go into prime farm ground and they didn't want to do that. They applied for the variance in order to keep it within the boundaries of the lot that wouldn't affect the farm ground. They followed the advice of Mr. Wellard who was following the advice of the county which was to apply for the variance before they came before the Board. Thru this entire process they've done everything by the book exactly as they've been asked to do. She is confused as to why it has become such a big deal to live between her parents and siblings on a lot that was never maintained and when they've done everything according to what they thought was the law and the right thing to do. She noted that there was one objection that they received late yesterday which has given them no time to address. The objection was received from the former owners of a neighboring property. Letters of support from the current property owners were also received and submitted.

Commissioner Smith spoke about how the county needs to get serious about an ordinance text amendment that allows for a transfer of development rights so that the land can remain zoned agriculture. She explained that sometimes when change happens an application can get stuck in the crosshairs and unfortunately this application is one of them. It is a matter of interpretation but that is where we are at right now. Commissioner Smith asked if Ms. Jardine testified at the first hearing that they knew that it was a secondary residence and that it had to stay as one parcel? Ms. Jardine said she did not testify to that but that Mr. Wellard would be speaking for them. She said that the reason they applied for the secondary residence was because they had waited so long and the county recommended that was the best thing to do at the time. Commissioner Smith explained that the current ordinance allows for a relocation of building permits if the land is under contiguous single ownership. For example, if that parcel was put in the Pancheri's name for a small period of time and then took one of the residential permits they have on other adjoining parcels you could move it. Ms. Jardine said she would need to talk with the family before she would be able to say one way or another if that is something they'd be willing to do.

Christy Pancheri offered testimony in favor of the request reading a statement into the record noting the amount of time they've owned the lot surrounding the subject property and their intention for the future. The letter noted that the parcel had sat vacant for a number of years and

that no farm ground was sacrificed in order for the Jardine's to build their home. She noted specific examples of where homes have been constructed on prime farm ground whereas this piece of property is not.

Cynthia Sanford provided testimony in opposition stating that they recently sold that property to Zach Raptosh. They chose to sell it to the Raptosh's because her husband so strongly believes in agriculture and that the farm was close to being a century farm in his family. After watching all the growth and development within Canyon County their concern is the boundaries of this section of land, they have seen too many times that once zoning is changed to residential zoning future land sales occur, development comes in and the argument is made that it's already been rezoned and nothing is going to be changed. They aren't opposed to the house, they just don't want there to ever be an option down the road that other parcels of land are going to get sucked in to being rezoned.

Mr. Wellard offered rebuttal testimony stating that he thinks everyone in the room is on the same page. He doesn't want farm ground to be developed in Canyon County. He doesn't think the prospect of large development is what is before this Board today, this is people who have been in Canyon County a majority of their life and living next to family. If the ordinance or comprehensive plan don't allow for things like this to occur then the ordinance needs to be fixed. From the evidence he's presented he thinks there is an avenue for this to occur. He doesn't feel that conditional rezones are for 80 acres to be subdivided, he thinks they're more for situations like this one where something that should be conforming with the ordinance can occur without affecting the surrounding property. He thinks this needs to be allowed and whether or not the ordinance needs to be changed he doesn't know, that's up to Board interpretation. He feels something like this can be allowed thru the current ordinance and wonders why it would be denied. He asked the Board to keep an open mind and apply the rules thru the current ordinance and to approve the request.

Exhibits 24 and 25 were entered into the record.

Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously.

The Board took a brief break at 10:17 a.m. and resumed the hearing at 10:24 a.m.

Discussion ensued regarding criteria necessary for conditional rezones, how an administrative land division works, ordinance text amendments and relocation of building permits and transfer of development rights.

Commissioner White feels this development agreement allows for the adjustment and believes Mr. Wellard said it is just a property line adjustment being requested which she approves of and doesn't think it changes the characteristic of any of the ag land. She would like the wording of the development agreement to state that the county is granting the property line adjustment, no secondary residences. The testimony of their representative said, "this is a property line

adjustment request". It is a conditional rezone but the reason they are requesting that is for the property line adjustment. She doesn't believe this creates spot zoning and that the Board should do what it can to find the options for this family.

Mr. Wesley noted that that Board is required to make findings under the current rules.

Commissioner Smith addressed the findings noting that the proposed use is inconsistent with the comprehensive plan map and text so it's a no on that one. And when considering the surrounding land uses "*is the proposed conditional rezone more appropriate than the current zoning designation?*" she feels that the current zoning designation is ag vs. the purposed of an R-1 zone for a predominantly single-family area, this is not a predominantly single-family area, it is a predominate agricultural area and so for that the current zone is more appropriate. She wants to help them find a way and said she would be one of the first people to help draft an ordinance.

Commissioner Smith suggested the application could be suspend in order to give them time to see if there are any transfers available and that the hearing could be tabled in order to allow the Jardine's and Pancheri's to look for available building permits and see where transfers might come from.

Commissioner Van Beek made a motion to table this hearing for 2 weeks.

Mr. Wesley said there has been a motion to close public testimony indicating the hearing is complete and the Board is obligated to issue written findings within 30 days. The record would need to specifically reflect why testimony is being reopened so that testimony can be limited to those items.

Commissioner White motioned to re-open public testimony which was seconded by Commissioner Van Beek.

Van Beek made a subsequent motion that testimony be reopened to establish timelines for continuing this hearing and to articulate the reasons that we want to continue the hearing. Commissioner Smith added this would be specifically for exploring relocation of building permits and timelines for drafting ordinance amendments on transfers, drafting language for the development agreement that would support allowing the rezone and then reverting back. Negotiating the development agreement so that the language fits that. The motion was seconded by Commissioner White and carried unanimously.

Mr. Wellard asked that the Board to make a decision based on the application in front of them today. If it is denied they will research the other avenues but at this point in time he thinks it ends up the same. So, whether this Board decides to approve it or approve it with certain conditions regarding changes in the current ordinance and are looking at transfer of building permits those avenues are currently available, either they've been exhausted or they will be looked into if it's denied. He's not sure continuing the hearing to alter language in the development agreement to fit all those other things happening really changes the situation so he would ask that the Board

issue a decision based on the current application in front of them and if denied they will look at the other options that have been discussed regarding changing the ordinance or looking at transfer of ownership to be able to do a transfer of building rights. Mr. Wellard went on to explain that the bank loan isn't what is the issue here, the parcel has already been created which is what the bank needed to close the loan. The issue is if there were ever a time they wanted to sell the house or put up a shop, that would be problematic. He said they are just trying to get in compliance with the ordinance.

Commissioner Van Beek said with this new information she is not able to support the rezone for this reason, it was her understanding that the Board was trying to assist in order to gain bank financing. In her opinion this remains a non-conforming piece in ag ground and Mr. Wellard has provided support for denying this application.

Ms. Jardine confirmed that the last time they were in front of the Board they had not gotten approval for the loan and were worried they would not get approval based on the fact that it was a non-conforming split. The bank has loaned the money but told them they need to get the property into conformance.

Commissioner Van Beek said that if the request is for a decision to be rendered today based on the testimony that's been provided she now has a different understanding and does not feel the need to rezone a piece of property that's already been approved. To rezone this for the purpose of having a non-conforming, unfarmable piece of ground to make it conforming doesn't make sense to her. She feels the Jardine's have what they need and in her opinion the Board has a real driver to get a text amendment to the ordinance and to find a way to make these kinds of applications easier for people. She feels there just needs to be a pause. When staff reports are presented the Board is given information indicating where other parcels have been rezoned within a one-mile radius that would provide support for another rezone.

Ms. Jardine reiterated her concerns if something were to happen to her in-laws. Although they would hope to keep the property in the family if the parents' home were to be sold the Jardine's home would have to be sold too because their homes are connected on the property as it is right now. Commissioner Van Beek said she understands but the argument she would make is that nobody is going to get everything they want in this. In the event there is a passing of the parents a new property owner introduces a variable that she can't predict into the future, for what is known today she is going to render a decision based on the fact that the parents are alive, they own the property and what you have is a home with a secondary residence which is what was applied for initially.

Commissioner Smith asked the other Board members if they would like to leave public testimony open and continue the path forward of looking for research or close testimony again and render a decision.

Commissioner Van Beek said that in her opinion the best route to split this property is to look for a building permit available on adjacent properties or the other conditions that have already been outlined. She is still interested in continuing this hearing because of that request.

Ms. Almeida reiterated that the applicant's representative has indicated he would prefer to get a decision on this matter and then explore the possibility of a building permit transfer in which it would be an administrative process. It would be a new application with additional costs.

Commissioner Smith noted that today's hearing is for a rezone, not a land division, so no matter what there will be costs incurred for a land division.

Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek outlined her reasons for conclusions A-D as follows:

- A. This is not consistent with the comprehensive plan because as identified, this is predominantly ag and the most appropriate zone for that is ag.
- B. This is not more appropriate so she would redirect staff to make a finding that the current designation is more appropriate.
- C. The rezone introduces a residential zone which is not compatible with the ag component in this which is outside an area of impact, clearly rural and agricultural in nature.
- D. Yes, the introduction of and R-1 residential zone into a large scale diversified ag operation will negatively affect the nature and the character of the area.

She would like to direct staff to issue FCOs with findings that support the conclusions identified.

Commissioner Van Beek made a motion to deny the request for a conditional rezone on case no. CR2020-0011 and direct staff to provide FCOs that support the conclusions identified on those four criteria and to deny the development agreement and ordinance. Additionally, included in the motion is directing staff to draft what the applicant can do, if anything, for future approval including exploring building permits on adjacent parcels that are owned by family or ordinance text amendments. The motion was seconded by Commissioner Smith and carried unanimously. The revised FCOs will be brought back for Board consideration on June 30, 2021 at 8:45 a.m.

Commissioner White thinks this a good application. She sees this as very compatible with the land. The home is already there and it's not changing anything. She feels like the Board is just using this decision to take more time to take care of something that should have been done before. She is in favor of this.

Commissioner Van Beek doesn't disagree with Commissioner White. In the truest sense this is going to change nothing, in what we're directed by, it's the change from ag ground to that [single family residential] is what's problematic. She supports what they want to do, she likes what they

want to do and thinks it's the right thing to do but she has to have a vehicle to do it. She wants to make the fairest decision she can.

A vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote.

The meeting concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 28, 2021

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

The Board of County Commissioners was scheduled to sit as a Board of Equalization today, however, no items were brought before the Board of Equalization for consideration.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Shelby Ransom, Administrative Specialist; Gunnar Clapp, Seasonal Maintenance Technician.

MEETING TO DISCUSS PLANNING OF GROUNDBREAKING CEREMONY FOR THE FAIR EXPO BUILDING

The Board met today at 8:33 a.m. to discuss planning of the groundbreaking ceremony for the Fair Expo Building. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Fair Director Diana Sinner, PIO Joe Decker and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the previously planned groundbreaking ceremony was cancelled due to lack of good information. The Board feels this is a big deal and needs to be celebrated. Discussion ensued about how previous groundbreakings have gone vs. the expectations from the Board for this groundbreaking, how responsibilities would be divided up,

speakers and who would hold shovels. The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:11 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution granting a new alcoholic beverage license to The Pretty Bubble Company LLC dba The Pretty Bubble: It was noted for the record the Chief Public Defender Aaron Bazzoli is an owner in the company it but will not affect his position at the county. This is his wife's company. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to The Pretty Bubble Company LLC dba The Pretty Bubble (see resolution no. 21-156)

Continue the public hearing to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision No. 2, case no. SD2020-0038: Commissioner White made a motion to continue this case to August 12, 2021 at 10:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

MEETING FOR THE BOARD TO ESTABLISH A FRAMEWORK FOR DIRECTOR PERFORMANCE AND EVALUATION

The Board met today at 9:34 a.m. to establish a framework for director performance and evaluation. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. A request was made to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 9:35 a.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. The Executive Session concluded at 10:44 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said the Board is planning to do Director evaluations but the first thing to complete is employee evaluations on Director performance and morale. In an effort to ensure privacy responses will go to the HR Generalist responsible for the department and then be forwarded to the Board. As part of the Director evaluations the Board will ask the Fleet Director which employees have personal cars and mileage to and from their home. Self-evaluations will be done first and then HR will be asked to help build evaluation forms that review key functions with a rating system. Follow-up will be done with the department heads to make sure that their employee evaluations were completed prior to the Board conducting Director evaluations. The meeting concluded at 10:46 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEM

The Board met today at 10:47 a.m. to consider and action item. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing FCO's, Ordinance, and Development Agreement for Skyline Homes & Development case no. CR2019-0016 and Thunder Ridge Subdivision, case no. SD2019-0046:

Ms. Almeida explained that the applicant's representative was not able to make this meeting due to a scheduling conflict and there has been a request to continue the hearing. Commissioner Van Beek made a motion to continue the hearing to July 1, 2021 at 11:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 1:10 p.m. to conduct a public hearing in the matter of a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone of 122.51 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential zone). Also requested is approval of a Preliminary Plat (including a grading/drainage plan) for Valley View Ranch Subdivision No. 4. The subject properties, R30113010 & R30101011C are located on the east side of Sky Ranch Road, approximately 1565 ft. north of the intersection of Deer Flat Road & Sky Ranch Road. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White arrived at 1:19 p.m., DSD Planner Jennifer Almeida, Bonnie Layton, Mike Woodworth, Mark Hilty, Casey Ames, Matt Munger, Rebekah Ames, Chris Fagan, Claudia Haynes, Kim Yanecko, Ken Yanecko, Kevin Kelso, Linda Kelso, Wes Weidner, Amy Weidner, Dee Sarton Bower, Terry Bower, Mike Cowan, Tamara Vandeventer, Kathy Smith, Manuel Cavazos, Rick Haub, Mark Smith, Tim Vandeventer,

Lisle and Vicky George, Brad Pintler, Sue Salyer, Maureen Angorman, Jeanne Kusterer, Nate Ackerman, Phyllis Kegel, Kerry Greenfield, Donna Sparrell, Ray Eide, Deborah Kane, Sherry Wilkinson, Olga Cavazos, Beverly Cavazos, Rhonda Haub, Johnny Greenfield, Teresa Watson, Angela Bratcher, Frank McClintick, Donna Cooper, Vicki Greenfield, Michael Sparrell, Chris Eide and Deputy Clerk Monica Reeves.

Commissioner Van Beek disclosed she spoke with Randy Haverfield who asked if the Board received his comments. She also spoke with Nate Runyon from the City of Nampa who indicated the city is currently mapping their hydrogeologic system for the city. Commissioner Smith disclosed that some of her family members live in the vicinity and she is very familiar with the area.

Jennifer Almeida gave the oral staff report. The Canyon County Land Use Map designates the property as residential and the applicant is requesting a rezone from agriculture to rural residential. North of the property is Foothill Ranch Subdivision, to the east is Valley View Ranch Subdivision, south of the property are residential uses and residential zoning, and west of the property is Sky Ranch Estates. Within one mile there are 20 platted subdivisions for a total of 277 lots with a 4.07-acre average lot size. The property will be served by internal public roads and the applicant has obtained a variance from Nampa Highway District for the spacing requirements onto Sky Ranch Road. Individual wells and septic systems will be utilized. The property is not located within a nitrate priority area. As part of this application the applicant is seeking approval of the preliminary plat for Valley View Ranch No. 4 which contains 45 residential lots with an average lot size of 2.42 acres. Phase one of the project will utilize pressurized irrigation. Phase 2 does not have water rights to the site, but individual domestic wells can be used to irrigate up to one-half acre. Storm drainage will be collected within barrow ditches. Individual lots will retain storm water on site. Staff received a comment from the Nampa Highway District as well as documentation of the approval of the variance that was granted on February 25th. The Upper Deer Flat Fire District noted the development is approximately five miles away from their nearest station and the estimated response time is 17 minutes. The district requested firefighting water supply to be provided to each residential structure. Rather than having that note on the face of the plat, staff is asking the applicant to submit a plan for fire suppression, sprinklers or otherwise, that meets the fire district's requirements, and that documentation (CC&R's) be provided with the application for final plat. The Nampa School District recommended incorporation of locations for bus stops along with appropriate lighting for safety. The Boise Project Board of Control noted that the irrigation for the Mora Canal was 35 feet from the uppermost shoulder water's edge, and 25-foot parallel to the lower embankment of the canal. Staff finds the request complies with the criteria for a rezone as well as the future land use plan for the area. The plat complies with Idaho Code requirements. The P&Z Commission heard the requests and recommended approval on April 15, 2021 and staff has outlined findings of fact for the Board's consideration. Following her report Ms. Almeida responded to questions from the Board regarding:

- Whether staff spoke with the applicant/developer about a conditional rezone versus a rezone with development agreement?
- Which subdivisions in the area have community water systems and have they been tested?

- Have building envelopes been proposed? Perhaps there could be a condition that there be no development in those areas, and the developer could be required to show building envelopes on the final plat.
- Request for updated studies on contaminants or well failures.
- There was review and discussion regarding groundwater information contained in the record.
- Request for clarification on the homes that will have secondary access

The applicant's representative presented staff with a letter submitted by Mike Knie the owner of Knie Pump and Drilling. The letter was marked as Exhibit #77 and was read into the record by Commissioner Smith.

Testimony in support of the request was as follows:

Bonnie Layton, a senior planner with NV5 located in Meridian, gave testimony regarding the project details. The project consists of 122.45 acres and consists of 45 lots with an average minimum lot size is 2.42 acres. Lot sizes range from 2 to 5.59 acres. The project is in compliance with the future land use map designation for residential. The current zoning is agriculture, however, it is not in any sort of crop production and has not been farmed for years, if ever. The proposed zoning is rural residential. They have tried to match the lot lines along the perimeter in terms of lot sizes from fence to fence. They are proposing the homes have fire sprinklers and they are amenable to having a condition on the plat or elsewhere as the Board sees fit. Her client, as well as several his family members, intends to live in this community and so great care will be taken to develop a quality community that is consistent with the area. Following her testimony, Ms. Layton responded to questions from the Board.

Mike Woodworth has a degree in geological engineering from the University of Idaho, and a Bachelor's Degree and Master's Degree in civil/geotechnical engineering from Washington State University and he's been a geology and geotechnical consultant in the Treasure Valley since 2000. He is a professional engineer licensed by the State of Idaho. He gave an overview of the hydrogeology of the site and addressed more questions. Based on looking at these wells and this data that we pulled, and the groundwater monitoring in the area, it shows we have a fairly deep aquifer which is just a matter of the level the groundwater is relative to the ground surface. The groundwater flows from the northeast to the southwest from the Lake Lowell area towards the Snake River. The groundwater elevation in the project vicinity is at 2,400 feet elevation which corresponds to a depth of about 300-400 feet. The aquifer is recharged from Lake Lowell and from irrigation in the area, canal seepage. Most of the areas are completed in an alternating sand and clay layer with most of the screens and wells getting their water from sand and coarse sand and in some cases thin gravel zones in the aquifer and subsurface. Mr. Woodworth summarized Exhibit #44 that he previously put together. Surrounding wells produce anywhere from 20 to 300+ gallons a minute based on the well logs available from IDWR. At those pumping levels we see drawdown at the well itself of less than 10 feet to approximately a maximum of 55 feet. (That's a drawdown in the well casing during pumping.) Groundwater levels in the area are steady or

increasing. They have water levels going back to 1965 that were recorded. In 1965 through the late 1980s we had very little data and it was from one well. We had a consistent decline until the late 1980s at which point IDWR was concerned about declining water levels in the area and implemented an increase in monitoring in the area. Now we have additional monitoring data brought online. Since the late 1980s groundwater levels are either steady or increasing. (References Ex. #62.) The data indicates the water level since 2005 to 2020 has increased. In regards to historic water concerns in the area, water levels in a well indicated declines from the late 1960s until approximately 1990 and this decline was noted by Shane Bendickson from IDWR who issued a memo identifying the area as a potential study area. It was never identified as an area of concern or of groundwater concern, nor was it a groundwater management area. The documents from 1995 and 2003 were looking at the data that had been collected at that time and up to that point about 90+% of the data points that had been collected were through the late 1980s. At the time when reports were prepared and the data they looked at showed a steady groundwater level decline primarily based on that water level in that single well (the 22DDC1). Since then we've had some other areas and data that suggest it's flat or steady. Steady or increasing water levels in the project area have been observed since 1990. The water level declines noted prior to 1990 have been the basis of numerous analyses for water right permits and study of the Treasure Valley Hydrogeologic Project lead by IDWR so they looked at some of the information that was developed as part of that project to develop some of their conclusions and analysis in the reports. The declines documented by Bendickson and Schmidt in 1995 and 2003 were based on very limited data points with relatively few wells and data collected only through the late 1990s so subsequent data collected indicates the groundwater levels in the area are stabilized or increasing in the area surrounding the proposed development which is consistent with exhibit from IDWR (#62). Assuming all 45 lots are using water from their individual wells, 37 lots are irrigating via a well so that lower portion that has surface water rights are not irrigating via their well. Looking at a ½ acre irrigation area, he estimate during the maximum day pumping during the hottest day of the summer they would estimate the well would use on average about 5,000 gallons per day for in-home use plus irrigating a ½ acre of turf grass. Of that 5,000 gallons about 180-200 gallons of that is in-home use. The max day water usage they expect the development to use is about 227,000 gallons of water on a peak day which corresponds to 158 gallons per minute, gallons per day divided by the number of minutes in day and it would be a max day water usage of 3 ½ gallons per minute per lot and a yearly total of acre feet of about 72. If compared to agricultural use they would use much less than if they were irrigating this with intensive agriculture, both on a yearly basis as well as a maximum day basis. He reviewed the water table drawdown projections which are detailed in Exhibit #44. They expect the cumulative effect of the drawdown induced by those wells pumping at 5,000 gallons per day to be about two (2) feet. Following his testimony Mr. Woodworth responded to questions from the Board. Sky Ranch Subdivision has a public drinking water system and they have not had any issues with coliform or E. coli in their wells. The arsenic in the most recent readings were non-detect in those public drinking waters wells. It seems we have fairly highwater quality. In most cases if you have bacterial contamination in a well it's almost certainly due to immediate proximity to surface water, in other words if we are doing a public drinking water we have to be at least 50 or 100 feet away from surface water depending on what kind of surface water it is. In this case we are several thousand feet from Lake Lowell so he would not be concerned about surface water impacts. The

biggest risks with respect to potential contamination for any well is the integrity of the well seal. Commissioner Smith asked if a community well is the best route for long-term health given the known contaminants in the area. Mr. Woodworth said community wells can be a great option because it's a public water system that is regulated and has certain testing requirements but that doesn't necessarily mean that that's the only way to achieve that. In some cases, he would argue where we are relying on individual wells versus a community system we are almost certainly going to have less overall water withdrawn from the aquifer than we would have if we were on a community system. The advantage to a community water system is it's a regulated and it has certain standards it has to uphold, but the disadvantage is we would probably end up pumping more water and potentially have a higher lot density to support that infrastructure that was going in. Mr. Woodworth responded to additional questions from Commissioner Van Beek regarding the collection of data on the level of contaminants, and the agricultural area being short on water.

Mark Hilty stated the property has a comprehensive plan designation for rural residential that was a result of hard work done by a large committee looking countywide at the various land use needs. He doesn't know why this application was not processed as a conditional rezone, but it may have been because of that comp plan designation and it may have been that staff didn't think it was necessary to condition the rezone. The designation has consequences that bear on us in terms of the decision the Board has to make. This property is surrounded by similar developments in their features, access, and lot sizes – to what is proposed here and that likewise is a consequence we inherit because of that rural residential comprehensive plan designation. The owner, whether it's this applicant or any other owner, is entitled to a viable use of this property. Agriculture is not a viable use of this property. If this were to somehow found to be a viable agricultural development it would be in conflict with every property around it because those are now rural residential homes. It cannot go back to an agricultural comp plan designation even if you think that was wrong when it was done. Following his testimony, Mr. Hilty responded to questions from the Board. Commissioner Smith said the zoning classification map is predominately agriculture and what that tells her is most of these subdivisions were permitted under the prior ordinance that allowed land divisions via conditional use permit. One could argue that putting a subdivision in the middle with no conditions of approval could change the character of that area without trying to mitigate some of those concerns. She thinks it's important to look at some of the conditions of approval that surround this subdivision and try to come up with some type of agreement for a modification to the application to make sure it's compatible with the area. Mr. Hilty said the developer is comfortable with whatever conditions you think are appropriate that are in line with requiring the plat that's proposed to actually be developed. Commissioner Van Beek said it was suggested by those in opposition that there should be 500-foot setbacks to account for aerial fly-ons. Mr. Hilty said aerial spray application is an agricultural activity within the meaning of the right-to-farm act so he would expect to see conditions, deed restrictions and CC&R provisions and the typical right-to-farm act protections which exist at a statutory level. This property owner is entitled to a viable use. Yes, there are conflicts between agricultural use and residential use and if this property was somehow relegated to perpetual agricultural use they will still have those conflicts. Given the pattern of development, the conflicts will continue to be less if a reasonable residential alternative is allowed. Commissioner White asked how it can be said the water level is increasing

given all the development that's occurred. She is very concerned about water levels and said we cannot continue to approve things.

Casey Ames testified that throughout this process he has tried to do things from a conservative nature. There could be 62 homes, but he's not in it for maximum density and he's not going to be cardboard houses to make a lot of money. He will be mindful of the houses, the fence situation with canal, and he will spray the dirt. During construction they will follow all guidelines and if the Board wants to add an extra condition to solidify the dust not going in there of course he will do that. He has strategically laid out the houses on the plat and has been mindful of the neighbors. His intent is to live on the land and be mindful of the neighbors. He understands the water concerns but said we have to rely on the experts in the field with IDWR being at the top of that list and Mike Woodworth coming up with the same data. Mr. Ames said did site-specific wells and test pits to make sure the water was okay in that area. He will keep the rural setting which is why he went with the 2 to 5-acre lots. He will be mindful of prairie grass and anything else they can do especially if there is low water yield vegetation. Following his testimony Mr. Eames responded to questions from the Board.

Matt Munger is the site civil engineer and he gave testimony regarding the technical aspects of the project. Part of the general permit will include dust abatement. They have no intention of developing near the canal or in the slope itself. With the irrigation districts they work out a license agreement so that fence goes at the top of the slope. Regarding dust mitigation efforts on the road, they have no issue with that. We can work that out with the irrigation district. The canal separates phase 1 and phase 2, and everything to the west of that is above the canal so that is why there are no water rights to that. Once you have over 25 residences there would have to be two community wells to serve this property; a primary well and a backup well. He will identify no-build areas on the slopes that exceed the 15%. He will come up with a plan to show where the building envelopes are proposed. Following his testimony Mr. Munger responded to questions from the Board. Commissioner Smith said it is important to include a note about a portion of the property being landlocked. Ms. Almeida said that portion is not a residential lot, it's being platted as non-residential. Commissioner Smith said it seems to be more in character with the area increasing the average lot size and reducing the number of lots so you don't need a variance especially where you're not proposing a community well. Sinking less wells and increasing the density would be a compromise. Mr. Munger doesn't believe they have a requirement for a variance; the secondary access is a fire dept requirement so they are working with them and meeting their conditions. There was additional discussion about density and lot sizes. Commissioner Smith said if they have a 29.5 lots it will put them under the threshold for the fire department and theoretically it's a safer subdivision because you're not asking for a variance on the emergency exit, and it's similar to the surrounding area.

The Board took a break at 3:48 p.m. and went back on the record at 4:00 p.m.

Testimony in opposition was as follows:

Claudia Haynes, who serves as a director for the Canyon County Alliance for Responsible Growth, gave testimony on behalf of numerous families who oppose this project whose concerns include fire protection, appropriate lot sizes, the declining water supply, well depths, and arsenic and nitrate levels, as well as traffic issues. She also spoke of the Amens who operate an aerial applicator (crop dusting) business and the potential impact a housing development could have on their business. She said the subject property has not been used for agricultural purposes; the water rights were sold off more than 20 years ago and the applicant knew that when he bought the property. Ms. Haynes stated she was advised the property owners in the Dry Lake area are having difficulty obtaining building permits due to the instability in the water source, and she spoke of how the Department of Water Resources paid a nearby property owner to leave their land fallow. Following her testimony, Ms. Haynes responded to questions from the Board.

Kevin Kelso read an email which summarized a letter provided to a representative for Taylor Jene Homes on June 21, 2021 from the Upper Deer Flat Fire Chief. The email is from Scott Arlano to Matt Munger which stated, in part, *due to the Canyon County P&Z Commission recently voting to remove a fire sprinkler subdivision plat note requirement from an existing subdivision in south Nampa, the Upper Deer Flat Fire Chief is no longer comfortable accepting fire sprinklers as an approved code alternate to otherwise required features of development. This will affect the proposed valley View Ranch Subdivision No. 4 in two ways: 1) the fire district will now require the subdivision to have firefighting water supply in accordance with the fire code by way of installed fire hydrants along the improved roadways; and 2) because the proposed subdivision will include more than 30 dwelling units a secondary fire dept. emergency access road serving this subdivision phase will now be necessary. The road shall be designed and installed in accordance with the Idaho Fire Code. If these homes were fire sprinklered in accordance with NFPA 13D this requirement would not be necessary. It's unfortunate that the P&Z Commission has put the fire district in this position.* The district submitted a revised conditional letter of approval. It is Mr. Kelso's understanding that a community water system is required.

Kim Yanecko stated the P&Z Commission recommended approval without completing their due diligence and she said the applicant has not been completely honest or law-abiding. Why weren't the test well reports timely filed? Why didn't they get permits from the highway district until they were reported as having entered off Sky Ranch Road? There were actually two unlawful attempts to that property, and one was along Foothill and the other was along Sky Ranch Road, and the Nampa Highway district got involved they had to get an approach permit. Why wasn't the updated report from the Upper Deer Flat Fire Department provided to the Board? She said what was provided on Exhibit #72 and what they spoke about today was about sprinkler systems, but the highway district has declined their ability to do so. This condition would send this project (Phase 2) back to the drawing board. The entire plan has changed, easements are now required due to limitations on slope of property, new approvals by the Nampa Highway District, the canal district, the fire district, and the County would require these updates. Ms. Yanecko said she has learned about abuse of authority and unlawful activity by some County employees. People are notarizing their own signatures on documents; building officials are overriding fire department requirements; laws and conditions are not being followed, and plat map requirements are not being listed on the permits, so inspectors do not know to comply with those and as a result,

residents are being issued illegal certificates of occupancy. Additionally, public record requests are not being fulfilled according to the law thus preventing citizens from doing their diligence. She has asked the AG and the Prosecutor's Office to look into this. She said DSD is not complying with fire laws and that is a safety issue for everyone in the area. They can't tell you who the fire authority is, and the County is trying to evade that authority by placing that blame back onto the fire department, but they are the ones actually issuing permits. Ms. Yanecko said Taylor Jene representatives will tell you the homes draw less from the aquifer. The neighbors have been told the property did not have irrigation rights, what they have is a domestic well and any water that was used was pulled from the canal. IDWR was asked to testify but they backed out today. She referenced the research done by Dennis Owsley with IDWR. There may be a lot of water available but we cannot pull it easily and we cannot recharge it easily. The aquifer is not being recharged like it should be. We are in a drought so they are going to let the water flow and fill Lake Lowell as much as they can and recharge as much as they can and ultimately, they will have to pull on their pumps because there will be no more water in the canals before the end of the irrigation season. The canal district has told farmers they are getting nearly half of what they are supposed to. They will have to pull it from the aquifer and their pumps are huge which means the residents in the area are going to have problems trying to not suck air from their wells. Ms. Yanecko said the Board should ask IDWR this question: Could a hydrogeologist or a hydrologist representing the builder convince the Board that there is plenty of water to supply this development and current residents? Perhaps, but there should also be a consideration for the ability to access that water, the quality of the water, the conditions to recharge the aquifer the contributions to the nitrate priority area, etc. We are looking at a possible east Boise situation with dry wells, but we are in a position where we can prevent that from happening and not get rid of our agricultural lands. She urged the Board to deny the application stating approval of the application would be an act of bad faith and a lack of due diligence. Following her testimony, Ms. Yanecko responded to questions from the Board.

Linda Kelso, who moved to the area two months ago, testified about her concerns with issues affecting water in the area. She wants there to be enough water, fire protection and enough resource services for all present and future generations.

Amy Weidner testified she is a 100% disabled Veteran with most of her disabilities coming from toxic exposure she received while stationed at Fort McClellan in Alabama which has been deemed a chemical exposure nightmare in the United States. She is not unfamiliar with government agencies disregarding the welfare of citizens and that ties into her concerns with the case being heard today. She is not surprised by paid expert testimony saying the water is fine and the aquifers are fine. Ms. Weidner gave further testimony regarding her concerns with poor water quality, ground contaminants, the lack of water in the area and how the proposal will have a negative effect on the people who live in the area.

Dee Sarton Bower testified about her experience with having a well drilled on her property and how it cost thousands of dollars more than what they expected to pay. She urged the Board to consider the neighbors' concerns with how this development will impact their properties and their wells.

Mike Cowan testified he lives 600 feet south of the development and has one of the oldest wells in the area. His well is at 330 feet. In 2008 they had to lower the pump and install a pipe and if they have to go lower they will have to dig a new well. Every time a new well goes in his well sucks sand. He has replaced two pumps within the last 10 years. He also spoke of how residents in the area are unable to get new well drilling permits because the aquifer is so bad.

Kerry Greenfield testified about the problems she has experienced with her well and concerns about how the development will impact her property.

Rebuttal testimony was offered by Mike Woodworth and Mark Hilty

Mike Woodworth said well drilling is complicated, and there are a lot of challenges in this area with groundwater being so deep which is an issue with maintenance, but, IDWR said in their memo that there does not appear to be a groundwater sufficiency issue in the area (Exhibit #62). He said we are conflating groundwater quality with quantity. Groundwater quality whether this development goes forward or not will have zero impact on any neighbors' ground water quality. In other words, if there are arsenic or nitrates, none of things that are proposed for this site will impact that one way or the other.

Mark Hilty said a zone change is appropriate when it is consistent with your comprehensive plan and the prevailing development patterns in the area. The best evidence you have concerning the availability of water is Mr. Woodworth's comprehensive and professional report. The water table is holding steady and there will be no, or negligent, impact by the addition of these wells. Except for water, nobody in opposition has challenged any of the criteria the Board has to consider when making its decision on this zone change request. Regarding the fire department, there was no intent to hide anything from the County. There was an explanation as to why they made a very late change which threw the development team a curve. He spoke with the fire chief on Friday and said the developers want to put in fire sprinklers and the chief said they want sprinklers, but the problem is this is not a variance to the secondary access and public water system requirement, it is code-compliant if you put in sprinklers. The difficulty is secondary access and water systems are typically evaluated and required during the platting process. The sprinkler does not come along until somebody requests a building permit and there is a statute that says local jurisdictions cannot require fire sprinklers so there is a little bit of a disconnect in the law that we can get past. The one thing everybody agrees on is that fire sprinklers are the safety alternative for a development with a 17-minute response time, so we are trying to find a way to get there. It's not a cost-savings measure, it's about even to put in a secondary access and public water system, it's just not as safe and that's what's driving that decision. The conditions proposed by staff to do that as a condition of final plat is acceptable to the applicant. The future of this parcel is residential, that is the comprehensive plan designation. The zone change to rural residential is appropriate based upon that comprehensive plan designation. Mr. Hilty said they realize the land is not going back to agriculture. The land has water rights; there is a constitutional water right for people to drill a domestic well on property they own. He said the Board has a duty to protect private

property rights and this developer has a right you have to protect. If you don't approve some kind of residential development on the site there is no use for this property.

Commissioner Smith referred to the property rights component in the code and noted the property was agriculture when the applicant purchased it. Comprehensive plans are a guide for growth, not a mandate. We do have a decision to make, and the Board is not taking away any rights, all the uses listed are still available for the applicant to operate under. There are a lot of different agricultural uses that would be available for him to use on the property. She wants feedback on changing the design. When there are water issues or fire safety issues that is when a conditional rezone and development agreement come into play to have mitigating conditions that would help the development be approved with conditions. She asked if the applicant is agreeable to modifications such as possibly increasing the lot size to reduce the number of lots, and is he interested in a community well that would protect the property owners who buy lots in the future that would protect their water quality and draw less water from the aquifer by reducing the number of homes. If they did lose water, it would change the character of the area because if they cannot afford to put the pumps back in those homes would be vacant and it would become a blighted situation.

Mr. Hilty said the best evidence is the aquifer looks like it's holding level and addition of wells will not change that. Commissioner Smith said but there is evidence a problem exists; residents have had to put in new wells, new pumps. Mr. Hilty said there is evidence there are problems with individual wells but whether that's a general area aquifer problem is not clear. Had the application been processed as a conditional rezone with development agreement that could have been worked out. He said the applicant fully intends to do what he says he is going to do so committing to that is not a problem. He hopes the County's process for that is not starting over. If there's a way to move forward in the next few weeks about developing a development agreement, he would be willing to recommend that. Reasonable ag-type uses are going to be very difficult on that parcel, not just because of the water situation and lack of agricultural history because it's surrounded by residential.

Casey Ames said when the 52 acres was originally purchased, he was aware the above portion did not have water rights. As far as density, if there's a solution to be had, let's work it out. Regarding the phase that has the hillside, he would entertain that that would be the section to go. On the east side of the canal there are water rights and so we are talking about 30 lots on this parcel and there were 8 on the lower area so you have essentially 38/39 lots.

Commissioner Van Beek appreciates the applicant's willingness to negotiate. She said the Board needs more than just a straight rezone. A conditional rezone with a development agreement will give people assurances that we are able to tie it back to what is happening in this hearing. Commissioner Smith said we must pause and visit with the attorney; the P&Z Commission did not consider that, and it is not before the Board either. The Board decided to continue the hearing to obtain more information about the HOA managing the ½-acre maximum irrigated area. The HOA would review the landscaping plans that would include the amount of land drawing from the aquifer for the irrigation. Allow time to contact the Boise Project Board of Control regarding

Commissioner Smith's plan for dust mitigation strategies. Have staff review the new letter from the Upper Deer Flat Fire District and obtain information on the number of community wells in the area and the quality of those, and obtain additional information on water rights. Commissioner Smith asked the parties to start thinking about what the conditions would look like to help mitigate the concerns discussed today. She noted that approval is not guaranteed. Commissioner Van Beek made a motion to continue the hearing to July 26, 2021, at 2:00 p.m. The motion was seconded by Commissioner White and carried unanimously. Public testimony has not been closed since the Board is requesting additional information. The hearing concluded at 6:06 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 29, 2021

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

The Board of County Commissioners was scheduled to sit as a Board of Equalization today, however, no items were brought before the Board of Equalization for consideration.

APPROVED CLAIMS ORDER NO. 2120

- The Board of Commissioners approved payment of County claims in the amount of \$1,720,815.82 for a County payroll.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Data Bank in the amount of \$10,865.00 for Information Technology Department

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:49 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to David Dykstra for an administrative land division fee: A \$300 fee was paid and DSD is recommending refund. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a refund to David Dykstra for an administrative land division (see resolution no. 21-157).

Consider signing a resolution granting a refund to Travis Pascoe for a property boundary adjustment fee: A \$300 fee was paid and DSD is recommending refund. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a refund to Travis Pasco for a property boundary adjustment (see resolution no. 21-158).

The meeting concluded at 8:51 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, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Lt. Ray Talbot (left at 9:04 a.m.), HR Generalist Ellen Cahalen (left at 9:08 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing agreement to provide school resource officer services to Vallivue School District No. 139:

Consider signing agreement to provide school resource officer services to Notus School District No. 135:

Consider signing law enforcement services agreement between Melba Joint School District No. 136 and Canyon County:

Chief Dashiell spoke about each of the agreements. This will be the 3rd year providing service to the Vallivue School District. They will be covering the middle school and 2 elementary schools. The contract includes a 2% increase this year. The contract with Notus School District also includes a 2% increase. The contract with Melba Join School District is structured slightly different but the content is the same. Upon the motion with Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreements to provide school resource officer services to Vallivue School District No. 139 (see agreement no. 21-045), Notus School District No. 135 (see agreement no. 21-046) and Melba Joint School District No. 136 (see agreement no.21-047).

Consider signing Canyon County Sheriff's Office test rental and use agreement with Cooperative Personnel Services: Chief Dashiell explained this agreement is to provide written tests for new hires

and that they have been using the service for approximately 10 years. Mr. Wesley said the company is very large and can be somewhat challenging to work with. The agreement does not contain all language the Prosecutor's Office would like but overall it is acceptable. Mr. Wesley and Chief Dashiell addressed questions raised by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County Sheriff's Office test rental and use agreement with Cooperative Personnel Services (see agreement no. 21-049).

Consider signing supplemental services addendum to the "COPLINK Agreement" with Forensic Logic, LLC: Chief Dashiell explained this service allows data to be shared among several different agencies. Chief Dashiell addressed questions from Commissioner White and Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the supplemental services addendum to the "COPLINK Agreement" with Forensic Logic, LLC (see agreement no. 21-048).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (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 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, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:34 a.m. with no decision being called for in open session.

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

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 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 Robyn Foust, Interpretive Specialist

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Wall 2 Wall Flooring in the amount of \$15,337.80 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Mod LLC dba O'Michael's Pub & Grill to be used 7/17/21.

MEETING TO CONSIDER SIGNING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER FOR JARDINE TRUST; CASE NO. CR2020-0011

The Board met today at 9:06 a.m. to consider the findings of fact and conclusions of law and order for Jardine Trust, case no. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross.

Jennifer Almeida presented FCOs based on direction provided by the Board at the June 25th hearing in which the rezone was denied. Included in the FCOs are things the applicant can do in an effort to gain approval as noted by the Board during deliberation. Additional verbiage will be added to include *"the request for a conditional rezone and a development agreement..."*. Commissioner Van Beek made a motion to sign the FCOs for Jardine Trust, case no. CR2020-0011 [with the additional verbiage] to approve the denial. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners Smith and Van Beek voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote. The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR BRETT BAUSCHER

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for Brett Bauscher, (Protest No. 21061), Account No. 36636011 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Joni Irby, Brett Bauscher, and Deputy Clerk Monica

Reeves. Greg Himes advised the Board that the Assessor's Office was waiting for additional information that came today in the form of an email. They have assessed cell tower sites throughout the County \$50,000 as a lease site fee and in Mr. Bauscher's case, that lease agreement was prepaid to the previous owner and so he is receiving no remunerations for this lease. Mr. Himes recommended the \$50,000 value be removed and asked the Board to uphold the land value of \$5,150. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to change and uphold the Assessor's recommended value of \$5,150. The hearing concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR EDWARD MCNELIS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for Edward McNelis, (Protest Nos. 21053, 21054, 21055, and 21056), Account Nos. 30401011 0, 24656000 0, 27918000 0, and 27920000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Joni Irby, Edward McNelis, and Deputy Clerk Monica Reeves. Edward McNelis offered testimony in support of the protest applications. Joni Irby and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value of \$458,370 on Protest No. 21053. The motion was seconded by Commissioner White. Commissioner Smith believes a 53% increase is a shock and she encouraged Mr. McNelis in the future to work with the Assessor beforehand. Roger Craig said the house had been completely remodeled so they had to update their information and bring it up to market value. Along with the increase they naturally had in the area, there was also the increase of the house being completely redone and that would probably account for the huge increase in value. The motion (on Protest No. 21053) carried unanimously. Commissioner Van Beek made a motion to uphold the Assessor's value of \$188,800 on Protest No. 21054. The motion was seconded by Commissioner White and carried unanimously. At 2:54 p.m. Mr. McNelis stated he did not want to participate in his last two remaining protests and he left the meeting room. The Assessor's staff proceeded with their case review on the last two remaining accounts. Commissioner Van Beek made a motion to uphold the Assessor's value of \$565,850 on Protest No. 21055. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to uphold the Assessor's value of \$320,730 on Protest No. 21056. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:15 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF JUNE 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 1st day of October, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek
Commissioner Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk