

AUGUST 2021 TERM  
CALDWELL, IDAHO    AUGUST 2, 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:

- Platt Electric Supply in the amount of \$3,355.23 for the Facilities Department

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:45 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

#### COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chris Maylor, TJ Wellard, Al Dauven, Alan Mills, Mike McGowan, Todd Lakey, Spencer Kofoed, Matt Wilke, Ivan Holton, Darin Taylor, David Ferdinand, Mark Cran, Derritt Kerner, Judy Britton, Kathy Alder and Sr. Admin Specialist Terri Salisbury. The following provided comments: Chris Maylor, TJ Wellard, Al Dauven, Alan Mills, Mike McGowan, Todd Lakey, Matt Wilke, Spencer Kofoed, Ivan Holton, Darin Taylor, David Ferdinand, Mark Cran, Derritt Kerner, Judy Britton, and Kathy Alder. The Commissioners provided feedback on the following topics that were discussed:

- Star Annexation
- Administrative land divisions
- Comprehensive Plan status
- Impact Areas
- Jurisdictional Problems
- Agricultural disclosers
- Star impact area negotiations - Committee of Nine
- Development Services staffing
- Development Services applications

- Pre-Plat timeframes
- FCO timeframes
- Canyon County Budget

The meeting concluded at 10:35 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER APPROVING FY2022 TENTATIVE BUDGET FOR PUBLICATION

The Board met today at 10:41 a.m. to consider approving the FY2022 tentative budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, CCSO Financial Manager David Ivers, CCAD Director Michael Stowell, PIO Joe Decker, Sr. System Analyst Steve Onofrei (arrived at 10:57 a.m.), Other community citizens and Deputy Clerk Jenen Ross.

Controller Wagoner said that for 2022 the amount levied was \$53,684,567 which is less property tax than levied for the 2021 budget. This budget includes no 3% increase, no new construction increase, no use of foregone – the county is asking for less property tax money to fund the budget than in 2021. Additionally, there is an investment being made in county personnel which includes \$5M in current personnel and the addition of 35 new full-time positions to ensure that services are delivered both professionally and timely. There is real, genuine property tax relief to all county property taxpayers. It is projected that even homeowners will see their county property tax go down. All county property taxpayers benefit from this budget. It is imperative that the county invest in the people; the personnel provide services and it is essential to have personnel in place to provide those services in a quality and timely manner.

At the request of Commissioner Smith, Controller Wagoner spoke about negative lines in the '2022 budgetary use of fund balance' column and how it affects fund balance.

Commissioner Van Beek said she reviewed and compared the suggested and tentative budgets. A form that she provided to the Controller this morning has a list of 12 funds that were affected with a net change of about \$333,000 between the suggested and the tentative budgets. A review of each line item was done.

- Facilities – increase of \$10,155 for additional entrance in the Commissioners' Office
- Clerk of the Court - decrease of \$10,797 to reflect changes in personnel
- Coroner – decrease of \$719 is related to personnel the Coroner did not feel had earned the additional step in the compensation plan
- Development Services – addition of \$16,144 for changing one part-time position to full-time

- Emergency Communications – increase of \$125,000 for the E911 monies rolling from FY2021 to FY2022 for a specific project
- General Fund – decreased \$12,650 due to the change with Western Alliance for Economic Development
- Information Technology – change in position
- Indigent Services – decreased \$4,361 related to a change in personnel
- Prosecuting Attorney – increased \$14,129 related to currently filled positions
- Public Defender – increased \$115,918, per the compensation plan there are attorneys eligible to move forward to a higher paygrade based on years since passing the Bar exam

Commissioner Van Beek thought that there was Board consensus that there would be adjustments to the IT Director's salary as it is currently paid at less than 80% of Ada County. Commissioner Smith clarified for the record that she is not going to single out one director. Based on a question from Commissioner Smith, Controller Wagoner said that directors were included in the 7.5% COLA plus an additional step forward in the compensation plan. An 80% evaluation change was not included.

- Sheriff – increased \$71,211 related to a project grant (High Intensity Drug Trafficking) rolling forward
- Treatment Court – this is related to an assistant coordinator being transitioned to a coordinator position.

The projected ending fund balance for FY2021 will be \$79M which includes the Landfill Enterprise fund. Controller Wagoner said the budget before the Board today include expenditures of \$6.1M offset by American Rescue Plan revenues of \$6.1M – zero property tax dollars levied. Further discussion ensued about the ARPA funds being used for revenue replacement, or lost revenue that has already occurred. COVID-19 disrupted the county revenue stream in calendar 2020 in the amount to \$6.1M, revenue that was rapidly increasing did not continue that pace of rapid acceleration. Commissioner Smith noted that in the future when ARPA funds are no longer available either capital improvements will have to be decreased or property tax would need to increase to continue funding the salary levels, or Controller Wagoner suggested sales tax as it is a significant source of revenue for Canyon County. There are multiple sources of revenue that are available to the county. Commissioner Van Beek said that if the county took 3% that was allowable, that would be \$1.6M, new construction would be \$2.3M for a total of \$3.9M but raises total \$6.8M so that has to be made up somewhere in the budget. Clerk Yamamoto said that it has everything to do with revenues coming in higher than expected and the county currently has a fund balance that is well over what they'd like to maintain. Commissioner Van Beek spoke about creating a capital improvement fund to meet long-term capital needs including a public safety facility. Clerk Yamamoto spoke about the great story this budget is, there is no one else in the state that can have the story Canyon County has. Employees are being taken care of, building a new expo building, not taking 3%, foregone or new construction and have lowered the tax request. The county is in fantastic shape and they've lined out a good budget to take care of the employees along with other obligations.

Commissioner Smith said she still has some concern about the compensation plan and the step portion. She would like to see if that part can be pulled from the budget while still allocating the 7.5% COLA until there is an HR Director and a plan. Controller Wagoner spoke about how the step program is extremely beneficial to the customer service and deputy Sheriff positions, especially for those who have been with the county between 3-5 years. Due to the concerns she has with the compensation plan, Commissioner Smith expressed that she is not sure she's in agreement with having this included in everyone's budget. Her understanding is that the tentative budget can still be posted, and although the budget can't go up some of the funds can be allocated differently. Controller Wagoner confirmed this is correct but that it would be changing a tremendous amount of detail and a significant amount of line items would be impacted.

Commissioner Van Beek proposed to back the \$6.2M out of the property tax levied and take new construction. Commissioner Smith noted that the \$6.2M is not being levied. Commissioner Van Beek argued that it is being levied, it's included in the amount of property tax being taken because it's been replaced, capital needs have been put under the ARPA funds so if that number is backed out of the amount of property tax levied and then new construction is taken and held salary increases to the amount of new construction which would represent more consistently what Ada County, Caldwell, Nampa are doing. Commissioner Van Beek said that year over year it's consistently 6.5% but she's not sure where that's happening, the property tax since 2015 has increased \$19M but salaries have increased \$24M. She feels that has to be made up somewhere and if new construction is included and that number is backed out we could still potentially come in under and have that be a fair evaluation. Commissioner Smith said she doesn't want to take it, she likes that there will be lower property taxes. Commissioner Van Beek said there would still be lower property taxes because if it was held to \$2M in salary increases there would be a \$4M reduction from what's asked. Commissioner Smith feels that the county will lose employees. Commissioner Van Beek said that employees will be lost regardless and the county has been losing employees. It's a report they haven't called for, to determine what the loss rate is even spending an additional \$19M in salaries, she feels there is a lot of information the Board doesn't have. Commissioner Smith said that if it's not sustainable in the future there may need to be a reduction in employees, and although not fun it's a part of leadership, it's part of evaluating budgets in the future and where the county is at. If it's not sustainable at the time you have to let people go, but right now the county is in a critical need to maintain employees and help the cost of living which is significant. She said the county is in a critical spot right now, everyone wants to plan for the future. Her understanding from the Clerk and Controller is that they don't foresee any issues funding salaries over the next couple years. When the ARPA funds go away, if staffing levels are down and there isn't a revenue source the Commissioners at that time are going to have to make some hard decisions and cuts where necessary. But for now, she thinks it's critical to take care of the employees. Commissioner Van Beek agrees but said the Board hasn't evaluated what giving 7.5% will do, there are a number of employees that will be in major excess of Ada County wages. She wants to understand the rubric and why those salary increases would be justified in Canyon County; she doesn't feel the Board has had enough time to evaluate the impact of the salary structure. Commissioner Van Beek Based on a question from Commissioner White, Controller Wagoner confirmed there was no COLA last year. Commissioner White said that if you don't pay stewardship to the compensation plan it doesn't take very long to see the impact. She is not in

favor of taking something out of the budget; if you take it out then publish you can't add it back in. She thinks the county is at a very critical place with employees and it is a very good use of property tax money because the taxpayers are required by statute to have access to the services provided by county employees. She thinks the county needs to stay the course with employees and that the proposal doesn't put us ahead, and really doesn't even put the county on a level playing field with surrounding entities. Commissioner Smith feels that's true in some cases but Commissioner Van Beek disagrees. Commissioner White feels it's fair and there is no increase to property tax in staying true to the compensation plan. Commissioner Van Beek feels there is still needs to be an evaluation of director salaries in comparison to Ada County. Further discussion ensued regarding the turnover rate, the cost of turnover and factors that keep employees loyal.

In response to a question from Commissioner Van Beek, Controller Wagoner said that nothing has been included in the budget for security in the Administration Building. However, he did say that there is a contingency fund of \$150,000. Once the fiscal year begins, and during the fiscal year, the budget can be opened and adjusted if necessary.

Commissioner Smith expressed her concerns about approving the budget with the compensation plan as it doesn't give the Board their statutory authority to manage it. Commissioner Van Beek said the resolution that gave away Board authority regarding compensation needs to be dissolved. She feels it is the Board's job to manage the compensation plan and understand the numbers. Commissioner White said the Board approves the budget, but there are 6 other elected officials and it is up to them to manage their budget. Commissioner White does not feel it is the Board's job to tell the other elected officials how to manage their budgets. Commissioner Smith feels that the Board was elected to approve and manage the budget. She feels like that over time a lot of the Commissioner responsibilities have been delegated to other people. She said she can support a 7.5% COLA but she is not as supportive of the compensation plan. Commissioner Van Beek said that she feels it is the Board's responsibility to oversee and evaluation of use of every single taxpayer dollar.

The Board took a brief break at 11:47 a.m. and resumed the meeting at 11:49 a.m.

Commissioner Smith said she wants the 7.5% included but in regard to the other \$900,000 for the step portion the Board would like to figure out how to allocate that; once there is a new HR Director and the compensation committee is assembled and there is an updated compensation plan. Essentially there is \$900,000 that could then be reallocated back out to the other elected officials and department for use. Controller Wagoner explained that the \$900,000 provides the greatest benefit to the customer service positions. Further discussion ensued about the step program with Clerk Yamamoto noting that it is up to the office and department whether an employee receives their increase, it is not just an automatic increase. Clerk Yamamoto asked if this Board wants to sit in judgment of each individual employee's wage. Commissioner Smith said that she wants to do her job and for the Clerk to continue doing his. She thinks that fairly evaluating wages is what the Board was elected to do. Currently the Board only sees 'blue sheets' (salary rate request forms) for their own departments and resolution 19-145 is where the Board delegated their responsibility to the other elected officials. Commissioner Smith suggested that one solution

may be to do away with the resolution, have a compensation plan in place and then have all 'blue sheets' come before the Board for review. Commissioner Van Beek said she is in favor of this plan and would like to see the resolution dissolved.

Commissioner Van Beek said she will not support the budget with the 7.5% being included.

Commissioner Van Beek made a motion to deny the 2022 proposed fiscal year tentative budget. In response to a question from Commissioner Smith, Commissioner Van Beek said she understands the implications of not approving the budget and that she doesn't feel that she has had enough time to fully evaluate and understand the budget. The motion died for lack of second.

Commissioner White feels like her questions have been adequately answered and believes this budget gives property tax relief and addresses the employees. She spoke about the increase in starting wages for area businesses and general cost of living expenses.

Commissioner White made a motion to approve the tentative FY2022 budget for publication. The motion was seconded by Commissioner Smith but noted she intends to try to "blow up the compensation plan and the resolution". 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.

The meeting concluded at 12:07 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUANCE OF PUBLIC HEARING TO CONSIDER AN APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 2:02 p.m. for a continuance of 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, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Brenda Abbott, Darin Taylor, interested citizens, and Deputy Clerk Monica Reeves. Todd Lakey arrived at 2:09 p.m. The Board met on July 13, 2021 and heard public testimony and continued the case to July 26, 2021 at which time it reviewed proposed conditions of approval and subsequently continued the hearing to today. Jennifer Almeida said the findings of fact, conclusions of law and order (FCO's) mirror the discussion from the last hearing regarding the conditions. She a minor change was made to Condition #6, to clarify it better. It now states "*There shall be no burial of dead livestock on site. All dead livestock and any parts or pieces of such animals must be properly disposed of within 72 hours after knowledge of death. The CAFO shall comply with Idaho Department of Agriculture rules regarding dead animal disposal.*" She removed the notation for the IDAPA section in the event those change and she left it general so we are not tied to that specific code. Commissioner White said before they expand to 12,000 animals she wants them to get everything taken care of that hasn't been tended to. Ms. Almeida said several conditions are ones that have to be met prior to expansion, and some are

ongoing that have to be maintained for the operation of the site. There are also annual reporting requirements. Commissioner Van Beek asked how we will mitigate for the open water. Ms. Almeida said they would have to meet agency requirements for that. We have retention areas conditioned to meet Department of Agriculture requirements as well as federal agency requirements. Commissioner Van Beek asked about the concern that was raised about cattle grazing on land not approved to be on. Commissioner Smith said as long as they stay within the threshold of the allowed animal units per acre that would exist outside of these conditions and outside of the parcel. We are not taking away the rights of a property owner to have agricultural uses on their property that is outside of the CUP. There was a review of conditions to add the words: “*Prior to expansion...*” to the following conditions: #4, #5, #12, and #17. Further review and discussion ensued. Commissioner White made a motion to grant the conditional use permit and approve the FCO’s with the conditions of approval as amended. The motion was seconded by Commissioner Van Beek and carried unanimously. Deputy PA Wesley explained the appeal process and said parties have 14 days to file a request for reconsideration with the Board, and then the Board has time to respond and that will extend the deadline to file for judicial review, which is 28 days from the decision being final. If the Board chooses to act on the motion to reconsider it would come back, but if the Board chooses not to act, then it starts the clock for the 28 days to file a judicial review. The signed FCO’s are on file with this day’s minute entry. The meeting concluded at 2:26 p.m. An audio recording is on file in the Commissioners’ Office.

#### CONSIDER SIGNING FCO’S FOR SAMUAL CLAGG, CASE NO. RD2021-0007

The Board met today at 2:27 p.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO’s) in the matter of the appeal by Samuel Clagg of the Director’s decision in Case No. RD2021-0007 regarding the naming of a private road to Catfish Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. On July 26, 2021, the Board heard the appeal and voted to modify the appeal and then directed DSD staff to make findings of fact to support the decision for the name change to Riverpoint Lane. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO’s for the Clagg case (RD2021-0007) as presented. The meeting concluded at 2:29 p.m. An audio recording is on file in the Commissioners’ Office.

#### MEETING EXECUTIVE DIRECTOR OF WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT TO DISCUSS DEPARTMENT OF COMMERCE WORK PLAN

The Board met today at 2:32 p.m. with the Executive Director for Western Alliance for Economic Development to discuss Department of Commerce work plan. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Tina Wilson with WAED and Deputy Clerk Jenen Ross.



Ms. Wilson explained she likes to meet with her major funding partners prior to submitting her workplan. Due to a change in dynamics she wants to make sure she is addressing the Board's expectations for the upcoming year. The Department of Commerce Workplan runs from July 1<sup>st</sup> to June 30<sup>th</sup>. There was a salary grant of \$30,000 awarded on July 12<sup>th</sup> but before they can submit for the first half of the funding the workplan has to be submitted. Ms. Wilson provided a brief review of the 2020 workplan; a copy of this document is on file with this day's minutes. Director Fultz said he anticipates working with the WAED on value added grants and that the workplan outlined by Ms. Wilson fits well with their plans within DSD. Commissioner Smith is supportive of the grant writing done by Ms. Wilson. Ms. Wilson would still like to have a representative from Canyon County on the Board and is open to meeting with Director Fultz regularly to provide updates. The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUANCE OF 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 AND SD2020-0035

The Board met today at 3:07 p.m. for a continuance of 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 for Case Nos. RZ2020-0019 and SD2020-0035. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Mark Hilty, Casey Ames, Claudia Haynes, Kim Yanecko, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith gave a recap of the last hearing where the Board deliberated based on the evidence received at that point. Public testimony was closed and the Board said it would not review additional information. It sounded like the Board was leaning towards a decision that was different from the P&Z Commission's recommendation which would require a second hearing. She addressed the emails and letters that came in regarding the change in process and said the first hearing gave everyone an opportunity to testify. The second hearing was not intended to be another brand-new hearing which is why they tried to limit some of the information. The Board continued the hearing for specific information. She apologized to those who felt slighted, but said it sounds like there is going to be another hearing and if that's the case it will be a brand-new hearing and additional testimony and information will be allowed. Commissioner Smith said donating time to another speaker is not something the Board has to allow, they allowed it to happen once but she encouraged people not to continue moving forward with things like that. If people cannot come they should submit written testimony and there should be one representative for the opposition and time will be allocated outside of that. Commissioner Van Beek disclosed that a citizen approached her this weekend regarding concerns about the water situation, but she indicated she could not discuss it because the Board was having continued discussions on that topic. After reviewing the information that's been submitted she noted the following concerns: conflicting information regarding the aquifer; IDWR is charged with overseeing the installation and the well process so if wells are failing then you have to go back to the agency and look at if the due diligence is good enough to ensure that homeowners are not



having to go back and put in wells; and the lack of information on what the cumulative impact will be with 400 homes in this area. Discussion ensued. Commissioner Smith said the Board could impose conditions, or deny the request and state what the applicant could do to obtain approval, and at the next hearing they could bring that information for a conditional rezone with a development agreement. Commissioner White is not comfortable with the knowledge that wells are going dry and she wants to see up-to-date information. Commissioner Van Beek referenced the conflicting information from IDWR and said there has to be something that protects people. Commissioner Smith said it sounds like both Commissioners are leaning toward a denial so it will be important to deliberate on what the applicant can do to gain approval in the future. Commissioner White wants to see a current examination to see if the majority of the problems are with well installation or if it's because of the water depth. She needs to know there is an ample source. Commissioner Van Beek referenced the conflicting evidence within the IDWR reports. Commissioner Smith believes the zone is appropriate because it's an infill project, and she appreciates community wells instead of continually punching private wells and she feels the project can be conditioned in a way to get more information and that's the direction she would lean. It is time, especially in certain areas, to start looking at community systems, versus wells, that are monitored and checked regularly. Commissioner White again reiterated her point about wanting up-to-date water information. The project density is ideal and she's not against the developer, but she wants current information on whether it's a well installation problem, and she wants to know how deep they need to go without having to re-drill a well. The Board took a break at 3:58 p.m. and the hearing resumed at 4:10 p.m. Commissioner Smith said she consulted with the Prosecutor's Office to confirm process. Technically the ordinance does not have language in the conditional rezone or rezone section that allows the Board to mandate them to provide studies, so the best option is to render a motion. There has been a lot of deliberation on what the Commissioners would like and that leaves it up to the applicant and no matter what it will require a brand-new hearing. The case will not have to go to the P&Z Commission, but it will come back to the Board. Commissioner Van Beek made a motion to deny Case Nos. RZ2020-0019 and SD2020-0035, and change Finding No. 5 to include nonconflicting testimony that assures that it's either a well issue or a water issue and that studies that are relevant to the site-specific area be provided for assurance that it can service this development. The motion was seconded by Commissioner White. Commissioner Smith said it's difficult for her to deny this case because the zoning is applicable and the comprehensive plan supports it. She believes the Board could condition it and work on a development agreement that could have been further worked out at the next hearing that would support this development. We have a need for a high-end opportunity for residences and this project would have provided that. She wants safe water opportunities for the existing and future residents and she understands why there is a request for that information. The motion carried unanimously. Staff will schedule the next hearing. The hearing concluded at 4:15 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 4:16 p.m. for a weekly meeting with the Director of Development Services Department to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. Commissioner Smith informed Director Fultz about this morning's community input meeting where citizens voiced comments on several issues concerning DSD, such as the City of Star annexation; administrative land divisions; comprehensive plan status; impact areas; jurisdictional problems; agricultural disclosures; the Star impact area negotiations committee of nine; DSD staffing levels; DSD applications; preliminary plat timeframes; and timeframes for FCO's. Director Fultz said staff will work on getting timely staff reports put together and submitting a "final final." He reported that the first draft of the comprehensive plan should be completed by the end of this week, and on August 25 they will have their first working group meeting and it will be available to the public later this month. Staff has been meeting with an agricultural group to look at the ordinances and the comprehensive plan and they are assisting with the Ag., natural resources and land use elements that will be incorporated into the draft. He will work with the PIO to get the word out to the public. Director Fultz reported they are looking at a serious reduction in some of the impact areas for the smaller communities. They are looking at eliminating almost all residential in the areas outside the impact areas and doing additional agricultural zone opportunities. The department will be looking at a 10-year plan with a review to be done every year. Staff is working on several ordinance rewrites that will be coming to the Board. The rezone ordinance will be very controversial because it's so much more challenging for a rezone in the agricultural area, outside the impact areas. Groundwater studies is another aspect they are looking at as well as a number of other things. Discussion ensued about the various issues staff is exploring. Commissioner Smith wants to start sending letters of violations to people who are living in RV's and she wants the building inspectors to help with that since code enforcement can't do it all. At a recent health department meeting she suggested doing a collective public service announcement about how it's not safe when people are dumping into the ground. She also wants to take a look at the old rezones that have occurred south of Lake Lowell in a predominately agricultural area, specifically one by the Beranna Dairy that should not have been zoned rural residential. When there has been no activity with conditional rezones the County has the authority to change the zoning of the property, and with the potential water issues and impacts to aerial spraying operations, she thinks the properties should be brought back for a new hearing. She wants the County to send a letter and initiate its own zone change from rural residential. Director Fultz indicated he will work on it. He spoke about staffing needs in the department and said he would like another planner and a tech, in addition to the economic development department they are trying to launch. Additionally, they have talked about bringing an engineer on board. In response to questions from Commissioner White, Director Fultz talked about the types of cases the hearing examiner will consider. The goal is that in October the P&Z Commission will meet the first Thursday of the month and the hearing examiner will hear cases on the third Thursday of the month. The hearing examiner cases will be heard during the daytime, however, if the public meeting room is not available he will meet in the evenings. The Board will hold interviews on August 5<sup>th</sup> for new three (3) P&Z Commissioners. They are looking at a proposal to amend the ordinance regarding P&Z Commission membership (anywhere from 3 to 12 members). The meeting concluded at 4:54 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM  
CALDWELL, IDAHO AUGUST 3, 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 employee status change forms for: Alissa Franklin, Temporary Administrative Assistant; Kathleen Husted, Part time Admin Specialist; Emily Garcia, Temporary summer employee

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC DBA Raising Our Bar for the following days: 8/7/21;8/12/21; 8/13/21; 8/20/21; 8/21/21; 8/28/21; and 8/29/21

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

The Board met today at 8:40 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Facilities Paul Navarro and Deputy Clerk Jenen Ross.

Director Navarro discussed the following with the Board:

- Several records were set this year at the fair in the areas of attendance, food and beer sales, concert attendance, vendor sales and carnival sales. There were 4200 man-hours put in from Facilities and about 800 SILD man-hours.
- The Expo building groundbreaking was a success. Idaho Power is onsite this week to bury the powerlines at Wilson Creek and all utilities will be going in this week. In order to lock-in prices on some supplies and to help with long lead-times Director Navarro is working to stockpile some items. Concrete is being poured on the 23<sup>rd</sup>. A contract with Rule Steel is still being negotiated.
- At one point there was discussion with the city to put 2 pedestrian bridges across Wilson Creek. The city had agreed to design and pay for them with URA funds but there has been a staffing shortage in that department and they've asked if HC Company can build those bridges. There will be a meeting with the city later today to discuss further.

- 2<sup>nd</sup> floor courtrooms are being remodeled. Courtrooms 6&7 will be remodeled into one large courtroom. The deadline for completion is October 1<sup>st</sup>. Remodels on courtrooms 1-5 will start in the fall.
- Anticipated remodel of the BOCC meeting room is sometime around Thanksgiving. The meeting room will be completely unusable during the remodel so meetings will need to be held in the Admin. Building meeting room.
- ADS has moved away from RM Mechanical for HVAC issues at Pod 6 and have hired ACCO at Director Navarro's recommendation.
- Repairs to the sidewalk along 12<sup>th</sup> Ave are scheduled to start next week.
- There is currently a massive irrigation project happening along Story Brook Trail at Lake Lowell; additionally, ADA handrails and pollinators will be installed at the request of Director Schwend.

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 8:53 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 and Facilities Director Paul Navarro. The Executive Session concluded at 9:06 a.m. with no decision being called for in open session.

The meeting concluded at 9:06 a.m. An audio recording of the open portion of the meeting 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 9:07 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. Zach Wesley, Deputy P.A. Alex Klempel, Lt. Ray Talbot (left at 9:10 a.m.), GIS Analyst Tony Almeida (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Memorandum of Understanding between City of Nampa, City of Caldwell, and Canyon County – 2021 Byrne Justice Assistance Grant (JAG) Program:*** This agreement was signed on July 26<sup>th</sup> but Lt. Talbot explained there was some miscommunication between the cities of Nampa and Caldwell. Nothing has changed on the Canyon County portion but this new agreement now includes the City of Caldwell. Upon the motion of Commissioner Van Beek and second by

Commissioner White the Board voted unanimously to sign the MOU between the City of Nampa, City of Caldwell, and Canyon County - 2021 Byrne Justice Assistance Grant (JAG) Program (see agreement no. 21-064).

***Consider signing an Ordinance, and Summary, amending Chapter 6, Article 5, Section 13: Street Names and Chapter 6, Article 5, Section 17: Addresses of the Canyon County Code of Ordinances:***

The amendment of this ordinance will now allow for personal names to be included as options for street names. Canyon County was the only entity that had this as a rule in the ordinance. Additionally, it clarifies that addresses will be based on the road that accesses the home/property based on requests from emergency services. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Ordinance, and Summary, amending Chapter 6, Article 5, Section 13: Street Names and Chapter 6, Article 5, Section 17: Addresses of the Canyon County Code of Ordinances (see ordinance no. 21-019).

The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY CASE AND GREITJE VISSER FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE AS WELL AS A PRELIMINARY PLAT FOR VISSER’S LANDING SUBDIVISION, CASE NO. RZ2021-0001 AND SD2021-0003

The Board met today at 9:31 a.m. to conduct a public hearing in the matter of a request by Case and Greitje Visser for a comprehensive plan map amendment to change the designation of Parcel No. R38333010A from “Agriculture” to “Residential.” Also requested is a rezone of approximately 20 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone, and a preliminary plat, grading and drainage plan for Visser’s Landing Subdivision. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Darin Taylor, Sean Conner, John Brecken, William Keith Cooper, Linda Mascuch, Tamara Baysinger, Chris Clelland, George Davis, Patricia Greenland, interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property, R38333010A is located at the northwest corner of the intersection of Goodson Road and Conway Road. The Planning and Zoning Commission recommended denial of the Comprehensive Plan Map Amendment, Rezone, and Preliminary Plat request on May 20, 2021. The applicant has removed the comprehensive plan map amendment portion of their request. Staff is recommending denial of the request. The following people testified in support of the request: Darin Taylor, John Brecken and Sean Conner. In summary they testified the project can co-exist with conditions; reviewed the topography of the site; referred to developments that exist in the area; and how they believe this type of development should occur in pocket areas such as this. William Keith Cooper offered neutral testimony and said his main concern deals with the impacts the proposed residences will have on the aquifer. He also wanted to know what the traffic projections will be for this project. Linda Mascuch offered testimony in opposition to the request. She objects due to water and density concerns. Tamara Baysinger is opposed to the proposal based on the following concerns: increased traffic on Conway Road, the impacts to existing water

wells, and the density of the proposed development which is inconsistent with the character of the area. Chris Clelland farms in the area and his concerns include density, the steepness of the property, the potential of the ditch to break, impacts to aerial applications, and the hazards of moving farm equipment. George Davis testified in opposition to the proposal due to spot zoning and egress concerns. Rebuttal testimony was offered by Mr. Taylor where he addressed the depth of area wells which range from 90 to 244 feet; references to concerns about spot zoning, and the developers' willingness to consider an RR designation if the Board chooses. Following testimony, Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek spoke about the tension that exists between agricultural operators and the "city folk" who move to the country. She does not support changing the zoning. Commissioner White spoke about personal property rights and how decisions have consequences. She believes the applicants are ahead of their time. Commissioner Smith said this is not a predominately single-family living area and it is not located within an impact area; therefore, she is opposed to the request. Following the Board's deliberation Commissioner Van Beek made a motion to deny the request for a rezone and preliminary plat for Case Nos. RZ2021-0001 and SD2021-0003. The motion was seconded by Commissioner White who said it's a matter of density and timing. Commissioner Smith said staff is proposing a nonviable administrative land division in the ordinance that's coming soon. She hopes changing the original parcel date would qualify the applicant since the property hasn't been divided since 1997. It would provide for smaller parcels without changing the zoning on the land. The motion carried unanimously. The hearing concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:37 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Clerk Chris Yamamoto (left at 2:39 p.m.), Coroner Jennifer Crawford, Prosecutor Bryan Taylor (left at 2:30 p.m.), Sheriff Kieran Donahue via teleconference, PIO Joe Decker, IT Director Greg Rast (left at 2:14 p.m.) and Deputy Clerk Jenen Ross.

Director Rast spoke about the .gov email address. He explained the main reason for this change is credibility. Additionally, it allows the county to opt in to greater cyber security. The next step he'd like to take is improvements to the mobile app. Discussion ensued about the best timeline to make the official switchover with it being determined October 1<sup>st</sup> would be the best date. The .org addresses will be kept active for a year and at that point there will be a reevaluation to determine if they need to be extended or terminated. Director Rast said he would prefer to keep the redirect of the canyonco.org website for 5 years. All of the elected officials are supportive of moving forward with changes to the mobile app. There was also discussion regarding moving to the 'cloud' as this is the way that Microsoft is moving and it may be the only option.

Commissioner Smith asked about the panic button in the Board's front office. A couple of weeks ago she pushed it to find out what the response would be and it took over 4 minutes for the security staff at the front desk to respond and another 5 minutes for Caldwell PD to arrive. She requested that someone look into upgrading the system and Sheriff Donahue asked Director Rast to meet with Cpt. Armstrong and CCSO Communications Manager Roxanne Wade to determine origination of the technology and/or if there is other technology that would offer more expedient service.

Discussion ensued regarding security in the Administration Building; Commissioner Smith asked who manages that and who can do it most affordably. Sheriff Donahue thinks that previous discussions on this topic will need to be revisited. During COVID when there were Marshals stationed in the building there was a question of liability due to lack of jurisdiction. Sheriff Donahue said that the county needs to be covered from an exposed liability standpoint with whoever is there. He feels the easiest solution would be a contract situation with an outside security company. Commissioner Smith asked about bringing on a couple of part-time employees to either be managed by the Security Supervisor within the Facilities Department or the Sheriff under Security Services. Sheriff Donahue expressed his concern with a security function being within the Facilities department and that he is not interested in hiring/managing additional front door security personnel, additionally, the pool of candidates to pull from is shrinking rapidly. Based on a question from Commissioner Van Beek, there was further discussion regarding a previous meeting with Judge Southworth about the Sheriff assuming responsibility for the bailiff/marshal positions. Sheriff Donahue spoke briefly about Ada County's model for this situation but that the transition is a lengthy process, however, it is something he is interested in doing and committed to doing based on legal guidance. Commissioner Smith expressed her frustration with not everyone being able to get on the same page about security. Sheriff Donahue reiterated that he feels the best way to handle security at this point is to contract with an outside agency. The Administration Building is not his building and he's not going to accept responsibility for security there.

Sheriff Donahue asked about the direction Commissioner Smith wants to go with the compensation plan. It took many years to get it motion and he acknowledges it's far from perfect but there has been a lot of work put into. The Sheriff spoke about his appreciation of the Clerk's balanced budget, he feels that both the taxpayers and the employees are protected and doing away with the compensation plan will put the county right back to where it was 5-6 years ago which wasn't good. He is upset that there is even consideration of doing away with it. Canyon County needs to worry about what it takes to retain Canyon County employees, there needs to be less worry about what other municipalities are doing. Commissioner Smith responded to Sheriff Donahue letting him know that the tentative budget passed yesterday with the 7.5% increase as well as an increase for the compensation plan, however, her concern is with the amount of turnover since the compensation plan was implemented, she feels there are certain positions that it is not working for. Commissioner Smith clarified a previous comment about "blowing up" the compensation plan, what she should have said was the resolution delegating Board authority to the other elected officials. Sheriff Donahue doesn't understand the redundancy in having a blue-sheet/employee status change form reviewed by the Board. Once the budget is approved it is up



to each elected official to manage it appropriately. They each know within their Offices' which employees need to be moved to another position. Commissioner Van Beek spoke about the 5 top motivators for employees with compensation being the last, she feels there could be room for improvement for every elected official to evaluate. She stated that she is supportive of Chairman Smith's position and that it is the Board's responsibility to oversee and administrate the efficient services provided by Canyon County. Commissioner Smith recognized Commissioner Van Beek's point of other factors influencing employees and workplace but with today's economy the cost of living has to be factored in. Further discussion ensued about increases given by other municipalities vs. what Canyon County has done. Commissioner Smith said that the other frustration she has with the compensation plan is that comparable jobs in terms of responsibilities are paid drastically different wages simply based on job title.

The meeting concluded at 2:48 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 4, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 576484 to 576485 in the amount of \$2,500.00
- The Board has approved claims 576258 to 576298 in the amount of \$36,778.03
- The Board has approved claims 576299 to 576340 in the amount of \$54,753.31
- The Board has approved claims 576343 to 576376 in the amount of \$75,252.98
- The Board has approved claims 576378 to 576443 in the amount of \$37,158.56
- The Board has approved claims 576526 to 576555 in the amount of \$33,660.44
- The Board has approved claims 576486 to 576525 in the amount of \$171,354.45
- The Board has approved claims 576444 to 576483 in the amount of \$233,784.33

#### PUBLIC HEARING – REQUEST BY MATT DUDLEY FOR A REZONE, CASE NO. RZ2021-0005

The Board met today at 9:06 a.m. to conduct a public hearing in the matter of a request by Matt Dudley for a rezone from an Agricultural zone to a Rural-Residential zone, Case No. RZ2021-0005.

Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Matt Dudley, Mike Dudley, Sherry Dudley, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that Mike Dudley was her middle school teacher but that will not affect her ability to issue an impartial decision. Commissioner Van Beek disclosed that Mike and Sherry Dudley are her neighbors but that will not affect her ability to issue an unbiased decision in this case. Jennifer Almeida gave the oral staff report. Matt Dudley is requesting a rezone of approximately 24.78 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The average minimum lot size in the "R-R" zone is two (2) acres. The subject property, R38656010 is located on the north side of Walker Road, approximately 1,700 ft. east of the intersection of Parma Road and Walker Road in Parma. The P&Z Commission recommended approval of the Rezone request on June 3, 2021. Staff recommends approval the request. Matt Dudley testified the subject property is bare land that he co-owns with his wife and his parents and they want to divide it into three lots for two homes and a shop in the future. The property is located within the Parma impact area. Portions of the land will continue to be farmed. Mr. Dudley would like the potential to divide the land for his young children at some point in the future. Following his testimony Mr. Dudley responded to questions from the Board. Mike Dudley testified about the pride ownership he has for maintaining his property and how he is excited to own this property with his son and plan for the future. Commissioner Smith asked Matt Dudley to talk about the large number of people who attended the neighborhood meeting. Mr. Dudley said there was a lot of unknowns as he started this process and the neighbors voiced concerns about the potential for weeds on the property and they did not want a large development so he explained what his intentions are for the property. Following testimony, Commissioner White made a motion to close the public hearing. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation Commissioner White made a motion to approve the request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's and the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 21-020.) The hearing concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – SHORT PLAT FOR RYSLANCHIK SUBDIVISION, CASE NO. SD2019-0030

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Russ Damyan for approval of a short plat for Ryslanchik Subdivision, Case No. SD2019-0030. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Russ Damyan, and Deputy Clerk Monica Reeves. Dan Lister gave the staff report. The development consists of three (3) residential lots and one (1) common driveway lot. The parcel (R27916010) is located in an "R-1" (Single Family Residential) zone. The vacant property is located south of 5725 E. Orchard Avenue in Nampa. On November 21, 2019, the Planning and Zoning Commission recommended approval of the request subject to conditions. Both staff and the County engineer find the short plat meets subdivision requirements. The City of Nampa has signed the final plat. Russ Damyan was available to answer questions. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Ryslanchik Subdivision and sign the findings of fact, conclusions and law and order. Commissioner Van Beek signed the final plat. The hearing concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 5, 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:

- Architectural Class & Glazing in the amount of \$2,310.00 for the Facilities Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker 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: 2021-900; 2021-897; 2021-893; 2021-808.

Case no. 2021-806 is pending a resource but meets all other eligibility criteria. Commissioner White made a motion to suspend the case pending resources. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case no. 2021-890 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

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

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A Zach Wesley, Deputy P.A. Alex Klempel, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Facilities Director Paul Navarro and Fair Director Diana Sinner. The Executive Session concluded at 9:59 a.m. At the conclusion of the executive session Commissioner Smith explained that a portion the discussion concerned the action items as follows:

***Consider approving reimbursement of legal expenses to ICRMP:*** There are some things that are not covered by the policy and require reimbursement by the county. Upon the motion by Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve reimbursement to ICRMP in the amount of \$200,000 to cover exceptions under the policy.

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

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) FOR CANDIDATE INTERVIEWS FOR P&Z COMMISSIONERS

Commissioner Van Beek made a motion to go into Executive Session at 10:09 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. 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, DSD Director Steve Fultz and DSD Planning Official Dan Lister. Candidate Tanya Robinson participated from 10:09 a.m. to 10:36 a.m., Candidate Laren Bailey participated from 10:37 a.m. to 10:56 a.m. and Candidate Brian Sheets participated from 11:00 a.m. to 11:38 a.m. The Executive Session concluded at 11:59 a.m.

at which time it was decided Director Fultz would make an offer to one of the candidates and will await the acceptance or decline of the offer. The meeting concluded at a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### CONSIDER SIGNING FY2022 INDIGENT DEFENSE FINANCIAL ASSISTANCE AWARD & AGREEMENT

The Board met today at 1:36 p.m. to consider signing the FY2022 Indigent Defense Financial Assistance Award & Agreement. Present were: Commissioners Leslie Van Beek and Pam White, Controller Zach Wagoner, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli said this agreement is similar to previous years and provided a review of how the PDC calculates their numbers. Mr. Wagoner spoke about how these monies are vital to providing adequate services. Mr. Bazzoli addressed several questions posed by Commissioners Van Beek and White. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the FY2022 Indigent Defense Financial Assistance Award & Agreement. The meeting concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH HR INTERVIEW COMMITTEE

The Board met today with the HR interview committee. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross.

*Note for the record: As properly noticed the Board met today at 2:39 p.m. for a meeting of the interview committee. A request was made to go into Executive Session as follows:*

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:40 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. 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, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 3:09 p.m. with no decision being called for in open session.

AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 6, 2021

PRESENT:        Commissioner Keri K. Smith, Chair - **OUT**  
                  Commissioner Leslie Van Beek, Vice Chairman  
                  Commissioner Pam White – participated via conference call  
                  Deputy Clerks Monica Reeves

APPROVED CLAIMS

- The Board has approved claims for special jury in the amount of \$420.67

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR THE MATT WILKE REZONE REQUEST, CASE NO. RZ2020-0015

The Board met today at 8:51 a.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO's) for the rezone request by Matt Wilke of White Barn Real Estate, representing L & J Investments Idaho, LLC, Case No. RZ2020-0015. Present were: Commissioners Leslie Van Beek, Commissioner Pam White via conference call, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Dan Lister said the P&Z Commission had a tie vote when it considered this case. At the first hearing, the applicant requested it be tabled so they could bring in a development agreement because the neighborhood concerns made it so they wanted to consider some mitigation measures. In March of 2021, there were discussions about the development agreement with the conditional rezone to an M-1 zone and there was back and forth about mitigation measures. On April 15, 2021 the Board denied the rezone request and today the FCO's are coming back to the Board for signature. The findings express the Board's concerns that the area by Lower Pleasant Ridge Road and Weitz Road does not have any similar uses in that section. All industrial uses were on Simplot Boulevard and so it was decided that the mitigation measures would be hard to enforce and it would be better to wait until the properties are contiguous to similar uses such as industrial uses. It was a matter of timing. The FCO's reflect that it's agricultural land and it's a transition area from agriculture to industrial and there was not enough agreeance on mitigation measures to support the rezone. Commissioner Van Beek said after hearing many hours of testimony the Board tried to mitigate this, but the applicant was unable to agree to the conditions outlined on Condition D. There were some noise and safety concerns that they didn't want to pull back and it would have been hard on the County's code enforcement officer. This is a transition zone; it's not that there aren't industrial uses on Highway 19 but they are located on the corridor and this request was set back and separated by a parcel. There were farmers who testified about the productive farm ground in the area, and we have not identified a way to transition that, or at least the applicant couldn't get there from the conditions the Board laid out. Commissioner White said the applicant and the presenters have been very patient waiting for the FCO's and she thanked staff for submitting them. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's for the

Wilke rezone request, Case No. RZ2020-0015, which is a denial of the request. The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

GO ON THE RECORD TO CONTINUE THE PUBLIC HEARING REGARDING THE REQUEST BY JOEL MERRIAM, REPRESENTING SWAINSON'S POINTE SUBDIVISION, FOR A PLAT VACATION, CASE NO. VAC2021-0001

The Board met today at 9:02 a.m. to go on the record to continue the public hearing in the matter of a request by Joel Merriam, representing Swainson's Pointe Subdivision, for a plat vacation, Case No. VAC2021-0001. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via conference call, and Deputy Clerk Monica Reeves. There is a lack of a Board quorum present today therefore the case needed to be continued. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to August 27, 2021 at 9:30 a.m. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM  
CALDWELL, IDAHO AUGUST 9, 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 576556 to 576591 in the amount of \$30,311.16
- The Board has approved claims 576612 to 576651 in the amount of \$46,748.24
- The Board has approved claims 576716 to 576717 in the amount of \$9,184.55
- The Board has approved claims 576652 to 576715 in the amount of \$114,320.26
- The Board has approved claims 576718 in the amount of 200,000.00
- The Board has approved claims 576720 in the amount of \$575.00

MEETING TO CONSIDER PUBLIC COMMENT REGARDING SOLE SOURCE PROCUREMENT OF JOHN DEERE 644 P WHEEL LOADER FROM COASTLINE EQUIPMENT COMPANY



The Board met today at 10:07 a.m. to consider public comment regarding sole source procurement of John Deere 644P Wheel Loader from Coastline Equipment Company. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider authorizing execution of John Deere 644 P Wheel Loader from Coastline Equipment Company sales agreement after opportunity for public comment:*** This purchase will be made thru the SourceWell government purchasing program. In order to receive the equipment in early 2022 Director Loper will sign the sales agreement so that the build process can begin. A purchase order will be submitted to the Board for the purchase from the FY2022 budget. No one appeared to offer comment nor were any other comments received. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the execution of John Deere 644 P Wheel Loader from Coastline Equipment Company sales agreement. The meeting concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TRIAL COURT ADMINISTRATOR TO DISCUSS GENERAL ISSUES

The Board met today at 1:36 p.m. for a monthly meeting with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Jamie Robb, Judge Gene Petty (left at 1:48 p.m.), TCA Admin Supervisor Tara Hill (joined at 1:40 p.m.) and Deputy Clerk Jenen Ross. Judge Petty spoke about the history of closing state mental health hospitals and how that population of people has fallen to the criminal justice system. A workshop has been developed in an effort to bring together local leaders to discuss how the behavioral health system and the criminal justice system can collaborate better. The Idaho Supreme Court will be funding the workshop and Judge Petty has invited the Board to participate; the workshop is tentatively scheduled for October 18<sup>th</sup> and 19<sup>th</sup>.

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 1:36 p.m. for a meeting with the ADJ and TCA. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:48 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Jamie Robb and TCA Admin Supervisor Tara Hill. The Executive Session concluded at 2:08 p.m. with no decision being called for in open session.

The meeting concluded at 2:08 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 2:11 p.m. for a monthly meeting with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour and Deputy Clerk Jenen Ross.

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

#### EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY

Commissioner Van Beek made a motion to go into Executive Session at 2:12 p.m. pursuant to Idaho Code, Section 74-206(1) (c) regarding the acquisition of an interest in real property. 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, Parks Director Nicki Schwend and Assistant Parks Director Laura Barbour. The Executive Session concluded at 2:39 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said she would like options to be explored for fees at both Lake Lowell and Celebration Park to maintain staffing levels.

Director Schwend explained that recently there have been a number of education and trainings that have arisen. She let the Board know that that line item may go over because she doesn't want her staff to miss out on the opportunities since it has been nearly 2 years. If she does go over on this line she will work to make sure she is under on another line item.

The meeting concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO REVIEW AND DISCUSS PROPOSED CHANGES TO RESOLUTION #19-145 REGARDING SALARIES FOR CANYON COUNTY PERSONNEL

The Board met today at 2:42 p.m. to review and discuss proposed changes to resolution #19-145 regarding salaries for Canyon County personnel. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, CCSO Financial Manager David Ivers, Chief Public Defender Aaron Bazzoli, Assistant TCA Benita Miller (left at 3:05 a.m.), TCA Administrative Specialist Tara Hill, PIO Joe Decker (arrived at 2:45 p.m.),

Controller Zach Wagoner (arrived at 2:53 p.m.), Other concerned citizens (arrived at 3:04 p.m.), TCA Jamie Robb (arrived at 3:11 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith explained the reason for this meeting is to discuss how to move forward and gain an understanding of the compensation plan. She said she has received spreadsheets of the compensation plan but nothing explaining how it works. The compensation committee used to be a fairly robust committee but it is now down to just two members. She stated that the Idaho Constitution, under code 31-816, mandates and clearly defines the roles of County Commissioners which is to manage salaries and payments to employees. She thinks it's important for the BOCC to understand the compensation plan and administration of it. Currently the BOCC doesn't review any blue sheets outside of Board employees and she feels that resolution 19-145 is where the Board gave up their authority for managing the salaries and individual payments to employees. At the request of Commissioner White, Commissioner Smith reviewed the sections of the resolution where she feels the authority was given away.

Discussion topics surrounding the resolution include the following:

- The Board need to understand the compensation plan and be more actively engaged in the rubric and analysis of market data.
- The Board needs to take back the delegation of authority to the other EOs to set salaries.
- The HR Director needs to have enough experience the manage the plan and will report directly to the Board on salaries, not other EOs or a committee
- The Board will work with the other EOs to hear their needs and approve salaries from that process.

Commissioner Smith said she does not want to sign off on individual salaries but blue sheets [employee status change forms] should be reviewed by the Board per the statutory authority. Commissioner White said she feels that the Board determines salaries when approving the budget and that EOs should have the authority to set salaries for employees under their purview.

Further discussion ensued regarding changes in language the Board would like to see within the resolution. Commissioner Smith said that as the county moves forward with a new HR Director there needs to be a new process implemented, engagement of a full compensation committee with the appointment of new people to the committee. There needs to be an evaluation of the compensation plan to determine if it is working but for now it is the only plan in place and it's important in retaining employees.

Commissioner Van Beek expressed her concerns about fair compensation and making sure the Board has knowledge of reasoning behind salaries and/or increases.

Commissioner Smith said that a spreadsheet was recently provided to the Board of employees who have left since the compensation plan was implemented and it's a substantial amount of people. She acknowledged that the compensation plan needs work but right now, moving forward and making sure the Board is working with the other EOs and having 3 people review changes to any salaries is important. She feels there is value in having a committee that does the work. She

doesn't want to hire an outside consultant; the Board was not elected to get into the weeds and to do the specific work so the committee with an appropriate appointment of those positions is very important.

Commissioner Van Beek said that Ada County allows for citizens to have input on EO salaries, Commissioner Smith agreed that seemed like a good idea.

Due to rotation on the Board, Commissioners Smith and Van Beek would like to see a directive within the resolution that the committee report to the Board on an annual or bi-annual basis to make sure there is regular communication.

Based on a question from Commissioner White further discussion ensued regarding retention numbers.

Another meeting will be scheduled to review changes to the resolution.

The meeting concluded at 3:32 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 10, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Greg Blodgett, Interpretive Specialist

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Survey Group in the amount of \$1,000.00 for the Solid Waste Department

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for County Line Wine CO LLC DBA County Line Wine CO to be used on 9/3/21; Grumps Wine Bar & Coffee Café LLC DBA Hyde House to be used on 8/27/21; Boyzee Inc DBA Capital City Event Center to be used 8/14/21

There were no meeting held this day.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 11, 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 claim 576712 in the amount of \$4,515.33

#### APPROVED CLAIMS ORDER NO. 2123

- The Board of Commissioners approved payment of County claims in the amount of \$1,635,050.83 for a County payroll

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Tricycle LLC DBA Eastside Tavern to be used 9/18/21; 9/11/21; 9/4/21

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Coastline Equipment in the amount of \$307,797.00 for the Solid Waste Department

PUBLIC HEARING TO CONSIDER A REQUEST BY LYNN STEADMAN FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0012 & SD2020-0039

The Board met today at 9:10 a.m. for a public hearing to consider a request by Lynn Steadman for a rezone and preliminary plat, case nos. RZ2020-0012 & SD2020-0039. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Lynn and Kyle Steadman, Jay and Leah Walker and Deputy Clerk Jenen Ross.

Jennifer Almeida added exhibit 26 as a late exhibit and provided the staff report. The Canyon county future land use map designates this property and the surrounding area as residential and the applicants request to rezone to R-R is in conformance with that designation. The surrounding land uses are as follows, to the north of the site is R-1 zoning and a platted subdivision (Oak Ridge Estates), east of the subject property is R-R zoning and a platted subdivision, south of the property is R-1 zoning and west is agricultural zoning and residential homesites. As shown on the zoning map the existing zoning destinations in the area to the west is R-R, north R-R, south is R-1. The request to rezone is similar to the existing uses and zoning that exists in the area. There are 33 platted subdivisions within one mile and those platted lots have an average lot size of 1.18 acres. Access to the lots 1 and 2 will be via Country Club Drive which is a public road, lots 3 and 4 will utilize a 30-foot shared ingress/egress easement and lots 5 and 6 will utilize Hillside Drive cul-de-sac for access. Individual domestic wells and septic systems are proposed and the property is located within a nitrate priority area. There is also a request for a preliminary plat for Steady Acres Subdivision. This subdivision contains 6 residential lots, pressurized irrigation is proposed and will be owned and maintained by the homeowner's association. Canyon Highway District reviewed the preliminary plat and provided conditions of approval. As conditioned all of the requirements of the highway district will need to be met prior to Board signatures on the final plat; the highway district is also a signatory on the final plat. Idaho Transportation Department had no objection to the request. Black Canyon Irrigation District provided comment in exhibit 20. They will require signed agreements be in place prior to any changes of their lateral or inner-irrigation facility that might be affected by the approved changes. As conditioned, the requirements of the irrigation district shall be met prior to the Board of County Commissioners signatures on the final plat. The planning and zoning commission did recommend approval of the rezone and preliminary plat. Staff is also recommending approval of the rezone and preliminary plat. Proposed findings have been outlined in exhibit 1 of the staff report.

In response to a question from Commissioner Smith, Ms. Almeida addressed the access issues that were mentioned at the neighborhood meeting. It seems as if most of the neighbors would prefer an access onto Purple Sage Rd. rather than the public roads above this site, however, access is determined by the highway district and they try to reduce additional access points onto Purple Sage Rd. The plat reflects the determination made by the highway district.

Commissioner Van Beek asked about elevation changes and the wetland area. Ms. Almeida said the elevation change of 9% would not trigger the hillside ordinance, typically those have to be 15% or higher. The area that showed up as wetlands on their layer is the area that runs directly thru the subject property, however, a jurisdictional determination was made by the Army Corp. of

Engineers that it wasn't waters of the US and therefore there was no concern, it's really just a drain and will likely remain open.

Jay Walker offered testimony in favor of the application. He feels that this project lends itself well to a transitioning area. The primary concern from the neighborhood meeting was access. They wanted to avoid additional traffic on Hillside Dr. and not utilize the old county public right-of-way that ran on the eastern boundary of Country Club Subdivision. Several neighbors had built into the easement and were concerned about that being disrupted. Mr. Walker said they took those concerns into consideration, adjusted and came up with alternate plans. House pad locations are far removed from the drain that runs thru the middle of the property. Additionally, Mr. Walker spoke about the letter received from BCID and the irrigation plan. Commissioner Van Beek asked about property owners building over the easement noting that is not the problem of those who come after, and for further clarification Mr. Walker explained that the space is actually a right-of-way. There were meetings with Canyon Highway District no. 4 and their document outlines the plan moving forward and the approval of the course of action. There have been 2 reviews done by county engineers and any changes have been incorporated. An NP study has been done and approved by DEQ.

Mr. Walker addressed questions from Commissioners White and Van Beek about ingress/egress access, crossing of the laterals and placement of well and septic.

Lynn Steadman offered testimony in favor of the application saying the main purpose of purchasing this property was to establish a home for his son and his family. They are hoping the properties will turn into small hobby farms or for equestrian use. He said that in working the land he did discover an old septic tank but he took care of it within SWDH guidelines.

Kyle Steadman offered testimony in favor of the application explaining that they did not want to infringe on what was already established by the surrounding property owners.

Commissioner White asked about the timeline for starting the project and dust mitigation. They intend to start within the next year. She requested of the applicants to have a dust mitigation plan in place which she assumes they will as they've already indicated they'd like to be good neighbors.

Late Exhibits 26 and 27 were entered into the record.

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

Commissioner Smith said that, from exhibit 27, the summary of the item to be constructed along the Conway Lateral needs to be added as a condition of approval and be constructed prior to signature on the final plat. Commissioner Van Beek is supportive of this requirement.



Commissioner Van Beek would like the preliminary plat to reflect the changes to no. 23 which deals with the septic, noting there was a collapsed septic found and properly backfilled per SWDH guidelines. She would like any documentation from SWDH to be included.

Commissioner Smith said that plat note no. 12 has a typo that needs to be corrected and recognize it will be zoned R-R. Commissioner Van Beek is in support of this.

Commissioner Smith feels the FCOs for the rezone are pretty thorough and supports approval of subdivision. Commissioner Van Beek seconds the thought and recommends approval on this as well as the preliminary plat with the recommended motion.

Commissioner Van Beek made a motion to approve the findings of fact and conclusions law and order and that the Board approve case no. RZ2021-0010 a zoning map amendment, a rezone from A (agricultural) to R-R (rural residential) for parcel no. R3804210 and approve the preliminary plat with the noted changes subject to the conditions of approval. Commissioner Smith noted that the rezone findings are available but the preliminary plat will have to be amended and signed later. The motion was seconded by Commissioner White and carried unanimously.

In response to a question from Commissioner Smith, Ms. Almeida said that since there some changes on the preliminary plat that will carry over to the final plat she would request an updated plat so that it reflects what was approved.

The hearing concluded at 10:16 a.m. an audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. 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, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 2:36 p.m. with no decision being called for in open session.

AUGUST 2021 TERM  
CALDWELL, IDAHO    AUGUST 12, 2021

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 576789 in the amount of \$1,814.56

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Global Industrial in the amount of \$1,002.99 for the Assessor's Office

MEDICAL INDIGENCY DECISIONS

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

The following case does 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 an initial denial with a written decision within 30 days on the following case: 2021-821

Case no. 2021-819 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker (left at 9:11 a.m.), Landfill Director David Loper and Deputy Clerk Jenen Ross.

***Consider signing public debt collection agreement with Advantage Financial Services LLC:*** The County has had a similar contract with another company but it appears they will be going out of business. The terms of this new contract are nearly the same as the previous and Mr. Laugheed said there are no legal reasons not to sign. Advantage Financial Services LLC was referred by CBI (the previous company) and it appears their practices are nearly the same. This service could be used by indigent as well as other non-court departments/offices. Additionally, there is no cost to the county, fees are paid by the debtor. Further discussion ensued regarding how the debt collection process works. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the public debt collection agreement with Advantage Financial Services LLC (see agreement no. 21-066).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner 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. Sam Laugheed, Controller Zach Wagoner, Landfill Director David Loper. The Executive Session concluded at 9:42 a.m.

At the conclusion of the executive session the action item was considered as follows:

***Consider approving Tetra Tech Work Authorization No. 16 – conceptual layout of potential transfer station:*** Commissioner Smith said this is an action that will be handled by the Landfill Director David Loper. No Board action is necessary.

The meeting concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

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 10:04 a.m. for a 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. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Mike and Heidi Black and Deputy Clerk Jenen Ross. Ms. Almeida gave the staff report stating that the subject property is 27.55 acres located within Middleton's impact area, it is not within a floodplain. The applicant is requesting approval of a preliminary plat, irrigation and drainage plan. The subdivision property is zoned R-1, single family residential and all of the lots within the subdivision meet the minimum lot size in the R-1 zone. Future land use for this area is residential as shown on Canyon County's Future Land Use map and the requested preliminary plat is in conformance with the use that is designated for this area. Keller and Associates reviewed the preliminary plat finding that it meets Canyon County code. They did not have some conditions of approval in exhibit 6 and staff has added those to the recommended conditions of approval. Access will be via public roads. Individual domestic wells and septic systems are proposed for the project and the subject property is within a nitrate priority area. An NP study was completed for this project and is found as exhibit 9 of the packet. Pressurized irrigation is proposed to be provided to each residential lot. The planning and zoning commission recommended approval of the preliminary plat on April 15, 2021; staff is also recommending approval of this request finding that the plat meets Idaho code requirements and Canyon County code article 17. Proposed FCOs and conditions of approval were provided as outlined in exhibit 1 of the staff report.

Commissioner Smith asked about the conditions noted by the highway district, irrigation district and Southwest District Health. Ms. Almeida explained that SWDH and Canyon Highway District are both signatories on the final plat so their requirements have to be met or they won't sign the plat. In regard to the irrigation district, she thinks that may have been more of just a "catch all" from Keller and Associates to make sure that any of the requirements that Black Canyon Irrigation may have are met prior to any signatures on the final plat. Commissioner Van Beek would like additional documentation from Black Canyon Irrigation District prior to signatures on the final plat. Commissioner Van Beek asked additional questions about a private ditch thru the property, ingress/egress, the property being used for a storage facility and a turnaround required by the fire district.

Commissioner Smith asked about maintenance of the common lot, there hasn't been any additional information provided but it is labeled as a storm drain and utilities. Ms. Almeida said there is no proposed landscaping and that there are no landscaping provisions within the ordinance. It is the Board's discretion to apply conditions but without the ordinance in place to require it there would be nothing to tie back to.

Mike Black offered testimony in favor of the application stating that there would only be 3 lots, the NP study would not allow for 6. In regard to the question of a portion of the property being used for storage he indicated that he considered using it for RV storage sometime in the future. A temporary cul-de-sac was required for the fire turnaround. Access to the six acres is a full road, there were never any access issues to the 6-acre parcel. The common lot will be landscaped in grass. The Conway canal is on the eastern portion of property along the property line. The ditch to be abandoned is on the property itself and is just a ditch to serve this property. There will be nothing in place with the HOA in regard to the collection of data for the advanced septic system, the State of Idaho has a program in place for individual homeowners to report themselves. In response to a question from Commissioner Van Beek, Mr. Black spoke about where his irrigation water supply will come from. The HOA or a water user association will be responsible for maintaining storm drainage.

Further discussion ensued regarding the how reporting data of the advanced septic system would or should be handled and the potential effect it may have on this area remaining a nitrate priority area.

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

The revisions to the FCOs as requested by the Board are as follows: maintenance of the storm water, maintenance of the treatment systems, HOA to maintain lot 2, block 2 (common lot), comments needed from Black Canyon Irrigation District and removal of SWDH and Canyon Highway District as they are already signatories on the final plat.

Commissioner Van Beek made a motion that with those recommended changes to the conditions of approval and the preliminary plat, exhibit 2, she moves that the Board approve the preliminary plat for Desert Pine Estates Subdivision no. 2 case no. SD2020-0038 subject to fulfilling those five identified items before the final plat is brought back and signing the findings of fact and conclusions of law and order. The motion was seconded by Commissioner White and carried unanimously.

Ms. Almeida will make the recommended changes and bring the FCOs back to be signed at a later time.

The hearing concluded at 10:50 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 1:40 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, Code Enforcement Officer Eric Arthur, and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- Possibility of moving weed complaints to Weed and Pest department to lighten Code Enforcement's cases
- Number of new employees needed to run department efficiently

The meeting concluded at 2:29 p.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS APPOINTING MEMBERS TO THE CANYON COUNTY COMPENSATION PLAN COMMITTEE, AND CONSIDER ADOPTING CHANGES TO RESOLUTION #19-145

The Board met today at 2:33 p.m. to discuss appointing members to the Canyon county compensation plan committee and to consider adopting changes to resolution no. 19-145. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Sheriff Kieran Donahue (left at 3:07 p.m.), Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laugheed, Chief Deputy Sheriff Marv Dashiell (left at 3:07 p.m.), Controller Zach Wagoner, CCSO Financial Manager David Ivers (left at 3:07 p.m.), PIO Joe Decker, Director of Court Operations Jess Urresti and Deputy Clerk Jenen Ross.

Commissioner Smith explained she would like to get a compensation plan committee reassembled. She would like to have a committee of 7 consisting of 2 community citizens, 1 chief deputy, 1 supervisor, 1 customer service specialist, HR director and one member of the Board. Commissioner Van Beek is supportive of this proposal. She feels that whichever citizens are chosen should be informed on market trends and familiar with HR wage compensation.

Sheriff Donahue asked what's wrong with the committee currently in place. He has grave concerns about having citizens on the committee, they don't work for the county and he doesn't know of any other government entity that has citizens on their compensation committee. He feels that the committee needs to consist of people who are invested and are directly affected by the compensation plan. He wonders why not stick with what is already in place, there is a new HR Director starting soon, Controller and Chief Dashiell are still here, and the Prosecutor's Office should be involved.

Commissioner Van Beek said she's spoken with the HR Director in Ada County and they have had a process of having citizen input to provide checks and balances because they are part of the citizen base.

Commissioner Smith did clarify that she feels the Controller should be involved in the committee, especially for budget support. She is not opposed to having the PAs Office involved and feels it would be beneficial and helpful, however, the committee will not be making any legal findings, they will be a recommending committee, not a deciding committee.

In response to a question from Commissioner White, Commissioner Smith said this is an opportunity to update the committee and that change is good. There are still two members of the previous committee but this is a chance to move forward with new ideas. Commissioner White would like to see the committee members have terms so that people know what they're signing up for and there could be consistency within the Board and discussion/changes proposed. She is also not sure about having a member of the Board on the committee as the Board are the decision makers on the plan. Commissioner Van Beek feels that it is critical that a commissioner participate, or even all three commissioners if necessary. She feels that because it falls under the Board's statutory authority that commissioners need to understand the program. She would like to see the HR Director spearheading the committee with input from the committee that make recommendations to the Board. Sheriff Donahue clarified that the committee never made any decisions, they provided their findings to the BOCC for a decision. The committee doesn't have any authority to set salaries, it's all recommendation. Commissioner Van Beek feels the Board needs to be more actively involved in understanding the process.

Treasurer Lloyd said that there was approximately 2 years of work put into developing the compensation plan. She said there were several meetings held where the matrix of the compensation plan was explained. If there are inequities within the compensation plan now it is not because of the way the original compensation plan was set up, it has happened throughout the years when it hasn't been kept up. Commissioner Smith said that no one is judging the past process or committee but that there is currently a problem with retention. She said it is the Board's prerogative to reassemble the committee, the Board knows there is value in the committee and want to reestablish it and get them back, making sure they know they are reporting back and having a clear directive for them so that the Board has good, updated information in an economy that is changing right now.

Commissioner Smith asked if anyone had any input about having citizens on the committee. She personally believes that one or two citizens that come from the private industry helps the county because it is in competition with the private industry. Keeping up with trends from that world and having that input is valuable.

In response to a question from Commissioner White, Chief Dashiell said portions of the market study did carry over. At the time it was decided to develop a plan that would work for the county, not something developed by an outside agency. In the original establishment of the committee there was no consideration given to have citizens participate.



Mr. Laugheed spoke about the history of the compensation plan and committee. He feels that the market study done by Mike Swallow with Personnel Systems and Services (PS&S) was really good for the individual offices and department in terms of ranking their employees. Where it struggled was in the equity between the offices and departments, from his perspective that was reason for putting the committee together. The job began as an internal effort to establish equity across all departments.

Commissioner White asked if the plan just needs to be revised and brought current but still defensible and transparent. Mr. Laugheed explained the committee was set up to be independent outside of legal influence although legal would offer input. The math, the comparables, and the min., mid. and max are all still defensible.

Commissioner Smith doesn't believe anyone is questioning the defensibility or transparency of the plan but based on the turnover and termination sheet it doesn't appear to be working. She has heard from other EOs that the plan isn't work for officers or exempt positions, she feels it's time for it to be updated. The committee is incredibly important and she wants to make sure there is a strong committee in place.

Mr. Laugheed explained that while Deputy P.A. Porter did participate on the committee he was there as a key level employee and was not giving legal advice; legal advice was coming from himself. He does not have any legal concern with a Board member participating on the committee from a policy perspective. He did note that it may lessen the effectiveness of the committee, with the Board having final authority over the plan and Board member opinions weighing heavily it may reduce the candidness of the discussions.

Mr. Wagoner addressed the discussion regarding large turnover numbers; he would like to know how the determination was made that since 2016 there are only 200 employees still with the county. Commissioner Van Beek said the report that was provided indicated there was a turnover of 600 but it did include retirees, voluntary exit, and terminations. Mr. Wagoner said there are still 443 employees that were employed by the county in 2016. Further discussion ensued regarding the turnover rate since the inception of the compensation plan.

Commissioner Smith said there would need to be recommendations for the supervisor position, customer service representative, citizen input representative and someone from the PAs Office – the rest of the members would be assumed.

Prosecutor Taylor said it seems there has been conversation about the revised resolution without the other elected officials and he doesn't feel comfortable having a member of his office participate on the committee. For him there are a number of red-flags and he is still trying to figure out what the underlying issue is with the compensation plan. He feels that the compensation plan has done a good job for 80% of the employees but where it has failed is when it wasn't funded to its full capacity.

Commissioner Van Beek stated that in the process of recruiting for a new HR Director one consistent thread was that compensation is not a recruiting or retention tool, that there needs to be other things and the revised resolution identifies 5 factors that help including the culture, job security, recognition, compensation and that people understand the significance of their work to the success of Canyon County.

Assessor Stender pointed out that the county has not had an HR Director for several months and thought it may be prudent to wait until there is a new HR Director in place to receive input from them on the make-up of the committee. Commissioner Smith appreciates the thought but would like to see a committee in place to review the plan with consideration to the upcoming budget cycle and not knowing how long it will take to have a new HR Director in place. Commissioner Smith explained there are areas of the compensation plan that need to be fixed, and to address a question from Prosecutor Taylor, specific areas include exempt employees and the alternate naming of some positions allowing an increased pay scale along with other positions that have been brought to the Board's attention that need rectified. She would like to have a committee that can hear the concerns and make recommendations to the Board.

In response to Commissioner White's question about the end goal, Commissioner Smith said that there needs to be an updated plan, a process that allows for not just time and service but also considers certificates or degrees achieved and/or goals set out by leadership. She feels that having a plan based on years of service doesn't demand or encourage excellence. She also recognized that there are some positions that certificates can't be achieved so having a yearly plan is important for those positions. Mr. Laugheed said the original intent was to develop a base salary but once the base is set to add on the merit and performance aspects. Controller Wagoner said that for certain office and departments there is certificate or lead pay.

Commissioner Van Beek spoke about the wage comparison to Ada County and establishing a rubric. Additionally, she would like all departments and offices to be doing evaluations so that if there is a need to pursue a path of termination that there is clear documentation that would help on the legal side or as a tool to recognize outstanding performance.

Commissioner Smith asked if there needed to be cost of living increase in order to apply the step program of the compensation plan or did the Commissioners specifically cut the step program from the budget. Controller Wagoner said there was zero cost of living increases included in the 2021 compensation plan and he thinks compensation is an important part of hiring. The Clerk's 2022 suggested budget is a new approach; 7.5% COLA increase is to get county starting wages competitive. On top of the COLA a step increase, when and where approved by the Elected Official or department administrator, recognize employees that have been loyal and have improved/increased in skills and responsibilities. Commissioner Smith understands that but it was stated that in the previous 5 years the county lost employees because the Commissioners didn't approve the compensation plan steps, she asked if the Board did not approve the step increase per the plan? Controller Wagoner said that in some years the step that was approved was so minimal it was immaterial. The step program is not connected to the COLA. Mr. Wagoner said the proposed 7.5% COLA included in the Clerk's suggested budget moves the range forward and then

for those who qualify there is an additional step forward on the pay scale. Commissioner White noted that the step is not a given, it is up to the elected official or department head to determine that.

Commissioner Van Beek expressed her concerns about employees at the higher end of the pay scale receiving the largest increases and employees at the lower end of the pay scale receiving smaller increases. She feels that it's the employees on the lower end are the employees that the county is trying to retain. She also has concerns about funding more in salaries than is received in revenue. With this year's budget there is space due to the ARPA monies but in order to give ongoing wage increases it's important to know how they will be funded in the future because it will fall back on the taxpayer and it needs to be considered.

Commissioner Smith said there will be another meeting to appoint committee members. Commissioner Van Beek likes the idea of waiting until there is an HR Director in place to determine the committee. Commissioner Smith noted that interviews for the HR Director are being done next week so possibly re-evaluate the following week, she feels it's very important to put a committee back together even if it is changed in a few months. Commissioner Van Beek concurs with this timeframe and plan. Commissioner White would like to have time to make comparisons between the original and revised resolutions. Commissioner Smith said a draft resolution was put out and the Board welcomes comments. At this point another meeting to consider the resolution won't be scheduled because a lot of it is tied to the committee.

The meeting concluded at 3:29 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 13, 2021

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SHI in the amount of \$72,120.52 for the Information Technology Department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Two Horse Saloon, LLC dba Two Horse Saloon to be used 8/25/21.

CONSIDER RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO DANELION BREWERY, LLC; AND CONSIDER RESOLUTION GRANTING A REFUND TO BRIGHTMARK, LLC FOR TWO C.U.P. APPLICATIONS

The Board met today at 9:04 a.m. to consider a resolution granting a new alcoholic beverage license to Danelion Brewery, LLC, and to consider resolution granting a refund to Brightmark, LLC, for two conditional use permit applications. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing resolution granting a new alcoholic beverage license to Danelion Brewery LLC DBA Danelion Brewery:*** Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the new alcoholic beverage license to Danelion Brewery, LLC, dba Danelion Brewery. (Resolution No. 21-169.)

***Consider signing a resolution granting a refund to Brightmark, LLC, for two conditional use permit applications:*** Director Fultz said this was an application for a CUP for an anaerobic digester project, but it's an accessory use rather than a conditional use, so staff is recommending a refund of \$1,700. The applicant will come back for a Director's decision. Dan Lister said there is an existing dairy operation and this is an accessory to that use and a way for them to create natural gases. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the resolution granting a refund to Brightmark, LLC, in the amount of \$1,700.00. (Resolution No. 21-168.)

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

TABLE HEARING REGARDING REQUEST BY SILVIA CASTRO FOR A REZONE, CASE NO. RZ2021-0009

The Board met today at 9:09 a.m. to table the public hearing regarding the request by Silvia Castro for a rezone for Case No. RZ2021-0009. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Commissioner Smith requested a continuance in order for staff to conduct a site visit of the subject property and come back with an updated staff report. Upon the motion of Commissioner White

and the second by Commissioner Smith, the Board voted unanimously to table the hearing to August 30, 2021 at 9:00 a.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 16, 2021

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

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

The Board met today at 10:38 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- Working to put bids together for FY2022 equipment including the carwash which he is hoping will be able to be purchased thru SourceWell or OPW. Once the carwash is ordered it will take approximately 24 weeks to be delivered.
- A truck for the landfill was ordered in January but still hasn't shown up but he is hoping it will show up before the end of FY2021. Since it is for the Solid Waste department there would be the option to purchase another truck or hold until next year since their funding works a little different.
- He is continuing to work with ICRMP regarding a damaged vehicle that he feels is borderline totaled. If he's not able to work something out with ICRMP he may need to get legal involved.

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

AUGUST 2021 TERM  
CALDWELL, IDAHO    AUGUST 17, 2021

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

APPROVED CLAIMS

- The Board has approved claims 576790 to 576820 in the amount of \$25,373.47.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for LaDawn Baysinger, Fee Collector

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

*The Board met today at 8:33 a.m. for an Executive Session to consider preliminary negotiations involving trade or commerce in which the County is in competition with governing bodies in other states or nations, pursuant to Idaho Code Section 74-206(1)(e)*

Commissioner White made a motion to go into Executive Session at 8:33 a.m. pursuant to Idaho Code, Section 74-206(1) (e). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Brooklin Salemi and Randy Tallman, via Webex, and Deputy Clerk Monica Reeves. Deputy PA Doug Robertson joined at 8:39 a.m. via Webex. Commissioner Keri Smith arrived at 8:44 a.m. The Executive Session concluded at 8:50 a.m. with no decision being called for in open session.

CONSIDER SIGNING FCO’S FOR DESERT PINE ESTATES NO. 2 AND STEADY ACRES SUBDIVISION

The Board met today at 9:00 a.m. to consider signing the Findings of Fact, Conclusions of Law and Order (FCO’s) for Desert Pine Estates No. 2 and Steady Acres Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing FCO's for Desert Pine Estates No. 2, Case No. SD2020-0038*** - Staff reviewed the conditions of approval with the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to sign the FCO's for Desert Pine Estates Nos. 2.

***Consider signing FCO's for Steady Acres Subdivision, Case No. SD2020-0039*** - At the last hearing the Board wanted to correct a word on Plat No. 12 and add a note indicting that a septic system was found on the site including the lot number on which it was located and that said system was pumped and properly backfilled pursuant to SWDH and DEQ standards. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to sign the FCO's for Steady Acres Subdivision.

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF HUMAN RESOURCES

The Board met today at 9:07 a.m. to interview and evaluate candidates for the Director of Human Resources. Commissioner Van Beek made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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, Clerk Chris Yamamoto, HR Generalist Jennifer Allen, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Applicant Michael McCoy arrived at 9:10 a.m. and left at 9:59 a.m. Applicant Dee Hall arrived at 10:08 a.m. and left at 10:46 a.m. Applicant Kim Foster arrived at 10:55 a.m. and left at 12:07 p.m. The Executive Session concluded at 12:18 p.m. with no decision being called for in open session. Interviews will resume tomorrow. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 18, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Timberlake Construction in the amount of \$18,462.00 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Coronar LLC Db a Los Mariachis Mexican Restaurant #2 to be used 8/21/21; Raising Our Bar LLC db a Raising Our Bar to be used 9/24/21; 9/24/21; 9/19/21; 9/18/21; 9/17/21; 9/12/21; 9/11/21; 9/10/21; 9/9/21; 9/6/21; 9/5/21; 9/4/21; 9/3/21

PUBLIC HEARING – REQUEST BY TROOST FAMILY LIVING TRUST AND BEST INVESTMENTS, LLC FOR A REZONE, CASE NO. RZ2020-0029

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Troost Family Living Trust and Best Investments, LLC, for a rezone, Case No. RZ2020-0029. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, TJ Wellard, Greg Bullock, C.R. Cooper, Jan Harper, Sarah Lawrenson, Bryan Lawrenson, Gary Beers, Fred Roe, Theresa DiMauro, Patricia Salisbury, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed she used to live within 100 feet of the property, and a lot of her neighbors and good friends are here today, including the person who purchased her home but there is no reason for her to recuse herself from this hearing. She also disclosed that prior to taking office in January she talked to the Lawrensons about this case in a way that was general in nature and she referred them to the comprehensive plan and the zoning ordinance.

Jennifer Almeida gave the oral staff report. Troost Family Living Trust & Best Investments, LLC are requesting a rezone of three (3) parcels that total 24.31 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject properties, parcel nos. R35590012, R35598010A, & R35598014 are located in the NW ¼ of Section 32, T4N, R3W, BM, in Canyon County. The property is designated as residential on the future land use map and it lies within the Caldwell area of impact and they designate it as low-density residential which is three dwelling units per gross acre. The



area contains a mix of agricultural and residential uses. Within one mile of the site there are 30 platted subdivisions for a total of 1,181 lots with an average lot size of .69 acres. (Some of the lots are located within the city limits which is why the average seems low.) A majority of the property is designated as prime farm ground if irrigated. Access will be via Tranquil Place which is a private road that extends to Linden Street. The highway district will not require a traffic impact study. The P&Z Commission heard the request on May 6, 2021, and the request was denied due to a tie vote. Staff has found the project does comply with the County code and the comprehensive plan and staff is recommending approval. If the request is approved today a second hearing will be required because it will be a material change to the P&Z Commission's recommendation.

The following people testified in support of the request:

TJ Wellard testified the property is designated in the comprehensive plan as future residential. There are 1,100 lots within a mile of the subject property, and a lot of the property that is residential use are older subdivisions or administrative land divisions so they are not zoned as residential, all of the use is residential. The area is predominately residential use. With the rural residential zoning they would be allowed a total of 12 lots, but they have negotiated with the neighbors to keep it more compatible with the area so they reduced the number of lots to 10. The neighbors' concerns deal with traffic and water. The Caldwell city limits are located a half-mile away. The plan is to have pressurized irrigation for each lot. Following his testimony, Mr. Wellard responded to questions from the Board.

Greg Bullock testified that in 2011 a developer purchased several acres and received 5 administrative splits and broke up 78 acres and then realized nothing would sell so in 2013 they decided to donate the land to NNU. Mr. Troost purchased it with another partner. The project, Rhett's Acres, consists of 10 lots and the developer has hired a contractor to pave the private road. In a couple years the land will be contiguous to the city limits and they will be allowed to have three lots per acre. Mr. Bullock said after meeting with the neighbors they reduced the number of lots and agreed to some CC&R's. Mike Provost has farmed this but has said he is about done with it because of access issues for the machinery. Irrigation will be provided to all parcels either by gravity flow or pressurized irrigation.

Sarah Lawrenson testified she hates to see farmland disappear but we have to be realistic when looking at the facts of the case. The property is located within the impact zone which could allow as many as three homes per acre and if the developer wanted to wait for water and sewer this is what they would be looking at. The property is not owned by farmers, it's currently owned by developers so it will get developed one way or the other and a two-acre minimum is better than a high-density development. The rezone is in keeping with the current lots around us. She still has questions about irrigation.

Gary Beers testified the petition signed by the neighbors represents they have concerns with explosive growth and its impacts, however, they are better aware of the other agencies that are responsible for addressing concerns about irrigation access, water quality and road impacts. Their preference is the land be kept in agriculture, but they recognize the inevitable development of this

land and believe that in supporting the change to rural residential they are best positioned to limit the impact of future development by a zoning that restricts the number of houses to the least possible residential density in comparison to other residential zoning options.

Brian Lawrenson gave testimony regarding the flow of traffic and access on Linden Street.

The following people testified in opposition to the request:

Fred Roe has mixed feelings about the request but is basically opposed to it due to concerns with irrigation water and well water and the lowering of the aquifer. He believes the developers should tile the ditch to Linden Street.

Theresa DiMauro testified about her concerns regarding traffic, irrigation, and well water, as well as the city not being able to keep up with the demand for services.

Patricia Salisbury was opposed to the request but did not offer testimony.

Rebuttal testimony was offered by Greg Bullock where he spoke about how they have spent a lot of time working with the neighbors. There will be CC&R's where the homes have to have a minimum of 1,800 square feet, and shops will be allowed but they have to have matching material to the homes. A couple of animals will be allowed on each lot. Following testimony, Commissioner White made a motion to close the public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek said she appreciates the developers' willingness to work with the neighbors and she noted that the Board carefully evaluates the impacts to the area. Commissioner Smith said this is a good transition piece and there is the opportunity for redevelopment. It is an agricultural area that is actively farmed and crop dusted, and there is one subdivision across the street that's residential. She does not think the development will change the character of the area, but a city subdivision would change it. Commissioner White said this hearing is an example of how to adjust and approach growth through collaboration. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's for Case No. RZ2020-0029. The motion was seconded by Commissioner White and carried unanimously. The ordinance was not signed because a second hearing will be held. The hearing concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 1:39 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on

the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and the applicant Christopher Gilliam (left at 2:43 p.m.). The Executive Session concluded at 3:14 p.m. At the conclusion of the executive session the Board continued the meeting to Friday, August 20, 2021 at 1:15 p.m. The meeting concluded at 3:15 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

### FY2022 BUDGET HEARING

The Board met today at 5:21 p.m. to conduct the Fiscal Year 2022 Budget Hearing. The hearing was held in the public meeting room of the Administration Building located at 111 11<sup>th</sup> Avenue North in Caldwell. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Mercado, PIO Decker Chief Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, DSD Director Steve Fultz, Weed Control Superintendent AJ Mondor, Parks Director Nickie Schwend, Indigent Services Director Yvonne Baker, Juvenile Detention Center Director Sean Brown, Assistant IT Director Eric Jensen, Director of Court Operations Jess Urresti, PA Office Manager Melinda Longoria, Deputy PA Zach Wesley, Captain Harold Patchett, Lt. Travis Engle, Fleet Director Mark Tolman, Assistant Fleet Director, Dawn Pence, Ambulance District Director Michael Stowell, various county employees, Kathy Alder, Claudia Frent, Steve White, Hip and Anne Delgado, other interested citizens and Deputy Clerk Monica Reeves.

Chris Yamamoto said tonight's budget presentation will be the greatest budgetary story any county has ever told. There was an op-ed in Sunday's newspaper and he wants to go over those comments that were made and set the record.

Zach Wagoner said *the article in Sunday's newspaper stated there has been 6.5% year-over-year increase in salaries for new and existing employees since 2016. Since the 2016 implementation of the compensation plan, the annual average salary increase for employees is 3.5% per year:*

For FY2017 the average salary increase was less than 1% increase (included both a COLA and a step increase)

For FY2018 the average salary increase was 4.9%

For FY2019 the average salary increase was 4.6%

For FY2020 the average salary increase was 4.9%

For FY2021 the average salary increase was 2.1% (Zero COLA included in the FY2021 budget)

*It was stated this equates to an increase in property taxes of \$19M. In reality the total of those increases was \$7M and the County revenues outside of property tax over the same time increased \$14M, more than covering the \$7M in salary increases.*

*It was stated that since 2015, property taxes have increased more than \$19M. That is an accurate statement. It's important to note that in FY2015 we relied heavily on fund balance to fund the budget. We provided significant property tax relief FY2009 through FY2015. In 2009 we levied \$38M in property tax. Through prudent fiscal management we were somehow able to decrease our property tax request by \$4M, and FY2015 was the low point where we used fund balance to fund the budget. Since then we've had the shift – you cannot rely on fund balance forever, once you spend a dollar it's gone. In the 14 years since 2009, the average annual property tax increase is 3%. State law allows an increase of 3% plus new construction, so we are significantly below what state law would afford us to levy for property tax.*

*It was stated that salaries, if this budget is approved, would have increased more than \$24M. From FY2015 including the tentative FY2022 budget, the salary increase would be \$15.5M.*

*The article mentioned a lack of a capital improvements plan with a corresponding funding source for projects including a new public safety building. The questions are what is the new public safety building and what is the funding source for the new public safety building?*

*It was stated the County's fund balance has more than doubled at \$79.9M since FY2015. County fund balance has increased 65% since FY2015. The FY2015 fund balance was \$48M and it's estimated that at end of the current fiscal year it will be \$79.9M, an increase of \$31M/65%. If the fund balance were to have doubled it would be over \$96M. It's also extremely important to note that out of that \$79.9M, \$25 million is reserved and restricted for specific purposes including the landfill, but not all of that \$80M is freely available to use at our discretion.*

*It was stated that there was a lack of transparency in the use of federal funds under ARPA. American Rescue Plan Act revenue replacement funds are clearly identified and included in the FY2022 budget.*

Commissioner Van Beek said in 2015 the property taxes levied were \$34,656,753 according to the CAFR report and in 2020 it was \$53,867,654. The question about the public safety building has been asked and finding the revenue source for that is under the statutory authority of the Clerk. She has made several proposals on that, but we have not thoroughly discussed those proposals yet. The average increase year-over-year was taken from 0% increases and in some instances up to 30% increases so it was an average. It matters which year you look at for those fundings, and if in the numbers for the \$19M if we had \$6.2M that would equate to \$24M property taxes levied. It has been an increase of \$19M since 2015.

Controller Wagoner reviewed the FY2022 tentative operating budget. This is the second year Canyon County is decreasing its property tax request. It is \$286,000 less than last year's request

and \$434,819 less than the 2020 property tax request. For the second year in a row the County is taking zero (0) new construction increase, and zero (0) 3% increase, and once again the County is requesting zero (0) from forgone.

The levy rate decreased 40%. That is tremendous, however, for an owner-occupied residence taxes paid increased 15% while the rate went down 40%. That's happening because residential property values are skyrocketing. The average owner-occupied residence value has increased 76% over five years resulting in a tax shift from commercial properties to residential properties.

Earlier this year the Clerk, Treasurer, and Assessor put a great deal of time, work, and effort into providing property tax relief for homeowners. Working together with Rep. Skaug and local concerned citizens they crafted a masterpiece of legislation that would have provided real property tax relief to everyone including homeowners. That proposal was co-sponsored by 48 representatives and senators, but unfortunately it did not even receive a hearing. HB389 increased the maximum homeowner's exemption amount to \$125,000 and limited property tax increases with an exception for a fire protection district annexing property.

The budget includes over \$75M for employee salaries and benefits. Within that amount is a \$5M investment in our current personnel. Also included is \$2.8M for 35 new fulltime positions. Of those 35 positions, 20 are in response to the addition of three new judges the County will receive in October.

The total expenditure budget is just over \$117,341,644. The budget includes a total investment of almost \$42M for operations and capital improvements including the following highlights:

- \$10M for the Fair exposition center and site improvements project
- \$1M for general vehicles, police vehicles and trucks
- \$560,000 for a loader and service truck at the landfill
- \$1.4M for the annual lease payment for modular inmate housing
- \$800,000+ for facilities investments
- \$500,000 for a fleet carwash
- \$170,000 for a jail body scanner

Also included in the budget are ARPA monies. The American Rescue Plan Act provides that Coronavirus local fiscal recovery funds may be used for the provision of government services to the extent of a reduction in revenue due COVID-19. Prior to COVID-19, Canyon County's general revenue growth rate was 10.5% per year. Canyon County's estimated 2020 general revenue WITHOUT COVID-19 is \$106M. COVID-19 interrupted our 2020 revenues. The actual 2020 general revenues were just over \$100M. The revenue reduction, as a result of COVID-19, is \$6.1M and is available from ARPA monies for the provision of government services. The tentative budget includes the following government services paid for with ARPA funds:

- \$70,000 for outside financial audit
- \$85,000 for architect fees

\$255,000 for the roof replacement on Pod 5  
\$850,000 for annual liability insurance premium  
\$501,000 for public safety vehicles  
\$1.4M for the annual lease payment for inmate modular housing  
\$895,000 for inmate food service  
\$1.8M for inmate medical service  
\$170,000 for the jail body scanner

Clerk Yamamoto does not like the idea of the ARPA funds but said if we don't take our share it will go to other communities. With the unprecedented growth it's getting expensive and difficult to provide services which is why they are adding 35 new positions. We are doing that and raising salaries to attract and retain employees and we're doing all that while lowering the budget from the last two years while having a \$79M fund balance and that should be a celebration. Commissioner Smith thanked the Clerk for preparing a budget that took care of the taxpayer with property tax relief, and took care of the employees. She asked if ARPA funds can be used for ongoing costs, or should those costs not be included? Clerk Yamamoto said we have just under \$23M, which is half of the ARPA funds that have been in the bank for the past month, and the expenses they plan to cover with the \$6.1M in ARPA funds do fall within the guidelines. Sam Laugheed said the Clerk, Controller, and Treasurer have looked at this extensively and as of the last version of the FAQ's from the Treasury and the Office of the Inspector General, it split the ARPA funds in two: the ones that are revenue replacement and the ones that have to do with COVID response. As of the last FAQ's, he is very comfortable with the approach the Clerk and Treasurer have laid out. Commissioner Van Beek said Rep. Youngblood advised the City of Nampa officials not to use ARPA funds for ongoing expenses. Of the \$6.1M there are two one-time costs: the \$255,000 for the Pod 5 roof replacement and \$85,000 for architectural fees for the storage facility, but the balance of that is for the ongoing expenses. She objects to the \$1.4M for the Pod 6 lease. She said the County has several years to figure out how to use the ARPA funds and the Board should be involved in looking at how to utilize that. Sam Laugheed reviewed the FAQ's promulgated by the Dept of Treasury as of June 17, 2021, and said the interim final rule gives broad latitude to use funds for the provision of government services. We can't pay interest or pay down outstanding debt, or replenish rainy day funds, but otherwise we have broad latitude. Clerk Yamamoto said we can remove the \$6.1 million and it would be replaced by property tax which would go up \$6 million and then we'd have our full almost \$23M in still in the bank to spend somewhere else. We have the opportunity to spend this for replacement monies and this is the only opportunity we have to do that, which is relief for the taxpayer. Doing anything otherwise makes no sense. Commissioner Van Beek said the cost of living adjustment was included with the salary increases going forward last year. For 2020 it was 1.3%, this year the information coming from the Social Security Administration for the cost of living increases says it could be the highest in nearly 40 years. In 2022 they are predicting an increase of 6.2% so the way this would work it would mean that you would eliminate salary increases, you would not give those at this time, you would wait until the end of the year, and December is when the Social Security Administration publishes their numbers for the actual costs of COLA's. Her proposal is to onboard an HR Director to do the salary information and then open the budget and give an accurate cost of what COLA is. She pointed out that she did lobby to include some type of adjustment for some directors that

were not included. Commissioner Smith said, as part of the budget hearing tonight, the Board is not approving a compensation plan nor is it approving any specific salaries. Controller Wagoner said that is correct; the Board is considering approving the FY2022 budget, not fixing individual salaries. The practice in prior years has been that closer to October 1<sup>st</sup>, the start of the new fiscal year, individual salaries are fixed at that time by resolution. Commissioner Smith said the budget theoretically gets approved today and then the Board establishes or updates the compensation plan. In past meetings she has said she wants to “blow up the plan”, but the context behind that is she believes there are issues with the compensation plan. She shared her own personal story about why she left County employment a few years ago because of the lack of opportunity to grow and have compensation that was equitable for the education she had garnered and the amount of work she produced, and so she personally thinks the plan needs fixed or updated, not so much as blown up. Assuming the Board makes those changes, she asked what the Board has in its toolbox to make adjustments once the budget has been passed. Mr. Laugheed said the main limitation on changing the budget after it’s been passed is making sure there is notice and opportunity to be heard if you’re going to reopen the budget. If you are committed to working within the amount the budget has been passed, the main limitation is staying within that sum. Canyon County is an at-will employer, employee salaries are fixed for the year, and there are changes throughout. The statutes have a little bit of ambiguity about how exactly the Board is supposed to set those salaries, but once you have approved the budget you can work within it to make changes. Commissioner Smith noted some budgets could go up or down based on the type of equity the Commissioners establish. Mr. Laugheed said we would run into a potential problem. There are two different statutes that are on-point with respect to this, and one of them requires the Board to publish the tentative budget and it says after that tentative budget is established at this final budget hearing it cannot go up. In that tentative budget the statute requires us to publish the proposed budgets by department and by office and so there is some ambiguity as to whether that prohibition on increasing the budget applies to the big \$117M number, or if it applies to the office/department numbers and so if you were to take appropriated monies away from a given office to redistribute them to another office or department there could be issues with the funds involved because of restrictions and there could be issues related to the due process notice that was given. It’s a slippery concept. The Board can do most things with notice, opportunity to be heard, and a record that that shows a reasonable purpose. Clerk Yamamoto said in regard to moving within funds that is historically something we have not done. Commissioner Smith asked if it requires Board action to move money from an office’s “A” budget to their “B” budget and vice versa. Controller Wagoner said that happens after Board approval/resolution, and generally how that’s happened in the past is towards the end of the fiscal year, once we get close to having all the bills paid, he puts together a resolution for the Board to consider approving those transfers. In regards to the issue of COLA’s, Clerk Yamamoto said he had no intention of the suggested budget with the COLA that we ended up with right up until the Sheriff’s Office lost three (3) dispatchers to the City of Nampa. We are down 12 employees in the jail, and we are down to 5 patrol deputies on the road now and so we have to do something, we have to get competitive. With the package that’s being proposed in this budget we are not competitive, all we are doing is getting a little closer.

Public comment was as follows:



Kathy Alder appreciates the fact the County is not increasing taxes, but she would like to see a tax reduction. If the County takes the federal funds it provides an opportunity to reduce property taxes even more than a couple hundred thousand. Salary increases for employees is important and she believes the County does a good job the basic salary and benefits package. She noted increases in the Clerk's and Commissioners' salaries since last year. She believes what the County is using the \$6.1M ARPA funds for looks good, but said we need to be careful moving forward and look at the budget and reduce the property tax.

Claudia Frent thanked the County for not increasing the percentage in property taxes, but she disagrees that property taxes are not going up. Her income went down 30% this year and property taxes increased by \$1,800, and if that rate continues she will have to sell her home. She believes the country is heading in a bad direction but those who are elected are not doing anything about it and she's worried about a two-class system of the rich and poor being created. She wants to see a real solution to the property tax issue.

Clerk Yamamoto said we know the taxes are going up on residential and they are going down on commercial where we have a 70/30 split and they tried to get through to the legislators that we need to do something about that differential. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner White read a statement expressing her gratitude for the work employees and officials do. She thought Commissioner Van Beek's comments in the newspaper were bold, but they did note that the County did not take the 3%, or new construction, or forgone for the second year in a row. She said the employees are the greatest asset the County has and we have to update the compensation plan. Commissioner Van Beek said in FY2020 the elected officials took a small increase in salary but last year they opted to take no increase. We don't have a placeholder for non-property tax revenue and property tax revenue, and with the commitment of this Board to evaluate that we accurately pay our employees, especially given the information she has researched tonight on the cost of living adjustments, that will have to be made because of the current climate we are living in. She has a greater appreciation for what's been presented as a great story. Commissioner Smith said her only concern with the budget at this time is the frustration that we are not 100% open. COVID is real, however, we have to learn how to live with it. Nearly all of our employees are back to work but there is one area that recently stopped business, per se, jury trials are not happening in Canyon County, but the taxpayer has to keep paying for that and there are 21 new positions tied to three new magistrate judges and she is deeply worried about funding those positions. We can shop at Walmart and Home Depot and join in this room tonight, but we aren't holding jury trials? That's upsetting to her. She shared a story about a woman who was standing on the sidewalk in front of the courthouse and she spoke of a crime (a rape) where the defendant did not have to serve jail time because of the plea bargaining that's going on and that is a sad situation. The detriment of COVID is beyond those who have gotten sick and for her, personally, if we cannot hold trials we should not fund new positions. Commissioner Van Beek said the previous Board asked this question of the Clerk and Controller last year, and in light of what's taken place since the decision was made last year she met with Rep. Mike Moyle and he said the judicial positions can be unwound at the legislative level, and he



said if we don't need them in Canyon County the legislature will not hold the County to it. She agrees with Commissioner Smith. The County has taken the position and has received a number of emails asking the County to protect freedom and personal choice which would include a decision whether or not to wear a mask or get a vaccine. If the proposal is to remove funding for those positions she will second the position. There is a period where Commissioners can make adjustments by opening the budget and if there was movement forward in holding jury trials that could be brought back for Board consideration/approval. Commissioner White asked why we need three new judges if we aren't going to have jury trials. Prosecutor Taylor said jury trials are only one small component with regards to court operations. The State of Idaho has funded two new magistrate positions and one new district court position and a previous Board authorized that. The vast majority of court operations will continue; the magistrate judges will have full dockets and full calendars and we are going to have court trials, proceedings, pre-trials, motions to suppress, and there will be civil dockets the Clerk's Office will have to manage. The only thing the administrative order currently does not authorize is for the public to come in as jurors to have jury trials. We are still operating at 95% of those court dockets and without the positions we won't be able to staff the courtrooms. Clerk Yamamoto said the order curtailing trials and imposing a mask mandate is a recent occurrence and he hasn't had time to deal with it. He emailed the Administrative District Judge today and asked him to lift the mask mandate, but he has not received a response. Commissioner Smith said she was notified of the issue on Monday, and her point is we should be open and offering all services to our constituents. She wants to have a conversation with the ADJ and come up with a solution because if we can shop at Walmart and live our lives then we should be safe to assemble in a jury room. She's proud of the staff at drivers license and the DMV who've had a tortuous year and showed up for work every day and we can do the same for jury trials. Commissioner Van Beek the Board has always encouraged personal choice, hygiene, and self-care and we can be smart about the things that protect our level of health and safety. It was her understanding of the meeting held last year with the TCA, that if Canyon County had not opted to add the three judges they would have done it at a different location. The Board provided support for those new positions. Mr. Laugheed said the County's role in approving those magistrate positions is really limited and has to do with whether you would be willing and able to budget for the ancillary services the new judges would require. The concern, along with the short amount of time to consider this, would be the impact of cutting it. He doesn't know that it would affect the new judges coming over so much as it would affect the people who have court and the PA's staff who need to provide the services. He encouraged the Board to have those policy discussions with the TCA and judiciary but right now it would be problematic to cut the positions. Clerk Yamamoto said he had a conversation with Chairman Smith who broached the subject of cutting 21 new positions. He said the courts will suffer and it will be a grievous situation but if she wants to make a political point that's a big one. Chief Public Defender Aaron Bazzoli said we are not having jury trials right now, but from March until mid-August we were doing jury trials and running them on a limited basis. The administrative order is temporary based upon the Supreme Court's order that has authority over the judges. We would love to have trials and he would love to have his clients who have been waiting 16 months to have their day in court. The County can say it's not going to fund the positions, you will start in October with two new magistrates and one new district judge, with potentially an empty courtroom without prosecutors, defense attorneys, clerks, court reporters, or bailiffs, and he doesn't know how that's going to look. The jury trial

aspect in a criminal caseload is one small component. If the numbers scale down in the next couple weeks, Judge Southworth could lift that order and we would do jury trials. That is the hope. He asked the Board to address the issues with the Supreme Court and the ADJ. His department, along with the PA's Office and the Clerk's Office have never shut their doors. PD's have gone to the jail and met with inmates. Courts are still running and the system is still working. A number of things have been delayed but we had 40 people in a courtroom today, most with masks. He doesn't know if not funding those positions is going to achieve the results the Board needs, and if that's the case then perhaps don't hire the employees until everybody is ready. Commissioner Smith said ADJ Southworth confirmed via email that the Supreme Court placed the responsibility for entering COVID restrictions on the ADJ of each district. He chose that route. The Board will do as recommended because a rash decision would be rash, and we have opportunities to manage that moving forward but still fund the positions at this time. Clerk Yamamoto agrees with Commissioner Smith that a point needs to be made. This COVID control will continue forever until the American people have had enough. It needs to stop. He wants to make a point in this courthouse but at this late date it wouldn't be very nice.

Commissioner White made a motion to approve the presented budget for Canyon County for FY2022. Commissioner Smith the read the resolution into the record which states: *"As publicly noticed, and pursuant to Idaho Code §31-1604 and §31-1605, the Fiscal Year 2022 budget hearing for Canyon County was held on August 18, 2021. Having held the public hearing, and pursuant to Idaho Code §31-1605A, the Board hereby resolves to adopt a Fiscal Year 2022 expenditure budget for Canyon County in the amount of **\$117,341,644**, a Fiscal Year 2022 expenditure budget for the Canyon County Pest Control District in the amount of **\$330,327**, and a Fiscal Year 2022 Expenditure Budget for the Melba Gopher District in the amount of **\$12,000**. Sufficient revenue is anticipated to meet the appropriations of each office, department, service agency or institution for Fiscal Year 2022 barring unforeseen emergencies."* Commissioner Smith called for a motion to approve the resolution and budget as stated. Commissioner White made the motion to approve the resolution and budget. Commissioner Van Beek seconded the motion with discussion. She appreciates the issues that have brought clarification to this budget and she would support it with the provision that the Board has the ability to establish a capital improvement plan for the excess revenue that's in the budget currently. 46% is fund balance that is reflected if we take out the closure of \$25M as the Controller has indicated, and the ability to adjust the compensation plan pursuant to the hiring of a qualified director, and evaluate the cost of living adjustment information based on the Social Security Administration's adjustment. Given the current dynamics she can support this budget with those additional requests for the Board to evaluate. Commissioner Smith said she doesn't know there if there is an official way to do that, but she is committed to having those discussions. She thinks the capital improvement fund is something that should be discussed and explored and she wants to see through an updated compensation plan. Commissioner Van Beek said that is good enough for her. Commissioner White said we do have a capital expense line in the budget - it was at a meeting just like this when we had the discussion and \$500,000 a year was committed to that line. Commissioner Smith said Commissioner Van Beek is just asking that we continue a discussion with some identified projects moving forward. Commissioner Van Beek said we do have a line but one of the problems is that line is subject to pilfering, and for the long-term the Board could establish a resolution to dedicate a percentage of either new construction, the

retiring revenue allocation monies that will be returning to the County. There has to be a plan in place that succeeds us as Commissioners that drives projects forward in Canyon County. Ada County has done that with a strategic facilities plan and a corresponding funding plan and that's what she is talking about; it's very different than what we have. The line Commissioner White is talking about was stripped out and the money was taken for use on the Fair Expo building so she submits a portion of that is from fund balance, which is not an ongoing sustainable source or revenue sourcing to meet obligations if we are going to ever build a public safety facility we have to have identified revenue sourcing. Commissioner White said she does not like the word *pilfered*, because it suggests something dishonest, or behind-the-back, or secretive. The money has been used for capital expenses or projects, and the elections equipment was definitely a capital expense as is the Fair Expo building. Commissioner Van Beek said she and Commissioner Smith were involved in the discussion with IAC on the potential of what a sales tax would look like going forward and that's another avenue that we would explore to help augment the revenue sourcing. Commissioner White said that is local option. Commissioner Smith said we are going to rename it. Commissioner Smith called for a vote on the motion and all three Commissioners voting in favor of the motion. Commissioner Smith asked whether there were any no votes, there were none. The motion carried unanimously. (Resolution No. 21-170.) The hearing concluded at 7:16 p.m. An audio recording is on file in the Commissioners' Office.

## AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 19, 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 June 2021, and the Quarterly report for April 1, 2021 to June 30, 2021.

### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:53 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-828, 2021-836, 2021-847, 2021-829, 2021-859, 2021-861, 2021-820 and 2021-822. Commissioner White made a motion to issue initial denials with written decisions within 30 days on the cases read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented to the Board for signatures.

The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-649

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2021-649. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to deny the case. The hearing concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTER RELATED TO MEDICAL INDIGENCY REGARDING CASE NO. 2018-1143

The Board met today at 9:08 a.m. to consider a matter related to medical indigency regarding case no. 2018-1143. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The applicant joined by teleconference from 9:16 a.m. to 9:24 a.m. Director Baker explained that this case was approved on November 15, 2018, a total of \$207,605.60 in medical bills were paid on the applicant's behalf. To date, the total reimbursement amount is \$21,872.68. Columbia Bible Church made a payment of \$18,960.10 on behalf of the applicant. The last payment received directly from the applicant was December 23, 2020. The applicant owns a parcel of land which the county has placed a lien on, since the lien was placed the parcel has been subdivided into 2 lots. The applicant would now like to sell one of the parcels for approximately \$200,000 and is requesting to retain \$90,000 and to pay \$110,000 to the county. He intends to use the \$90,000 to purchase a home (not on the second parcel of land) although he does intend to build a home on the second parcel sometime in the future. Director Baker noted that the county lien would attached to any future home purchase. The applicant was contacted for further clarification on his plans for division and selling of his property in Marsing and his plans to build and buy a future home. Based on a question from Commissioner Van Beek and Director Baker, Mr. Robertson spoke about how the lien language could be structured to accommodate the parcel being divided. Commissioner White made a motion to approve case no. 2018-1143 for the applicant's plan to sell and pay-off so that the county is still protected. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

## MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:30 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Commissioner White made a motion to continue case no. 2021-662 to September 23, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case nos. 2021-654, 2021-573, 2021-577, 2021-487 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 final denials with written decisions within 30 days.

Indigent hearings scheduled for September 9, 2021 have been vacated so Director Baker is requesting case no. 2021-696 be continued to October 21, 2021. Commissioner White made a motion to continue the case to September 9, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. After further discussion and clarification, Commissioner White withdrew her previous motion and made an amended motion to continue case no. 2021-696 from September 9, 2021 to October 21, 2021. Commissioner Van Beek seconded the motion which carried unanimously.

The meeting concluded at 9:34 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 10:03 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. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Captain Mike Armstrong (left at 10:09 a.m.), Sargent Jason Roberts (left at 10:09 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution approving award of officer's badge and duty weapon to Sergeant Andrew Kiehl:*** Mr. Robertson said this award meets the necessary criteria and there is no legal reason not to sign. Commissioner White expressed her gratitude for Mr. Kiehl's service to Canyon County. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the award of officer's badge and duty weapon to Sergeant Andrew Kiehl (see resolution no. 21-171).

**Consider signing boating safety grant reimbursement request:** Ms. Klempel explained this is the formal paperwork in order to receive reimbursement from the grant that was previously signed. There is no legal reason not to sign and all responsibilities of the grant have been met. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the boating safety grant reimbursement request. A copy of the request is on file with this day's minutes.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:40 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.

CONSIDER ACTION ITEMS: RESOLUTION GRANTING A REFUND TO THE IDAHO YOUTH RANCH FOR BUILDING PERMIT FEES, AND A RESOLUTION APPOINTING BRIAN SHEETS TO THE CANYON COUNTY P&Z COMMISSION

The Board met today at 1:33 p.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. The items were considered as follows:

- **Resolution granting a refund to Idaho Youth Ranch for a building permits:** The applicants overestimated the valuation of the projects when they applied for permits, but after the permits were picked up they determined the value was less than anticipated. The difference in value is \$1,104.5 per permit. The fees paid for both permits total \$74,460.68. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the refund for Idaho Youth Ranch in the amount of \$2,209. (Resolution No. 21-173.)
- **Resolution to appoint Brian Sheets to the P&Z Commission:** Mr. Sheets was recently interviewed by the Board; he will be filling an unexpired term on the Commission which will be effective September 1, 2021 and expire on December 1, 2023. Upon the motion of Commissioner Van Beek and the

second by Commissioner White, the Board voted unanimously to approve the resolution appointing Brian Sheets to the P&Z Commission. (Resolution No. 21-172.)

The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MARK GUIJARRO FOR A REZONE, CASE NO. RZ2021-0016

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Mark Guijarro for a rezone, Case No. RZ2021-0016. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Jennifer Almeida, Mark Guijarro, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister arrived at 1:42 p.m. Commissioner Smith disclosed that she called the case planner and asked whether there was a public nuisance violation associated with this property. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of Parcels R22072 & R22072012 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The property is located at 23941 Freezeout Road in Middleton. If the request is approved to create two lots an administrative land division will be required. The future land use map designates the property as residential; it is also located within the Middleton impact area. The site is located within a nitrate priority area. There was a review of agency comments. On June 17, 2021, the P&Z Commission recommended approval of the request. Staff is also recommending approval of the request. Following her report, Ms. Almeida responded to questions from the Board. Commissioner Smith had questions of staff regarding the property history. Dan Lister reported the first division shows a T-1 off the platted parcel and the second division was done 2009, but it looks like it was a property boundary adjustment to expand the property rather than adding another house. The next division is the 1.03 acre and that is where it gets muddled because there is no record of the division. What is before the Board today is the applicant's house and the division was done without going through the land division which is why Mr. Guijarro is here today. Mark Guijarro testified he wants to split off an acre so he can build another home on the back acreage. The property is surrounded by residential uses and the size of his property is too large for him to maintain. Years ago, it was a salvage yard with storage of over 200 cars and the person who owned it, George Arndt, still owns the two lots on Willis Road between Freezeout Road and Stone Lane. Mr. Guijarro said the majority of the mess that was on the property has been moved to the corner. He has owned the property for two years and his goal is to build a home and make the property look nice. There are inoperable cars on the property but not all of them belong to him. He spoke of how he has tried to be compliant and work with neighbors to remedy the situation. Commissioner Smith doesn't feel comfortable moving forward when there is still a property violation and she wants to see proof that the property complies with the public nuisance ordinance and the zoning ordinance before we move forward. Commissioner Van Beek said the applicant has demonstrated a lot of good faith in two years and she wants to give him an opportunity to clean the property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to September 3, 2021 at 9:00 a.m. The hearing concluded at 2:21 p.m. An audio recording is on file in the Commissioners' Office.



CONSIDER SIGNING CORRECTED ORDINANCE AND FCO'S FOR STEADMAN LAND, LLC, CASE NO. RZ2020-0012

The Board met today at 2:22 p.m. to consider signing a corrected ordinance and findings of fact, conclusions of law, and order (FCO's) for Steadman Land, LLC, Case No. RZ2020-0012. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Staff presented the Board with corrected FCO's and an ordinance which reflects the correct case number of RZ2020-0012. Initially it was presented as a 2021 case number. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the corrected ordinance and FCO's for Steadman Land, LLC, Case No. RZ2020-0012. (Ordinance No. 21-021 – corrected.) The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 20, 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 576745 to 576788 in the amount of \$86,259.09
- The Board has approved claims 576982 to 577032 in the amount of \$559,860.73
- The Board has approved claims 577033 to 577055 in the amount of \$8,237.00
- The Board has approved claims 576957 to 576981 in the amount of \$104,281.18
- The Board has approved claims 576914 to 576956 in the amount of \$437,754.95
- The Board has approved claims 577056 to 577099 in the amount of \$37,969.12
- The Board has approved claims 576855 to 577099 in the amount of \$40,731.63
- The Board has approved claims 576885 to 576913 in the amount of \$295,257.92
- The Board has approved claims 576821 to 576854 in the amount of \$20,757.33
- The Board has approved claims 576721 to 576744 in the amount of \$18,226.13



APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Tyson Ashby, Juvenile Detention Officer

CONTINUANCE OF PUBLIC HEARING TO CONSIDER A REQUEST BY CALVIN AND REBECCA GORDON FOR A CONDITIONAL REZONE; CR2020-0015

Commissioner White went on the record today at 9:06 a.m. to continue the public hearing to consider a request by Calvin and Rebecca Gordon for a conditional rezone, case no. CR2020-0015, to August 31, 2021. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE CITY OF STAR/CANYON COUNTY AREA OF IMPACT COMMITTEE REGARDING IMPACT AREA NEGOTIATIONS

The Board met today at 12:11 p.m. with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, DSD Planning Official Dan Lister (left at 1:04 p.m.), Star Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Richard Edgar, Kevin Wheelock and Spencer Kofed, City of Star Planner Shawn Nickel, Star City Attorney Chris Yorgason, Other members of the public and Deputy Clerk Jenen Ross.

Commissioner Smith noted that a plan proposed by the City of Star and a map created by the Board were handed out for reference. A copy of both these documents are on file with this day's minutes. She also explained that Mayor Rule of Middleton is not supportive of either idea.

Director Fultz explained that at a previous meeting he was charged with gathering planners from the of cities of Nampa, Middleton, Star and Canyon County to negotiate this situation. Mr. Fultz was notified by the City of Middleton that they would not be participating at this time. Due to scheduling conflicts the group was able to meet just prior to this meeting. The City of Nampa has indicated that they would not be willing to give up the area shown on map provided by Star which is an overlap of the Nampa impact area, however, they said they would be willing to have further discussions. Nampa also expressed that they would like to be a part of the committee of 9 in order to have input on this topic. Further discussion ensued as to how the statute works in regard to this committee. Mr. Wesley said it is really the county and a single city relationship. There could be separate committees with each city but not a combined committee.

Commissioner Smith said that the Board has given direction to Director Fultz to negotiate with each of the cities to pull back ½ mile to one mile. She said the goal is to not have impact areas that languish for 10 and 20 years, every few years have a continued discussion and map amendments

so that constituents have an opportunity to continually provide input and understand where growth is going. Mr. Wheelock expressed that his concern is that with constant reevaluation the lots from the original approval continually getting smaller and you lose some of the bigger home, bigger acreage, wider country look. Commissioner Smith said some of the county's reason for bringing the boundaries smaller is to not have the sprawl and to keep a plan of in-fill at the forefront which will help with density and providing a clear buffer as growth moves out. Mr. Kofed said that is one of the concerns of the residents of that area of Canyon County between Star and Middleton, there is the issue of who controls the planning and zoning and density for that area. Commissioner Smith said that the 984 acres that have already been developed but no one has built on yet feels like a land-grab. Mayor Chadwick argued that it's a land-grab if the city takes it but not if the property owner requests to be annexed in. Commissioner Smith has concerns that a potential of nearly 4000 homes is a significant impact and wondered if the City of Star or the schools can handle the growth. Mayor Chadwick pointed out it's not 4000 homes overnight, it would be built out over a 20-year plan.

Discussion ensued regarding the development of American Homes 4 Rent and the density this kind of development brings to an area. There are concerns about how that kind of growth can be controlled and done appropriately. Mr. Nielsen feels that limiting an area impact to a certain size and constantly renegotiating presents a challenge in that cities plan for that area of impact and as things grow and change there could be inconsistencies in planning. Mr. Keyes spoke about how in their 2019 comprehensive plan they anticipated development that would abut properties that are "unlikely to subdivide in the future" and they do create special buffer zones in those areas. They also recognize that there are people who have acreages that are enclaves within the existing city limits and have created special buffers for those. There are other areas, several on the Canyon County side, that have been identified as special transition areas that would require special buffering.

Commissioner Smith asked about the situation with Leighton Lakes which is a Canyon County approved subdivision with 5-acre parcels and abuts a Hunter Homes subdivision. This will be a fairly significant density compared to the 5-acre lots and wonders what the plan is to protect the county residents in this situation. Mayor Chadwick said they would do something similar to what was done where Star Acres is in the center of Star, they required a buffer around those with one acre lots, they do the best they can to protect these kinds of situations. Additionally, they've updated their code, for those who've said they're never going to sell they are encouraging them to put their property in a land trust and then they can buffer around that area. Mr. Nielsen said he thinks one of the best ways to help protect some of these things is to make sure these areas are included in the planning processes. One of the reasons they are requesting the area of impact where it is, is so plans can be defined and to work with those land owners what that's going to look like. Throughout the planning they've worked with the people who live there and their wishes and desires are reflected in the city's comprehensive plan. The city reiterated that they have a plan and they follow the plan, one of the biggest problems they have is that up until 2019 there was a horrible comprehensive plan and city code which have now been updated to prepare for the future and orderly development.

An additional map was displayed which includes the TAZ number from COMPASS. A copy of the map is on file with this day's minutes.

Commissioner Smith asked if the three citizens on the committee have had a chance to review the maps and have any comments. She stressed that this needs to keep moving forward and there needs to be a committee recommendation on a boundary. The recommendation will then go back to the county commission and the city council which will each vote. If passed by both groups then it would be overlapping Middleton pushing it to the Idaho statute that requires the two cities to then come together and negotiate; if negotiations fail it would then go to a vote.

Councilman Keyes asked for clarification as to if all the of the cities will be asked to pull back their area of impact or if it's just something special being requested of the City of Star. Commissioner Smith explained that it was direction given to Director Fultz to scale back all of impact areas in order to protect farm ground so there can be in-fill and have an identified area for growth that is clear to developers. The city asked, assuming the pull back of impact areas is successful, what happens when a city received an annexation request on an area that is outside of the ½ mile boundaries, or combines properties that they own. Commissioner Smith said that the county interpretation is what was sent in the letter to the city, the county doesn't believe that cities can annex outside of impact areas, specifically it is not believed that cities can impact into other entities impact areas. Today's meeting is establishing those areas and doing what can be done to help move that forward.

Commissioner Smith said that at this point everyone needs to come up with something reasonable because it's either going to go to the voter or to a judge. Mr. Nickel asked what the county is going to allow for land uses if all the cities pare back their areas of impact. Commissioner Smith feels that when the impact areas are so large it's hard to have a plan where the county can help with city growth and encourage annexation. By paring it back it provides a specific area where the county can help the cities with their master plans and providing for growth that aligns with them. Mr. Wheelock asked if the county will be changing the codes to not allow for smaller lots, to which Commissioner Smith confirmed the county would be doing that and following city ordinances to require curbs, gutters and streetlights. Councilman Keyes said he would be willing to consider, for this process here, moving the area of impact to Kingsbury as requested with an agreement that when Middleton pulls theirs back to a ½ mile the City of Star will too. He also has concerns that the county is trying to establish urban growth boundaries which to his understanding is a line in which a city can't extend its city limits past and allows space to be reserved for agricultural uses. Commissioner Smith said that property rights say that people have the right to apply for zone changes and she's not going to say that she's not going to follow that.

Mr. Kofed indicated that the group of three citizens have not met as a group yet although they did speak briefly prior to today's meeting, he asked what the expectation was for the three of them to meet. Commissioner Smith said she doesn't feel that is the expectation, the entire committee of 9 all have a vote and the best way to go is to just have open dialog amongst the committee. Mr. Kofed indicated he was recently at a meeting with community members and feels their main concern is that development is done correctly with buffers in place that work with acreage and

farming. The fear of the citizens is that it will all go into higher density if it goes out of the Commissioners control. The city said there was recently a hearing for a new development and no one from the surrounding area spoke up, however, the wishes and desires of people who did show up and spoke were taken into consideration. Mr. Kofed said that the issue with the citizens in that area is that they elect the Board of Commissioners but they have no power to elect the mayor or city council members so they lose control because their elected officials are no longer making the land planning decisions for their area.

Mr. Lister spoke about area of city impact agreements and how there are parts where the county follows the city ordinance and parts where the city follows the county ordinance. It still comes before the Board as the current agreements have waiver requirements so certain ordinances could be waived thru a process. As part of this process to come up boundaries there also needs to be an agreement to determine what can be agreed upon.

Commissioner White said that the people she's spoken with feel that their expressed issues or concerns fall on deaf ears and they have not been called upon to speak [at meetings/hearings]. They also have concerns that they will be forced to annex into the city. Mr. Nielsen said that their city council meetings have to follow open meeting laws and anyone signed up to offer comment is allowed to speak. Additionally, they make announcements before the meeting to allow anyone the opportunity to sign up and at the conclusion of public comment ask the audience if there is anyone still wanting to make comment.

In response to a question from Mr. Wheelock, Commissioner Smith said that the City of Middleton does forced annexations, the City of Caldwell has done a couple and the City of Nampa has never done them to anyone's knowledge. Mr. Wheelock feels that in this context the City of Star isn't annexing anyone who isn't asking to be annex. Mayor Chadwick said that he doesn't believe in forced annexation, he believes in the rights of the people to choose to be annexed. Commissioner Smith explained that when an impact area is set a city can legally force annexation within that area. If a property is smaller than 5 acres and within an impact area a city can force annex if the property is contiguous to the city or an enclave. However, if you have a parcel that is over 5 acres within an impact area a city cannot force annex.

Commissioner Smith feels a decision by the committee should be delayed until there is an opportunity to negotiate with the City of Middleton. The suggested boundaries would be for both Middleton and Star to stop at Kingsbury and then each would go north and south ½ mile around each of the annexed areas. The city requested that at the next meeting the Board provide a map showing similar ½ mile boundaries around Middleton. Commissioner Smith said she will get some updated maps to share with Middleton and start negotiations. She asked the city to send an updated shape file showing the city boundaries to Jennifer or Tony Almeida. The maps will be published as 'draft' on the land use page of the county website, the city also said they could add the maps to their website.

The committee will meet again on September 7, 2021 at 2:30 p.m. The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 23, 2021

PRESENT: Commissioner Keri K. Smith, Chair – 2021 Agricultural Tour  
Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour  
Commissioner Pam White – 2021 Agricultural Tour  
Deputy Clerks Monica Reeves/Jenen Ross

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 24, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**  
Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour  
Commissioner Pam White – 2021 Agricultural Tour  
Deputy Clerks Monica Reeves/Jenen Ross

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 25, 2021

PRESENT: Commissioner Keri K. Smith, Chair – **OUT**  
Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour  
Commissioner Pam White – 2021 Agricultural Tour  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2124

- The Board of Commissioners approved payment of County claims in the amount of \$1,662,406.64 for a County payroll.

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 26, 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 577207 to 577207 in the amount of \$1,540.00

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Jamie Toledo, Grounds-keeper Supervisor and Chiu-yi Lin, Interpretive Specialist

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for B&N Legacy LLC DBA Cowgirls to be used 9/4/21; Tricycle LLC AKA Eastside Tavern to be used 9/12/21; Tricycle LLC AKA Eastside Tavern to be used 9/25/21

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner White made a motion to go into Executive Session at 8:34 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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, Controller Zach Wagoner, Facilities Director Paul Navarro and

Assistant Facilities Director Rick Britton. The Executive Session concluded at 8:55 a.m. with no decision being called for in open session.

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:56 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Millar and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-959, 2021-956, 2021-873, 2021-889, 2021-886, 2021-865 and 2021-891. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions to be issued with 30 days on the cases as read into the record.

Commissioner White made a motion to issue an initial approval with written decision within 30 days on case no. 2021-980. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

#### CONSIDER SIGNING RESOLUTIONS GRANTING REFUNDS TO HATCH DESIGNS AND JANICE RALLS FOR WITHDRAWN PERMIT APPLICATIONS

The Board met today at 1:37 p.m. to consider resolutions granting refunds to Hatch Designs and Janice Ralls for withdrawn permit applications. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Director Fultz said Janice Ralls is requesting a reimbursement for funds paid for an application for a home-based business. She was looking at having retail sales but that is not a permitted use at her location so she is seeking a reimbursement of her application fee. Staff did not spend much time on this request. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to grant the refund in the amount of \$550 to Janice Ralls. (Resolution No. 21-174). Director Fultz said Jeff Hatch/Hatch Designs filed an application for a rezone, comprehensive plan map amendment and a conditional use permit (CUP). The request went through the hearing process and was denied. Staff did not have to go through the CUP efforts and thus out of the \$4,200 that was paid DSD is recommending a reimbursement of \$850. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to refund \$850 to Hatch Designs for the CUP for Case No. RZ2020-0019. (Resolution No. 21-175).

PUBLIC HEARING – REQUEST BY EVELYN FLOYD FOR A REZONE FOR CASE NO. RZ2021-0013

The Board met today at 1:40 p.m. to conduct a public hearing in the matter of a request by Evelyn Floyd for a rezone from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone, Case No. RZ2021-0013. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Kolby Peterson, Samantha Caldwell, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing. Commissioner Van Beek disclosed she lives two miles from the subject property but that will not impact her ability to make an unbiased decision in this case. Dan Lister gave the oral staff report. The applicant, Evelyn Floyd, is requesting a zoning map amendment (rezone) of Parcels R34072, R34141 and R34141010 from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone. The properties are located at 10726 Lincoln Road in Caldwell. The property was recently adjusted to allow two buildable lots; one has a house and uses on it, and the other is a field/pasture that could be used for residential or agricultural uses. Most of the area is still zoned agricultural, and light industrial is located to the northwest. The City of Caldwell’s jurisdiction is located to the south. This is a transitional area from residential to industrial uses. The property consists of best suited soils; one acre has moderately suited soils. There are large properties with rural residential zoning, but there are still ongoing agricultural uses even to the south where the city’s jurisdiction is located. The property is adjacent to the Ward Massacre Park. With M-1 zoning there are a slew of uses that could be impactful and without a development agreement that restricts uses or provides mitigation it’s difficult to think there will not be impacts. This is a prime agricultural lot and the City of Caldwell is in opposition to the request. On July 17, 2021, the P&Z Commission recommended approval of the request. Staff is recommending denial and believes the applicant should go through a conditional rezone process. Mr. Lister said in a previous conversation the applicant indicated they may withdraw the application. Samantha Caldwell offered testimony in opposition to the request. She would rather see residential growth than industrial uses in the area. Her concerns include the lack of a development plan and the potential impacts. She said the owner has posted the property for sale and if he’s selling we cannot guarantee what future buyers would do with the property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek agrees with the staff report and the testimony that an M-1 zone is not a fit and it would change the nature and character of the area. She asked staff to obtain comment from Parks Director Schwend regarding the proximity to the historical park, and to review the conditions associated with the Idaho Sand and Gravel pit that’s located nearby to see how long they can operate. Mr. Lister said Director Schwend was contacted but she did not provide comment. Staff will work with the City of Middleton and help them identify what their industrial and commercial needs are, and how to identify what the buffer is and how to help them while protecting the area. Commissioner Van Beek said this is a premature area because there are areas that are out of compliance with the code and no thoughtful planning on how to have transition zones. It would be beneficial to know how close city services are. Commissioner White doesn’t like the fact that the applicant is not present and hasn’t given any information on what’s going to be there, and the neighbors deserve to know what’s going on with the property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to deny the rezone for Case No. RZ2021-0013. Because the P&Z Commission recommended approval and the Board denied the request, the matter will have to be re-noticed



and come back to the Board for a second hearing. The hearing concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 27, 2021

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

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:34 a.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planning Official Dan Lister and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Meeting to continue a public hearing to consider a request by Joel Merriam, representing Swainson's Pointe Subdivision for a plat vacation; Case no. VAC2021-0001:*** Due to a lack of quorum the applicant has requested this case be tabled to a time the full Board is present. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to continue the hearing to September 14, 2021 at 9:30 a.m.

***Consider signing Treasurer's tax charge adjustments by PIN for July 2021:*** Commissioner White made a motion to sign the Treasurer's tax charge adjustments by PIN for July 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

AUGUST 2021 TERM  
CALDWELL, IDAHO    AUGUST 30, 2021

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

CONSIDER AUGUST 30, 2021 ACTION ITEMS

The Board met today at 9:04 a.m. to consider the August 30, 2021 action items. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, interested citizens, and Deputy Clerk Monica Reeves. The items were considered as follows:

***File in minutes the Treasurer's monthly report for July 2021*** - Upon the motion of Commissioner White and the second by Commissioner White, the Board voted unanimously to file the Treasurer's monthly report for July 2021.

***Consider signing resolution granting a transfer alcoholic beverage license to Sushi LW, LLC DBA Sushi Sushi*** - Upon the motion of Commissioner White and the second by Commissioner White, the Board voted unanimously to grant the transfer of alcoholic beverage license to Sushi LW, LLC. (Resolution No. 21-176.)

The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY SILVIA CASTRO FOR A REZONE FOR CASE NO. RZ2021-0009

The Board met today at 9:07 a.m. to consider a request by Silvia Castro for a rezone, Case No. RZ2021-0009. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, CJ Castro, Silvia Castro, Anna Maria Herrera, Carlos Rivera, David Gallina, Meg Gallina and Deputy Clerk Monica Reeves. Today's hearing was continued from August 13, 2021. Dan Lister gave the oral staff report. The applicant is requesting a rezone of Parcel R29112 from an "R-R" (Rural Residential) Zone to an "R-1" (Single Family Residential) Zone. The property is located at 2303 E. York Avenue, Nampa.

The applicant wants to divide the property into a total of three parcels; one parcel being 3.02 acres (where the existing house is located); and the rest would be a one-acre division creating a total of three parcels. The property is surrounded by other rural residential and R-1 zoning. The property abuts city jurisdiction; Nampa's shows it as a low-density residential area next to a medium density area. the bike path and route abuts the Wilson Pathways along the north side of the property.

The property is surrounded by residential subdivisions, most of them located within Nampa's impact area or jurisdiction. Within the area is 103 subs with an average lot size of .41 of an acre. Nampa Highway District identified the access to this property as East York Avenue, which is an unmaintained public right-of-way so that is usually a license agreement with the owners that they maintain their road and that is what the highway district will require as they work to comply with improvements. Nampa Fire District wants an access permit at the time of building permit. Nampa Engineering – would be hard to bring city services to this property; they do not oppose this application, however, at the time of division they will have to correct their address. An irrigation easement will be required and encroachments will require review, and a land use change application is required prior to land division or platting.

Neighbors expressed concern about the access being limited and confusing because as it goes back to the Gallina property it splits off and looks like an area where people can park for the pathway and a road connecting to the Castro property. There have been complaints that there is an auto shop and auto use on the property and that is why the Board tabled the item on August 13 so staff could do a site visit and come back with photos for review. A site visit was conducted on August 20. A 12-foot road serves the property; there are two roads, one looks like it's a maintained 15-foot gravel-based road, and there's a sign for parking and access to Wilson Path but it looks like neighbors are parking there. At the back of the property there are storage containers and an inoperable vehicle; there are other vehicles parked on the west side of the property; there are RV's on the east border of the property. Staff reached out to Mr. Castro and identified the public nuisance violations including weeds, the inoperable vehicles, and the storage containers that require permits. On June 17, 2021, the P&Z Commission recommended approval of the request. Staff believes the findings for this case support approval of the rezone. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

CJ Castro, who owns the subject property with his wife, Silvia Castro, testified he is working with the Nampa Highway District on widening the road and bringing it up to district standards. He addressed the weeds, RV's, old vehicles, and the containers located on the property. Commissioner Smith advised Mr. Castro that he can have two unregistered vehicles on the property but the remainder have to be operable and registered. Discussion ensued about whether the vehicles have registrations. The applicant's plan is to divide the property so his father-in-law and aunt can build homes on the site. Some of the cars on the property belong to people who live on the site, and some belong to other people. Mr. Castro said he will remove the vehicles that do not belong to those who live on the property. He currently lives on the property with his wife, children, and other family members. Commissioner Smith said her concern is the Castros have changed the area by letting the property degrade this way, and by allowing the divisions they will be allowed to have more trailers and cars on the parcels and she's worried the property will not be improved.

Anna Maria Herrera is the applicant's aunt and she wants to move to the property to help with family responsibilities and assist with raising children since the death of her sister, the applicant's mother. She wants to live on the site and make it beautiful place for family. She has no plans to

sell or add more units to the property. There will be two new houses built on the property; one for the applicant's father, and one for Ms. Herrera.

Silvia Castro testified that since her mother passed away she has been taking care of her two sisters, in addition to two children of her own. She wants the property division so she and her husband can have their own home and so that her father and aunt can each build their own home. She allowed her aunt to store trailers on the property. Future plans include abating the weeds and installing a fence. They did not know they needed to have a permit for the containers that are stored on the property, but they do intend to move them.

Carlos Rivera testified that he will move to the property with his mother. He had been storing two trailers on the subject property, but over the weekend he moved the trailers and another vehicle to a storage facility.

The following people testified in opposition to the request:

David Gallina lives on York Avenue and his biggest opposition concerns the 12-foot road because by adding two more homes it will increase the traffic on that one-lane road. There will need to be a plan for how to maintain the road. There are currently six homes on 21 acres and the proposed lot sizes will be substantially less than what is currently on York Avenue. He has concerns with the number of items that have been moved onto the property. Following his testimony, Mr. Gallina responded to questions from the Board.

Meg Gallina testified she is not opposed to the division, but she is concerned about use of the property and the access road. She said it's commendable to live there with family, but things change and it is possible in a few years the situation could change and the owners may have to sell. The road needs to be useful the way other city roads are so that people do not think they can park excessive cars and allow weeds to grow.

In response to questions from Commissioner Smith, Mr. Lister said if they build three properties they will have to have a private road system to serve those three properties at the property line. The fire districts wants to see if there are proper turnarounds in place. This will only need a land division application when going through platting, so it would be working at the land division stage to address what is required and it will be conditioned as part of the land division application and so at the time of building permit they would have to have it completed before a building permit is issued. The parcel is an original lot and they can split it up to four lots without platting. They could voluntarily annex into the City of Nampa, but there is no way to get services there at this point. The services are separated by a canal and a pathway so it would be very difficult for a three-lot division to pull services. Rebuttal testimony was offered by Mr. Castro who stated his neighbor stopped maintaining the road after he found out it was the city's responsibility. The applicants have been working with highway district to improve the road, and they plan to have documentation that will keep the property in the family. They will follow the regulations and maintain the property. Commissioner Smith had questions of Mr. Lister regarding the staff report and the ordinance requirements. She wants more information showing the public road right-of-way, and she wants the applicant to provide evidence the property is being brought into compliance, including registration information for the vehicles that remain on the property, and

she wants the applicant to work with the fire district and highway district and understand what the road improvement requirements are going to be. Staff was asked to find out if the road right-of-way is mapped. Commissioner White made a motion to continue the public hearing to September 15, 2021 at 1:30 p.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE EXECUTIVE DIRECTOR OF NAMPA FAMILY JUSTICE CENTER (NFJC) TO REVIEW THE PROGRAM

The Board met today at 1:31 p.m. with the Executive Director of the Nampa Family Justice Center to review the program. Present were: Commissioners Keri Smith and Pam White, Jeannie Strohmeyer with Nampa Family Justice Center and Deputy Clerk Jenen Ross.

Ms. Strohmeyer provided her background and an overview of their center, who they are and how they function. Some of the topics she spoke about are as follows:

- They serve six different populations including domestic abuse, sexual assault, child abuse, elder abuse, stalking and sex trafficking.
- The majority of the people they serve are walk-in vs. referral based.
- Their organization is different because they are a co-located building meaning there are several agencies within one building. There are 10 different partners in one building which eliminates the need for the victim to go from place to place having to tell their story multiple times. Often times if a victim has to go to multiple locations for services they will give up causing the abuse and the cycle to continue. At NFJC the client will meet with an advocate first who will help them navigate the necessary services to get help. They are collaborative effort of agencies to help the victim in one location.
- Based on questions from Commissioner White, Ms. Strohmeyer spoke about their grants and funding.
- Discussion ensued regarding how the number and intensity of cases has changed with COVID and people sheltering at home. Commissioner Smith encouraged Ms. Strohmeyer to contact Director Zogg at SWDH about a study they did recently in regard to this issue.

A packet was provided to the Board which outlines the NFJC co-located partnership model, populations served, services, tangible resources provided to clients, gaps and services still needed and comparison of 2019-2021 statistics. A copy is on file with this day's minutes.

The meeting concluded at 2:08 p.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT

The Board met today at 2:11 p.m. with the Idaho Office of Emergency Management. Present were: Commissioners Keri Smith and Pam White, Chief Deputy Sheriff Marv Dashiell, EOM Christine Wendelsdorf, Brett Ritchie and Robert Feely with the Idaho Department of Emergency Management and Deputy Clerk Jenen Ross.

- Mr. Ritchie provided an overview of what the IOEM has been working on and plans for the future.
- A preparedness conference will be held October 5-7, costs for Ms. Wendelsdorf and one Commissioner will be covered by IOEM. A review of what will be covered at the conference was given.
- A review of federal funding allocated to Idaho and available to help smaller communities was given.
- Discussion ensued regarding the drought emergency and allocation of water resources.
- Cascadia Rising exercise to look at seismic activity is tentatively scheduled for the 1<sup>st</sup> week of June 2022 and will involve Idaho, Oregon and Washington. It will address the question of what Idaho can do as a support state for the impacted area. A formal invitation will be sent as the event gets closer.
- Recently Mr. Ritchie asked for feedback on the emergency response over the past 20 months and any improvements that can be made. Commissioner Smith said that she heard the state had an emergency plan for a pandemic but that the COVID numbers did not come close to the numbers that were set out to annihilate the communities by shutting them down. She feels like the plan wasn't followed and a new plan created and that it all felt very reactionary. Ms. Wendelsdorf said her biggest issue with the COVID response was the lack of following the plan and agencies wanting to take emergency management out of their plan. She feels there needed to be an incident management team in place to work alongside the health district so that everyone receives all the same information at the same time and decisions can be based on the information provided. Chief Dashiell spoke about the inconsistency of the information being provided and by whom it was provided.
- Chief Dashiell said that IOEM has been one of the strongest state partners the county has had in overcoming this past year's issues. They have been a good resource to be able to ask questions of and assistance with providing information on available funding. He feels that the partnership was a real success story. The meeting concluded at 2:59 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, GIVE DIRECTION AND ACTION ITEMS

The Board met today at 3:00 p.m. with the Director of Development Services to discuss general issues, set policy and give direction to consider action items. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister (left at 3:04 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing development agreement regarding Knife River; Case no. DA2020-0002:*** Mr. Lister said that the FCOs were signed on January 25, 2021 but as part of that signing the development agreement needed to be amended. The only change was to the conceptual plan in regard to the berms. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the development agreement regarding Knife River, Case no. DA2020-0002 (see agreement no. 21-067).

***Consider signing resolution granting refund to Brandon Fisk for a withdrawn rezone application:*** The Fisk's have withdrawn their request and are planning to pursue other opportunities in the future once there is an ordinance in place addressing non-viable farmland. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Brandon Fisk for a withdrawn rezone application (see resolution no. 21-177).

Director Fultz updated the Board on the following:

- The first comprehensive plan working group meeting happened last week where a lot of community input was received. Several more meetings are planned for the upcoming weeks. Director Fultz's goal is to have the plan adopted no later than the 1<sup>st</sup> quarter of next year.
- Three ordinance amendments will be taken to the P&Z meeting on the 16<sup>th</sup>; non-viable ag area, fee structure for code enforcement and noticing requirements for land use hearings.
- They are working to develop a system to identify expired CUPs and conditional rezones. Commissioner Smith said timeframes have always been in place but she believes the key part is sending a letter notifying property owners of the expired CUP or conditional rezone. Discussion ensued regarding the possibility of fining the HOA if CC&Rs are not followed or enforced.
- A new P&Z commissioner application has been received and they are trying to work out an interview time. Commissioner Fried has resigned and two others will be expiring at the end of the year.
- A letter was received from FEMA on an issue that needs to be resolved. The floodplain manager is on vacation until tomorrow but Director Fultz will meet with her once she is back in the office. The deadline to resolve the issues is December 21<sup>st</sup> but Mr. Fultz intends to have it resolved well before that time.

- There are currently 128 land use cases in the office and Director Fultz gave a breakdown of the number of cases being handled by each planner. Additionally, planners are now doing site visits which will be added as exhibits within case packets.
- Discussions with potential engineers are continuing to happen. Director Fultz has a meeting this Friday to discuss a potential job description for consideration.
- They continue to rework their workflow system to establish more efficiencies. Every Monday morning Director Fultz meets with the building and planning departments to discuss efficiency and the handling of customer service and the entire department meets monthly to discuss the same.
- Director Fultz expressed that he has some concerns about new revenue allocation area for the City of Caldwell and would like for the county to be involved. His understanding is that the documents that were drafted in 2019 were done by the city with little input and only review/consideration by the county. He is a very strong proponent and supporter of urban renewal but feels if the county is going to be involved it needs to play much stronger role. Commissioner Smith recommended Mr. Fultz approaching the city to let them know the county would like to have a more active role in the development.
- Weekly management meetings are being held with the Planning Official, Building Official, Code Enforcement Officer and Director Fultz. Next week they will start discussing and assessing fees to determine any that may need to be increased.
- At some point the DSD office started accepting incomplete applications but it was causing issues in regard to them being in the queue. As of September 1<sup>st</sup>, incomplete applications will no longer be accepted.
- A temporary employee has been helping with a backlog of scanning.
- Last week Director Fultz attended a neighborhood meeting south of Lake Lowell with IDWR. He felt the meeting went well, the attendees were well informed and IDWR did a great job communicating both the big and small picture. Director Fultz will provide a handout from the meeting to Commissioners.
- On September 25<sup>th</sup>, a DSD department picnic will be held at Mallard Park and the Board is invited to attend.
- Commissioner Smith said that if it's not too late she would really like the ordinance amendment that is currently in process to fix the subdivision administrative land division exceptions. She doesn't want blanket approvals from all the agencies for an administrative land division. Commissioner Smith will send draft language to Director Fultz.

The meeting concluded at 3:44 p.m. An audio recording is on file in the Commissioners' Office.



AUGUST 2021 TERM  
CALDWELL, IDAHO AUGUST 31, 2021

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

APPROVED CLAIMS

- The Board has approved claims 577304 to 577304 in the amount of \$213.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW-G in the amount of \$1,088.01 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Old Brunswick LLC dba Brunswick Club to be used 9/4/21.

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

The Board met today at 9:08 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution authorizing the retirement of CCSO K9 Jerry:*** Chief Dashiell gave a background of K9 Jerry and some of the issues that have recently arisen. It has been recommended to retire Jerry to avoid any future incidents. K9 Jerry will be retired to his handler. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution authorizing the retirement of CCSO K9 Jerry (see resolution no. 21-178).

The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COMPASS

The Board met today at 10:02 with COMPASS. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Planner Jennifer Almeida, Planner Kate Dahl, Planner Elizabeth Allen, Carl Miller with COMPASS and Deputy Clerk Jenen Ross.

Mr. Miller spoke about the fiscal impact tool (FIT) they've developed to determine if new services can be afforded when a subdivision is approved, how to know if a comprehensive plan is financially viable and the financial impact of House Bill 389. He also provided an introduction and background on COMPASS and what their role is within the community.

Discussion ensued about the uses of the FIT, what services are evaluated, input received in creating the tool and information provided to assist in the decision-making process. Other areas reviewed included fiscal impact scenarios, fiscal impact reporting and how House Bill 389 affects the tool.

Currently the tool is only able to be used by COMPASS staff but they are working to develop a web-based program that can be accessed by Development Services staff.

A copy of the PowerPoint provided and reviewed in on file with this day's minutes.

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

## MEETING WITH IDAHO TRANSPORTATION DEPARTMENT TO DISCUSS MIDDLETON BYPASS

The Board met today at 11:05 a.m. with the Idaho Transportation Department to discuss the Middleton bypass. Present were: Commissioners Keri Smith and Pam White, DSD Planner Jennifer Almeida, DSD Planner Kate Dahl, DSD Planner Elizabeth Allen, GIS Analyst Tony Almeida, Caleb Lakey with ITD, Carl Miller with COMPASS, DSD Director Steve Fultz (arrived at 11:13 a.m.) and Deputy Clerk Jenen Ross.

Mr. Lakey said he would like to focus today's discussion on three main topics including an update on bond monies, transportation in Canyon County and the Middleton bypass. The topics were discussed as follows:

- Mr. Lakey spoke about TECM monies and the projects the project the ITD Board is considering applying those monies to. Construction on phase 2 of Hwy 16 is scheduled to begin next year with subsequent phases upcoming. A handout was provided indicating future projects including I-84: Middleton interchange to Franklin interchange, SH-55: Sunnyslope to Nampa, SH-44: I-84 to Star, SH-16: I-84 to SH-44 and US 20/26: Middleton Rd. to Star Rd. A copy of the handout is on file with this day's minutes.

Commissioner Smith expressed her frustration with the Ustick Rd. overpass and what she feels is the lack of cooperation between ITD and the communities.

- Middleton bypass: The environmental document is being worked on; it has been the pipeline for many years but only in recent years did it become more urgent as Middleton has grown rapidly. There is a long history of correspondence between ITD and Middleton about Hwy 44 about what that would look like, the future and how to get there. Mr. Lakey gave an overview of what was discussed, considered and decided between the city and ITD. Discussion ensued regarding Middleton's intended plans for their downtown area.

The meeting concluded at 11:54 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY CALVIN AND REBECCA GORDON FOR A CONDITIONAL REZONE, CASE NO. CR2020-0015

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Calvin and Rebecca Gordon for a conditional rezone, Case No. CR2020-0015. Present were: Commissioners Keri Smith and Pam White, DSD Planner III Kate Dahl, TJ Wellard, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that the Gordons, through their Quality Trailer Sales company, have consistently supported her kids in fair projects, and they heavily supported her previous employer, which is the non-profit Destination Caldwell. She has not personally profited from their support and she believes she can hear this case without any conflicts. Kate Dahl gave the oral staff report. The applicants are requesting a conditional rezone of Parcels R36131012A0, R36131012A2, and R36131012 from "A" (Agricultural) to "R-R" (Rural Residential). The properties are located south and east of the intersection of Red Top Road and Tucker Road in Greenleaf. Several of the parcels were created through a conditional use permit (CUP) and some were divided outside the zoning ordinance and as a result they are requesting the rezone in order to reinstate the building permits and go through the administrative land division process. The parcel is 21 acres and the maximum buildout would be 10 lots, but they are only requesting 4 parcels with an average size of 5 acres. There are multiple properties that use the irrigation delivery ditch and there have been some issues which they believe can be addressed through the development agreement with a water users maintenance agreement. The P&Z Commission recommended approval on April 15, 2021, and staff finds the rezone is generally consistent with the comprehensive plan. The surrounding uses are also agriculture and there are some residential uses to the west. The property is located within Greenleaf's area of city impact, but it is not close enough to annex. Following her report, Ms. Dahl responded to questions from the Board. Ms. Dahl said two of the parcels will be combined; the original parcel was divided into five parcels and some were illegal divisions so they are going to combine the one parcel back into each other so there will be four parcels. The conditional rezone will give them the density to be able to do the after-the-fact administrative land division to authorize all four of the parcels. Commissioner Smith had several questions regarding property history and platting. TJ Wellard testified the Gordons

own several acreages in this area. The neighbor who owned the house and acreage came to a situation where she needed to sell and the Gordons purchased it to make use of the land and the existing house. They rented the house and tried to irrigate the land and run horses and cows on the ground as pasture, but due to the terrain it took too much time and money to make it worthwhile for farming. It's in the impact area for Greenleaf which shows it as high-density residential. The property has a finger ridge down the middle of it so the Gordons want to put a few houses up there and have large acreages so people can have hobby farms. Mr. Wellard gave a history of how the splits occurred. The CUP in 1998 split off an existing house which left the remainder of the original with two building permits without platting; if a rezone took place the original parcel would only be four parcels. To obtain the other two parcels there will have to be a subdivision plat because it would be greater than the four off the original. Part of the conditions are to keep this as a buffer from the rapid growth in the City of Greenleaf, which has been aggressive in encouraging development to pay for its sewer system. The Gordons are hoping to use this as a buffer between their commercial agricultural ground and the growth of Greenleaf. The Gordons are willing to address irrigation issues, either getting their own head gate and pipe to the property to have pressurized irrigation, or, doing something alongside the concrete ditch. They will work with the neighbors and figure something out that works for everyone, and they will work with the neighbors to do property line adjustments. The Gordons want to leave it open so they can split off the existing house as an administrative land division leaving the remainder so there would still be four, and then plat the three, so that platting is not a requirement of the entire development but only when they exhaust the administrative land divisions. Commissioner Smith wants the applicant to figure out the wording for the development agreement that states they will do a land division that will have two parcels that will include the balance and then they will plat the last lot. She also wants language about require water metering on residential subdivisions. Mr. Wellard said the property is controlled by a head gate that's measured over a weir so there will have to be a water master for the project who will be in charge of ordering and determining how much water can go through. It may not be metered, per se, but the ditch company does control opening the head gate. He said it will be addressed in the water users' maintenance agreement. Commissioner Smith wants the conditions of approval to state that the water master will schedule the water allotments, and make reference to the Board allowing a phased approach for this case. She noted that staff needs to update the findings of fact so they are consistent with today's discussion. The FCO's and development agreement will be brought back later at a later date for the Board's consideration. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White made a motion to approve the conditional rezone and development agreement with the changes to the FCO's and the conditions of approval as outlined in today's discussion. Those documents, along with the ordinance, will be considered at a future date. The hearing concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF AUGUST 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 30<sup>th</sup> day of November, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek  
Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk