

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 2, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of September 29, 2023.

PRESENT: Commissioner Don Hall and Commissioner Brent Reinke.

ABSENT: Commissioner Jack Johnson.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners attended a Farm Managers meeting.

Commissioners met with office staff for a weekly department meeting.

Commissioners met with Legal for a weekly department meeting.

Commissioners met with J.P. O'Donnell, IT Director, and Stephenson's for an IT department update.

Commissioners attended an Elected Officials meeting.

Commissioners attended a daily Quagga mussel detection comms call meeting.

Commissioners met with Bill Carberry, Magic Valley Regional Airport Manager, J.P. O'Donnell, IT Director, and Jim O'Donnell for an Airport Presentation.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Reinke made a MOTION to approve the Consent Agenda. Commissioner Hall SECONDED. Discussion Commissioner Reinke reviewed the items in the Consent Agenda to include status sheets for Facilities, P&Z, Sheriff's Office, TARC, District Court, and the Clerk's Office; and an employee requisition for Facilities. Motion Passed Unanimously. (Johnson absent)

In the Matter of ELECTIONS

Commissioners designated the polling places for the November 7th election.

Kristina Glascock, Clerk, and Valarie Varadi, Elections Supervisor reviewed the polling places with the Board.

Commissioner Reinke made a MOTION to approve the polling places for the November 7th election as presented. Commissioner Hall SECONDED. Discussion Commissioner Reinke thanked the Clerk for her work locating new polling places. Motion Passed Unanimously. (Johnson absent)

November 7, 2023 Polling Places	Address	Precincts	Consolidated election
First Christian Church	1005 Poplar St, Buhl	Buhl 1, 3, 4, 5	City of Buhl, Buhl School Dist. Trustee zone 4
Filer First Baptist Church	254 Hwy 30, Filer	Filer 1, 2, 3, Maroa	Filer School Dist. Levy, Trustee zones 1 & 4
Hansen School Community Gymnasium	450 Walnut Ave W, Hansen	Hansen	Hansen Mayor, City Council, Hansen Free Library Dist. Levy
Hollister Elementary School	2463 Contact Ave, Hollister	Hollister	Hollister City Council, Filer School Dist. Levy
Crossroads United Methodist Church	131 Syringa Ave, Kimberly	Kimberly 1, 3	Kimberly City Council, Kimberly School Dist. Levy
Kimberly Church of the Nazarene	3550 E 3750 N, Kimberly	Kimberly 2, 4	Kimberly City Council, Kimberly School Dist. Levy
Twin Falls County West	630 Addison Ave W, Twin Falls	Murtaugh	Murtaugh City Council, Cassia School Dist. Trustee zone 1
Canyon Crossing Church	401 6th Ave N, Twin Falls	TF 1, 2	Twin Falls City Council, Twin Falls School Dist. Trustee zone 2
Church of the Nazarene	1231 Washington St N, Twin Falls	TF 3, 4, 17, 18	Twin Falls City Council
Immanuel Lutheran Church	2055 Filer Ave E, Twin Falls	TF 5, 6	Twin Falls City Council
Valley Christian Church	1708 Heyburn Ave E, Twin Falls	TF 7, 9	Twin Falls City Council
Our Savior Lutheran Church	464 Carriage Ln N, Twin Falls	TF 8, 24	Twin Falls City Council
Episcopal Church of the Ascension	371 Eastland Dr N, Twin Falls	TF 10, 11	Twin Falls City Council
Amazing Grace Fellowship	1061 Eastland Dr N, Twin Falls	TF 12, 22	Twin Falls City Council
South Hills Middle School Gym	1550 Harrison St S, Twin Falls	TF 13, 14, 25, 26	Twin Falls City Council, Twin Falls School Dist. Trustee zone 2
Twin Falls County West	630 Addison Ave W, Twin Falls	TF 15, 16	Twin Falls City Council, Twin Falls School Dist. Trustee zone 2

Twin Falls Reformed Church	1631 Grandview Dr N, Twin Falls	TF 19, 20, 21	Twin Falls City Council, Twin Falls School Dist. Trustee zone 2
Twin Falls County West	630 Addison Ave W, Twin Falls	Early Voting	

In the Matter of BIDS

Commissioners opened the bids for x-ray scanner for Jail.

Commissioner Hall read the bids for the record.

Tek84 - \$160,500.00

LineVSystems - \$140,000.00

Commissioner Reinke made a MOTION to take the information under consideration and issue a decision on Thursday, October 5th at 10:00 a.m. Commissioner Hall SECONDED. Discussion Commissioner Reinke noted the Sheriff's Office needs a few days to review the information prior to issuing a decision. Motion Passed Unanimously. (Johnson absent)

Commissioners opened bids for the County West ADA Parking Upgrades project.

Commissioner Hall read the bid for the record.

IMC - \$122,237.50

Commissioner Reinke made a MOTION to take the information under consideration and issue a decision on Thursday, October 5th at 10:00 a.m. Commissioner Hall SECONDED. Motion Passed Unanimously. (Johnson absent)

In the Matter of BONDS

Commissioners considered a request to extend the bond for Sunway Subdivision #3.

Laura Wilson, Community Development Planner, reviewed the plat for Sunway Subdivision #3 with the Board. Ms. Wilson noted that the developer is requesting a 1-year extension to complete the improvements.

Commissioner Reinke made a MOTION to extend the bond for Sunway Subdivision #3 to April 22, 2024. Commissioner Hall SECONDED. Discussion Commissioner Reinke noted the development agreement expires in April so the Bond will expire when the developer's agreement expires. Motion Passed Unanimously. (Johnson absent)

In the Matter of EMPLOYEES

Commissioners considered a request to extend vacation time for Deputy Brook Prudent.

Sheriff Tom Carter and Deputy Sheriff Don Newman reviewed the request to extend vacation time for Deputy Prudent. Deputy Prudent was unable to use his time due to training, overtime, trials, and the Fair.

Commissioner Reinke made a MOTION to approve the request to extend the vacation time for Deputy Prudent for 90 days. Commissioner Hall SECONDED. Discussion Commissioner Hall noted that the staff shortage made it difficult for the deputy to use his time. Motion Passed Unanimously. (Johnson absent)

In the Matter of GRANTS

Commissioners considered an FY2024 Traffic Enforcement Grant Project Agreement.

Gary Anderson, Research and Development Supervisor, reviewed the FY2024 Traffic Enforcement Grant Project Agreement with the Board.

Commissioner Reinke made a MOTION to approve the FY2024 Traffic Enforcement Grant Project Agreement and authorize the Chairman and the Clerk to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Discussion Commissioner Reinke noted the agreement was necessary to apply for and receive Highway Safety grants in FY2024. Motion Passed Unanimously. (Johnson absent)

In the Matter of FACILITIES

Commissioners considered Starr Corporation's guaranteed maximum price for the Theron W. Ward Judicial Building Project.

Bob Beer, Facilities Director and Michael Arrington, Starr Corporation reviewed the guaranteed maximum price documents for the Theron W. Ward Judicial Building Project. Mr. Arrington noted the documents include an authorization to proceed with the guaranteed maximum price of \$33,530,316.00.

Commissioner Reinke made a MOTION to approve the guaranteed maximum price documents with Starr Corporation for the Theron W. Ward Judicial Building Project in the amount of \$33,530,316.00 and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Discussion Commissioner Reinke noted the Clerk has been waiting for this project for over 20 years. Mr. Beer has done a great job working with Starr Corporation to get the project started. Commissioner Hall expressed his appreciation to Mr. Beer, Starr Corporation, and Kristina Glascock for shepherding the project through to this point. The County will be utilizing savings as well as ARPA funds for the project. Motion Passed Unanimously. (Johnson absent)

In the Matter of LETTERS

Commissioners considered a termination of an Hourly Public Defender Agreement.

Commissioner Reinke reviewed the termination letter with the Board.

Commissioner Reinke made a MOTION to approve the termination of an Hourly Public Defender Agreement. Commissioner Hall SECONDED. Discussion Commissioner Reinke noted the termination will not take existing cases from the attorney, only future cases. Motion Passed Unanimously. (Johnson absent)

There being no further business, the Board recessed until 8:00 a.m., October 3, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 3, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 2, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Elaine Molignoni, HR Director, for a weekly department update.
Commissioner Reinke attended an Airport Advisory Board meeting.
Commissioners attended a daily Quagga mussel detection comms call.
Commissioners attended an ARPA funding budget meeting.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Johnson made a MOTION to go into executive session at 9:00 a.m. pursuant to Idaho Code §74-206 (D) records exempt from disclosure - hospital care, medical records. Commissioner Reinke SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes, Reinke yes)

Commissioners returned to regular session at 9:10 a.m.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Johnson made a MOTION to approve case number 104683 for cremation at Reynolds Funeral Home in the amount of \$950.00 with a \$ 10.00 -per month payback and 50% of future tax refunds. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted the applicant was a Twin Falls County resident and was indigent. Motion Passed Unanimously.

Commissioner Reinke made a MOTION to approve case number 104684 for cremation at Rosenau Funeral Home in the amount of \$950.00 and to have the Treasurer's Office look for a way for the County to be reimbursed. Commissioner Johnson SECONDED. Discussion Commissioner Johnson noted the applicant was a Twin Falls County resident and was indigent. Motion Passed Unanimously.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Johnson SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include status sheets for the Sheriff's Office. Motion Passed Unanimously.

In the Matter of EMERGENCY

Commissioners considered an Emergency Declaration for the Quagga Mussel Emergency.

Commissioner Reinke reviewed the Emergency Declaration for the Quagga Mussel Emergency with the Board. Commissioner Reinke noted that an emergency has been declared by the State due to an invasive species that was found in the Snake River. Actions are being taken to eradicate the invasive species.

Commissioner Reinke made a MOTION to approve the Emergency Declaration for the Quagga Mussel Emergency. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Twin Falls County Resolution No. 2024-001

A Declaration of an Invasive Quagga Mussel Emergency in Twin Falls County

WHEREAS, the presence of invasive quagga mussel veligers were detected in the Snake River in Twin Falls County on September 18, 2023; and

WHEREAS, quagga mussel veligers within waterways of Twin Falls County pose a risk to life, property, and public infrastructure; and

WHEREAS, if quagga mussel veligers mature and spread in the Snake River they will likely harm water delivery systems in Twin Falls County, the State of Idaho, and other rivers that connect to the Snake River; and

WHEREAS, Twin Falls County has taken actions to address the presence of invasive quagga mussel veligers and will likely expend further funds in an effort to protect the waterways, agricultural resources, and economy of Twin Falls County and the State of Idaho; and

WHEREAS, Idaho code §46-1011 authorizes the Board of County Commissioners to declare a local disaster emergency; and

WHEREAS, Twin Falls County may require financial contributions from the State of Idaho in order to adequately address these risks; and

NOW, THEREFORE, BE IT RESOLVED that the Twin Falls County Board of Commissioners do hereby declare a local disaster emergency; and

That the Board does hereby request the Governor of the State of Idaho to consider declaring a quagga mussel emergency and to take the necessary administrative actions to lessen the risk of severe impacts from this invasive species in Twin Falls County; and

That a copy of this declaration shall be filed with the County Recorder, and notice of this declaration shall be provided to the public and to the Office of the Governor.

Approved this 3rd day of October, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Done Hall
Don Hall, Chairman

ATTEST:

/s/ Brent Reinke
Brent Reinke, Commissioner

/s/ Kristina Glascock
Kristina Glascock, Clerk

/s/ Jack Johnson
Jack Johnson, Commissioner

In the Matter of CONTRACTS

Commissioners considered signing bonus agreements.

Commissioner Johnson reviewed the signing bonus agreements with the Board.

Commissioner Johnson made a MOTION to approve the signing bonus agreement with Sadie Germaine and authorize the Chairman to sign the document on behalf of the Board. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that the Sheriff's Office has been authorized to offer signing bonus agreements at this time. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve the signing bonus agreement with Samuel Radmall and authorize the Chairman to sign the document on behalf of the Board. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that is a new hire in the Sheriff's

Office. Discussion Commissioner Johnson noted that the Sheriff's Office has had difficulty filling positions and hopes the signing bonus agreements help fill the gaps. Motion Passed Unanimously.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Johnson made a MOTION to go into executive session at 10:20 a.m. pursuant to Idaho Code §74-206 (A) records exempt from disclosure - hiring of a public officer, employees, or staff member. Commissioner Reinke SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes, Reinke yes)

Commissioners returned to regular session at 10:50 a.m.

There being no further business, the Board recessed until 8:00 a.m., October 4, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 4, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 3, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Hall attended a Rotary Club meeting.

Commissioners attended a daily Quagga mussel detection comms call meeting.

Commissioners met with Val Stotts, Safe House Director, to discuss yoga in Safe House.

In the Matter of ZONING

Commissioners conducted an appeal hearing for a Conditional Use Permit Application and Preliminary Plat Permit Application for Richard Pierson.

Commissioner Hall reviewed the record on appeal and the laws considered.

Record on Appeal:

Pursuant to Twin Falls County Code 8-20-7 the matters considered were confined to the record produced from the parties and comments by affected persons today.

The following documents were submitted as part of the record of this Appeal:

- The Preliminary Plat Application Packet including: staff reports, agency letters, and the Planning and Zoning Commission’s Finding of Facts.
- Appeal Application Packet including: the appeal application; written statement explaining the basis for the appeal; written statements of respondents; and the transcript of the commission proceedings.

Laws Considered:

The Board considered the following statutes, ordinances, and standards:

- Title 10 of the Twin Falls County regarding Subdivisions.
- Title 8, Chapter 20 of Twin Falls County Code regarding appeals.
- Title 8, Chapter 7 of Twin Falls County Code regarding Conditional Uses.
- The Twin Falls County Comprehensive Plan.
- Idaho Code Section 67-6513

Commissioner Hall swore in staff and present/affected persons.

Staff: Cameron Beazer, CDS Planner, and Jon Laux, CDS Director.

Affected persons:

Remy Pullicar, Sheri Rocha, Joe and Berdina Kippes, Ted Larsen attorney for Applicant, Bonnie Pearson, Richard Pearson, Nathan Jerke, Greg Armitage, Kay Billington, Richard Morris, Denise Fuller, David Thibault, Ryan Bowden, Diana Nielsen, Pamela Blenderman, George Blenderman, Brad Armitage, Kristine Riker, Adrian Arp.

CDS staff, Cameron Beazer, Planner and Jon Laux, CDS Director, reviewed the appeal procedures, the Conditional Use Permit Application, and the Preliminary Plat Application with the Board.

A. Appeal Procedure

1. Was this matter a decision that may be appealed pursuant to TFCC 8-20-2? **Yes**
 - i. Was it a final decision of the Planning and Zoning Commission? **Yes**
 - ii. When was that decision made? **??**
2. Did you receive an appeal application in this matter? **Yes**
 - i. Who filed the appeal? **Piersons and their attorney**
 - ii. Are they a person who may file an appeal pursuant to TFCC 8-20-3? **Yes**
3. When did you receive the Notice of Appeal? **May 19, 2023**
 - i. Was the appeal application timely filed? **Yes**
 - ii. Was the Appeal application complete? **Yes**

4. Did the Applicant provide your office with proof of personal or mailed service of the notice of appeal to all required parties pursuant to TFCC 8-20-6-C? **Yes**
5. Did the Applicant provide a written statement in support of their application? **Yes**
6. Did any Respondent(s) provide a written statement in opposition or support of the appeal? **Yes**

B. Conditional Use Permit Application

1. What is the property zoned? **Rural Residential**
 - i. Is a Residential Subdivision an allowed use in that zone? **No.**
 - ii. Is it listed as a conditional use in that zone? **Yes. As per TFCC 8-6D-3.**
2. Did the CUP Application satisfy the standards set forth in Twin Falls County Code?
Yes
 - i. How does the proposed use fit in with other land uses in the general neighborhood? **Three sides of the property are rural residential with 8 homes within a half of a mile.**
 - ii. How does the proposed use fit in with other land uses in the general neighborhood?
 - iii. What burdens would the location of the proposed use place on existing transportation and service facilities in the vicinity? **The traffic study showed no significant impact,**
 - iv. Is the site of sufficient size to accommodate the proposed use and all yards, open spaces, walls, and fences, parking, loading, landscaping and such other features as are required by this title and other county ordinances that may apply? **Yes, it meets the county minimum of 1 acre per lot.**
 - v. Is the site served by streets of sufficient capacity to carry the traffic generated by the proposed use? **The Commission found it did, based upon the traffic study**
 - vi. Will the proposed use, including any conditions required by the planning and zoning commission, adversely affect other properties in the vicinity? **The commission felt it would impact farming in the area and would not be able to coexist with the ag use in the area.**

3. Did the Planning and Zoning Commission approve the Conditional Use Permit Application? **No**
 - i. What were the reasons they gave for their decision? **Loss of farm land, impact on residential neighbors, etc.**

C. Preliminary Plat Application

1. Application
 - i. When was the Preliminary Plat Application received? **March 1, 2022**
2. Content
 - i. Was the Application Complete? **Yes**
 1. Did the application meet all the requirements for preliminary plats set forth in TFCC 10-2-4? **Yes**
 - ii. Did any of the agencies object to the application? **No**
3. Location
 - i. Where is the proposed Subdivision located? **4539 N. 1600 E.**
 - ii. What is that area zoned? **Rural Residential**
 1. Are residential subdivisions permitted in that zone? **Yes**
 - iii. Is the property located in the Area of City Impact? **No**
4. Notice
 - i. Was notice sent to all required parties? **Yes**
 - ii. Notice published in the Times News? **Yes**
 - iii. Was a sign posted on the Property? **Yes**
5. Was the Preliminary Plat Application presented at a hearing in front of the Planning and Zoning Commission? **Yes**
 - i. When did that hearing occur? **May 10, 2022 and Nov 10, 2022 and April 11 & 13, 2023**
 - ii. Who participated in the hearing? **Applicant, engineering firm and affected persons 6 in favor, 16 opposed.**
 - iii. Did anyone speak in favor of the Application? **6 in favor**
 - iv. Did anyone speak in opposition to the Application? **16 opposed**
6. What was the decision of the Planning and Zoning Commission? **Denied**
7. Did the Planning and Zoning Commission issue a Written Decision? **Yes**

- i. When was that decision issued? **May 9, 2023**
- ii. What were the reasons the Commission gave for their Decision? **Loss of Ag land and incompatibility with the ag use in the area. Conditional use was denied so the plat was denied.**
- iii. What evidence did the Commission rely upon when making their Decision? **Information previously presented.**

Commissioner Reinke asked if there was any information presented regarding water and well issues. Mr. Beazer stated there was not anything specific presented.

Ted Larsen, Attorney for Appellant, discussed private property rights and stated that the Board should reverse the decision of the Planning and Zoning Commission due to lack of evidence and contradictory evidence and the arbitrary and capricious nature of the decision. Mr. Larsen stated the written decisions by the Planning and Zoning Commission did not meet the requirements of state law and were insufficient. Mr. Larsen reviewed the written decisions by the Planning and Zoning Commission with the Board and his concerns with the decisions. Mr. Larsen noted that none of the commenting agencies had any concerns with the application which contradicts the decision made by the Planning and Zoning Commission. Mr. Larsen noted the subdivision fits with the Comprehensive Plan and does not contribute to the loss of prime agricultural land within the Ag zone based upon the map that the Board adopted as part of the Comprehensive Plan. Mr. Larsen stated that the purpose of the Rural Residential designation is to direct development to those areas, away from prime agricultural land. Mr. Larsen requested that the Board remand the decision back to the Planning and Zoning Commission. Mr. Larsen noted there are 3 subdivisions within a mile and a half of the proposed subdivision. Mr. Larsen stated that the water concerns would be new information and could not be considered. The record has no evidence to deny based upon a lack of water supply. Mr. Larsen requested the Board reverse the Planning and Zoning decision and direct them to approve the applications.

David Thibault, EHM Engineers for the Appellant spoke with the Board. Mr. Thibault noted that all the required agencies were contacted and all were supportive of the project or issues that were discussed were addressed. Mr. Thibault noted a traffic study was done with extremely low traffic and supported the decision by the Buhl Highway District. Mr. Thibault discussed the home density of the surrounding properties and the compatibility of the proposed subdivision. Mr. Thibault discussed land uses as designated in the Comprehensive Plan.

Mr. Tim Stover, Attorney for the Respondent, did not appear for the hearing.

Commissioner Johnson questioned Mr. Beazer regarding the letter received by the Board on September 29th and if it could be considered by the Board. Legal noted it was at the discretion of the Board. There was a discussion regarding an affected person and the boundary being 300 ft within the property.

Commissioner Hall opened the public hearing for public testimony.

Remy Pullicar, Buhl Chamber of Commerce spoke in support of the applications.
Joe and Berdina Kippes, spoke in opposition. (1/2 mile away)
Sheri Roche spoke in opposition. (1/2 mile away)
Diana Nielsen spoke in opposition. (2 miles away)
Nathan Jerke spoke in opposition. (3/4 mile away)
George Blendermann spoke in opposition. (within 300 ft)
Pam Blendermann spoke in opposition. (within 300 ft)
Brad Armitage spoke in opposition. (weekends in home within 300 ft, residence in Boise)
Kristine Riker spoke in opposition. (3/4 mile away)
Adrian Arp spoke in opposition. (Not an affected person)
Ryan Bowden spoke in support. (1 mile away)
Greg Armitage spoke in opposition. (within 300 ft) read a letter from Leo Hunsaker (2 miles away)
Kay Billington spoke in opposition (not within 300 ft)
Denise Fuller, representing Tunnel Creek Ranch, spoke in opposition. (within 300 ft)
Richard Morris, spoke in opposition (2 miles away)

Commissioner Hall swore in other persons wishing to speak.
Micky Young, Doren Esparza, Molly Gould, Mike Juker.

Molly Gould spoke in opposition (3 miles away)
Doren Esparza spoke in opposition (2 miles away)
Micky Young spoke in opposition (1.5 miles away)
Mike Juker spoke in opposition (2 miles away, mail carrier for the area)

Tim Larsen, Attorney for Applicant spoke and addressed the testimony received. Mr. Larsen expressed concern regarding new testimony and noted that new information should not be considered by the Board. In addition, there was no cross-appeal filed and many of the speakers live outside the affected area. Specific to the testimony received regarding additional wells, there is no requirement for an adequate water study to be done so only the Department of Water Resources letter should be considered. The other agencies also did not have any concerns. Mr. Larsen noted that there was no evidence received to support the denial decisions of the Planning and Zoning Commission. Mr. Larsen requested the Board reverse the decision of the Planning and Zoning Commission and order them to approve the applications.

There was a discussion with Mr. Larsen regarding water concerns for the subdivision within 1.5 miles of the proposed development.

Commissioner Hall closed the public testimony portion of the hearing.

The Board reviewed items for discussion as follows;

- The Appeal
 - a. Was this an Appealable Final Decision of the Planning and Zoning Commission?
Yes
 - b. Was the application properly filed? **Yes**
 - i. Was the appeal Complete? **Yes**
 - ii. Was the appeal Timely? **Yes**

- iii. Did all required parties receive notice? **Yes**
- Conditional Use Permit
 - a. Is this a permitted use in the zone? **Yes**
 - b. Did the CUP Application satisfy the express standards set forth in TFCC 8-7-7?
Reinke Yes, Johnson stated that he felt further review was necessary, Hall stated he needs time for further review as well.
- Preliminary Plat Application
 - a. Was the application complete? **Yes**
 - b. Did any agencies object to the application? **No**
- Decision of the Planning and Zoning Commission
 - a. Did the decision make findings of fact? **Hall stated there were gaps in the finding of fact.**
 - b. Was the decision based upon express standards set forth in TFCC? **Hall needed more time to review and determine.**

Commissioner Hall reviewed the options to affirm, reverse, or modify the decision of the Planning and Zoning Commission.

Commissioner Johnson noted that he would like further time to review the information from the traffic study and the record. Also, additional time was necessary to determine what testimony can be considered and what should not be considered.

Commissioner Reinke expressed concern with the time it has taken to get to this point and would like to get to a decision expeditiously.

Commissioner Hall noted he was conscious of the applicant's and appellants' time but it was important to make the right decision. Commissioner Hall noted he would like further time to review the record as well as what testimony was proper to consider.

Commissioner Hall noted he is not supportive of remanding the decision back to the Planning and Zoning Commission. Commissioner Reinke concurred.

Commissioner Hall noted the decision will be issued at a public meeting, not a public hearing so no further information will be received beyond today's hearing.

There was a discussion regarding available dates for the decision.

Commissioner Hall made a MOTION to take the information under consideration and issue a decision on October 26th at the 10:00 a.m. meeting. Commissioner Johnson SECONDED. Commissioner Reinke thanked the public for attending. Commissioner Hall noted the Board did not like extending the decision but it was important to make the right decision. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 5, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 5, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 4, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Rocky Mathews, Parks and Waterways Director, for a quarterly department update.

Commissioner Reinke attended a Kiwanis meeting.

Commissioners attended a daily Quagga mussel detection comms call.

Commissioners met with Bob Beer, Facilities Director, for a weekly department update.

Commissioner Reinke attended a Joint Powers Board 3rd Crossing meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Reinke made a MOTION to approve the Consent Agenda. Commissioner Johnson SECONDED. Discussion Commissioner Johnson reviewed the items in the consent agenda to include status sheets for the Sheriff's Office. Motion Passed Unanimously.

In the Matter of BIDS

Commissioners issued a decision on the bid for ADA parking lot upgrade project.

Bob Beer, Facilities Director, reviewed the bid for ADA parking lot upgrade project with the Board.

Commissioner Reinke made a MOTION to approve the letter of intent to Idaho Materials and Construction in the amount of \$122,237.50. Commissioner Johnson SECONDED. Discussion Commissioner Hall noted that complying with ADA is very important for accessibility. Motion Passed Unanimously.

Commissioners issued a decision for the x-ray scanner bids.

Lieutenant Hogan provided his recommendation for the x-ray scanner bids to the Board.

Commissioner Reinke made a MOTION to approve the letter of intent to Tek 84 in the amount of \$160,500.00. Commissioner Johnson SECONDED. Discussion Commissioner Reinke expressed his appreciation to Lt. Hogan for his work on the project. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered a Cooperative Purchasing Agreement with Omnia Partners.

Kristina Glascock, Clerk, reviewed the Cooperative Purchasing Agreement with Omnia Partners and noted that Twin Falls County would become a member and would be able to purchase items through that program.

Commissioner Johnson made a MOTION to approve the Cooperative Purchasing Agreement with Omnia Partners and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Reinke SECONDED. Motion Passed Unanimously.

In the Matter of ZONING

Commissioners issued a decision on an appeal of the Planning and Zoning Administrator's decision for CGR Inc.

Commissioner Hall noted that he would be in support of reversing the Administrator's decision and expressed concern that while the code is being rewritten, the policy should be better clarified. Commissioner Johnson noted that as part of the code rewrite the zoning section needs to be clearer so it is less confusing.

Commissioner Johnson made a MOTION to reverse the decision of the Planning and Zoning Administrator for CGR Inc. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that the Board does not like reversing the decision of the Planning and Zoning Administrator, however, the way the code is currently written he can understand how Mr. Laux came to his decision. Commissioner Hall noted that the Board will work with Legal to put together findings of fact. Motion Passed Unanimously.

In the Matter of FEES

Commissioners conducted a public hearing to consider fee increases for TARC and resolution for the same.

Commissioner Hall opened the public hearing.

Commissioner Reinke reviewed the fee increases for TARC and proposed Resolution #2024-002 with the Board and noted Jaci Urie, TARC Director, had something come up and would not be able to attend.

Commissioner Hall opened the public testimony portion of the hearing.

No public testimony was received.

Commissioner Hall closed the public testimony portion of the hearing.

Commissioner Reinke made a MOTION to approve the fee increases as presented for TARC and proposed Resolution #2024-002. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted that the program is funded through fees and so they keep a very close eye on their costs. Commissioner Johnson noted that TARC also provides services in the County Jail. Motion Passed Unanimously.

RESOLUTION NO. 2024-002

**A RESOLUTION INCREASING
TWIN FALLS COUNTY TREATMENT AND RECOVERY CLINIC FEES**

WHEREAS, pursuant to Idaho Code § 31-870, a Board of County Commissioners may impose and collect fees for those services provided by the County which would otherwise be funded by ad valorem tax revenues, and the fees collected pursuant thereto shall be reasonably related to, but shall not exceed the actual cost of the service being rendered; and

WHEREAS, the proposed fee increase is required to reflect the actual costs associated with providing the service(s); and

NOW, THEREFORE, BE IT RESOLVED by the Twin Falls County Board of Commissioners, that the fee schedule attached hereto as Exhibit "A" is hereby adopted, and that all portions of previous ordinances and resolutions that conflict with the current resolution are repealed.

NOW, THEREFORE, BE IT RESOLVED by the Twin Falls County Board of Commissioners that the foregoing fees shall be adjusted as indicated by the Treatment and Recovery Clinic.

Dated this 5th day of October, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

ATTEST:

/s/ Jack Johnson
Jack Johnson, Commissioner

/s/ Kristina Glascock
Kristina Glascock, Clerk

/s/ Brent Reinke

Brent Reinke, Commissioner

There being no further business, the Board recessed until 8:00 a.m., October 6, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 6, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 5, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a WEMA meeting.

Commissioner Reinke attended a Unity Alliance of Southern Idaho meeting.

Commissioner Hall met with Jon Laux, Community Development Director, and Legal for a bi-weekly meeting.

Commissioner Reinke attended a Board of Community Guardians monthly meeting.

Commissioners attended a daily Quagga mussel detection comms call.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Johnson made a MOTION to go into executive session at 10:37 a.m. pursuant to Idaho Code §74-206 (B) records exempt from disclosure - evaluation, dismissal, or discipline of staff. Commissioner Reinke SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes, Reinke yes)

Commissioners returned to regular session at 11:29 a.m.

There being no further business, the Board recessed until 8:00 a.m., October 10, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho

REGULAR OCTOBER MEETING
October 10, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 6, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a Transportation Board meeting.
Commissioners met with office staff for a weekly department meeting.
Commissioners met with Elaine Mollignoni, HR Director, for a weekly department update.
Commissioners met with Kevin Sandau, Juvenile Probation Director, Magistrate Probation Supervisor, and Juvenile Detention Supervisor for a quarterly update.
Commissioners met with Legal for a weekly department meeting.
Commissioner Reinke attended an Optimist Youth House Board meeting.
Commissioners attended the Veterans Court Graduation.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Reinke made a MOTION to go into executive session at 9:15 a.m. pursuant to Idaho Code §74-206 (D) records exempt from disclosure - hospital care, medical records. Commissioner Johnson SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes, Reinke yes)

Commissioners returned to regular session at 9:20 a.m.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Johnson made a MOTION to deny the request to release the lien or take a lower payback for case number 96747. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted there is a pending resource from a motor vehicle accident. Due to the responsibility to recover taxpayer funds, we will wait until a settlement is reached. Motion Passed Unanimously.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Reinke SECONDED. Discussion Commissioner Johnson reviewed the items in the consent agenda to include status sheets for IT, and the Sheriff's Office. Motion Passed Unanimously.

In the Matter of TAXES

Commissioners considered Special Assessments and NUGS Non-Utility Generators for the 2023 Tax Roll.

Kristina Glascock, Clerk, and Becky Peterson, Treasurer, reviewed the Special Assessments and NUGS Non-Utility Generators for the 2023 Tax Roll with the Board. Mrs. Peterson recommended tabling the item due to utilities still being collected. There was a discussion regarding the items on the tax roll. Commissioner Reinke read the documents for the minutes.

Commissioner Reinke made a MOTION to approve the 2023 Tax Roll and authorize Kristina Glascock, Clerk, to sign the documents on behalf of the Board.

Special Assessments and NUGS Non-Utility Generators for the 2023 Tax Roll, no action was taken.

In the Matter of BALLOTS

Commissioners considered a Board of Health Representative Ballot.

Commissioner Hall reviewed the Board of Health Representative Ballot with the Board. There was a discussion regarding who the ballot would be cast for.

Commissioner Hall made a MOTION to approve Susan Bolton for the Board of Health Representative Ballot. Commissioner Reinke SECONDED. Motion Passed Unanimously.

In the Matter of GRANTS

Commissioners considered a JAG 2023 Award Notice.

Commissioner Reinke noted that Legal had requested more time for review.

No action was taken.

Commissioners considered a Basic Center Program Grant Award.

Gary Anderson, Grants Supervisor, reviewed the Basic Center Program Grant Award with the Board. Mr. Anderson noted that the funds would be used in Safe House.

Commissioner Reinke made a MOTION to approve the Basic Center Program Grant Award. Commissioner Johnson SECONDED. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered a Property Lease Amendments with the Idaho Department of Water Resources.

Shannon Carter, reviewed the Property Lease Amendments with the Idaho Department of Water Resources with the Board. Mrs. Carter noted that the agreements renew the existing lease for 5 years with a small increase in rent each year.

Commissioner Johnson made a MOTION to approve the Property Lease Amendments with the Idaho Department of Water Resources. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted that one agreement is for the office space and the other is for storage space. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 11, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 11, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 10, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Johnson met with Sheriff Tom Carter, Captain Doug Hughes, and Bob Beer, Facilities Director, to discuss county property.

Commissioner Reinke attended a Department of Environmental Quality meeting.

Commissioner Hall attended a South Central Behavioral Health Board meeting.

Commissioners attended a Snake River Juvenile Detention Center Joint Powers meeting.

Commissioners attended a SIRCOMM Joint Powers Board meeting.

Commissioner Reinke attended a Pest Abatement District Board meeting.

Commissioner Reinke attended a Drug Court Diversion Board meeting.

Commissioners attended a Republican Central Committee meeting.

In the Matter of TAX DEEDS

Commissioners conducted a Tax Deed Auction on the Twin Falls County Courthouse steps.

There being no further business, the Board recessed until 8:00 a.m., October 12, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 12, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 11, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Bob Beer, Facilities Director, for a weekly department update. Commissioners attended a District IV Elected Officials meeting in Hailey, Idaho. Commissioner Reinke attended a Farm Bureau meeting.

There being no further business, the Board recessed until 8:00 a.m., October 13, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 13, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 12, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a WEMA meeting.

There being no further business, the Board recessed until 8:00 a.m., October 16, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 16, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 13, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with office staff for a weekly department meeting.
Commissioners met with Legal for a weekly department meeting.
Commissioner Reinke attended a Castleford Men’s Club meeting.
Commissioner Hall attended an Urban Renewal Agency meeting.
Commissioner Reinke attended a Historical Preservation Commission meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff’s Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Reinke SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include an employee requisition for the Sheriff’s Office; Commissioner minutes for August 21 – 25 and August 28 – September 1; status sheets for the Sheriff’s Office, Traffic Court, and Elections; tax cancellations for parcel #RP09S15E094800A in the amount of \$46.58 and parcel #RPT0164000200A0A in the amount of \$34.08 as requested by the Assessor. Motion Passed Unanimously.

In the Matter of GRANTS

Commissioners considered a BJA FY23 Edward Byrne Memorial JAG 2023 Grant Award.

Gary Anderson, Research and Development Supervisor, reviewed the BJA FY23 Edward Byrne Memorial JAG 2023 Grant Award with the Board. Mr. Anderson noted the grant is for \$45,124.00

to be shared with the Twin Falls City Police Department and the Twin Falls County Sheriff's Office. The grant has been received for many years.

Commissioner Reinke made a MOTION to approve the BJA FY23 Edward Byrne Memorial JAG 2023 Grant Award and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Johnson SECONDED. Discussion Commissioner Johnson noted that the grant has been received by law enforcement for many years. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 17, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 17, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 16, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates and Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners attended a Joining Forces Magic Valley meeting.
Commissioners met with Elaine Molignoni, HR Director, for a weekly department update.
Commissioners attended the Twin Falls Fire Station 2 Grand Opening.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Johnson made a MOTION to go into executive session at 9:00 a.m. pursuant to Idaho Code §74-206 (D) records exempt from disclosure - hospital care, medical records. Commissioner Reinke SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes, Reinke yes)

Commissioners returned to regular session at 9:10 a.m.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Johnson made a MOTION to approve case number 96747 for the release of lien, acceptance of the settlement offer in the amount of \$1,330.00 and close the case. Commissioner Reinke SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve case number 104685 for cremation at Reynolds Funeral Chapel in the amount of \$950.00. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted the applicant was a Twin Falls County resident and was indigent. Motion Passed Unanimously.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Reinke SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include status sheets for Weeds and Juvenile Probation. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered an Amendment to the Professional Services Agreement with CSHQA Inc.

Bob Beer, Facilities Director, reviewed the Amendment to the Professional Services Agreement with CSHQA Inc. with the Board.

Commissioner Reinke made a MOTION to approve the Amendment to the Professional Services Agreement with CSHQA Inc. and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted that there was a change of building material to save money for the project. Motion Passed Unanimously.

Commissioners considered an Agreement for Pathology Services with Ada County.

Will Carson, Acting Corner, reviewed the Agreement for Pathology Services with Ada County with the Board and noted that there was a small increase in the fees.

Commissioner Reinke made a MOTION to approve the Agreement for Pathology Services with Ada County and authorize Will Carson, Acting Corner, to sign the agreement on behalf of the Coroner and the Chairman to sign on behalf of the Board. Commissioner Johnson SECONDED. Motion Passed Unanimously.

In the Matter of COUNTY PROPERTY

Commissioners considered a parking area at Wright Ave Facility.

Bob Beer, Facilities Director, reviewed the parking area at Wright Ave Facility with the Board and noted that patrol cars would gain additional parking areas.

Commissioner Johnson made a MOTION to approve the parking area at Wright Ave Facility. Commissioner Reinke SECONDED. Discussion Commissioner Hall noted the proposed area had better functionality than the previously proposed area. Motion Passed Unanimously.

In the Matter of ZONING

Commissioners conducted a public hearing for an appeal of the Planning and Zoning Commission's denial of an Application for a Conditional Use Permit for Nancy Zearth.

Commissioner Hall opened the public hearing at 1:30 p.m.

Commissioner Hall reviewed the record on appeal and the laws considered.

Commissioner Hall swore in affected persons, Community Development Services Staff, and the attorney for the Appellant

Jon Laux, Community Development Services Director
Laura Wilson, Planner for Community Development Services Staff
Josh Leonard, Attorney for Appellant
Tom Wangeman
Randy Musser
Ken Jorgensen
Doug Fuches

Laura Wilson, Planner reviewed the property, the application, and the appeal information with the Board. Ms. Wilson reviewed the decision made by the Planning and Zoning Commission and the applicable codes. Jon Laux, and Laura Wilson reviewed a map with the subject site, the area of impact, and the applicable zones.

Josh Leonard, Attorney for Appellant spoke with the Board and presented his clients' reasons for appeal. Mr. Leonard stated that the Federal Telecommunications Act of 1996 was applicable and three of the commission members stated that they would not consider the requirements of the act. Mr. Leonard reviewed the problems with the decision made by the Planning and Zoning Commission and his client's basis for appeal. Mr. Leonard reviewed the alternate sites that T-Mobile had researched and the reasons they were not feasible, as well as the sections of the transcript that showed that the Planning and Zoning Commission did not consider the Federal Communications Act and that the Planning and Zoning Commission, was fully aware that the Board of County Commissioners could overturn their decision. Mr. Leonard noted that they made multiple efforts through the application process to notify the County that the code violates federal law. Mr. Leonard addressed the concerns presented by an affected person that would prevent crop dusting. Mr. Leonard noted that the letter received from the Highway District was late and should not be considered part of the record. However, the Appellant will be applying for the proper permits. Commissioner Hall noted that the letter is not admissible and should the Board consider that they will allow the Appellant to rebut that letter. Mr. Leonard reviewed the area that prohibited new free-standing wireless communication facilities based on the Twin Falls City Code.

Commissioner Johnson presented Mr. Leonard with several questions to clarify the presentation made by Mr. Leonard regarding alternate sites and coverage.

Commissioner Hall asked Mr. Leonard to clarify what building standards should be applied. Mr. Leonard reviewed the standards that the courts have determined. There was a discussion on service standards and how they apply to the prohibition of service.

Commissioner Hall noted that the Board is considering the Telecommunications Act. There was discussion on the Act and the authority of local government to limit the placement and construction of facilities or prohibit wireless services. Commissioner Hall asked if multiple towers would provide significant coverage rather than one tower. Ken Jorgensen, resident noted that 5G only goes approximately ¼ mile. Mr. Leonard noted the closest allowed free-standing tower would be over a mile away which would not help the significant gap in coverage.

Commissioner Johnson asked how inbuilding coverage was determined in the subject area. Mr. Leonard reviewed the process used by T-Mobile. There was a discussion on the Telecommunications Act and how it affects local code.

Commissioner Hall asked who did the 3rd party coverage study. Mr. Leonard stated that Steven Kennedy from Biwabkos did the study. There was discussion on what public property was considered for locations. Mr. Leonard noted the City of Twin Falls had property that was considered which was approximately 1.25 miles away that would not work, and public right of ways are generally not feasible for full towers with ground equipment. There was a discussion regarding the development surrounding tower locations.

Randy Musser spoke in opposition to the application and discussed the importance of zoning rules and noted that the decision to deny the application was based upon the zoning rules of Twin Falls City. Mr. Musser stated that the Telecommunications Act allows denial of wireless communication facilities by a written decision supported by substantial evidence. Mr. Musser reviewed the substantial evidence standard. Mr. Musser stated that a zone change was needed and appropriate locations needed to be identified by the City and the County. Commissioner Johnson asked Mr. Musser to clarify the section of the Act that was referenced. Mr. Musser noted it is in the Act, but was unable to provide the section referenced.

Tom Wangeman spoke in opposition to the application and discussed the alternative sites and noted there was a tower to the east that would provide coverage to a large portion of the area. Mr. Wangeman discussed alternate located towers that could provide coverage and the size of the proposed tower. Mr. Wangeman noted a two-tower solution would provide similar coverage to the proposed site. Mr. Wangeman discussed the Telecommunications Act overriding local government decisions.

Doug Fuches spoke in regard to the application and noted that he was approached by another tower company but not by the applicant. Telecommunications towers are a lucrative business. Mr. Fuches noted he has concerns with a canal that is in the area and would ask that the company address his concerns.

Ken Jorgensen spoke in regard to the application and noted that he has read the Telecommunications Act and has a background in technology. Mr. Jorgensen stated that he is not opposed to the aesthetics of the tower, he has concerns with the site location and coverage. Mr. Jorgensen discussed the technology associated with 5G coverage. Mr. Jorgensen also noted that he has concerns that the company has lowballed Ms. Zearth and if they paid more money they would be able to find an alternate location that was better.

Josh Leonard, Attorney for Appellant reviewed the statements made by the affected persons as they apply to his client's application.

Commissioner Hall noted that the Board would not consider any information regarding the lease with Ms. Zearth.

Commissioner Reinke asked Ms. Wilson how the Telecommunications Act affects the local code. Ms. Wilson stated in her experience Federal law supersedes local code.

Commissioner Hall closed the public hearing at 4:33 p.m.

Commissioner Hall reviewed the issues on appeal for discussion. The Board discussed the appeal of the application and the decision made by the Planning and Zoning Commission.

1. The Appeal
 - a. Was this an Appealable Final Decision of the Planning and Zoning Commission?
Yes
 - b. Was the application properly filed? **Yes**
 - i. Was the appeal Complete? **Yes**
 - ii. Was the appeal Timely? **Yes**
 - iii. Did all required parties receive notice? **Yes**
2. Conditional Use Permit
 - a. Which code applies? **Twin Falls City Code**
 - b. Is conditional use allowed in the zone? **No**
 - c. Did the CUP Application satisfy the express standards set forth in Twin Falls City Code 10-13-2-2D? **Yes**
3. Decision of the Planning and Zoning Commission
 - a. Did the Planning and Zoning decision make findings of fact consistent with Idaho Code 67-6535? **Yes**
 - b. Was the decision based upon express standards set forth in the Twin Falls City Code? **Yes**
 - c. Did the P&Z Commission review the particular facts and circumstances of the special use in terms of the standards outlined in Twin Falls City Code 10-13-2-2? **Yes**
4. Telecommunications Act of 1996
 - a. Does the Telecommunications Act of 1996 apply? **Yes**

- b. Did the Planning and Zoning Commission consider the Telecommunications Act of 1996 in making their decision? **Yes**
- c. Did the applicant demonstrate that there is a significant gap in wireless coverage? **Yes, Commissioner Hall noted he would like to see a better definition of significant gap in coverage but he could see a coverage gap. Commissioner Johnson noted with the information provided by the appellant, however local homeowners do not have the resources to do a study. Commissioner Reinke noted there is a gap that was shown. Commissioner Hall noted that based upon testimony, there is a gap in that location and the area is going to grow.**
- d. Did the P&Z Commission discuss whether there were alternative locations for the proposed tower? **Yes**
- e. Did the P&Z Commission's denial of the application have the effect of prohibiting T-Mobile from providing personal wireless services? **Commissioner Johnson stated no, the decision was based upon a free-standing tower, there might be alternative locations that other property owners did not respond to the mailed letter. An alternate location could provide service. Commissioner Hall noted that the Board has to consider if the other alternatives are less intrusive. The Board discussed alternate options and if they would be considered less intrusive as well as coverage issues. Commissioner Reinke stated that based upon future needs it does prohibit the service. Commissioner Hall stated it has been demonstrated there is a gap in coverage and he is grappling with the question of if a few more towers in the area could potentially solve the problem, but is that considered more intrusive than one tower. Commissioner Hall noted he is leaning toward it prohibiting T-Mobile. Commissioner Hall noted the area is growing and coverage will be needed.**

Commissioner Hall reviewed the options for decisions to **affirm, reverse, or modify**, in whole or in part the decision of the Planning and Zoning Commission or make additional conditions which in its deliberation may find warranted under the provisions of this code, or may remand the decision to the Planning and Zoning Commission for further consideration. The Board could also take the information under consideration which would extend the hearing.

Commissioner Reinke made a MOTION to take the information under consideration and issue a decision on Monday, November 13th at 2:00 p.m. Commissioner Johnson SECONDED. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 18, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 18, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 17, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners attended the Rise and Shine Southern Idaho show.

Commissioners met with Mark Jones, dairyman, to discuss county code rewrite.

Commissioner Johnson attended a Twin Falls County Opioid Committee meeting.

Commissioners met with Nathan Murray, Idaho Power Economic Development, for a transmission line project update.

Commissioner Reinke and Hall attended a District Health Legislative meeting.

Commissioner Hall attended a Rotary Club meeting.

Commissioner Hall attended a South Central Public Health Board meeting.

Commissioner Reinke attended a Juvenile Training Council meeting.

There being no further business, the Board recessed until 8:00 a.m., October 19, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 19, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 18, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Rocky Matthews, Parks and Waterways Director, to discuss the Rock Creek Trail.

Commissioners met with Brad Wills, Assessor, Kristina Glascock, Clerk, and Becky Petersen, Treasurer to discuss the exempt property.

Commissioner Reinke attended a Kiwanis meeting.

Commissioner Johnson attended an Optimist meeting.

Commissioners met with Bob Beer, Facilities Director, for a weekly department update.

Commissioners attended a public test of counting machines for the November 7th election.

Commissioner Hall met with Jon Laux, Community Development Director, for a monthly department update.

Commissioner Hall met with Cody Cantrell, Veterans Service Officer, for a monthly department update.

Commissioner Hall attended a REDS Board meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson pulled the employee requisition for the Prosecutor's Office for further discussion.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Reinke SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include employee requisitions for TARC; an alcohol catering permit for Milner's Gate at the Twin Falls County Fairgrounds on October 19, 2023; and status sheets for the Sheriff's Office and Juvenile Detention. Motion Passed Unanimously.

The Board discussed the range for pay on the requisition for the Prosecutor's Office. Commissioner Hall suggested the Board approve up to the maximum of \$119,580.00.

Commissioner Johnson made a MOTION to approve the requisition with the maximum pay of \$119,580.00 depending on experience. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted the budget is not set for the amount that the Prosecutor has requested. Commissioner Hall noted the Board will reach out to the Prosecutor to discuss his request. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered a Herrett Center Facility Rental contract.

Kristina Glascock, Clerk, reviewed the Herrett Center Facility Rental contract with the Board. Ms. Glascock noted that the County will be using the facility on November 2nd for poll worker training.

Commissioner Reinke made a MOTION to approve the Herrett Center Facility Rental contract as presented not to exceed \$2,000.00 and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted the elections department has used this facility in the past and will be paid out of the Elections budget. Commissioner Hall noted it saves manpower to do one training at a larger facility. Motion Passed Unanimously.

Commissioners considered a Master Services Agreement with Eagleview.

Bradford Wills, Assessor, reviewed the Master Services Agreement with Eagleview with the Board. Mr. Wills noted that Legal did review the agreement and their recommended changes were made. The County is partnering with the City to pay for the services.

Commissioner Johnson made a MOTION to approve the Master Services Agreement with Eagleview and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Reinke SECONDED. Motion Passed Unanimously.

Commissioners considered a contract with Cannon Heritage Consultants for the Historical Preservation Commission project.

Ron Yates and Shauna Robinson, Historical Preservation Commission reviewed the agreement with the Board and the funding that would cover the cost of the project. Mr. Yates noted the Historical Preservation Commission will be working with Cannon Heritage Consultants to complete a survey of historical sites in the canyon.

Commissioner Reinke noted the funds will be provided by the State Historical Preservation Office, Preservation Idaho, and another grant to complete the final amount of \$20,000.00.

Commissioner Reinke made a MOTION to reconsider the contract with Cannon Heritage Consultants for the Historical Preservation Commission on Tuesday, October 24. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted the scope of work needs to be updated. Motion Passed Unanimously.

In the Matter of RESOLUTIONS

Commissioners considered a proposed resolution amending the Use of County Equipment Policy.

Commissioner Johnson made a MOTION to approve Resolution #2024-003 amending the Use of County Equipment Policy. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted the policy changes in sections 675-03 and 675-04 regarding cell phones. Commissioner Reinke noted the change makes it the Elected Officials' responsibility to approve a cell phone and the Commissioners will authorize out-of-country use. Equipment will remain the property of the county. Motion Passed Unanimously.

RESOLUTION NO. 2024-003

A RESOLUTION AMENDING SECTION 675 (USE OF COUNTY EQUIPMENT) OF THE
TWIN FALLS COUNTY PERSONNEL MANUAL.

WHEREAS, Twin Falls County adopted a Personnel Manual that established the policies and procedures for Twin Falls County employees on September 14, 2014; and

WHEREAS, current Twin Falls County policies require updating from time to time; and

WHEREAS, clarification regarding sections 675-03 and 675-04 regarding County provided cell phones was necessary;

NOW THEREFORE BE IT RESOLVED that Twin Falls County shall amend section 675-03 and 675-04 of the "Use of County Equipment" policy which is incorporated herein for reference effective immediately upon adoption by the Board of County Commissioners.

BE IT FURTHER RESOLVED that this policy will be made available to all current and future County employees.

DATED this 19th day of October, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

/s/ Jack Johnson
Jack Johnson, Commissioner

/s/ Brent Reinke
Brent Reinke, Commissioner

ATTEST:

/s/ Kristina Glascock
Kristina Glascock, Clerk

Commissioners considered a proposed resolution amending the reimbursement option on personal cell phone devices.

Commissioner Reinke reviewed the proposed resolution and noted the cell phone reimbursement amount is increasing from \$25.00 to \$40.00 per month.

Commissioner Reinke made a MOTION to approve resolution #2024-004 with to be effective November 1, 2024. Commissioner Johnson SECONDED. Motion Passed Unanimously.

RESOLUTION NO. 2024- 004

A RESOLUTION AMENDING THE REIMBURSEMENT OPTION ON PERSONAL CELL PHONE DEVICES FOR TWIN FALLS COUNTY PERSONNEL.

WHEREAS, Twin Falls County recognizes that employees whose job duties require the use of a cellular phone may wish to have more expensive phones and plans than the County provides; and

WHEREAS, Twin Falls County is not obligated to incur the cost of more expensive phones or data plans associated with such phones for certain positions, and

WHEREAS, Twin Falls County also recognizes that employees may not wish to carry both a personal cell phone and a County issued cell phone; and

WHEREAS Twin Falls County has determined that the reimbursement to employees for personal cell phones is a cost-effective solution;

NOW THEREFORE BE IT RESOLVED that Twin Falls County shall adopt the amended “Cellular Communication Devices” policy and reimbursement form which is incorporated herein for reference. This policy change shall be made available to all current and future employees upon its adoption.

DATED this 19th day of October, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

/s/ Jack Johnson
Jack Johnson, Commissioner

/s/ Brent Reinke
Brent Reinke, Commissioner

ATTEST:

/s/ Kristina Glascock

Kristina Glascock, Clerk

Commissioners considered a proposed resolution amending the Vacation Accrual Maximums Policy of the Twin Falls County Personnel Manual.

Commissioner Johnson reviewed the proposed resolution and noted the policy changes and the requests to be approved by the Board of County Commissioners.

Commissioner Johnson made a MOTION to approve Resolution #2024-005. Commissioner Reinke SECONDED. Motion Passed Unanimously.

RESOLUTION NO. 2024-005

A RESOLUTION AMENDING SECTION 301-07 (VACATION ACCRUAL MAXIMUMS POLICY) OF THE TWIN FALLS COUNTY PERSONNEL MANUAL.

WHEREAS, Twin Falls County adopted a Personnel Manual that established the policies and procedures for Twin Falls County employees on September 14, 2014; and

WHEREAS, current Twin Falls County policies require updating from time to time; and

WHEREAS, clarification regarding the approval process of carry over vacation was necessary;

NOW THEREFORE BE IT RESOLVED that Twin Falls County shall amend section 301-07 of the "Vacation Leave" policy which is incorporated herein for reference effective immediately upon adoption by the Board of County Commissioners.

BE IT FURTHER RESOLVED that this policy will be made available to all current and future County employees.

DATED this 19th day of October, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

/s/ Jack Johnson
Jack Johnson, Commissioner

/s/ Brent Reinke
Brent Reinke, Commissioner

ATTEST:

/s/ Kristina Glascock

Commissioners considered a proposed resolution approving additional compensation for exempt employees of the Twin Falls County Sheriff's Office.

Commissioner Reinke reviewed the proposed resolution to increase the additional compensation for exempt employees in the Sheriff's Office from \$50.00 to \$60.00. Commissioner Hall noted the change is for special events that the Sheriff's Office personnel provide and this increases the pay for exempt employees so they don't lose money on working the events.

Commissioner Reinke made a MOTION to approve resolution #2024-006. Commissioner Johnson SECONDED. Discussion Commissioner Johnson noted there is not a budget impact to the change. Motion Passed Unanimously.

RESOLUTION NO. 2024-006

A RESOLUTION APPROVING ADDITIONAL COMPENSATION FOR EXEMPT EMPLOYEES OF THE TWIN FALLS COUNTY SHERIFF'S OFFICE WHILE PERFORMING SECURITY FOR PRIVATE EVENTS.

WHEREAS, Twin Falls County recognizes that the Twin Falls County Sheriff's Office Deputies are essential to providing security at private events where large crowds and alcohol are present for the safety of the community; and

WHEREAS, staffing the areas of Patrol, Detention, and extra security for private events is often challenging; and

WHEREAS, the Twin Falls County Sheriff has requested that sworn law enforcement personnel who are exempt from receiving overtime be compensated for performing these additional duties; and

WHEREAS, these events are paid by the private event sponsor at a contract rate not by taxpayer dollars; and

WHEREAS, a resolution was adopted on September 29, 2022 and the rate of pay needs updated.

NOW THEREFORE BE IT RESOLVED that Twin Falls County shall approve additional compensation for sworn law enforcement exempt personnel under the following conditions:

- This policy only applies to private events where the event sponsor pays Twin Falls County for contracted security.
- Personnel must be an exempt status employee with the Twin Falls County Sheriff's Office and a certified law enforcement officer.

- Personnel must work their regular scheduled hours to qualify for additional compensation beyond their regular work schedule.
- Personnel will be compensated at a flat rate of \$60 per hour for actual hours worked. The rate of pay will remain at \$60 per hour until or unless formally changed through resolution and approval of the Twin Falls County Board of Commissioners.

BE IT FURTHER RESOLVED that this policy shall take effect on October 19, 2023.

DATED this 19th day of October, 2023.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

ATTEST:

/s/ Jack Johnson
Jack Johnson, Commissioner

/s/ Kristina Glascock
Kristina Glascock, Clerk

/s/ Brent Reinke
Brent Reinke, Commissioner

There being no further business, the Board recessed until 8:00 a.m., October 20, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 20, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 19, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a WEMA meeting.

Commissioner Hall met with Jon Laux, Community Development Director, and Legal for a bi-weekly meeting.

Commissioner Reinke attended a Buhl Chamber of Commerce meeting.

There being no further business, the Board recessed until 8:00 a.m., October 23, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 23, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 20, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with office staff for a weekly department meeting.

Commissioners met with Legal for a weekly department meeting.

Commissioners attended the groundbreaking ceremony for the Theron W. Ward Judicial Building Project.

Commissioner Reinke attended a NACo Agriculture & Rural Affairs Committee monthly meeting.

Commissioners met with Ben Anderson, Public Defender, to discuss staffing concerns.

Commissioners attended a Southern Idaho Republican Women's meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Reinke SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include Commissioner minutes for Sept. 11 – 15, Sept 18 – 22, and Sept 25 - 29; status sheets for Elections, Sheriff's Office, and the Prosecutor's Office. Motion Passed Unanimously.

In the Matter of TAXES

Commissioners considered the amended L-1 Levy Certification.

Kristina Glascock, Clerk, reviewed the Amended L-1 as presented.

Commissioner Reinke made a MOTION to approve the amended L-1 as presented and authorize the Clerk for the Twin Falls County Commissioners to sign the document. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Twin Falls County	0.002671258
City of Buhl	0.007707516
City of Castleford	0.001675526
City of Filer	0.005997295
City of Hansen	0.003117063
City of Hollister	0.002116924
City of Kimberly	0.003844071
City of Murtaugh	0.005066580
City of Twin Falls	0.004714041
Bliss School #234	0.000583324
Buhl School #412	0.000009050
Cassia School #151	0.001538007
Castleford School #417	0.001201896
Filer School #413	0.001297196
Hagerman School #233	0.001022298
Hansen School #415	0.001022298
Kimberly School #414	0.001654009
Murtaugh School #418	0.003271971
Three Creek School #416	0.001593917
Twin Falls School #411	0.001604588
Twin Falls Ambulance	0.000111169
Filer Cemetery	0.000093116
West End Cemetery	0.000084386
Bliss Fire	0.000432112
Buhl Fire	0.001357674
Castleford Fire	0.000757131
Filer Rural Fire	0.000556193
Hagerman Fire	0.000897157
Rock Creek Fire	0.001173214
Salmon Tract Fire	0.000850796
Twin Falls Rural Fire	0.000861087
Buhl Hwy	0.001123091
Filer Hwy	0.000846336
Murtaugh Hwy	0.001017301
Twin Falls Hwy	0.000703461
So. Id Jr. College	0.000705854
Hansen Library	0.000252311
Twin Falls Abatement	0.000063292
Castleford Recreation	0.000147475
Filer Recreation	0.000242079

Commissioners considered NUGS Non-Utility Generators for the 2023 Tax Roll.

Becky Petersen, Treasurer, reviewed the NUGS, Special Assessment totals to be added to the tax roll for 2023 with the Board.

Commissioner Johnson made a MOTION to approve the NUGS- Special Assessment totals to be added to the tax roll for 2023 and authorize Kristina Glascock, Clerk, of the Board of County Commissioners to sign the document. Commissioner Reinke SECONDED. Motion Passed Unanimously.

In the Matter of RESOLUTIONS

Commissioners considered a proposed amended resolution #2023-052 to increase the FY2023 Grants Budget.

Kristina Glascock, Clerk, reviewed the amended resolution with the Board.

**AMENDED
RESOLUTION NO. 2023 – 052**

WHEREAS, on September 7, 2022, the Twin Falls County Board of Commissioners adopted the Fiscal Year 2023 budget for Twin Falls County; and

WHEREAS, after the budget was adopted, Twin Falls County became aware of unanticipated revenue that was not budgeted in the fiscal year 2023 budget for Twin Falls County; and

WHEREAS, pursuant to Idaho Code §31-1605, the county has the authority to reopen its budget if unanticipated revenue is received so that it can be expended by the County during the current fiscal year; and

WHEREAS, Twin Falls County received unscheduled revenue and grants to cover the expenses on the following budgets; and

NOW, THEREFORE BE IT RESOLVED that the Twin Falls Board of Commissioners unanimously adopts this resolution and increases the budgeted amount in the following budgets for FY 2023 pursuant to Idaho Code §31-1605.

Line item	Budget Amount	Increase	Amended Budget Amount
Revenue Sharing			
132.432.02.090.00	\$20,000	\$2,000	\$22,000
Waterways			
174.474.01.001.00	\$23,797	\$200	\$23,997

Snowmobiles

175.475.02.040.05	\$18,000	\$5,000	\$23,000
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Juvenile Corrections Act Funds

608.908.01.001.00	\$103,460	\$1,000	\$104,460
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ASAT

612.912.02.005.00	\$	\$26,000	\$26,000
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R.S.A.T. Grant

613.913.01.001.00	\$38,711	\$145,000	\$183,711
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613.913.02.002.00	\$4,062	\$15,000	\$19,062
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613.913.02.004.00		\$6,000	\$6,000
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613.913.02.070.00	\$2,381	\$9,000	\$11,381
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613.913.02.070.03	\$557	\$2,100	\$2,657
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613.913.02.071.00	\$3,275	\$12,500	\$15,775
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Line item	Budget Amount	Increase	Amended Budget Amount
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613.913.02.073.00	\$2,883	\$13,000	\$20,266
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613.913.02.073.01	\$257	\$300	\$557
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BCP Basic Safehouse Grant

618.918.02.002.00	\$	\$1,459	\$1,459
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618.918.02.070.00	\$5,649	\$1,487	\$7,136
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618.918.02.070.03	\$1,321	\$348	\$1,669
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618.918.02.071.00	\$10,877	\$1,965	\$12,842
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618.918.02.073.00	\$21,935	\$2,694	\$24,629
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618.918.02.073.01	\$2,429	\$1,586	\$4,015
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Parks Grants

635.935.02.020.00		\$2,000	\$2,000
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S.O.R. – Sheriff

644.944.02.001.00	\$20,000	\$15,000	\$35,000
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JAG Grant

645.945.02.007.00	\$	\$6,000	\$6,000
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645.945.02.071.10	\$	\$18,000	\$18,000
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645.945.02.072.10	\$	\$12,000	\$12,000
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645.945.02.072.20	\$	\$19,000	\$19,000
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Sheriff's Donation Fund

651.951.02.004.00	\$1,000	\$1,000	\$2,000
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651.951.02.040.00	\$	\$2,500	\$2,500
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651.951.02.045.00	\$	\$35,000	\$35,000
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Sheriff Drug Seizure Money			
652.952.02.001.00	\$30,000	\$5,000	\$35,000
Sheriff's Youth Plate			
663.963.02.001.00	\$900	\$1,100	\$2,000
Prosecutor Drug Reimb			
667.967.01.001.00	\$76,848	\$1,902	\$78,750
VOCA/ICDVVA Grant			
676.976.02.004.00	\$500	\$600	\$1,100
Treatment Court			
681.981.02.004.00	\$165,000	\$80,000	\$245,000
District Court-Juvenile			
682.982.02.008.00	\$10,000	\$2,000	\$12,000
Line item	Budget Amount	Increase	Amended Budget Amount
Sheriff's Grants			
687.987.02.002.00		\$17,100	\$17,100
687.987.02.011.00		\$26,000	\$26,000
687.987.02.060.00		\$15,000	\$15,000

DATED this 23rd day of October, 2023

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall
Don Hall, Chairman

/s/ Brent Reinke
Brent Reinke, Commissioner

/s/ Jack Johnson
Jack Johnson, Commissioner

ATTEST:

/s/ Kristina Glascock
Kristina Glascock, Clerk

Commissioners considered a proposed resolution authorizing the expenditure of opioid funds.

Commissioner Johnson made a MOTION to approve resolution 2024-007 and authorize the expenditure of opioid funds as listed not to exceed \$5,000.00 and authorize the Chairman to sign the request. Commissioner Reinke SECONDED. Motion Passed Unanimously.

RESOLUTION NO. 2024-007

A RESOLUTION AUTHORIZING EXPENDITURE OF OPIOID FUNDS

WHEREAS, in November of 2021, Twin Falls County entered into an Idaho Opioid Settlement Allocation Agreement; and

WHEREAS, the Board of County Commissioners is the governing body authorized to approve the use of Opioid Funds; and

WHEREAS, Idaho Opioid Settlement Allocation Agreement Exhibit A, which is incorporated herein by reference: Approved Opioid Abatement Strategies, sets forth the manner in which the opioid funds may be allocated; and

WHEREAS, as part of the Settlement Agreement and in accordance with the Allocation Memorandum of Understand, Twin Falls County established an account separate and distinct from the County's general fund, entitled "Opioid Abatement Account" to deposit all proceeds from the Settlement; and

WHEREAS, the Board of County Commissioners has reviewed the request of to use Opioid Funds for registration, hotel, and travel to attend training on April 1-4 2024 in the amount of \$3,993.00, and determined the request meets the requirements of the Settlement Agreement's Approved Opioid Abatement Strategies;

NOW, THEREFORE BE IT RESOLVED that the Twin Falls County Board of Commissioners hereby authorizes the expenditure of Opioid Funds from the Opioid Abatement Account not to exceed \$5,000.00 for the approved purpose registration, hotel, and travel to attend training on April 1- 4, 2024.

Dated this 23rd day of October 2023

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Don Hall

Don Hall, Chairman

ATTEST:

/s/ Jack Johnson

Jack Johnson, Commissioner

/s/ Kristina Glascock

Kristina Glascock, Clerk

/s/ Brent Reinke

Brent Reinke, Commissioner

In the Matter of BUDGET

Commissioners considered excess funds disposition for parcel #RPT32510010180A.

Becky Petersen, Treasurer reviewed the excess funds disposition for parcel #RPT32510010180A with the Board and recommended the excess funds be sent to the Treasurer's Office.

Commissioner Reinke made a MOTION to approve the excess funds disposition for parcel #RPT32510010180A. Commissioner Johnson SECONDED. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered a contract with SEED Idaho P.C. for the Theron Ward Building expansion and remodel project.

Bob Beer, Facilities Director, reviewed the contract with the Board. Mr. Beer noted that the contract was sent to SEED, but they had not returned it previously and the contract is necessary for the project.

Commissioner Johnson made a MOTION to approve the contract with SEED Idaho P.C. for the Theron Ward Judicial Building expansion and remodel project in the amount of \$32,305.00 and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Reinke SECONDED. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 24, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 24, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 23, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Jordan Cates.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Elaine Molognoni, HR Director, for a weekly department update.
Commissioner Hall met with Val Stotts, Director of Safe House, for a monthly department update.
Commissioner Hall attended a St Luke's Magic Valley Board meeting.
Commissioner Reinke attended a Buhl City Candidates Forum.
Commissioner Hall attended a Veterans Council meeting.
Commissioner Reinke attended a 2023 Idaho Annual Preparedness and Cybersecurity Conference in Boise.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Johnson made a MOTION to go into executive session at 9:00 a.m. pursuant to Idaho Code §74-206 (D) records exempt from disclosure - hospital care, medical records. Commissioner Hall SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes) (Reinke absent)

Commissioners returned to regular session at 9:10 a.m.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Johnson made a MOTION to approve case number 104686 for cremation at Reynolds Funeral Home in the amount of \$950.00. Commissioner Hall SECONDED. Discussion Commissioner Johnson noted the applicant was a Twin Falls County resident and was indigent. Motion Passed Unanimously. (Reinke absent)

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Hall SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include status sheets for TARC, Juvenile Probation, Court Services, and Prosecutors Office. Motion Passed Unanimously. (Reinke absent)

In the Matter of COMMISSIONERS' BUSINESS

Commissioners considered a request to award duty weapons to Sergeant David Benefiel.

Commissioner Johnson made a MOTION to approve the request to award duty weapons and service badge to Sargent David Benefiel. Commissioner Hall SECONDED. Discussion Sheriff Tom Carter noted that Sergeant David Benefield has served for 34 years and he has done a remarkable job. Motion Passed Unanimously. (Reinke absent)

Sheriff Tom Carter awarded Sergeant David Benefield his duty weapons and badge.

In the Matter of CONTRACTS

Commissioners considered a signing bonus agreement for Dustin Morris.

Commissioner Johnson reviewed the signing bonus agreement for Dustin Morris with the Board.

Commissioner Johnson made a MOTION to approve the signing bonus agreement for Dustin Morris and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Motion Passed Unanimously. (Reinke absent)

Commissioners considered a contract with Cannon Heritage Consultants for a Historical Preservation Commission project.

Commissioner Johnson made a MOTION to approve the contract with Cannon Heritage Consultants for a Historical Preservation Commission project and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Discussion Commissioner Johnson expressed his appreciation to the Historical Preservation Commission for working to preserve the historical items in the canyon for future generations to enjoy. Motion Passed Unanimously. (Reinke absent)

There being no further business, the Board recessed until 8:00 a.m., October 25, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 25, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 24, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a 2023 Idaho Annual Preparedness and Cybersecurity Conference in Boise.

Commissioner Johnson attended a Twin Falls County Opioid Committee meeting.

Commissioner Johnson met with Sheriff Tom Carter, Captain Doug Hughes, and Bob Beer, Facilities Director, to discuss county property.

Commissioner Hall attended an ICRMP Board meeting in Boise Idaho.

There being no further business, the Board recessed until 8:00 a.m., October 26, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 26, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 25, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners attended a Court Security Committee meeting.

Commissioners met with Bob Beer, Facilities Director, for a weekly department update.

Commissioner Hall attended a Region IV Development Board meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Reinke made a MOTION to approve the Consent Agenda. Commissioner Johnson SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include status sheets for Maintenance and Juvenile Probation. Motion Passed Unanimously.

In the Matter of BUDGET

Kristina Glascock, Clerk presented the quarterly statement per Idaho Code § 31-1611.

In the Matter of CONTRACTS

Commissioners considered the Memorandum of Agreement with Minidoka County - Mini-Cassia Juvenile Detention Center.

Neil Nakamura, Juvenile Detention Center Director reviewed the agreement with the Board. Mr. Nakamura noted they have never placed juveniles with Minidoka County but the agreement is in place in case of an emergency.

Commissioner Reinke made a MOTION to approve the Memorandum of Agreement with Minidoka County-Mini-Cassia Juvenile Detention Center. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioners considered a contract with Tek84 for a body scanner.

Lt. Chris Hogan reviewed the contract with Tek84 and noted the agreement will provide the County with a body scanner to help keep staff as well as the inmates.

Commissioner Johnson made a MOTION to approve the contract with Tek84 for a body scanner and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Reinke SECONDED. Discussion Commissioner Johnson noted the County was able to procure a grant to purchase the equipment. Motion Passed Unanimously.

In the Matter of ZONING

Commissioners considered a request to release the cash bond for Sunway Subdivision #3.

Jon Laux, Community Development Services Director reviewed the request to release the cash bond. Mr. Laux noted that all the requirements had been met by the developer.

Commissioner Reinke made a MOTION to approve releasing the cash bond for Sunway Subdivision #3. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioners considered a request to release the cash bond for Wild Rose Ridge Subdivision.

Jon Laux, Community Development Services Director reviewed the request to release the cash bond for Wild Rose Ridge Subdivision. Mr. Laux noted that all the requirements had been met by the developer.

Commissioner Reinke made a MOTION to approve releasing the cash bond for Wild Rose Ridge Subdivision. Commissioner Johnson SECONDED Discussion Commissioner Reinke noted that all the conditions have been met to release the bond. Motion Passed Unanimously.

In the Matter of ZONING

Commissioners considered an appeal of the Planning and Zoning Commission's decision to deny a conditional use permit and a preliminary plat to Richard Pierson.

Commissioner Hall noted the Board is going back into the deliberation portion of the hearing and there will be no further public comment received.

Commissioner Hall reviewed the record and the issues for discussion.

Was this an appealable decision? **Yes**

Was the application properly filed? **Yes**

Was the appeal complete? **Yes**

Was the appeal timely? **Yes**

Did all required parties receive notice? **Yes**

Conditional Use Permit

Is this a permitted use in the zone as per TFCC 8-6-D-3? **Yes, it is permitted with a Conditional Use Permit.**

Did the CUP application satisfy the express standards set forth in TFCC 8-7-7?

The group discussed if the location of the proposed use was compatible to other land uses in the general neighborhood and does not place undue burden on existing transportation and service facilities in the vicinity. Commissioner Reinke noted he has some concerns with the history of the area and felt the letter from the Department of Water Resources was incomplete. The compatibility of other land use in the area needed to be considered. Commissioner Reinke noted that water issues are a concern and should have been considered and the impact on personal property to the immediate neighbors. The depth of the water and neighbors having to go deeper to get water is a concern. Commissioner Johnson noted he has the same concerns. There is no scientific data but there was a lot of testimony with water concerns. The compatibility with generational farms is a question and it is not clear if a subdivision fits within the area. The traffic study that was done, showed only one day for one hour, at two different locations, where the entrance to the subdivision would be located. Commissioner Johnson noted he felt there could be an undue burden on the area and he doesn't feel like enough information was gathered. Commissioner Hall noted that he felt

the use was not compatible with the area. It is a farming area, roadways are built for county standards, not subdivision standards and it does not seem to fit. The Board adopts the findings that it is not compatible with the area.

The Board discussed the site and the service by streets of sufficient capacity to carry the traffic generated by the proposed use. Commissioner Reinke noted that he felt there are other areas that are a concern with the location. With the potential impact of the subdivision expanding, the area is zoned correctly but from a transportation perspective there are concerns that the traffic study did not address. Commissioner Johnson noted section C addresses roadways being large enough to carry traffic and the information provided in the traffic study is unclear. The time of year the study was done also did not take into consideration planting and harvest seasons which would increase traffic. Twenty-three new homes will add a lot of traffic to that area. Testimony showed a genuine concern for the safety of the roadway so the site does not seem to be sufficient capacity. Commissioner Reinke concurred with Commissioner Johnson. Commissioner Hall noted the study did not take harvest into consideration and was not sufficient. The Board knows the general area however they did not visit the site. The Board finds the roadways do not have sufficient capacity to carry the traffic. Commissioner Johnson noted that for those who live in a rural community a subdivision will automatically increase the traffic. The proposed use will adversely affect other properties in the vicinity.

Preliminary Plat Application

Was the application complete? **Yes**

Did any agencies object to the application? **No**

Did the Planning and Zoning Commission make a finding of fact in their decision? **Yes, they may not have been as complete as they could have been but findings of fact were presented.**

Did the decision meet the express standards as set forth by the Twin Falls County Code? **Yes**

Commissioner Hall reviewed the decision options to affirm, reverse, conditionally modify, or remand with the Board.

Commissioner Hall noted that he felt the Board should not consider remanding the decision. Commissioner Johnson and Commissioner Reinke concurred. Commissioner Johnson noted that based upon the information and the discussion he was leaning toward affirming the decision of the P&Z Commission and denying the permits. Commissioner Reinke noted it has been a long process but based upon the history of the area and the information received he would also affirm the decision. Commissioner Hall noted he would be supportive of a motion to affirm the decision.

Commissioner Reinke made a MOTION to affirm the decisions of the Planning and Zoning Commission to deny the Conditional Use Permit and the Preliminary Plat for Richard Pierson. Commissioner Johnson SECONDED. Discussion Commissioner Reinke noted it was important to get the process correct. Commissioner Johnson noted he felt the use was not compatible with the area. Commissioner Reinke noted he felt it was the right decision based upon the comprehensive

plan and the testimony received. Commissioner Hall noted the Board felt it was important to follow the comprehensive plan to protect ag property and agreed with the decision. Motion Passed Unanimously.

Commissioner Hall read the right to appeal for the record.

There being no further business, the Board recessed until 8:00 a.m., October 27, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 27, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 26, 2023.

PRESENT: Commissioner Jack Johnson, Commissioner Don Hall, and Commissioner Brent Reinke.

ABSENT: None.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Reinke attended a WEMA meeting.

There being no further business, the Board recessed until 8:00 a.m., October 30, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 30, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 27, 2023.

PRESENT: Commissioner Jack Johnson and Commissioner Don Hall.

ABSENT: Commissioner Brent Reinke.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with office staff for a weekly department meeting.

Commissioners met with Legal for a weekly department meeting.

Commissioners met with Jon Laux, Community Development Director, for a quarterly department update.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Hall made a MOTION to go into executive session at 9:20 a.m. pursuant to Idaho Code §74-206 (B) records exempt from disclosure – evaluation dismissal or discipline of staff. Commissioner Reinke SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes) (Reinke absent)

Commissioners returned to regular session at 9:35 a.m.

In the Matter of CONSENT AGENDA

Commissioners considered the Consent Agenda; items may include status sheets, employee requisitions, alcohol licenses, tax cancellations, Sheriff's Office Security Agreements, and Commissioner minutes.

Commissioner Johnson made a MOTION to approve the Consent Agenda. Commissioner Hall SECONDED. Discussion Commissioner Johnson reviewed the items in the Consent Agenda to include an employee requisition for the Sheriff's Office; status sheets for the Prosecutor's Office, TARC, Sheriff's Office, and Court Services; and Commissioner minutes for October 2 – October 6. Motion Passed Unanimously. (Reinke absent)

In the Matter of BUDGET

Becky Petersen, Treasurer, presented the yearly joint report, the quarterly joint report, and the monthly joint report for September.

In the Matter of CONTRACTS

Commissioners considered an Airport Ground Lease with Red Baron Ag Service Inc.

Bill Carberry, Magic Valley Regional Airport Manager, reviewed the Airport Ground Lease with Red Baron Ag Service Inc. Mr. Carberry noted that he has worked with Legal and the lease agreement has been cleared for use.

Commissioner Johnson made a MOTION to approve the Airport Ground Lease with Red Baron Ag Service Inc. and authorize the Chairman to sign the documents on behalf of the Board. Motion Passed Unanimously. (Reinke absent)

Commissioners considered a Consent of Lessor with Spur Aviation and Banner Bank.

Bill Carberry, Magic Valley Regional Airport Manager, reviewed the Consent of Lessor with Spur Aviation and Banner Bank with the Board. Mr. Carberry requested that the Board approve the agreement contingent upon the changes recommended by Legal being made.

Commissioner Johnson made a MOTION to approve the Consent of Lessor with Spur Aviation and Banner Bank contingent upon the changes recommended by Legal being made and authorize the Chairman to sign the documents on behalf of the Board when the changes are complete. Commissioner Hall SECONDED. Motion Passed Unanimously. (Reinke absent)

Commissioners considered the Assignment of Airport Ground Lease Agreement with Douglas McFall.

Bill Carberry, Magic Valley Regional Airport Manager, reviewed the Assignment of Airport Ground Lease Agreement with Douglas McFall with the Board. Mr. Carberry noted that Mr. McFall will be assuming a portion of a ground lease agreement that involves 4 parties.

Commissioner Johnson made a MOTION to approve the Assignment of Airport Ground Lease Agreement with Douglas McFall and authorize the Chairman to sign the documents on behalf of the Board. Commissioner Hall SECONDED. Motion Passed Unanimously. (Reinke absent)

Commissioners considered the Property Lease Agreement with MVYAS.

Susan Baca, MVYAS Director, reviewed the Property Lease Agreement with the Board. Ms. Baca expressed her appreciation for the space and the relationships with the other non-profits that share the area. Commissioner Hall noted that it is the philosophy of the County to lease the area to non-profits so as not to compete with private business. The non-profits also need to enhance the services that the County provides. The rental rate increased by 20% to cover the increase in utilities and costs that the County incurs.

Commissioner Johnson made a MOTION to approve the Property Lease Agreement with MVYAS. Commissioner Hall SECONDED. Commissioner Johnson noted it is important to work with non-profits that enhance the services that the County provide. Motion Passed Unanimously. (Reinke absent)

Commissioners considered Property Lease Agreement with Gifts of Love.

Linda Reuter and Nadine Adams reviewed the program that Gifts of Love provides to the community. Ms. Reuter noted that their organization helps nursing home residents provide gifts for their families. They work with MVYAS and the Youth House. The Board thanked Ms. Reuter and Ms. Adams for the services they provide to the community.

Commissioner Johnson made a MOTION to approve the Property Lease Agreement with Gifts of Love. Commissioner Hall SECONDED. Motion Passed Unanimously. (Reinke absent)

In the Matter of GRANTS

Commissioners considered a FY2024 Office of Highway Safety Grant Award.

Gary Anderson, Research and Development Supervisor, reviewed the FY2024 Office of Highway Safety Grant Award with the Board. Mr. Anderson noted that the Sheriff's Office cannot proceed

with overtime shifts until the Office of Highway Safety receives the grant documents and provides a notice of authorization to proceed.

Commissioner Johnson made a MOTION to approve the FY2024 Office of Highway Safety Grant Award and authorize the Chairman and Captain Doug Sugden to sign the documents on behalf of the County. Commissioner Hall SECONDED. Discussion Commissioner Johnson this grant helps to keep our highways safer. It can be difficult finding deputies to work overtime but the Sheriff's Office does a good job. Motion Passed Unanimously. (Reinke absent)

In the Matter of EMPLOYEES

Commissioners considered a vacation bank time off extension request for Doug Sugden.

Captain Doug Sugden reviewed his request to extend his vacation bank by 90 days as per County policy. Captain Sugden noted he currently has 50.4 hours that he has been unable to use as he has been trying to utilize comp time. There was discussion on the use of vacation time that Captain Sugden has.

Commissioner Johnson made a MOTION to approve the request to extend Captain Sugden's vacation time by 90 days. Commissioner Hall SECONDED. Motion Passed Unanimously. (Reinke absent)

There being no further business, the Board recessed until 8:00 a.m., October 31, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

Twin Falls, Idaho
REGULAR OCTOBER MEETING
October 31, 2023, 8:00 a.m.

Chairman Hall called the Board of County Commissioners to order at 8:00 a.m. in regular session, pursuant to the recess of October 30, 2023.

PRESENT: Commissioner Jack Johnson, and Commissioner Don Hall

ABSENT: Commissioner Brent Reinke.

STAFF: Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of ZONING

Commissioners conducted a public hearing to consider an appeal of the Planning and Zoning Commission's decision to deny a Conditional Use Permit and a Preliminary Plat to Patrick and Adele Fenderson.

Commissioner Hall reviewed the record on appeal and the documents submitted as part of the record of appeal and the Laws considered.

The Board considered the following statutes, ordinances, and standards:

- Title 10 of the Twin Falls County regarding Subdivisions.
- Title 8, Chapter 20 of Twin Falls County Code regarding appeals.
- Title 8, Chapter 7 of Twin Falls County Code regarding Conditional Uses.
- The Twin Falls County Comprehensive Plan.
- Idaho Code Section 67-6512
- Idaho Code Section 67-6513
- Idaho Code Section 67-6535

Commissioner Hall opened the public testimony portion of the hearing at 1:35 p.m.

Commissioner Hall swore in staff and affected persons as listed;

Jon Laux, Community Development Director, Cameron Beazer, Community Development Planner I, Tim Vawser, EHM Engineering, Patrick Fenderson, Marcus Weary, Libby Snyder on behalf of Louise Koontz, Koontz Acres Subdivision.

Staff, Cameron Beazer reviewed the property application under appeal and the decision made by the Planning and Zoning Commission. Mr. Beazer noted that the Planning and Zoning Commission was unable to come to a unanimous decision, they were split in their decision resulting in a failed motion. Mr. Beazer reviewed a map that showed the property under appeal and the zoning of the property which was rural residential. Mr. Beazer reviewed the surrounding property plats and noted there is a subdivision contiguous to the property that has yet to be completed with 5-acre lots. Mr. Beazer reviewed the items that the Board considered to include compatibility and surrounding property use. Mr. Beazer noted there were two comments received, one that was timely and the second was late so it would not be considered. Mr. Beazer noted the letter received from Ms. Koontz included information that was not included in the original hearing.

Tim Vawser, EHM Engineer representing the applicants Pat and Adele Fenderson reviewed the property and application with the Board. Mr. Vawser noted that Mr. Fenderson would like to have a place that extended family could also move to and have multiple residences on the property. Mr. Vawser noted that all conditions were met and approvals for the well, sewer, and the highway district were received. Mr. Vawser noted that he attended the work session for Planning and Zoning and prepared for the public hearing based on that session. Mr. Vawser noted there was a lot of time spent on the water rights portion of the hearing and noted there was confusion created during the discussion for water rights. Mr. Fenderson has drilled a well which clears up the concerns on water rights. Mr. Vawser noted that everything followed the Twin Falls County code. The Commission members focused on compatibility and there was a split consensus among the Board. The plans for the property will be compatible with the area and there is adequate space, water, and septic for the property. Mr. Fenderson is asking the Board to make a decision that the Planning and Zoning Commission was unable to make.

Commissioner Hall noted that according to what he read in the findings of fact, the Planning and Zoning Commission found the compatibility was an issue with the surrounding 5-acre properties. Currently, the property owner intends to have a family, but future sales will happen and the Board has to consider the compatibility concern. A tie vote is a denial decision.

Commissioner Hall opened the public hearing for public comment at 2:15 p.m.

Libby Snyder spoke on behalf of her mother Louise Koontz and noted she, Ms. Snyder is the previous owner of the property. Ms. Snyder noted the property has surface water rights is not a dry property and is zoned ag use. Ms. Snyder noted that Ms. Koontz owns the property directly north of the subject property. Ms. Snyder addressed concerns that the property was purchased as a 5-acre property and there is a barn on the property that is being used as a commercial property which is not compatible with the surrounding properties. There are restrictive covenants that don't allow the surrounding properties to be subdivided. There was discussion on the application of the covenants and that the subject property was inadvertently excluded from the covenants that are on the surrounding properties. Ms. Koontz previously testified at the Planning and Zoning hearing. Ms. Snyder noted there was a shared well agreement that originally serviced the property and the surrounding properties as well as the name of the subdivision.

Pat Fenderson spoke and noted that it was his intention upon purchasing the property to divide it for his children to build on. Mr. Fenderson noted that he did allow another family to live on the property when their home was being built. Mr. Fenderson noted there are several subdivisions within a half of a mile from him so he does not understand the compatibility question. Mr. Fenderson noted that the subject property as well as Ms. Koontz property were not included in the restrictive covenants. Mr. Fenderson noted he intends to subdivide the property into a 3-acre lot and two 1.1-acre lots to build a home for himself. Mr. Fenderson discussed the water concerns and noted he has a well that will supply the irrigation water for the other two lots. Mr. Fenderson noted that he has been trying to meet county code and felt that it was compatible with the area. Mr. Fenderson requested the Board reconsider the Planning and Zoning Commission's decision.

Marcus Wory spoke in support of the application. Mr. Wory noted he currently lives on the property and questioned how close the surrounding properties have to be to subdivide and be compatible.

Tim Vawser noted that he does have a copy of the restrictive covenants that were discussed if the Board would like a copy. Mr. Vawser noted the Planning and Zoning Commission discussed residential within a residential area and some felt it met the zoning requirements and made it compatible with the area based upon the residential use.

Commissioner Johnson asked Mr. Beazer to explain why one side of the creek had 5-acre lots and the other side had 1-acre lots. Mr. Beazer noted the smaller lots were subdivided from 5-acre lots and there are a lot of them throughout the County. Commissioner Johnson asked if the property to the north has two homes on it, Mr. Beazer noted they do not do research on surrounding properties nor do they enforce CC&R's as they are a civil matter. Commissioner Hall noted the board does not want to be in the business of enforcing CC&R's but can consider them when discussing

compatibility. Ms. Snyder noted there is a garage on her mother's property but there are not two residences. Ms. Koontz currently has her caretakers living in that area.

Commissioner Hall closed the public hearing for public testimony at 2:40 p.m.

The Board began deliberation on the applications.

Commissioner Hall reviewed the issues to discuss and the findings to make.

- The Appeal
 - a. Was this an Appealable Final Decision of the Planning and Zoning Commission?
 - b. Was the application properly filed?
 - i. Was the appeal Complete?
 - ii. Was the appeal Timely?
 - iii. Did all required parties receive notice?
 - Conditional Use Permit
 - a. Is this a permitted use in the zone?
 - b. Did the CUP Application satisfy the express standards set forth in TFCC 8-7-7?
- A. The location of the proposed use is compatible with other land uses in the general neighborhood and does not place an undue burden on existing transportation and service facilities in the vicinity.

Commissioner Johnson discussed the surrounding properties and noted they are either 5-acre lots or ag. Based upon previous decisions, the Board defines compatibility and subdividing does not fit with the surrounding properties. Commissioner Hall noted the Board looks at the comprehensive plan and private property rights are important. As per the comprehensive plan, protection of ag is a priority and 5-acres would be considered small ag. Commissioner Hall noted the surrounding property is either ag, or a minimum of 5-acres and normally with rezoning property must be contiguous. It is allowed but compatibility is a concern. Commissioner Johnson noted it may open a door for more dense housing by subdividing the 5-acre lots. There was a discussion on compatibility with the surrounding properties. The Board found it was not compatible with other land uses

B. The site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, fences, parking, loading, landscaping, and such other features as are required by this title and other county ordinances that may apply have been met. The Board found that it was sufficient.

C. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use. The Board found it was served by streets of sufficient capacity.

D. The proposed use, including any conditions required by the planning and zoning commission, will not adversely affect other property in the vicinity. Commissioner Johnson noted that it could adversely affect the neighbors by additional development and future development of the area. Commissioner Hall noted the area is primarily ag and the higher

density of residences does adversely affect other ag due to noise, traffic, etc. The Board found that it could adversely affect other properties in the area.

- Preliminary Plat Application
 - a. Was the application complete? **Yes**
 - b. Did any agencies object to the application? **No**
 - c. Did the applications meet all of the requirements contained in TFCC 10-2-4? **Yes**
- Decision of the Planning and Zoning Commission
 - a. Did the decision make findings of fact? **Yes**
 - b. Was the decision based upon express standards set forth in TFCC? **Yes**

Commissioner Hall reviewed the decision options for the board to affirm, reverse, modify, or remand. The Board determined that it would not remand the decision. There was discussion on affirming, reversing, and modifying. Commissioner Johnson noted that he was leaning toward affirming based on the answers to questions A and D.

Commissioner Johnson made a MOTION that based on the testimony presented and the content of the appeal, we affirm the decision of the Planning and Zoning Commission, finding that the Conditional Use Permit and Preliminary Plat Application were properly denied. Commissioner Hall SECONDED. Discussion Commissioner Johnson noted that based upon the surrounding properties, it appeared the intent of the area was to be 5-acre lots. Commissioner Hall noted that he leans heavily on the comprehensive plan of protecting ag. The property is surrounded by ag and the 5-acres are ag. Motion Passed Unanimously. (Reinke Absent)

Preliminary Plat discussion

Commissioner Johnson made a MOTION to uphold the denial of the preliminary plat application based upon the denial of the conditional use permit. Commissioner Hall SECONDED. Discussion Commissioner Johnson noted it made no sense to proceed with a preliminary plat due to the denial of the conditional use permit. Motion Passed Unanimously. (Reinke Absent)

Commissioner Hall read the right to appeal for the record.

There being no further business, the Board recessed until 8:00 a.m., November 1, 2023, at the Commissioners Chambers, second floor of the Twin Falls County West Facility, 630 Addison Ave West, Twin Falls, Idaho, for the transaction of further business of the Board.

In the Matter of ACCOUNTS PAYABLE

Expenditures by fund for October 2023:

Fund 100	Current Expense	\$1,916,298.49
Fund 102	Tort	347,956.50
Fund 104	Agricultural Fair	0.00
Fund 106	Safehouse	31,059.55
Fund 108	Capital Projects Fund	94,762.66
Fund 113	Weeds	21,779.87
Fund 114	Parks and Recreation	46,666.21

Fund 115	Solid Waste	1,155,564.00
Fund 116	Ad Valorem	116,113.88
Fund 118	District Court	91,471.50
Fund 130	Indigent Fund	9,779.99
Fund 131	Public Health	166,383.48
Fund 132	Revenue Sharing	0.00
Fund 137	Election Consolidation	45,917.78
Fund 174	County Boat License Fund	3,481.63
Fund 175	Snowmobiles	3,649.18
Fund 196	Justice Fund	1,405,018.10
Fund 601	T.A.R.C-Health Initiative	0.00
Fund 604	Federal Drug Seizures	0.00
Fund 607	IDJC Safe Teen Assessment Grant	59,245.21
Fund 608	Juvenile Correction Act Funds	11,920.89
Fund 609	Tobacco Tax Grant	15,349.91
Fund 610	Boat Grant Waterways Match	2,323.22
Fund 612	ASAT	3,340.32
Fund 613	R.S.A.T Grant	21,708.93
Fund 614	Invasive Check Station	0.00
Fund 615	S.U.D Funds	1,994.73
Fund 616	SCAAP	5,250.08
Fund 617	OHV Law Enforcement	664.09
Fund 618	BCP Basic-Safehouse Grant	16,240.45
Fund 626	ARPA Recovery Fund	271,506.85
Fund 627	ARPA Revenue Sharing Fund	0.00
Fund 628	OPIOD Abatement Account	0.00
Fund 635	Parks-Grants	0.00
Fund 636	Ambulance District	0.00
Fund 638	SFP-Twin Falls	0.00
Fund 644	S.O.R. Sheriff	369.75
Fund 645	JAG Grant	0.00
Fund 650	Twin Falls Co. Sheriffs Reserves	0.00
Fund 651	Sheriff Donation Fund	0.00
Fund 652	Sheriff Drug Seizure Money	134.92
Fund 659	Prosecutor's Drug Seizure Money	0.00
Fund 660	Court Facility/Program Funds	0.00
Fund 663	Sheriff's Youth Plate	0.00
Fund 666	Sheriff-Vests	0.00
Fund 667	Prosecutor Drug Reimb	8,354.70
Fund 671	Twin Falls Co Sheriff Search & Rescue	2,721.87
Fund 673	Juvenile Probation Misc.	827.17
Fund 676	VOCA Mediation Grant	4,949.34
Fund 681	Problem Solving Courts	30,764.57
Fund 682	Millennium Fund Projects	0.00
Fund 683	Court Assistance	0.00
Fund 684	Family Court Services	9,922.17

Fund 686	Mental Health Court	0.00
Fund 687	Sheriff's Grants	<u>2,632.95</u>
TOTAL		\$5,926,124.94