

Twin Falls, Idaho  
REGULAR OCTOBER MEETING  
October 1, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of September 28.

**PRESENT:** Commissioner Jack Johnson and Commissioner Terry Kramer.

**ABSENT:** Commissioner Don Hall.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

No items to consider.

In the Matter of MEETINGS

Commissioners attended an Elected Officials luncheon meeting.

There being no further business, the Board recessed until 8:00 a.m., October 2, 2018, 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 2, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 1.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Scott Rhoden to discuss property assessment.

Commissioner Hall attended an Airport Advisory Board meeting.  
Commissioner Johnson attended a Fair Board meeting.  
Commissioner Kramer attended the Extension Office's District Faculty Luncheon.  
Commissioner Johnson attended a Judicial Complex Advisory Committee 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 the public for indigent records. Commissioner Hall SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes) Kramer absent

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 approve case number 103517 with a \$50.00 per month pay back and 50% of tax refunds. Commissioner Hall SECONDED. Motion Passed Unanimously.

Commissioner Hall made a MOTION to approve case number 103652. Commissioner Johnson SECONDED. Discussion Commissioner Hall not indigent. Motion Failed Unanimously.

Commissioner Johnson made a MOTION to approve case number 103658. Commissioner Hall SECONDED. Discussion Commissioner Johnson not timely; incomplete application. Motion Failed Unanimously.

Commissioner Hall made a MOTION to approve case number 103662 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve reducing the payback to \$50.00 per month for case number 92583 and reevaluate in 6 months. Commissioner Hall SECONDED. Discussion Commissioner Johnson they will increase the payment when their Homeowners Exemption kicks in. Motion Passed Unanimously.

Commissioner Hall made a MOTION to approve case number 103541 with a \$50.00 per month pay back and 50% of tax refunds. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve case number 103672. Commissioner Hall SECONDED. Discussion Commissioner Johnson not indigent. Motion Failed Unanimously.

Commissioner Hall made a MOTION to approve case number 103683 and combine payback with previous case 103541. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve a release with a consent to lien on case number 102028 with a \$100.00 per month pay back and 50% of tax refunds. Commissioner Hall

SECONDED. Discussion Commissioner Johnson this gives us a property to lien. This case is currently in collections so we will only get 2/3 of the payment. Discussion Commissioner Hall this person's financial position has changed so I will be voting in favor. Motion Passed Unanimously.

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Johnson SECONDED. Discussion Commissioner Hall there are status sheets for Elections and Public Defender. Motion Passed Unanimously.

In the Matter of ELECTIONS

Commissioners designated polling places for the November 6<sup>th</sup> election.

Kristina Glascock, Clerk reviewed the polling places with the Board.

Commissioner Johnson made a MOTION to approve the polling places as presented by the Clerk. Commissioner Hall SECONDED. Motion Passed Unanimously.

<b>Polling Places for November 6, 2018</b>	<b>Address</b>	<b>Precincts</b>	<b>Leg. Dist</b>	<b>Consolidated Election</b>
Buhl Moose Hall	1101 Main Street, Buhl	Buhl 1, 2	23	Filer Cemetery
Castleford Community Center	475 Main Street, Castleford	Castleford	23	Filer Cemetery
Buhl Fire Department - Station #2	19266A Highway 30, Buhl	Deep Creek	23	
Filer Middle School	299 Highway 30, Filer	Maroa	23	Filer Cemetery
Heritage Alliance Church	401 6th Ave. N, Twin Falls	TF 1, 2	24	
Church of Jesus Christ of Latter-Day Saints	667 Harrison Street, Twin Falls	TF 3, 4	24	
Immanuel Lutheran Church	2055 Filer Avenue E, Twin Falls	TF 5, 6	24	
Valley Christian Church	1708 Heyburn Avenue E, Twin Falls	TF 7, 9	24	
Our Savior Lutheran Church	464 Carriage Lane N, Twin Falls	TF 8, 12	24	
Episcopal Church of the Ascension	371 Eastland Drive N, Twin Falls	TF 10, 11	24	
Church of Jesus Christ of Latter-Day Saints	541 Orchard Dr., Twin Falls	TF 13, 14	24	

Twin Falls County West	630 Addison Ave W, Twin Falls	TF 15, 16	24	
Church of the Nazarene	1231 Washington Street N, Twin Falls	TF 17, 18	24	
Twin Falls Reformed Church	1631 Grandview Drive N, Twin Falls	TF 19, 20, 21	24	
Amazing Grace Fellowship	1061 Eastland Drive N., Twin Falls	TF 22, 23	24	
First Christian Church	1005 Poplar Street, Buhl	Buhl 3, 4, 5	25	
Filer Middle School	299 Highway 30, Filer	Filer 1, 2, 3	25	Filer Cemetery
Hansen Assembly of God Church	319 2nd St. E, Hansen	Hansen	25	
Hollister Elementary School	2463 Contact Avenue, Hollister	Hollister	25	Filer Cemetery
Crossroads United Methodist Church	131 Syringa Ave, Kimberly	Kimberly 1, 3	25	
Church of Jesus Christ of Latter-Day Saints	222 Birch St. Kimberly, ID 83341	Kimberly 2, 4	25	
Murtaugh City Hall	106 4th Street, Murtaugh	Murtaugh	25	
Amazing Grace Fellowship	1061 Eastland Drive N., Twin Falls	TF24	25	
Church of Jesus Christ of Latter-Day Saints	541 Orchard Dr., Twin Falls	TF25, 26 Early Voting for all precincts	25	
Twin Falls County West	630 Addison Ave W Twin Falls			

There being no further business, the Board recessed until 8:00 a.m., October 3, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 2.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Johnson SECONDED. Discussion Commissioner Hall we have a status sheet for TARC. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered a Memorandum of Agreement for the Community Incentive Program with the Idaho Department of Juvenile Corrections.

Kevin Sandau, Juvenile Probation Director, reviewed the MOU with the Board.

Commissioner Johnson made a MOTION to approve the Memorandum of Agreement for the Community Incentive Program with the Idaho Department of Juvenile Corrections. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is an ongoing agreement that provides funding for Juvenile Treatment Programs. Motion Passed Unanimously.

In the Matter of ALCOHOL LICENSES

Commissioners considered an Alcohol Catering Permit for the Turf Club 3477 N. 2900 E. on November 16<sup>th</sup> and 17<sup>th</sup>.

Commissioner Hall made a MOTION to approve the Alcohol Catering Permit for the Turf Club at 3477 N. 2900 E. on November 16<sup>th</sup> and 17<sup>th</sup>. Commissioner Johnson SECONDED. Discussion Commissioner Hall this is an alcohol catering permit for the Festival of Giving. Motion Passed Unanimously.

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Johnson made a MOTION to go into executive session at 10:30 a.m. pursuant to Idaho Code §74-206 (D) records exempt from the public for indigent records. Commissioner Hall SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes Kramer yes)

Commissioners returned to regular session at 10:35 a.m.

In the Matter of INDIGENT

Commissioners conducted a County Assistance appeal hearing.

Commissioner Hall made a MOTION to continue case number 103558 for 60 days. Commissioner Johnson SECONDED. Discussion Commissioner Hall the hospital has requested a continuance. Motion Passed Unanimously.

In the Matter of PLANNING & ZONING

Commissioners attended Twin Falls County Planning and Zoning Comp Plan Interviews.

There being no further business, the Board recessed until 8:00 a.m., October 4, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 3.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses, Commissioner minutes Sept 24 – Sept 28<sup>th</sup> and tax cancellations.

Commissioner Johnson made a MOTION to approve the consent agenda. Commissioner Hall SECONDED. Discussion Commissioner Johnson we have an employee requisition for District Court, status sheets for Public Defender, Jail and TARC and Commissioner minutes for September 24 – 28<sup>th</sup>. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 5, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 4.

**PRESENT:** Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** Commissioner Jack Johnson.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioners met with Magic Valley Rehabilitation to discuss County Property.  
Commissioner Hall to attend a Board of Community Guardians meeting.  
Commissioner Kramer attended an EMS System Design meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Kramer SECONDED. Discussion Commissioner Hall we have an employee requisition for the Jail. Motion Passed Unanimously. (Johnson absent)

There being no further business, the Board recessed until 8:00 a.m., October 9, 2018, 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 9, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 5.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Cassandra Plaza.

The following proceedings were held to wit:

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Hall made a MOTION to go into executive session at 9:00 a.m. pursuant to Idaho Code §74-206 (F) records exempt from the public for potential litigation. Commissioner Johnson SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes, Kramer yes)

Commissioners returned to regular session at 9:30 a.m.

#### In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Johnson made a MOTION to approve case numbers 103720, 103682, 103684 and 103673. Commissioner Hall SECONDED. Discussion Commissioner Johnson no interview; missing documents. Motion Failed Unanimously.

Commissioner Hall made a MOTION to approve lowering payments to \$25.00 for case number 102924. Commissioner Johnson SECONDED. Discussion Commissioner Hall financial situation has changed and this is an acceptable change. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve case number 103602. Commissioner Hall SECONDED. Discussion Commissioner Johnson not last resource. Motion Failed Unanimously.

Commissioner Hall made a MOTION to approve case number 103675. Commissioner Johnson SECONDED. Discussion Commissioner Hall not emergent per IMR. Motion Failed Unanimously.

#### In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Johnson SECONDED. Discussion Commissioner Hall we have status sheets for Juvenile Probation and Juvenile Detention. Motion Passed Unanimously.

#### In the Matter of APPOINTMENTS

Commissioners considered St. Luke's Committee appointments.

Commissioner Hall reviewed the appointments with the Board.

Commissioner Hall made a MOTION to approve St. Luke's Committee appointments. Commissioner Johnson SECONDED. Discussion Commissioner Hall these are all great, well rounded individuals from the community. Motion Passed Unanimously.

#### In the Matter of GRANTS

Commissioners considered a Justice Assistance Grant Award.

Mark Brunelle, Research and Development reviewed the grant award with the Board.



Commissioner Johnson made a MOTION to accept the Justice Assistance Grant Award and authorized the Chairman to sign. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is an ongoing grant that helps our local law enforcement. Motion Passed Unanimously.

In the Matter of CONTRACTS

Commissioners considered a service agreement with Time Equipment Company.

Commissioner Johnson made a MOTION to approve the service agreement with Time Equipment Company. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is an annual service agreement for the Trial Court Administrator's office. Motion Passed Unanimously.

In the Matter of MEETINGS

Commissioner Johnson attended an LEPC meeting.

Commissioner Hall attended a SIEDO-REDS Committee meeting.

Commissioner Johnson attended a Judicial Complex Advisory Committee meeting.

There being no further business, the Board recessed until 8:00 a.m., October 5, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 9

**PRESENT:** Commissioner Jack Johnson,

**ABSENT:** Commissioner Don Hall and Commissioner Terry Kramer..

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Johnson attended a Community Advisory Committee Meeting with Idaho Power.

There being no further business, the Board recessed until 8:00 a.m., October 11, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 10.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Johnson attended a SIRCOMM Board meeting.  
Commissioners attended a Court Security Committee meeting.  
Commissioner Hall attended a Southern Idaho Tourism Board meeting.

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses, Commissioner Minutes Oct 1 – Oct 5 and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Kramer SECONDED. Discussion Commissioner Hall we have employee requisitions for TARC, Clerk and Safe House; status sheets for District Court, Parks and Weeds, Jail and Commissioner Minutes for October 1 – October 5. Motion Passed Unanimously. (Johnson absent)

In the Matter of RESOLUTIONS

Commissioners considered an amendment to Budget Adjustment Resolution #2018-043.

Commissioner Hall made a MOTION to approve Amended Resolution #2018-043. Commissioner Kramer SECONDED. Discussion Kristina Glascock, Clerk reviewed the changes to the budget lines with the Board. Motion Passed Unanimously. (Johnson absent)

**\*AMENDED  
RESOLUTION NO. 2018 - 043**

WHEREAS, on September 6, 2017, the Twin Falls County Board of Commissioners adopted the Fiscal Year 2018 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 2018 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 2018 pursuant to Idaho Code §31-1605.

<b>Line item</b>	<b>Budget Amount</b>	<b>Increase</b>	<b>Amended Budget Amount</b>
<b>Safehouse</b>			
106.496.02.06.00 (misc. & office supplies)	\$5,500	\$10,000	\$15,500
106.496.02.071.00 (retirement)	\$27,622	\$7,000	\$34,622
106.496.02.073.00 (group ins-health & life)	\$32,473	\$6,500	\$38,973
<b>TARC Grants</b>			
601.901.02.002.10 (HIT Grant 2018)		\$15,000	\$15,000
601.901.02.011.00 (CHI Grant – 2017)		\$7,000	\$7,000
601.901.02.012.00 (CHI Grant – 2018)	\$4,000	\$2,000	\$6,000
<b>Federal Drug Seizures</b>			
604.904.02.001.00	\$10,000	\$30,000	\$40,000

<b>Line item</b>	<b>Budget Amount</b>	<b>Increase</b>	<b>Amended Budget Amount</b>
<b>R.S.A.T. Grant</b>			
*613.913.01.001.00	\$39,764	\$11,805	\$51,569
*613.913.02.004.00		\$1,872	\$1,872
*613.913.02.070.00	\$2,466	\$704	\$3,170

*613.913.02.070.03	\$577	\$164	\$741
*613.913.02.071.00	\$1,481	\$3,224	\$4,705
*613.913.02.073.00		\$3,963	\$3,963
*613.913.02.073.01	\$187	\$41	\$228
<b>Invasive Check Station</b>			
614.914.01.001.00	\$82,982	\$30,000	\$112,982
<b>BCP Basic-Safehouse Grant</b>			
*618.918.01.001.00	\$57,171	\$33,858	\$91,029
<b>Southern Idaho Rural Development</b>			
622.922.02.001.00		\$38,400	\$38,400
<b>Prosecutor Drug Reimb</b>			
667.967.01.001.00	\$35,964	\$1,500	\$37,464
667.967.02.001.00	\$4,869	\$16,000	\$20,869
<b>TF CO Sheriff Search &amp; Rescue</b>			
671.971.02.001.00	\$35,000	\$30,000	\$65,000
<b>Juvenile Probation Misc</b>			
673.973.02.010.00		\$1,000	\$1,000
(Department Participation)			
673.973.02.015.00		\$1,500	\$1,500
(Research Project)			
<b>Sheriff's Grants</b>			
687.987.02.002.00		\$9,000	\$9,000
(traffic enforcement)			
687.987.02.030.00		\$45,000	\$45,000
(invasive species)			
687.987.02.032.00		\$6,000	\$6,000
(2018 Radars)			

DATED this 11<sup>th</sup> day of October, 2018.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS



/s/ Don Hall  
Don Hall, Commissioner

Jack Johnson, Commissioner

ATTEST:

/s/ Kristina Glascock  
Kristina Glascock, Clerk

**308 – Military Leave/ USERRA – Effective:**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to persons who perform duty, voluntarily or involuntarily, in the uniformed services to include active duty, training, funeral honors, etc. USERRA prohibits discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

The County's employment policy will comply with the provisions of Idaho Code § 46-224, et seq., or its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

Unpaid leave of absence will be granted to participate in ordered and authorized field training. Shift workers who are scheduled to work the night shift immediately prior to leave; or the morning shift immediately after the leave will be paid administrative leave for that shift. It must be indicated on the timesheet as military leave and orders must be attached to the timesheet.

If the gross amount earned by the employee during military leave is less than his/her County gross salary for that period, the County will pay the difference. Employees must provide a copy of their military leave pay stub to be compensated by the County. If the employee's pay during the leave is greater than his/her County gross salary for that period, it will be considered leave without pay. Upon returning to the County, he/she shall be restored to his/her position without loss of seniority, status, or pay.

The law specifies reporting requirements, time limits and benefits continuation. Employees and/or supervisors who have questions regarding military leave rights and requirements should contact Human Resources or visit the "Employer Support of the Guard and Reserve" (ESGR) website at [www.esgr.mil](http://www.esgr.mil).

**In the Matter of PUBLIC ASSEMBLY**

Commissioners considered a public assembly permit for the 2018 Magic Valley Festival of Giving.

Commissioner Hall made a MOTION to approve the public assembly permit for the 2018 Magic Valley Festival of Giving. Commissioner Kramer SECONDED. Discussion Commissioner Hall

this is an annual event and they have met all the conditions for approval of the permit. Motion Passed Unanimously. (Johnson absent)

There being no further business, the Board recessed until 8:00 a.m., October 12, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 11.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

No items to consider.

In the Matter of CONTRACTS

Commissioners considered a Property Lease Agreement with the Twin Falls Optimist Foundation.

Commissioner Johnson made a MOTION to approve the lease agreement with the Twin Falls Optimist Foundation and Twin Falls County. Commissioner Hall SECONDED. Discussion Barry Knoblich reviewed the changes that necessitated a new agreement with the Optimist Foundation. Commissioner Hall thanked Mr. Knoblich for his dedication to the project and working through the issues in order to support the kids that will be served by this project. Commissioner Johnson noted that the Board was very happy that they could support this project. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 15, 2018, 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 15, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 12.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

No items to consider.

In the Matter of BOARDS

Commissioners considered the appointment of Terry McCurdy to the Health Initiative Trust Board.

Commissioner Hall made a MOTION to approve the appointment of Terry McCurdy to the Health Initiative Trust Board. Commissioner Johnson SECONDED. Discussion Commissioner Hall Mr. McCurdy has been actively involved in the community and will be a valuable member of the committee. Commissioner Terry Kramer Mr. McCurdy has previously served on the Board and will help the Board as it has lost several members in the last few months. Motion Passed Unanimously.

In the Matter of MEETINGS

Commissioners Hall and Johnson attended a Fire Station Citizens Committee Report meeting.

There being no further business, the Board recessed until 8:00 a.m., October 16, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 15.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.



**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Hall attended a Joining Forces meeting.

Commissioner Hall attended a Twin Falls Area chamber of Commerce 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 the public for indigent records. Commissioner Hall SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes) Kramer absent

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 approve case numbers 103688, 103699 and 103685. Commissioner Hall SECONDED. Discussion Commissioner Johnson no interview; no documents. Motion Failed Unanimously.

Commissioner Hall made a MOTION to approve case number 103690 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve case number 103741 for dates of service 8.10 – 8.16. Commissioner Hall SECONDED. Discussion Commissioner Johnson court ordered affixed costs. Motion Passed Unanimously.

Commissioner Hall made a MOTION to approve case number 103511 with a \$50.00 per month pay back and 50% of tax refunds. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve case number 103729. Commissioner Hall SECONDED. Discussion Commissioner Johnson not medically necessary as per IMR and deny as per IC §31-3502(18) (a) (c) (d) (e). Motion Passed Unanimously.

Commissioner Hall made a MOTION to approve case number 103735 for \$950.00 for cremation. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Commissioner Johnson made a MOTION to approve case number 103032 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Hall SECONDED. Discussion Commissioner

Johnson this case was previously suspending pending SSD but she was denied SSD. Motion Passed Unanimously.

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

No items to consider.

In the Matter of CONTRACTS

Commissioners considered a contract with North Wind for the All Hazard Mitigation Plan.

Jackie Frey, Emergency Management Coordinator reviewed the contract with the Board.

Commissioner Johnson made a MOTION to approve the contract with North Wind for the All Hazard Mitigation Plan and authorized the Chairman to sign. Commissioner Hall SECONDED. Discussion Commissioner Hall we appreciate the background history and information from Jackie Frey. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 17, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 16.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of ZONING

Commissioners conducted a reconsideration hearing for the Eagle Eye Properties Conditional Use Permit.

Eagle Eye Reconsideration Hearing

Attorney Jeff Banks spoke on behalf of Eagle Eye LLC. Mr. Banks requested the Board reconsider the hours of operation for the conditional use permit. Mr. Banks reviewed the findings of facts from the Board's previous decision approving the conditional use permit. Mr. Banks asked the board to clarify the hours of operation. Mr. Banks asked the Board to find there is no limit of hours of operation during harvest time. The rest of the year hours of operation would be 6 a.m. to 10 p.m. Newman Giles, CEO Eagle Eye LLC spoke. Mr. Giles noted that when potatoes were coming in during harvest the hours are unknown. Mr. Giles explained the process of the product coming into the cellars. Mr. Giles noted that time restriction on filling the cellar was unheard of. Mr. Giles noted that they are asking for a normal process to fill the cellars be approved. Mr. Banks noted that they are just asking for clarification of the hours of operation.

Jeff Rolig, Attorney for Tom and Jill Skeem. Mr. Rolig noted Mr. and Mrs. Skeem are opposed to the permit being approved and asked the application be remanded back to the P&Z Commission. Mr. Rolig noted that the application submitted stated the hours of operation would be 6 a.m. to 10 p.m. Mr. Rolig stated that 24-hour operation was not reasonable and the site was not the right site. Mr. Rolig noted that the Board is allowed to place restrictions on a conditional use permit. Mr. Rolig requested the Board take into consideration the effect on the neighbors and place restrictions on the hours of operation. Mr. Rolig also requested that the restrictions be specifically defined in the decision.

Attorney Jeff Banks reviewed the state code that defines Agricultural use and the inability of the Board to place restrictions on that use as per the code. Mr. Banks disputed the definition of full and complete use of the property as allowed in Agricultural use and the placing of restrictions on time use.

Commissioner Hall questioned the hours that were placed on the application. Mr. Banks reviewed the operation hours that were listed on the application. Mr. Banks noted that the person that filled out the application was the builder and not the farmer who did not understand the hours. Mr. Banks noted that the hours of operation were addressed in the initial hearing with Planning and Zoning. Mr. Giles noted that time frame should not have been placed in but they were so confused with the process based upon guidance given by the County Planning and Zoning. Mr. Banks noted there were hours discussed in the hearings. Commissioner Johnson noted it was confusing to him as well that the applicant restricted the hours of operation. Mr. Giles asked the Board to work with him to allow him to get the cellars done. Commissioner Kramer asked if the construction manager was authorized to sign the permit for the application. Mr. Giles stated that the construction manager was asked to fill out the application. Commissioner Hall questioned if the P&Z officials lead the construction manager to fill in the hours of operation. Mr. Banks stated that he was told that they needed to put in the hours of operation. Ms. Emory, County Legal advised that only information that was previously part of the record could be considered.

Commissioner Hall made a Motion to issue a decision within the next two weeks. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Skeem Eagle Eye Reconsideration Hearing

Jeff Rollig, Attorney for Tom and Jill Skeem, reviewed the allowed use of the property as per code. Mr. Rollig stated that the application should be sent back to the Planning and Zoning Commission due to the confusion and have the process start over. Mr. Rollig stated that if 24-hour use was required for the use, the location was the wrong location. Mr. Rollig reviewed the points that he was asking for reconsideration on. The property was not posted properly, Idaho Code 67-6535 (2) requires the decision to list certain criteria, which was not done. Mr. Rollig reviewed the criteria and asked the Board to address those issues. Mr. Rollig asked the Board that, if the cellar was approved, there would be specific guidelines as to what the use would be. Mr. Rollig asked the Board to deny the application or send it back to the Planning and Zoning Commission.

Jeff Banks, Attorney for Eagle Eye stated that the county ordinance does not require a posting for a conditional use permit. Mr. Banks reviewed the points brought up by Mr. Rollig and disputed that they were relevant and asked that the Board clarify their decision on the time. Mr. Banks stated that the option to return the decision to the Planning and Zoning Commission was not available. Mr. Banks noted that the traffic in the area is appropriate to the Ag use.

Jeff Rolig, Attorney reviewed the request for reconsideration and asked the Board to reconsider the decision to issue the Conditional Use Permit.

Commissioner Hall stated that his intent was to do the right thing and was not in support of either side.

Commissioner Johnson made a MOTION to take the information under consideration and issue a written decision within two weeks. Commissioner Hall SECONDED. Discussion Commissioner Hall there is a lot of information that we need to review. Commissioner Terry Kramer we also have legal to advise us on what information we consider. This is new ground for us and we want to be accurate. Motion Passed Unanimously.

#### In the Matter of MEETINGS

Commissioners attended a Health Care Round Table.

Commissioner Kramer attended a Public Health Board meeting.

Commissioner Kramer attended a HIT Board meeting.

Commissioners attended the Optimist Youth House Grand Opening.

There being no further business, the Board recessed until 8:00 a.m., October 18, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 17.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Johnson SECONDED. Discussion Commissioner Hall we have a status sheet for Court Services, Employee Requisitions for DMV, HR and the Assessor, Commissioner minutes for October 9<sup>th</sup> – October 12<sup>th</sup> and alcohol license #2019-189 for El Toro Mexican Restaurant Y Taqueria. Motion Passed Unanimously.

In the Matter of RESOLUTIONS

Commissioners considered proposed Surplus Property Resolution #2019-002.

Commissioner Johnson made a MOTION to approve Resolution #2019-002. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is to dispose of surplus property that the County has no need for. Motion Passed Unanimously.

**RESOLUTION NO. 2019-002**

WHEREAS, Twin Falls County has certain property which is no longer necessary for County use; and

WHEREAS, pursuant to Idaho Code§31-808, the Commissioners shall have the power and authority to sell or offer for sale at public auction any real or personal property belonging to the county not necessary for its use; and

WHEREAS, Twin Falls County has determined that the following vehicle and equipment are surplus property and no longer necessary for County use; and

WHEREAS, the sale of said vehicle and equipment, pursuant to Idaho Code §31-808 and §60-106, would be in the public interest

NOW, THEREFORE BE IT RESOLVED by the Twin Falls County Board of Commissioners that the following vehicle and equipment are hereby declared surplus and ordered sold at auction after the date of November 16, 2018:

1997 Dodge Pickup VIN#1B7HF13Z5VJ620524

2003 Chevrolet Malibu VIN#1G1NE52J03M718745  
1996 Chevrolet Pickup VIN#2GCEK19W0T1233902  
2007 Chevrolet Van VIN#1GAHG39U571156893  
1996 Walker Mower Model #MTGHS Ser#24594

DATED this 18<sup>th</sup> day of October, 2018.

TWIN FALLS COUNTY COMMISSIONERS

/s/ Terry Ray Kramer .  
Terry Ray Kramer, Chairman

/s/ Don Hall .  
Don Hall, Commissioner

/s/ Jack Johnson .  
Jack Johnson, Commissioner

ATTEST:

/s/ Kristina Glascock .  
Kristina Glascock, Clerk

Commissioners considered proposed Property Transfer Resolution #2019-003.

Commissioner Hall made a MOTION to approve Property Transfer Resolution #2019-003. Commissioner Johnson SECONDED. Discussion Commissioner Hall this is a piece of property that the County has no use for and so we will be transferring the property to the City of Twin Falls. Motion Passed Unanimously.

**Resolution No. 2019-003**  
**A resolution transferring property to Twin Falls City**

Whereas Twin Falls County has acquired certain property by tax deed that is in the City of Twin Falls; and

Whereas Twin Falls County attempted to auction the property on September 14, 2018, but was unsuccessful; and

Whereas the County has no need or use for the property described as:  
Twin Falls Acres Inside  
.103A +/- N adj to Stoneybrook  
#4, 5 & 6 & S of Cheney Dr in  
Interstate Amusement Subd in Lot 3 (NW)

RP T00107032990 A; and

Whereas the City of Twin Falls can use the property and has agreed to accept a quitclaim deed to the property; and

Whereas Idaho Code § 31-808 enables the County to transfer the property to the City of Twin Falls; and

Whereas it is in the public interest that the property be transferred to the City of Twin Falls and notice has been published as set forth in Idaho Code § 31-808;

Now, therefore, be it resolved by the Twin Falls County Board of Commissioners that the above-described property be quitclaim deeded to the City of Twin Falls as it is in the public interest.

Dated this 18<sup>th</sup> day of October, 2018.

Twin Falls County Board of Commissioners Attest:

/s/ Terry Ray Kramer  
Terry Ray Kramer, Chairman

/s/ Kristina Glascock  
Kristina Glascock, Clerk

/s/ Don Hall  
Don Hall, Commissioner

/s/ Jack Johnson  
Jack Johnson, Commissioner

Commissioner Johnson made a MOTION to approve the Property Lease Agreement with Magic Valley Rehabilitation Services. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is a standard lease that begins November 5<sup>th</sup>, 2018 to run the Snack Bar for \$50.00 per month. This helps them to fulfill their mission with job training. Motion Passed Unanimously.

There being no further business, the Board recessed until 8:00 a.m., October 19, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 18.

**PRESENT:** Commissioner Terry Kramer.

**ABSENT:** Commissioner Jack Johnson and Commissioner Don Hall.

**STAFF:** Deputy Clerk Cassandra Plaza.

The following proceedings were held to wit:

Regular Business.

There being no further business, the Board recessed until 8:00 a.m., October 22, 2018, 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 22, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 19.

**PRESENT:** Commissioner Jack Johnson and Commissioner Don Hall.

**ABSENT:** Commissioner Terry Kramer.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Johnson made a MOTION to approve the consent agenda. Commissioner Hall **SECONDED**. Discussion Commissioner Johnson we have status sheets for Safe House, an employee requisition for the Coroner, alcohol license #2019-190 for Koto Brewing Company and a tax cancellation for parcel #RPT16610030070A in the amount of \$397.00 as requested by the Assessor. Motion Passed Unanimously. (Kramer absent)

In the Matter of RESOLUTIONS

Commissioners considered proposed Juvenile Probation Diversion Records Diversion Records Destruction Resolution #2019-004.

Commissioner Johnson made a MOTION to approve proposed Juvenile Probation Diversion Records Diversion Records Destruction Resolution #2019-004. Commissioner Hall **SECONDED**.



Discussion Commissioner Johnson legal has reviewed these records and recommended their destruction as per Idaho Code §31-871. Motion Passed Unanimously. (Kramer absent)

**RESOLUTION NO. 2019-004**

WHEREAS, the Twin Falls County Juvenile Probation has files that are in need of destruction; and

WHEREAS, Idaho Code §31-871 governs the retention and destruction of county records and classifies records as permanent, semi-permanent, and temporary, and further directs the county commissioners to classify records not specifically listed in that code; and

WHEREAS, Idaho Code § 31-871(2) requires that permanent records be retained for not less than 10 years; semi-permanent records be retained for not less than five years after the date of issuance or completion of the matter contained within the record; and temporary records shall be retained for not less than two years; and

WHEREAS, Idaho Code § 31-871(2) states that records may be destroyed by Resolution of the Board of County Commissioners after regular audit and upon the advice of the Prosecuting Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Twin Falls County Board of Commissioners that the Juvenile Probation records, as outlined in Exhibit A attached to this resolution, and described as Diversion records, are classified as temporary and may be destroyed based on the record's age and classification. All described records have been maintained for at least 2 years after the date of completion.

DATED this 22<sup>nd</sup> day of October, 2018.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Terry Ray Kramer, Chairman

/s/ Jack Johnson  
Jack Johnson, Commissioner

/s/ Don Hall  
Don Hall, Commissioner

ATTEST:

/s/ Kristina Glascock  
Kristina Glascock, Clerk

Commissioners considered proposed Juvenile Probation Records Destruction Resolution #2019-005.

Commissioner Johnson made a MOTION to approve proposed Juvenile Probation Records Destruction Resolution #2019-005. Commissioner Hall SECONDED. Discussion Commissioner Hall legal has reviewed these records and recommended their destruction as per Idaho Code §31-871.

**RESOLUTION NO. 2019-005**

WHEREAS, the Twin Falls County Juvenile Probation has files that are in need of destruction; and

WHEREAS, Idaho Code § 31-871 governs the retention and destruction of county records and classifies records as permanent, semi-permanent, and temporary, and further directs the county commissioners to classify records not specifically listed in that code; and

WHEREAS, Idaho Code § 31-871(2) requires that permanent records be retained for not less than 10 years; semi-permanent records be retained for not less than five years after the date of issuance or completion of the matter contained within the record; and temporary records shall be retained for not less than two years; and

WHEREAS, Idaho Code § 31-871(2) states that records may be destroyed by Resolution of the Board of County Commissioners after regular audit and upon the advice of the Prosecuting Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Twin Falls County Board of Commissioners that the Juvenile Probation records, as outlined in Exhibit A attached to this resolution, are classified as semi-permanent and may be destroyed based on the record's age and classification. All described records have been maintained for at least 5 years after the date of completion.

DATED this 22<sup>nd</sup> day of October, 2018.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

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Terry Ray Kramer, Chairman

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/s/ Jack Johnson

ATTEST:

Jack Johnson, Commissioner

/s/ Don Hall  
Don Hall, Commissioner

/s/ Kristina Glascock  
Kristina Glascock, Clerk

In the Matter of MEETINGS

Commissioners met with Tony Lopez, Victory Home to discuss County property.

Tony Lopez, Victory Home, spoke with the Board and noted that they were requesting to utilize the property previously vacated by Bill's place. Mr. Lopez received the notice to vacate the current 3 properties they rent on 6<sup>th</sup> Street effective December 4<sup>th</sup>. Mr. Lopez requested an extension of six months on that notice due to the necessity to relocate the current residents. Commissioner Hall noted that the County is working diligently to not be in the rental business and does not have any property left that would meet the needs of Victory Home. Commissioner Johnson noted that parking for the Courthouse is a necessity and that required the homes to be demolished so six months would be stretching it. Commissioner Johnson stated that he understood it could be difficult to place those residents. Mr. Lopez asked if it would be possible for Victory Home to salvage the homes for any reusable items. Commissioner Hall stated that he was not sure if that would be possible due to the demolition but would be willing to check. Commissioner Hall noted they may be able to give an extra month but the Board would consider the request and send out a letter with the decision.

There being no further business, the Board recessed until 8:00 a.m., October 23, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 22.

**PRESENT:** Commissioner Jack Johnson and Commissioner Don Hall.

**ABSENT:** Commissioner Terry Kramer.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of COMMISSIONER PROCEEDINGS

Commissioner Hall made a MOTION to go into executive session at 9:00 a.m. pursuant to Idaho Code §74-206 (F) records exempt from the public for potential litigation. Commissioner Johnson SECONDED. Motion passed after roll call vote. (Hall yes, Johnson yes) Kramer absent

Commissioners returned to regular session at 9:17 a.m.

In the Matter of INDIGENT

Commissioners considered County Assistance applications.

Commissioner Johnson made a MOTION to approve case numbers 103703 and 103693. Commissioner Hall SECONDED. Discussion Commissioner Johnson no interview and missing documents. Motion Failed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to approve case numbers 103695 and 103692. Commissioner Hall SECONDED. Discussion Commissioner Johnson missing required documents. Motion Failed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to approve case number 103696 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Hall SECONDED. Motion Passed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to approve case number 103569 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Hall SECONDED. Motion Passed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to approve case number 103750 for cremation in the amount of \$950.00. Commissioner Hall SECONDED. Discussion Commissioner Johnson no family to be found in this case. Motion Passed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to approve case number 103758 for cremation in the amount of \$950.00. Commissioner Hall SECONDED. Discussion Commissioner Johnson no family to be found in this case. Motion Passed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to suspend case number 103689. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is not last resource pending litigation. Motion Passed Unanimously. (Kramer absent)

Commissioner Johnson made a MOTION to approve the release of a consent to lien and approve the subordination of a new lien with only the applicant on case number 102888 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Hall SECONDED. Discussion Commissioner Johnson we are doing this to release the other names that are currently on the lien. Motion Passed Unanimously. (Kramer absent)

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Johnson made a MOTION to approve the consent agenda. Commissioner Hall SECONDED. Discussion Commissioner Johnson we have a status sheet for Safe House. Motion Passed Unanimously. (Kramer absent)

#### In the Matter of COMMISSIONER PROCEEDINGS

Commissioners considered amending the agenda to include a sales offer.

Commissioner Johnson made a MOTION to amend the agenda to include time sensitive material in regards to the sale of County Property. Commissioner Hall SECONDED. Motion Passed Unanimously. (Kramer absent)

#### In the Matter of CONTRACTS

Commissioners considered a property sales offer.

Commissioner Johnson read the offers into the record. Offer one was for \$150,000.00 and offer two was for \$155,000.00 both contingent upon approved financing.

Michelle Carpenter, Realtor, reviewed the offers with the Board.

Commissioner Johnson made a MOTION to accept the offer from Peter Doble in the amount of \$155,000.00 contingent upon legal review and authorize the Chairman or Vice-Chairman to sign the documents. Commissioner Hall SECONDED. Discussion Commissioner Johnson we have two great offers here. It is incumbent upon us to accept the highest offer for the tax payers. Commissioner Hall I would agree with that. There is no reason not to accept the highest offer. Motion Passed Unanimously. (Kramer absent)

#### In the Matter of MEETINGS

Commissioners met with Ed Mitchell to discuss classes on the Constitution.

Ed Mitchell reviewed his goals for the constitution class with the Board and what items he would discuss in his class. Mr. Mitchell noted that the classes would be held once a week for the constitution class and once a month for the Idaho 101 class and requested that the County provide space for the classes. Commissioner Hall noted that it is difficult to provide space for a regularly scheduled weekly class. Also, it is difficult to allow one group to teach on a thought and deny others that may oppose that line of thought. It can also be construed that the County supports a particular group because those classes are held in a public building. Commissioner Hall stated that he would like to take some time to consider the request and discuss it with legal counsel. Commissioner Hall thanked Mr. Mitchell for what he was trying to accomplish with teaching on the constitution.

Commissioner Johnson attended a meeting with BLM, the National Guard and Sheriff Tom Carter regarding possible gun range.

Commissioners met with Connie Stoffer with SIEDO for a quarterly update.

Commissioners attended a tour of Bill's Place.  
Commissioner Johnson attended a Judicial Complex Advisory Committee meeting.  
Commissioner Hall attended a Veterans Council meeting.

There being no further business, the Board recessed until 8:00 a.m., October 24, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 23.

**PRESENT:** Commissioner Jack Johnson and Commissioner Don Hall.

**ABSENT:** Commissioner Terry Kramer.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Johnson made a MOTION to approve the consent agenda. Commissioner Hall SECONDED. Discussion Commissioner Hall we have an employee requisition for the Sheriff's Office and status sheets for the Sheriff's Office. Motion Passed Unanimously. (Kramer absent)

In the Matter of CONTRACTS

Commissioners considered a Services Agreement with Preventative Health.

Commissioner Johnson made a MOTION to approve the Services Agreement with Preventative Health and authorize the Vice-Chairman to sign the document. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is for the Health Assessments that are done for our employees. Motion Passed Unanimously. (Kramer absent)

In the Matter of LEVIES

Commissioners considered an amended L-1.

Kristina Glascock, Clerk reviewed the amended L-1 with the Board.

Commissioner Johnson made a MOTION to approve the amended L-1 for the county Levies and authorize the Clerk to sign the document. Commissioner Hall SECONDED. Discussion

Commissioner Johnson this is a corrected L1 as per the Tax Commission for changes to the levy for the Twin Falls Rural Fire District. Motion Passed Unanimously. (Kramer absent)

Twin Falls County 0.004282926  
City of Buhl 0.011082928  
City of Castleford 0.002899017  
City of Filer 0.010400503  
City of Hansen 0.006185274  
City of Hollister 0.003935327  
City of Kimberly 0.007518002  
City of Murtaugh 0.008884992  
City of Twin Falls 0.007503874  
Bliss School #234 0.001384320  
Buhl School #412 0.002323077  
Cassia School #151 0.002932997  
Castleford School #417 0.002081743  
Filer School #413 0.003871560  
Hagerman School #233 0.002128603  
Hansen School #415 0.004369286  
Kimberly School #414 0.003884231  
Murtaugh School #418 0.002876965  
Three Creek School #416 0.001145529  
Twin Falls School #411 0.004585741  
Twin Falls Ambulance 0.000198801  
West End Cemetery 0.000110015  
Bliss Fire 0.000715173  
Buhl Fire 0.002051860  
Castleford Fire 0.000969521  
Filer Rural Fire 0.000998903  
Hagerman Fire 0.001013465  
Rock Creek Fire 0.001088858  
Salmon Tract Fire 0.001073115  
Twin Falls Rural Fire 0.001364325  
Buhl Hwy 0.001502275  
Filer Hwy 0.001848130  
Murtaugh Hwy 0.001236703  
Twin Falls Hwy 0.001131447  
So. Id. Jr. College 0.000914913  
Hansen Library 0.000310602  
Twin Falls Abatement 0.000108620  
Castleford Recreation 0.000309858  
Filer Recreation 0.000341901

In the Matter of MEETINGS

Commissioner Hall attended a Rotary club meeting.

Commissioner Hall attended a Chamber Board meeting.

There being no further business, the Board recessed until 8:00 a.m., October 25, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 24.

**PRESENT:** Commissioner Jack Johnson and Commissioner Don Hall.

**ABSENT:** Commissioner Terry Kramer.

**STAFF:** Deputy Clerk Cassandra Plaza.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Johnson attended a SIRCOMM Board meeting.

Commissioner Johnson and Commissioner Hall met with the Murtaugh City Mayor.

There being no further business, the Board recessed until 8:00 a.m., October 26, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 25.

**PRESENT:** Commissioner Jack Johnson.

**ABSENT:** Commissioner Don Hall and Commissioner Terry Kramer.

**STAFF:** Deputy Clerk Cassandra Plaza.

The following proceedings were held to wit:

Regular Business.



There being no further business, the Board recessed until 8:00 a.m., October 29, 2018, 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 29, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 25.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Cassandra Plaza.

The following proceedings were held to wit:

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses, Commissioner minutes Oct 15-Oct 19 and tax cancellations.

Commissioner Hall made a MOTION to approve the consent agenda. Commissioner Johnson SECONDED. Discussion Commissioner Hall we have the October minutes Oct 15 – Oct 19 and an employee requisition for Elections. Motion Passed Unanimously.

In the Matter of RESOLUTIONS

Commissioners considered proposed Surplus Property Resolution #2019-006.

Commissioner Johnson made a MOTION to approve Resolution #2019-006. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is to sell property that is valued less than \$250.00 each. This will dispose of 3 obsolete printers. Motion Passed Unanimously.

**RESOLUTION NO. 2019-006**

WHEREAS, Twin Falls County has certain property which is no longer necessary for County use; and

WHEREAS, Idaho Code §31-808 states the Commissioners can find the property is worth less than \$250.00 and therefore, may be sold at a private sale without advertisement;

NOW, THEREFORE, BE IT RESOLVED by the Twin Falls County Board of Commissioners that the items listed below are hereby declared surplus with a value of less than \$250.00 each and are hereby ordered to be disposed of.

IBM 6400-12 Line Printer Ser#01A5866  
IBM 6400-14 Line Printer Ser#01E7260  
Printronix 5210-010 Line Printer Ser#480217962305

DATED this 29<sup>th</sup> day of October, 2018.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

/s/ Terry Ray Kramer .  
Terry Ray Kramer, Chairman

/s/ Don Hall .  
Don Hall, Commissioner

/s/ Jack Johnson .  
Jack Johnson, Commissioner

ATTEST:

/s/ Kristina Glascock .  
Kristina Glascock, Clerk

In the Matter of TAXES

Commissioners considered the NUGS Special Assessment for the 2018 tax roll.

Kristina Glascock, Clerk, reviewed the NUGS Special Assessments for the Board.

Commissioner Hall made a MOTION to approve the NUGS Special Assessment for the 2018 Tax Roll and authorize the Clerk to sign the document. Commissioner Johnson SECONDED. Motion Passed Unanimously.

Assessment Name	Total Amount Added to the Tax Roll
Twin Falls Rural Fire	\$937.32
Buhl Fire	\$6,654.20
Rock Creek Fire	\$10,568.46
Filer Rural Fire	\$9,022.12
Total	\$27,182.10

Becky Petersen, Treasurer presented the September Joint Financial Report, Quarterly Joint Financial Report and the FY2018 Joint Financial Report.

In the Matter of MEETINGS

Commissioners met with Stephanie Ford, ELRC to discuss County Property.

There being no further business, the Board recessed until 8:00 a.m., October 30, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 29.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

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 the public for indigent records. Commissioner Kramer SECONDED. Motion passed after roll call vote. (Johnson yes, Kramer yes) Hall absent

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 approve case numbers 103704 and 103700. Commissioner Kramer SECONDED. Discussion Commissioner Johnson no interview; missing documents. Motion Failed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103701. Commissioner Kramer SECONDED. Discussion Commissioner Johnson missing required documents. Motion Failed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103749. Commissioner Kramer SECONDED. Discussion Commissioner Johnson the maximum amount of \$395.00 will not help the client stay in the apartment. Motion Failed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103670 for June 27 – June 30 dates of service with a \$25.00 per month pay back and 50% of tax refunds to begin in 3 months. Commissioner Kramer SECONDED. Discussion Commissioner Johnson this person was approved Medicaid effective July 1. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to suspend case number 103707. Commissioner Kramer SECONDED. Discussion Commissioner Johnson not last resource; pending VA benefits. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103711 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Kramer SECONDED. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103760 with a \$15.00 per month pay back and 50% of tax refunds. Commissioner Kramer SECONDED. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103763 and combine payback with previous cases. Commissioner Kramer SECONDED. Discussion Commissioner Johnson this person does not have the income to pay more monthly. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103769 and combine payback with previous case. Commissioner Kramer SECONDED. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103335 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Kramer SECONDED. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103613 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Kramer SECONDED. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103748 with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Kramer SECONDED. Motion Passed Unanimously. (Hall absent)

Commissioner Johnson made a MOTION to approve case number 103761 using the standard procedure as per IMR with a \$25.00 per month pay back and 50% of tax refunds. Commissioner Kramer SECONDED. Discussion Commissioner Johnson the robotic procedure is not approved. Motion Passed Unanimously. (Hall absent)

### In the Matter of CONSENT AGENDA

Commissioners considered the consent agenda; items that may be considered include status sheets, employee requisitions, alcohol licenses and tax cancellations.

Commissioner Johnson made a MOTION to approve the consent agenda. Commissioner Hall SECONDED. Discussion Commissioner Johnson we have a status sheet for District Court. Motion Passed Unanimously.

### In the Matter of CONTRACTS

Commissioners considered a contract termination date extension request from Victory Home.

Commissioner Hall reviewed the contract termination for Victory Home with the Board. Victory Home has requested an extension.

Commissioner Hall made a MOTION to extend the 60-day notice to 90-days to give Victory Home a little longer to vacate the properties. Commissioner Johnson SECONDED. Discussion Commissioner Hall this will give them a little more time but we are unable to give them the 6-months that they requested. Commissioner Kramer this will allow us to move forward with our long range plan for the properties on 6<sup>th</sup> Street. Motion Passed Unanimously.

Commissioners considered a Residential Lease Agreement with Bill's Place.

Commissioner Johnson made a MOTION to approve the Residential Lease Agreement with Bill's Place. Commissioner Hall SECONDED. Discussion Commissioner Johnson this is the second agreement which includes additional information that was not included in the first one. The previous agreement stated the County was responsible for the water bill which is not something that the County intended to cover. Motion Passed Unanimously.

### In the Matter of BOARDS

Commissioners considered updated Bylaws for the Twin Falls Health Initiatives Trust Board.

Commissioner Johnson made a MOTION to table the updated Bylaws for the Twin Falls Health Initiatives Trust Board. Commissioner Hall SECONDED. Discussion Commissioner Kramer I would like the opportunity to review the final documents as I was out last week. Motion Passed Unanimously.

### In the Matter of ZONING

Commissioners issued a decision on the Reconsideration Hearing for the Eagle Eye Conditional Use Permit.

Commissioner Hall reviewed the history of the Eagle Eye Conditional Use Permit.

Commissioner Hall made a MOTION to approve the Conditional Use Permit with the Following Conditions as read by Commissioner Hall. Commissioner Johnson SECONDED. Discussion Commissioner Hall during harvest season the trucks must be completed unloading by 11:00 p.m.

Commissioner Kramer we recognize that Harvest time can fluctuate due to weather conditions and the growing season so we did make an adjustment on that. Commissioner Hall this was a new process for us and it helped us to clarify our previous decision. Commissioner Johnson we are balancing out residential use and accepted Ag use and these decisions are difficult. Commissioner Kramer one of the difficult items for me was the two different communities coming together with different land uses which create some of these conflicts. Commissioner Hall Twin Falls County will be reviewing our Comprehensive Plan in the near future and I would encourage the public to participate in that process. Motion Passed Unanimously.

BEFORE THE BOARD OF TWIN FALLS COUNTY COMMISSIONERS

In the Matter of an Application by Eagle Eye Properties, LLC. for a conditional use permit.

AMENDED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND DECISION

On property addressed 3681 North 3300 East, consisting of approximately 38.73 acres located in Section 25, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho.

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**PROCEDURAL HISTORY**

Eagle Eye Properties, LLC. filed an application for a conditional use permit under the requirements of Twin Falls County Code Title 8, Chapter 7 on March 28, 2018. The Twin Falls County Planning and Zoning department denied the application in a written decision dated June 7, 2018. Eagle Eye Properties, LLC timely appealed to the Board of County Commissioners (“Board”) on June 18, 2018, and the Board heard arguments and comments concerning the appeal on August 30, 2018.

The Board issued a written decision granting the conditional use permit on September 4, 2018. Jill and Tom Skeem filed a motion for reconsideration on September

18, 2018. Eagle Eye Properties, LLC also filed a motion for reconsideration on September 18, 2018. On October 17, 2018, the Board heard arguments upon both motions for reconsideration.

#### **APPLICABLE LAW**

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

- Title 7 of the Twin Falls County Code, Chapters 1 and 3
- Title 8 of the Twin Falls County Code, including the sections on the Agricultural Zone, Conditional Uses, and Appeals
- The Idaho Building Code Act, Title 39, Chapter 41 of the Idaho Code
- Idaho Code § 39-4116
- The Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Code
- Idaho Code § 67-6511
- Idaho Code § 67-6529
- The Twin Falls County Comprehensive Plan

#### **FINDINGS OF FACT**

The Board considered the application and supporting documentation, transcripts of the hearing before the Planning and Zoning Commission, the written comments, and the written decision of the Planning and Zoning Commission, the record provided from the Planning and Zoning Commission, the arguments on appeal, and the arguments on the motions for reconsideration. The Board finds that:

1. This property is located in Twin Falls County in the Agricultural Zone in the Twin Falls City Impact Area. The subject property is in the Area of Impact for Twin Falls City. However, under TFCO 8-19-19B(3)(B), the Area of City Impact ordinance does not apply to any parcel of land 20 acres or larger that is used solely for agricultural purposes. The issue of whether the County or the City has authority over the building or zoning permit process is dependent upon the use of the property, since the parcel is over 20 acres. The proposed use is for potato storage cellars. The Board recognizes that agricultural enterprises are generally conducted for the purpose of financial gain. Statements were made in the record that this proposed use is "commercial," and therefore should not be treated as agricultural for zoning purposes. However, the Board finds this use to be solely

for agricultural purposes, therefore it is appropriate for the County to decide these issues.

2. Eagle Eye Properties, LLC's application for a conditional use permit for potato storage facilities was received by the planning and zoning department on March 28, 2018.
3. The proposed use is agricultural in nature, as defined by Twin Falls County Ordinance 8-2-2.
4. A potato storage facility is a conditional use under Twin Falls County Ordinance 8-6B-3.
5. Proper notice of the Planning and Zoning Commission's hearing on the application was provided. Notice was posted on the property, as shown by photographs in the record. In addition, the Skeems had actual knowledge of the hearing. The Skeems appeared and spoke in opposition to the conditional use permit application at the Planning and Zoning Commission hearing. See May 10, 2018 Transcript, pp. 59-69 (Jill Skeem) and pp. 69- 70 (Tom Skeem).
6. There was testimony that flooding has historically occurred on and near the subject property. No evidence was presented that the proposed conditional use would increase flooding in the area. Mr. Feldhusen, who has lived adjacent to the subject property for 64 years, stated that "it wouldn't have made any difference with the spud cellar" (referring to the flooding that historically has occurred in the area). See May 10, 2018 Transcript, p. 51.
7. There is evidence in the record that the fans in the potato cellar would have a decibel level of 99 directly by the fans. The fans will be located inside the structures and the decibel level at the inlet of the door is approximately 78 decibels. The decibel level lowers at increasing distances from the source. When measured 99 feet from the door, the decibel level is expected to be 52. 132 feet from the door, the level drops to 49 decibels. A normal speaking voice is approximately 55 decibels.
8. The nearest house to the proposed structure is over 400 feet away. The Board finds that the noise from the fans will not have an adverse effect on the neighbors at that distance.
9. Arguments were also made that increased traffic due to the proposed use would be dangerous. The Twin Falls Highway District has expertise in such matters and has approved the use with the addition of a deceleration lane.
10. Although the argument was made that the proposed use would decrease neighboring property values, no actual evidence to support that claim is contained



in the record. Accordingly, the Board does not find that the proposed use would decrease neighboring property values.

## DECISION

The Local Land Use Planning Act (LLUPA), which is contained in I.C. Title 67, Chapter 65, gives local government broad authority to regulate zoning<sup>1</sup>. This was acknowledged by the Idaho Court of Appeals when it stated “the legislature obviously intended to give local governing boards, such as the Kootenai County Commissioners, broad powers in the area of planning and zoning. Worley Highway Dist. v. Kootenai Cty., 104 Idaho 833, 835, 663 P.2d 1135, 1137 (Ct. App. 1983). The LLUPA requires Counties to have zoning ordinances. I.C. § 67-6511. It also allows Counties to regulate by special or conditional use permits. I.C. § 67-6512.

I.C. § 67-6529 specifically addresses agricultural land, stating:

(1) No power granted hereby shall be construed to empower a board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product. Agricultural land shall be defined by local ordinance or resolution.

I.C. § 67-6529(1).

It is important to note that the legislature did not exempt agricultural land from the LLUPA or the requirements of any local ordinance. Instead, the legislature said local ordinances cannot deprive the owner of the full and complete use of agricultural land for the production of any agricultural product. In fact, I.C. § 67-6529 was later amended due to concerns about large confined animal feeding operations and the remainder of the code section *requires* counties to adopt ordinances regulating the siting of these operations.

The Idaho Supreme Court has specifically addressed the ability of counties to regulate agricultural land through zoning ordinances. Olson v. Ada Cty., 105 Idaho 18,

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<sup>1</sup> Twin Falls County adopted zoning regulations in TFCO Title 8. TFCO Title 8, Chapter 6B establishes an agricultural zone and TFCO Title 8, Chapter 7 provides generally for conditional use permits.

665 P.2d 717 (1983). In that case, the Court unambiguously stated, “**it is clear that the legislature did not intend to give agricultural land allegedly being used for agricultural purposes a *carte blanche* exemption from all county zoning ordinances.**”

The Court explained that I.C. § 67-6529, as part of the Local Planning Act, must be construed harmoniously with other provisions of the act to the extent reasonably possible and that it must also be construed to give effect to the legislative intent and purpose in enacting the Local Planning Act. The Court went on to discuss the objectives of the Local Planning Act, which are the promotion of the health, safety, and general welfare of Idaho residents through the protection and encouragement of a number of specific delineated rights and goals. The legislature sought to achieve these purposes by promoting orderly growth and development through comprehensive zoning. Zoning ordinances are, by their very nature, restrictions upon the use of land. Ordinances enacted pursuant to the zoning authority granted to localities by the Local Planning Act include those that establish zone classifications with permitted and prohibited uses, setback requirements, maximum lot coverage limitations, building height limitations, and lot depth requirements. These restrictions encourage consistent appearance, protect property values, and promote the best use of property. Additionally, regulations such as street frontage and minimum setback requirements facilitate the provision of services necessary to the general health and welfare, including water and waste disposal, and the provision of adequate police and fire protection. If development in agricultural areas were allowed to proceed without any compliance with the restrictions imposed by local zoning ordinances, such development would be inconsistent with the goals of the Local Planning Act. The court concluded “we are not convinced that the legislature intended to sacrifice the system of comprehensive zoning so carefully created in the Local Planning Act by completely shielding agricultural land from all zoning regulations.” *Id.* The court did note that,

“Zoning and subdivision ordinances enacted pursuant to statutory authority may be applied so stringently as to infringe on the legitimate use of agricultural lands for agricultural production, in violation of I.C. § 67-

6529. Nevertheless, we do not hold that every ordinance which imposes restrictions upon the use of land constitutes a *per se* violation of I.C. § 67-6529; regulations which do not interfere with the use of agricultural land for the production of agricultural products may lawfully be applied to restrain or restrict a use that would be otherwise inconsistent with local ordinances. The inquiry is whether the particular ordinance or regulation in question deprives an owner of the “full and complete use of agricultural land for production of any agricultural product,” in violation of I.C. § 67-6529.” Id.

Thus, the inquiry with respect to the appeal of the denial of the conditional use permit should address whether application of the zoning ordinance in this case would deprive the owner of the “full and complete use of agricultural land for production of any agricultural product.” A denial of a conditional use permit does not necessarily mean that the ordinance is invalid, so long as the ordinance could be applied to give “full and complete use.” Also, a denial of a conditional use permit may be subject to the regulatory takings analysis of I.C. § 67-8003. *See* I.C. § 67-6512(a).

In this case, a conditional use permit with appropriate requirements would not deprive the owner of the full and complete use of the land for production of agricultural products. In making this decision, the Board has considered the following:

1. The location of the proposed use is compatible with other land uses in the general neighborhood and does not place undue burden on existing transportation and service facilities in the vicinity. The property is zoned agricultural and the proposed use is agricultural. The property is near industrial uses such as Chobani and Clif Bar and there are approximately 11 residential homes within a quarter of a mile of the proposed site. The Skeems live in one of those homes.
2. The site is 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 have been met. The property is approximately 38.73 acres and is of sufficient size for the proposed use.
3. The Twin Falls Highway District has reviewed the proposed use and set forth their requirements for the site. Upon meeting those requirements, the site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.

4. The proposed use, including any conditions required by the planning and zoning commission, will not adversely affect other property in the vicinity. The Board has considered the arguments raised including those made with respect to:
  - a. Noise
  - b. Flooding
  - c. Property values
5. The proposed use does not necessitate higher standards of site development than listed in this decision for the proposed use to be compatible with other property uses in the vicinity.

The Board has considered the provisions of Twin Falls County Ordinances 8-7-7 and 8-7-8 relating to conditional uses. Approval of the conditional use shall be contingent upon acceptance and observance of specified conditions, including the following matters:

1. Conformity to approved plans and specifications. All terms of the application that are not inconsistent with this decision shall be complied with by the applicant. *See* attached Application.
2. Volume of traffic generated, requirements for off street parking, vehicular movements within the site, and points of vehicular ingress and egress. This is addressed by the deceleration lane required by the Twin Falls Highway District.
3. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements. The fans shall be placed so they direct to the west.
4. Limits on time of day for the conducting of specified activities. The conditional use contemplates trucks unloading potatoes into the cellars during harvest time and loading potatoes at various times throughout the year as needed. During harvest time, the hours of operation for trucks on the property shall be from 6 a.m. until 10 p.m. Any truck on site must be actively unloading by 10:00 p.m. and all unloading must be completed no later than 11:00 p.m. Harvest time shall be the generally accepted potato harvesting dates in the agricultural community. During all other times of the year, truck loading or unloading at the site shall only occur during daylight hours.
5. Street dedications and public improvements on property frontages. All Twin Falls Highway District requirements, including roadway signage and a deceleration lane must be met.

### Conclusion

After reviewing the record and all the information presented at the hearing held on October 17, 2018, it is the unanimous decision of the Board of Twin Falls County Commissioners to uphold the decision granting the conditional use permit, but to modify the hours of allowed operation and to clarify the prior decision as set forth above. Therefore, the conditional use permit is approved as modified.

This decision may be subject to judicial review in accordance with the provisions of Chapter 52, Title 67 of the Idaho Code. *See* I.C. § 39-4120. In addition, the applicant may request a regulatory taking analysis pursuant to I.C. § 67-8003.

DATED this 30<sup>th</sup> day of October, 2018.

TWIN FALLS BOARD OF COUNTY COMMISSIONERS

/s/ Terry Ray Kramer  
Terry Ray Kramer  
Chairman

/s/ Don Hall  
Don Hall  
Commissioner

ATTEST:

/s/ Jack Johnson  
Jack Johnson  
Commissioner

/s/ Kristina Glascock  
Kristina Glascock, Clerk

There being no further business, the Board recessed until 8:00 a.m., October 31, 2018, 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, 2018, 8:00 a.m.

The Board of County Commissioners reconvened at 8:00 a.m. in regular session, pursuant to the recess of October 30.

**PRESENT:** Commissioner Jack Johnson, Commissioner Don Hall and Commissioner Terry Kramer.

**ABSENT:** None.

**STAFF:** Deputy Clerk Shannon Carter.

The following proceedings were held to wit:

In the Matter of MEETINGS

Commissioner Kramer attended a Southern Idaho Solid Waste Board meeting.

Commissioner Johnson attended a SIRCOMM Board meeting.

There being no further business, the Board recessed until 8:00 a.m., November 1, 2018, 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 2018:

Fund 100	Current Expense	\$1,494,079.81
Fund 102	Tort	332,558.86
Fund 106	Safehouse	31,250.55
Fund 108	Capital Projects Fund	0.00
Fund 113	Weeds	23,938.87
Fund 114	Parks and Recreation	64,581.62
Fund 115	Solid Waste	516,219.84
Fund 116	Ad Valorem	106,496.83
Fund 118	District Court	45,362.08
Fund 130	Indigent Fund	287,843.73
Fund 131	Public Health	38,871.42
Fund 132	Revenue Sharing	0.00
Fund 137	Election Consolidation	34,255.15
Fund 174	County Boat License Fund	2,277.43
Fund 175	Snowmobiles	1,038.79
Fund 196	Justice Fund	898,103.09
Fund 601	T.A.R.C-Health Initiative	877.21
Fund 604	Federal Drug Seizures	0.00
Fund 606	ISP-JAG Grant	0.00
Fund 608	Juvenile Correction Act Funds	9,735.92
Fund 609	Tobacco Tax Grant	17,795.92

Fund 610	Boat Grant Waterways Match	0.00
Fund 612	ASAT-216	0.00
Fund 613	R.S.A.T Grant	8,401.91
Fund 614	Invasive Check Station	13,143.57
Fund 615	S.U.D Funds	1,310.85
Fund 616	SCAAP	0.00
Fund 617	OHV Law Enforcement	293.10
Fund 618	BCP Basic-Safehouse Grant	4,456.42
Fund 619	Restorative Alternative Program	0.00
Fund 620	Status Offender Services	4.26
Fund 621	C.P.D.C	0.00
Fund 622	Southern Idaho Rural Development	0.00
Fund 624	Museum Grants	0.00
Fund 625	Youth Drug Testing-Hit Grant 201	0.00
Fund 635	Parks-Grants	0.00
Fund 638	SFP-Twin Falls	1,596.97
Fund 639	Strength Fam Pro (Burley)	0.00
Fund 644	S.O.R. Sheriff	100.00
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	0.00
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	4,484.94
Fund 671	Twin Falls Co Sheriff Search & Rescue	9,713.82
Fund 673	Juvenile Probation Misc.	1,010.00
Fund 676	VOCA Mediation Grant	3,355.42
Fund 681	Problem Solving Courts	39,002.65
Fund 682	Millennium Fund Projects	0.00
Fund 683	Court Assistance	0.00
Fund 684	Family Court Services	2,822.00
Fund 687	Sheriff's Grants	<u>6,000.84</u>
TOTAL		\$4,000,983.87