

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE APRIL 2016 SESSION**

**First Day**

**Tuesday, April 5, 2016**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, Commissioner Lawrence Schoen; County Administrator Derek Voss; Chief Deputy Clerk Leslie Londos; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Andy Kerstetter.

Chairman Greenberg called the meeting to order at 9:01 a.m.

**PUBLIC COMMENT - NONE**

**PROCLAMATION 2016-02 PROCLAIMING APRIL 5 AS NATIONAL SERVICE DAY**

Also present: Blaine County Chief Probation Officer Teresa Espedal; University of Idaho Extension Educator Lauren Golden; Chief Deputy Assessor Martha Heuston; Social Media Services Provider Bronwyn Nickel; Environmental Resource Center Board President Kingsley Murphy; and County Grants Manager Michele Johnson.

Today is National Service Recognition Day. AmeriCorps members have served organizations in Blaine County since 2000.

- Environmental Resource Center Board President Kingsley Murphy thanked Emily Burke and Elisha Mueller, the two AmeriCorps members currently serving the ERC.
- University of Idaho Extension Educator Lauren Golden thanked UofI Extension AmeriCorps volunteer Loretta Bonner, who in 2013 initiated the after-school Science Technology Engineering & Math (STEM) robotics program, which currently serves 85 Wood River Valley youth each week. Three local teens will compete in the STEM Robotics World Championships later this year.
- Two AmeriCorps volunteers facilitated The Hunger Coalition's Community Food Assessment.
- AmeriCorps members have worked for St. Luke's Community Health Center's Youth Adult Konnection (YAK) program.
- Higher Ground honors their first AmeriCorps member Ally Weihe, who coordinated extracurricular activities for their clients.
- Commissioner McCleary mentioned past local AmeriCorps members who have gone on to play important roles in the community and state.

**Schoen moved, seconded by McCleary, to approve Proclamation 2016-02, a proclamation recognizing National Service Recognition Day, and demonstrating Blaine County's appreciation for all those who volunteer and commit to communities across America. Motion carried unanimously. .... #Record #634093**

**Commissioner McCleary left the meeting at 9:18 am.**

**AMEND AGENDA**

**Schoen moved, seconded by Greenberg, to amend today's April 5, 2016 agenda to include on the Consent Calendar a beverage license for 93 Express. Motion carried 2/0.**

**Schoen moved, seconded by Greenberg, to reschedule the hearing for the Petition for Partition of Wood River Irrigation District #45 from the previously-scheduled May 24, 2016 10:00 am date and time to Monday, May 23, at 10:00 am.** In discussion, Schoen said Statute requires that this public hearing be scheduled in public by the County Commissioners. Due to scheduling conflicts among the attorneys representing the different factions and the County Commissioners, this meeting is being rescheduled. **Motion carried 2/0.**

**BOARD OF EQUALIZATION - I.C. 63-105A (7)**

**Schoen moved, seconded by McCleary, to convene as the Board of Equalization. There is no BOE to hear. Motion carried 2/0.**

**Schoen moved, seconded by Greenberg, to reconvene as the Board of County Commissioners. Motion carried 2/0.**

**COUNTY DEPARTMENT REPORTS, Discussion and Consideration**

**County Administrator - Derek Voss**

**• Road and Bridge Reorganization**

Also present: Blaine County Road and Bridge Manager Steve Thompson; County Engineer Jeff Loomis; and County Administrative Specialist Andrea Walton.

Road and Bridge Manager Steve Thompson said Road and Bridge now has South Valley Supervisor Greg Peterson and North Valley Supervisor Kyle Broadie.

• **Facilities Department Organizational Review**

Also present: Blaine County Buildings and Grounds Manager Patrick Boyle; Blaine County Engineer Jeff Loomis; Road and Bridge Manager Steve Thompson; Blaine County Administrative Specialist Andrea Walton; Social Media Services Provider Bronwyn Nickel; and Blaine County Grants Manager Michele Johnson.

• **County Administrator Reorganizational Structure**

- Buildings and Grounds Manager Patrick Boyle has been promoted to Facilities Manager, to include Recycling Operations.
- Two custodial staff positions are being eliminated.
- Two half-time positions in Recycling and Maintenance are open.

The organizational changes should result in an improved level of service and operations, and a net financial cost reduction to the County of about \$25,000 annually.

**Commissioner McCleary returned to the meeting at this time.**

**Schoen moved, seconded by McCleary, to approve the organizational restructuring described by the Administrator, with the Facilities Manager position to be assumed by Pat Boyle, effective today, April 5; and with the reorganization of positions in the Buildings and Grounds Recycle Center, as described, to be effective May 1. Motion carried unanimously.**

**Chip Seal General Information:**

Also present: Blaine County Road and Bridge Manager Steve Thompson; County Administrative Specialist Andrea Walton; and County Engineer Jeff Loomis.

- Road and Bridge presented results of their research, and asked the BCC to review alternative options and trade-offs. County Engineer Jeff Loomis explained options and costs for chip sealing. There are five classes of chips, with Class 2, 3, and 4 most common. Blaine County currently uses Class 3, which is about a 1/2" chip. ITD has a "rural" spec, which is a course 3/8" chip; and "urban" spec, which is a finer 3/8" chip. ITD uses a finer chip on higher-volume roads. Hailey put a finer 3/8" chip on Woodside.
- Local and ITD road crews tell Loomis that experience has indicated what works best more than specs on paper, and he has used that information to project costs. The larger chips currently being used have a little more structure and oil to hold them in place, and have about a 7-year lifespan. Smaller size chips tend to deteriorate faster, and have about a 3-5-year projected lifespan. Larger chips provide more traction, which is important in winter. Chipsealing the roadbed edge to edge is the best way to protect the pavement from moisture and developing cracks.
- The chip that Blaine County has been using is unacceptable for cyclists. The County's chipsealing machine is 30 years old and is unable to do a narrow shoulder section with smaller chips for bicyclists; but Road and Bridge can have the emulsion company fog seal the shoulders, which could smooth out the shoulders to provide a comfortable level for bicyclists. Fog seals wear off within a year; but the County can consider using a slurry seal top dressing, which has a 3-5 year lifespan.
- Loomis said most County roads don't have shoulders. If the shoulder is a different surface, the shoulder must be striped for Cyclists.
- Separation is key to bicycle safety on roads. Perhaps the County should partner with the Recreation District to create more bike trails.
- The County owns its own gravel pit and could have a couple sizes of road mix crushed each year.

Chairman Greenberg said the BCC's first priority is to determine which roads are being used by recreationists and should have smaller chips.

**PUBLIC COMMENT:**

- Mountain Rides Transportation Authority has been and will continue to be very involved in the Blaine County Community Bicycle and Pedestrian Master Plan. Executive Director Jason Miller agreed that it is important to identify roadways that are highest priorities for bicycling, and how to make shoulder areas as smooth as possible. ITD no longer chipseals any shoulder areas in this area, and that might be the best option for high bicycle traffic roadways. Bike-friendly shoulders might be more expensive; but economical in the long run by promoting tourism, safety, and bike commuting.
- Bicyclist Steve Wolper agreed that first priority is to identify roads with higher recreational use. He said ITD doesn't chip seal shoulders, but does apply an asphalt emulsion to prevent cracking.

All options are possible, and should be considered to provide maximum community benefit.

**CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration**

- **Memorandum of Understanding with West Magic Rural Fire Protection District for 700MHz P25 Compliant Radio System** ..... Record #634094

Also present: Blaine County Emergency Communications Director Robin Stellers.

The BCC previously approved this contract in concept, and will be approving individual MOUs with individual entities.

**Schoen moved, seconded by McCleary, to approve the Memorandum of Understanding between Blaine County and West Magic Rural Fire Protection District for cooperative use of 700MHz P25 Compliant Radio System** ..... Record #634094

• **Customer Charge Account Application with Safeway (Albertson's)**

The County sometimes makes credit card purchases from Albertson's, which has been purchased by Safeway.

Schoen moved, seconded by McCleary, to authorize submitting an application for a customer charge account with Safeway. Motion carried unanimously.

**CONSENT CALENDAR**

- **Junior College Residency form** for College of Western Idaho: Fall 2015-Spring 2016 term for Jonathan Tatterson.
- **New beverage license** for 93 Express.
- **Resolution 2016-09 Probation Budget Adjustment** ..... Record #634095
- **Resolution 2016-10 Extension Budget Adjustment** ..... Record #634096
- **Resolution 2016-11 General Budget Adjustment** ..... Record #634097

McCleary moved, seconded by Schoen, to approve the Consent Calendar for April 5, 2016. Motion carried unanimously.

**APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES**

- **October 20, 2015 Regular Meeting**
- **October 27, 2015 Regular Meeting**
- **March 15, 2016 Regular Meeting**

Schoen moved, seconded by McCleary, to approve Commissioner Meeting Minutes for October 20, 2015; and October 27, 2015, and March 15, 2016 as amended. Motion carried unanimously.

**BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration**

**5B Restoration Coalition (5BRC) – McCleary**

Quarterly meeting discussions:

- 5BRC may choose to make collective comments into the Sawtooth National Recreation Area Travel Management Plan.
- 5BRC will follow up with BLM Outdoor Recreation Planner John Kurtz on timeline and status of the BLM Travel Management Plan.
- Trout Unlimited reported on community and volunteer monitoring efforts that could be used for a Community Monitoring Plan for the Deer Creek Project, which will be presented as a Land, Water and Wildlife levy project to the BCC. 5BRC also discussed whether there should be community monitoring in other places affected by the Beaver Creek Fire.

**Drought Declaration – Schoen**

The District 45 Watermaster has received no requests as of now from any irrigation management entity concerning drought declaration.

**Hailey Chamber of Commerce Meeting – Greenberg**

- Greenberg updated the Hailey Chamber on the County and the Airport Master Planning process.
- Hailey Arts Council presented a project at Wertheimer Park.
- Hailey may initiate efforts with the Sun Valley Marketing Alliance to market some joint events in order to draw more people to the south part of the valley.

**Southern Idaho Solid Waste District Board Meeting – Schoen**

- Waste transfers are up throughout the district, except in Blaine and Twin Falls Counties.
- SISWD took in over 7,500 tons of contaminated soda ash from a train derailment in the southeastern part of the state. Total income from the disposal was over \$500,000.
- The new Idaho District Attorney does not think Idaho's Constitutional provisions on future indebtedness will cause a problem with the SISWD proposed landfill gas to energy project.
- The SISWD Board voted to allow Bingham County to bring waste into the Milner Butte Landfill on a five-year contract at a 20% premium. Schoen would have preferred a shorter term and voted against the contract because Milner Butte is filling faster than anticipated. SISWD has not completed strategic planning around landfill capacity and additional site acquisition.
- Burning methane is federally regulated, so it makes sense for the Idaho Public Utilities Commission to support using methane to generate energy.

**Airport Noise Abatement Committee Meeting**

The first meeting was attended by pilots, members of the community, the Control Tower Manager and airport staff and elected officials. Airport law attorney Peter Kirsch told the committee that there are federal regulations that provide grant money for noise abatement, but the decibel level surrounding Friedman Memorial Airport doesn't exceed 65 decibels and doesn't qualify to apply for grants.

The committee will discuss cost and accuracy of field equipment to gather data about noise; and is working to refine the noise abatement language to be a more realistic balanced approach.

## **FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW**

Also present: Friedman Memorial Airport Manager Rick Baird

Baird said Friedman Memorial Airport has become a very busy small regional airport. He previewed discussions at tonight's FMAA meeting:

- Noise abatement information is outdated and requirements are not realistic for today's aircraft and pilots.
- Airport attorney Peter Kirsch will speak on noise and air quality monitoring, etc. Kirsch thinks Friedman's noise abatement program is one of the best in the country.
- Discuss impact of providing four air carrier parking spaces on the parking lot.
- Master Plan Schedule Update final draft of Chapter E Siting Evaluation.

## **BREAK**

## **LAND USE and BUILDING SERVICES, Discussion and Consideration**

- **BuildSmart / Energy Code Updates** A public hearing on and consideration of: an ordinance of Blaine County amending Blaine County Code, Title 7, Chapter 6 and Appendix A, by: updating all International Energy Conservation Code references to the newly adopted 2012 Code; and amending, based on local conditions, provisions relating to: air sealing, insulation & testing options, performance alternatives, and distribution systems; providing a severability clause; and providing an effective date.

Also present: Blaine County Land Use Administrator Tom Bergin; and Blaine County Building Official Jeff Giese.

Bergin read notice, pursuant to Idaho Code.

**McCleary moved, seconded by Schoen, that notice was adequate. Motion carried unanimously.**

Blaine County Building Official Jeff Giese said there are no substantive changes proposed for Title 7 Chapter 6. The BuildSmart requirements are basically the same, but more stringent. Duplicate BuildSmart and International Energy Conservation Code (IECC) tables are removed. Giese reviewed changes with the BCC.

PUBLIC COMMENT – None.

There was considerable concern when the BuildSmart Energy Code amendments were first introduced, but the Code has been written to reduce confusion and eliminate redundancy.

**Schoen moved, seconded by McCleary, to approve in concept Blaine County Ordinance 2016-03, an ordinance amending Blaine County Code Chapter 6 Title 7 repealing references to the 2009 International Energy Conservation Code, adopting new references to the 2012 Energy Conservation Code and with amendments relevant to local conditions, based upon our finding that these amendments comply with Idaho Code Title 39 Chapter 41 and they are also consistent with Idaho Code Title 31 Chapter 7, under the authority given to us to adopt and amend building codes. Motion carried unanimously.**

- **Molyneux Subdivision, Lot 2 Halverson Plat Amendment** A public hearing on and consideration of a plat amendment application by Mick and Jen Halverson to add a new note relating to Lot 2, Molyneux Sub. The proposed note would allow accessory uses, primarily a driveway and parking area, outside and above the designated building envelope and within the Mountain Overlay District. Lot 2 is located at 170 Kilpatrick Bridge Road, south of the Silver Creek Preserve within Sections 25 and 26, T1S, R19E, B.M., Blaine County. The property is zoned Productive Agriculture District (A-40) and Rural Remote District (RR-40) and is partially within the Mountain Overlay District.

Also present: Blaine County Land Use Administrator Tom Bergin; applicant Mick Halverson and representatives Brian Yeager and Ed Lawson.

Bergin read notice.

**McCleary moved, seconded by Schoen, that notice was adequate. Motion carried unanimously.**

This application is to add a Plat Note 6, which applies to Lot 2 only. Lot 2 is the back lot of the two lots approved over a year ago on the Molyneux Subdivision. The front lot includes a property to the west of Lot 2.

Ed Lawson, representing the applicant, said this application is to resolve a problem caused by the building envelope depicted on the plat approved in 2015. The Halversons, after getting plat approval, sought to develop the property and applied for permission under the Mountain Overlay District (MOD) to put in a driveway, which was approved as part of the categorical exclusions. The property is in open range, so the applicant sought permission to fence the perimeter of the property to keep out livestock; and flatten a portion within 100 feet of the highest portion of the building envelope where the house is to be relocated to prevent water intrusion into the house from the uphill portion of lot.

Lawson said County Land Use Administrator Tom Bergin determined that the building envelope requires that all fencing and all site work be done within the building envelope. The applicant disagrees with that interpretation of the building envelope and is appealing the administrative decision. Meanwhile, the Land Use Administrator felt the applicant would be better served by proposing a plat amendment directly to the BCC that defines and describes the building envelope designation.

Lawson said when the subdivision was approved, a building envelope (not requested by the County) was gratuitously added to the plat to identify the portion of the site outside the MOD on less than 25% slope. A categorical exclusion was previously approved for a driveway from Kilpatrick Bridge Road to the building envelope. The MOD intruded down into the driveway in one area. The Administrator contends that all development that would otherwise be permitted under a categorical exclusion, i.e. fencing or sitework, is precluded because of the building envelope, so there can't be perimeter fencing or sitework to prevent flooding into the residence.

Land Use Administrator Bergin said staff never saw a perimeter fencing plan, and didn't make a decision about whether the fencing was permissible according to County Code. He suggested the hearing be continued if the application is to add a plat note and not appeal the administrator's determination.

Lawson said the applicant's intent is to get the BCC's intention when they approved the plat with the building envelope. Applicant Mick Halverson said they want to fence five of the 40 acres, within the 100ft buffer, which is an allowable administrative exclusion. This area is visible right above The Nature Conservancy and the house, with parking behind it, is designed to disappear as much as possible. The applicant would like to reserve the ability for future additional development, subject to MOD zoning restrictions and available exclusions.

Applicant's representative Brian Yeager said the area south of the building envelope is relatively flat and eligible for categorical exclusion for minor grading activity. When they created the building envelope in the platting process, they did not realize it precluded the opportunity to do minor grading through the categorical exclusion process. Adding Plat Note 6 would allow them to do minor grading and other sitework outside the building envelope. Lawson said the applicant is trying to determine if the building envelope precludes them from getting a categorical exclusion.

**PUBLIC COMMENT:**

- Silver Creek Preserve has a nature easement on the property. Applicant Mick Halverson said he negotiated the nature easement for the Molyneux family; and reserved a 40 acre homesite with height and use restrictions. Commissioner Schoen said the landowner is bound by the terms of the easement, regardless of the BCC's decision.

Commissioner Schoen noted that the conservation easement places the building envelope in the corner, which is limited due to MOD restrictions. This site is constrained by being immediately adjacent to the MOD, but grading, access, fencing and drainage are not uncommon activities outside a building envelope. Schoen is comfortable with a plat amendment and confident the Land Use Administrator is capable of addressing any application for categorical exclusion.

The BCC didn't feel confident to make a decision without County legal counsel present.

**McCleary moved, seconded by Schoen, to continue this public hearing on the Molyneux Subdivision, Lot 2 Halverson Plat Amendment to Tuesday, April 12 at 4:00 p.m. Motion carried unanimously.**

- **Summary of Ordinance 2016-02 Amending Blaine County Building Code (for publication)**

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Building Official Jeff Giese.

County Attorney Tim Graves's opinion is that there is minimal risk in publishing a summary of the Ordinance.

**Schoen moved, seconded by McCleary, to approve Summary of Ordinance 2016-02 for publication in lieu of the complete text, provided that the full text of the ordinance is published on the Blaine County website and directions to that page on the county website are clearly given. Motion carried unanimously.**

- **Findings of Fact: Upper Board Ranch Leasehold Parcel Platting**

Also present: Applicants' representative Linda Haavik.

Several lots were moved and most lot numbers were changed.

Bergin suggested Plat Note #2 be deleted if the BCC concluded that the building envelopes were an acceptable size.

Commissioner Schoen suggested the Findings language should be more definite about what the applicant presented and more conclusive in the BCC's decisions on each of the standards.

Applicant's representative Linda Haavik said the Findings didn't include much about the P&Z's consideration of the application. She questioned whether the BCC ever discussed the requirement of one lot of record meeting the minimum 40-acre lot size, which she said would require changing a couple of the other lot sizes. Haavik asked who should get the easement for Warm Springs Road required in Plat Note 14. County Land Use Administrator Tom Bergin will confer with County Attorney Tim Graves about these questions, and staff will resubmit Findings in a future BCC meeting.

**APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES** CONTINUED

• **March 31, 2016 Indigent Hearings**

Schoen moved, seconded by McCleary, to approve March 31, 2016 Indigent Hearings minutes, as amended. Motion carried unanimously.

**EXECUTIVE SESSION** – §74-206 11(d) Confidential Records

Schoen moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 1 (d), to consider Blaine Manor property records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code. Roll call: Schoen (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

**ADJOURN**

At the hour of 4:25 p.m., with no more business before them, the County Commissioners adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage Jacob Greenberg  
County Clerk Chairman