

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE AUGUST 2015 SESSION**

First Day

Tuesday, August 4, 2015

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 1:00 p.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary; County Clerk JoLynn Drage; and Recording Secretary Sunny Grant.

Commissioner Schoen was absent from today's meeting.

Chairman Greenberg called the meeting to order at 1:02 p.m.

COUNTY DEPARTMENT REPORTS

Treasurer – Deputy Treasurer Morgan Drage

• **Appeal of Treasurer's Decision for Late Charge and Interest**

Also present: Appellant Alan Pennay.

Pennay paid his 2014 property tax in person at County offices on June 29, one week late. The Blaine County Treasurer applied late fees and interest, as per Idaho Statute 63-903, which states that nothing shall excuse costs, interest or late charge; and if the second half of the total property tax is not paid on or before June 20, late charges and interest shall be assessed. June 20, 2015 was a weekend, so the deadline was extended to June 22. The Treasurer based his decision on Idaho Statute and did not feel this case warranted an adjustment.

Idaho Statute 63-1001 says that interest on a delinquency will be charged at one percent per month calculated from January 1.

Idaho Statute 63-201 defines late charge as 2% of the delinquent amount.

Idaho Statute 63-902(9) says the property owner is ultimately responsible for property taxes and is not excused from payment of taxes, late charges and interest accrued.

Blaine County Resolution 2014-28 states that in the event a tax payer is dissatisfied with the decision of the County Treasurer with respect to the application to adjust late charges and interest fee, the taxpayer may appeal that decision to the Board of County Commissioners.

Pennay is requesting that fees and interest be forgiven because of the large amount due on his many parcels. He was embarrassed to be late, and asked to be forgiven.

The BCC appreciated Pennay coming in, and were very sympathetic in this most unfortunate situation, but didn't feel they had the discretion to overrule the County Treasurer, who is bound by Idaho Code. Idaho Statute restricts property tax forgiveness to a catastrophic and unanticipated intervening event that makes it impossible for property taxes to be paid on time. Other people are often late as well, and must be treated equitably in accordance with Idaho Statutes.

CONSENT CALENDAR

- Beverage license renewals for China Panda Chinese Restaurant; Zenergy at Thunder Spring; La Cabanita Mexican Restaurant-Ketchum; and Headwaters.
- Junior College Certificates of Residency for College of Southern Idaho - Fall 2015-Spring 2016 Term: Richard Allen; Aaron Arnaiz; Teddy Berends; Virginia Clement; Maria Contreras; Sonia Delgadillo Arellano; Naeoming George; Claudia Hatrup; Rebecca Hogan; Loren Kernan; Emily Larson; Sheryl Laureano; Megan Lube; Raylin Lyons; Becky Madrigal; Paola Ornelas; Lane Payette; Ruby Payette; Kathleen Reyes; Caroline Scarbrough; and Alejandra Herrera Ceja for Fall 2014 and Fall 2015-Spring 2016 Term.

McCleary moved, seconded by Greenberg, to approve the Consent Calendar for August 4, 2015. Motion carried unanimously.

EXECUTIVE SESSION – §74-206 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

Present were: Blaine County Indigent Services Director Brooke Baird and Assistant Amy Rivkin.

McCleary moved, seconded by Greenberg, to convene in Executive Session pursuant to Idaho Code 74-206 1(d) to consider indigent medical applications. McCleary (aye); and Greenberg (aye). Motion carried 2/0.

OPEN SESSION RESUMED

McCleary moved, seconded by Greenberg, to suspend Case #2015-42 Medical Indigent Application for Assistance, awaiting additional resources. Motion carried 2/0.

McCleary moved, seconded by Greenberg, to approve Case #2015-43 Medical Indigent Application for Assistance, based on staff recommendation, with a \$25 monthly reimbursement,. Motion carried 2/0.

LAND USE and BUILDING SERVICES HEARINGS

SCI Properties, LLC: A public hearing and consideration of an application by SCI Properties, LLC for a Stream Alteration Permit to conduct repairs to the concrete abutments beneath an existing bridge spanning Silver Creek. The property is zoned Productive Agricultural (A-40), is located within Section 35, T1S, R20E, BM, Blaine County, Idaho and the address is 19026 US Highway 20.

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Code Compliance Specialist Diane Shay; SCI Properties/Susie Q Ranch Manager Mark Stephens and Susie Q project engineer David Thibault.

Shay read notice.

McCleary moved, seconded by Greenberg, that notice was adequate, in compliance with Idaho Code §67-6512 and 9-25-4 Blaine County Code. Motion carried 2/0.

The applicant requests a Stream Alteration Permit to repair abutments under both ends of the existing bridge spanning Silver Creek that accesses the Susie Q Ranch. The bridge is in good shape, but abutments have been damaged due to natural stream scouring. Applicant wants to place basalt riprap to try to avert further erosion.

EHM engineer Thibault routinely inspects the bridge for SCI, and discovered the exposed pilings. Thibault did a topography survey of the stream. The channel is fairly straight, but the bridge is on a bend. Methods and applications are detailed in the permit applications. Idaho Department of Water Resources (IDWR) and Army Corps of Engineers (ACE) have approved the project. Thibault has prepared an Impact Statement that indicates the project will not impact the stream or persons or property associated with the stream. Neighbors and The Nature Conservancy, which has Silver Creek-related easements in place on Susie Q property, consider the work appropriate.

The County Engineer's only question was about the rocks. Stephens said the 8-10" basalt will come from a neighbor or from Shoshone. Rocks will be irregularly shaped and washed before being brought on site. SCI will observe the project and release reports as they are generated.

Thibault said the project should not result in any significant impacts to flow or water elevation. He expects sediment to fill back in some of the voids due to the size of the riprap.

Proposed conditions address staff's concerns. Stephens said they will comply with conditions.

PUBLIC COMMENT – None.

McCleary moved, seconded by Greenberg, to approve application for a Stream Alteration Permit by Mark Stephens, SCI Properties LLC in Silver Creek at 19026 US Highway 20, commonly known as Susie Q Ranch, with conditions listed in the Staff Report, and finding that it meets Standards of Evaluation for Stream Alteration Permits, pursuant to Blaine County Code Zoning Regulations Chapter 17, 9-17-90. Motion carried 2/0.

- **Hoel Gannett Block 2 Alley Vacation:** Public hearing on and consideration of a Vacation submitted by FMTZ Construction, LLC on behalf of Rick Hoel, proposing to vacate the alley within Block 2, Gannett Townsite and creating Lot 1A, Block 2, and shifting lot lines with adjacent Tax Lot 8290.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin; and County Code Compliance Specialist Diane Shay.

Attorney Graves noted that the applicant was not present, no representative of the applicant was present, and there was no public present for this application.

Shortly before this application was filed, State Statute regarding vacation of this type of land changed from the Land Use Planning Act Title 50 to Idaho Code Title 40 Abandonment and Vacation of County and Highway District System Highways or Public Rights-of-Way. The BCC's former discussion and decision are still applicable, but conditions are different. The County Assessor has determined the land valuation to be less than \$2,500, so, according to Title 40, the County doesn't have to impose a charge on the entity acquiring the land. The BCC is reevaluating the vacation application, criteria and decision under the correct Title.

Shay presented notice: Notice made available to the public on April 15, legal notice published in *Idaho Mountain Express* on April 15, April 22 and July 29 (at least five but not more than 21 days before the hearing). Notice was sent by First Class Certified US mail on April 14 to all property owners abutting and within 300 feet of the external boundaries of the property. Notice sent to all political subdivisions and area media on April 13 and 20. Property was posted in three places on April 14. Notice was posted within the limits of the acreage PETITION FOR A VACATION on April 14 (30 days prior to the original hearing date of May 19, which was continued to June 30). Several of these notices are no longer required under the new Code, so notice exceeds current statutory requirements.

McCleary moved, seconded by Greenberg, that notice was adequate, pursuant to Idaho Code 40-203 (1) (d), (e) and (f), and exceeds required notice of this Code. Motion carried 2/0.

The BCC originally approved this application for vacation and subsequent plat amendment on June 30. While drafting Findings of Fact and Order of Vacation, staff discovered that Idaho Code Title 50 no

longer applies to road vacations. The correct criteria to be used for review is under Idaho Code Title 40. County Attorney Tim Graves confirmed this. Staff subsequently drafted Findings of Fact using Title 40 criteria, but one Finding needs to be included which refers to the value of the property.

The BCC reiterated their original discussion and decision that the vacation is not contrary to public interest, and is appropriate.

- The alley is not currently and has never been open and there is no public use or interest.
- No utilities, public or private, exist or are expected to be needed.
- Both public and private adequately-wide alternative access points exist into a single built-out tax lot to the west, so there is no indication that the alley will ever be open.
- The County assessor values the fair market value of the alley to be abandoned at less than \$2,500. Idaho Statute says, "A charge may be imposed ...," but is not necessary in this case since the value of the alley is less than \$2,500.

Graves reiterated that the BCC finds that vacation of this right-of-way is in the public interest.

McCleary moved, seconded by Greenberg, to approve the Hoel Gannett vacation petition to abandon and vacate the alley right-of-way adjacent to Lots 1, 2, 4, 5 and 6, Block 2 Gannett Townsite, under Idaho Code Title 40 Chapter 2 and Blaine County Code 10-4-7, with the additional discussion today of this being in the public interest; and reaffirm the conditional approval of the replat of Block 2 Gannett Townsite. Motion carried 2/0.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- Findings of Fact: Gannett Block 2 Alley Vacation and Plat Amendment
- Findings of Fact: Gannett Block 2 Alley Vacation Order

McCleary moved, seconded by Greenberg, to approve Findings of Fact, Conclusions of Law and Decision on application by FMTZ Construction LLC on behalf of Richard Hoel and Cindy Ramos for vacation of alley right-of-way adjacent to Lots 1, 2, 4, 5 and 6, Block 2 Gannett Townsite. Motion carried 2/0.

McCleary moved, seconded by Greenberg, to approve Findings of Fact, Conclusions of Law and Decision on the replat of Block 2 Gannett Townsite and authorize Chairman to sign. Motion carried 2/0.

EXECUTIVE SESSION - Idaho Code 74-206 1(b) - Interview P&Z candidate.

McCleary moved, seconded by Greenberg, to interview P&Z Commission candidate. Roll Call: McCleary (aye); and Greenberg (aye). Motion carried 2/0.

PUBLIC COMMENT – NONE

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

There are no Board of Equalization issues at this time.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Utility Easement between Blaine County and Friedman Memorial Airport Authority**
..... Record #628574

Also present: Friedman Memorial Airport Manager Rick Baird.

This is an easement for fiber optic cable for the Public Service Facility to cross county property.

McCleary moved, seconded by Greenberg, to approve an agreement between Blaine County and Friedman Memorial Airport to grant and convey onto Friedman Memorial Airport Authority property a utility easement, which description will be attached in Exhibit A, to lay fiber optic line that will be mutually beneficial to both Friedman Airport and Blaine County’s Public Safety Facility, at no cost to the County. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Airport Projects Update – Friedman Memorial Airport Manager Rick Baird

Three things will be discussed at tonight’s Friedman Memorial Airport Authority (FMAA) meeting:

- Chapter D Master Plan
- Whether the Airport should have a Communications Director
- Airport Improvement Program (AIP) 40 grant. The FMAA will discuss getting a line of credit since AIP 40 grant funds can’t be accessed until the project and grant are closed, which will make cash flow tight for a few months.

Transportation Master Plan – Bike Lane - McCleary

A local resident is upset because Blaine County Road and Bridge chip sealed East Fork Road to the edge of the pavement, making it difficult for cyclists to ride on the edge of the road. Blaine County Road and Bridge feels chip sealing to the edge gives roads longer life. ITD doesn’t require chip sealing be done beyond the fogline; or smaller chips could be used to make the asphalt smoother. BCC will discuss best practices for making County roads more bike friendly at a future meeting.

EXECUTIVE SESSION – §74-206 1(b) Personnel

Also present: Blaine County P&Z candidate Rachel Martin.

McCleary moved, seconded by Greenberg, to convene in Executive Session pursuant to Idaho Code 74-206 1(b) to consider a public officer. McCleary (aye); and Greenberg (aye). Motion carried 2/0.

ADJOURN

At the hour of 3:47p.m., with no more business before them, the Commissioners adjourned.

Attest: _____ Approved _____
JoLynn Drage County Clerk Jacob Greenberg Chairman