

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

First Day

Tuesday, February 9, 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; County Clerk JoLynn Drage; Human Resources Generalist Henry Brown; 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

ROAD AND BRIDGE BID OPENINGS

Also present: Blaine County Engineer Jeff Loomis; County Road and Bridge Manager Tom Duffy; County Administrative Specialist Andrea Walton; Idaho Asphalt Supply representatives Adam Ackerman and Justin Joy; and Dustbuster Road Systems representative Hobie Higgs.

- **Emulsion** – One bid received:

Idaho Asphalt Supply - Emulsified Asphalt Cement Product CRS2R \$458.50/ton FOB jobsite.

- **Chip Seal Materials** – One bid received:

Walker Sand and Gravel - 1/4" cover coat chip seal material about 4,500 tons at \$8.00/ton. Total \$36,000 total. Check enclosed for 5% bid bond deposit of \$1,800.

- **Magnesium Chloride** – Two bids received:

Road Solutions LLC, Rupert, Idaho - \$91.10/ton for dust guard, delivered to Blaine County Road and Bridge, Bellevue or Carey. Price includes freight, and delivery in full truckloads only. Seven truckloads, total 236 tons for \$21,499.60. 5% Bond cashiers check for \$1,074.98 enclosed.

Ag Express - Magnesium chloride liquid for dust control and soil stabilization. \$86.48/ton, for 236 tons for total of \$20,409.28, includes cost of diesel fuel and other elements of delivery. 5% Bond check for \$1,020.50 enclosed.

McCleary moved, seconded by Schoen, to direct Road and Bridge department to evaluate all bids for emulsion, chip seal materials and magnesium chloride, and provide recommendation to the Board of County Commissioners. Motion carried unanimously.

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

There were no Board of Equalization considerations at this time.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Claims – Schar Boyd

- Deputy Auditor Schar Boyd presented the claims.

Schoen moved, seconded by McCleary, to approve claims dated February 3, 2016, with one late claim for communications from Bronwyn Nickel for \$262.50, as presented today by staff. Motion carried unanimously.

County Administrator - Derek Voss

- **County Projects Update**

Also present: Blaine County Emergency Communications Director Robin Stellers; and Chief Deputy Assessor Martha Heuston.

The BCC updated County Projects:

- The Community Mental Health Summit discussed ways to improve Blaine County's Designated Examiner process, which currently uses DEs from Twin Falls. The BCC would like to review the entire DE process at a future BCC meeting.
- Emergency communications – Dispatch phone and radio system has been updated.
- Emergency Communications is working with other Public Safety Answering Points (PSAPs) to develop a Text-to-911 system.
- Recycling bins at Smiley Creek will be operational in the spring.
- Blaine County received the first state road tax check after implementation of the legislative increases.
- McCleary asked that the hospital sidewalk project be added to County Projects.
- Administrative Services Manager Henry Brown is working on a process for internal communications. Commissioner Schoen is working on external communications, particularly with Social Media Services Provider Bronwyn Nickel.
- Voss and an ad hoc team are updating the Blaine County Code to be clear and consistent with other County regulating documents.
- Blaine County tax deed properties in Elkhorn have been transferred to appropriate owners. The County is working to transfer a small tax deed parcel to Ketchum.

- Commissioner Schoen is working on transfer of a Carey City park parcel.
- Chairman Greenberg will continue to follow public defenders and the public defense process.
- Wood River Valley, Idaho is applying for a League of American Bicyclists Gold Award now that a Bicycle/Pedestrian Master Plan is in place.
- ITD will post non-traditional elk-vehicle collision warning signs south of Bellevue and around Gimlet.
- Voss is almost done with the Blaine County Right-of-Way Management Plan.
- Land Use is preparing for potential emergency flooding situations during 2016 spring run-off.

Blaine Manor The Idaho Department of Environmental Quality (DEQ) Brownfields Program Manager seemed to think the old Blaine Manor property would be perfect for the Brownfields program. The BCC will send a letter to DEQ this week requesting Brownfields consideration.

Schoen moved, seconded by McCleary, to approve Blaine County’s application to the Idaho Department of Environmental Quality Brownfields Program, authorizing submittal of a cover letter, application and Agreement for Site Access with the chairman’s signature, subject to any last minute minor edits to any of the documents. Motion carried unanimously.

Land Use Administrator - Tom Bergin

Blaine County Land Use has promoted Senior Planner Kathy Grotto to Deputy Land Use Administrator.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **GEM SMART911 Services Agreement** Record #

Also present: Blaine County Emergency Communications Director Robin Stellers.

This agreement is for web-based software service that allows dispatchers to see text messages via 911 on their Computer Aided Dispatch (CAD) consoles. There is no fee at this time for the service, and no message storage limit.

McCleary moved, seconded by Schoen, to approve services agreement between Blaine County and TeleCommunication Systems, Inc. for GEM SMART 911 text to 911 service, at no cost or termination date, and authorize Blaine County Emergency Communications Director Robin Stellers to provide an online signature on behalf of the BCC. Motion carried unanimously.

- **66 Croesus Creek/Schenck-Blaine County Security Agreement** Record #

Also present: Zoning Specialist Nancy Cooley.

The applicant has a Certificate of Occupancy for their new house; and has submitted a Bond for 150% of the quote for revegetation as part of their Mountain Overlay Site Alteration Permit.

Schoen moved, seconded by McCleary, to approve the Security Agreement between Blaine County and the Schenck family for acceptance of a 150% deposit to assure complete performance of a revegetation plan as part of a Mountain Overlay District Site Alteration Permit. Motion carried unanimously.

CONSENT CALENDAR

- **Resolution 2016-05 Destruction of 2010 Auditor's Records** Record #
- **Resolution 2016-06 Forfeited Cafeteria Funds Transfer** Record #

• **Junior College Residency forms:**

College of Southern Idaho - Fall 2014: Kevin Romani Rafael.

College of Southern Idaho - Fall 2015 - Spring 2016: Christian Dallago, Jason Howard, and Rachael Bahrenfuss.

College of Southern Idaho - Fall 2015 - Spring 2016 - Dual Credit: Lainey Anderson, Jennica Beall, Jens Blackburn, Benson Bleyer, Rafeal Bravo, Colby Castle, Kali Castle, Diana Chin, Brooke Durtschi, Breanne Durtschi, Molly Elgee, Matthew Galgano, Liliana Gil Salinas, Evan Hessselbacher, Tess Hollister, McKenley Howard, Jeffrey Koudelka, Nathan Lambert, Carrie Lawson, Alejandro Leon, Eliel Lopez, Ernesto Marquez Montes; Milton Mendiola Torres, Raymond Peck, Roland Solis, America Tamayo, Cherice Tatterson, Jonathon Tatterson, Jessica Thomas, Sarah Truxal, Leticia Valencia, Madison Virgil, Ana Wiederrick, and Marisela Worthington.

College of Southern Idaho - Spring 2016: Jordyn Dooley, Alicia Lawrence, Cyndi Ochoa Tzintzun, and Real Weatherly.

College of Southern Idaho - Spring 2016 - Dual Credit: Breanne Durtschi, Ana Wiederrick, Tanner Mecham, Carol Hoffman, Trevor Kirkland, Janelle B Medyers, and Julia Vega Escobedo.

College of Southern Idaho - Fall 2016 – Spring 2017: Alberto Riveles.

College of Western Idaho - Fall 2015 - Spring 2016 - Dual Credit: Kevin Browder, Colby Castle, Kali Castle, Leonardo Corrales, Evan Hesselbacher, Vanesa Hildario, Tess Hollister, Mason Johnson, Liam Jones, Elizabeth Kaiser, Julia Larsen, Giovanna Leslie, Ernesto Marquez Montes, Jerin Percy, Luis Ruiz, Nicole Shardlow, Travis Swanson, Samantha Taylor, Dane Thompson, and Ana Wiederrick.

Schoen moved, seconded by McCleary, to approve the Consent Calendar of February 9, 2016. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

5B Restoration Coalition Meeting – McCleary

The 5B Restoration Coalition is united and clear in its goals for the next year:

- Provide full support for the Deer Creek Restoration project.
- Promote recreation and trail maintenance, and look for potential funding from BLM and the Blaine County Recreation District.
- Begin to focus on resilience of fire burn areas.
- Public education and identification of community needs and the Coalition’s accomplishments.

Mental Health Summit – McCleary

- The group discussed the process of helping involuntary mental health holds.
- Some attendees were concerned about transporting sexual assault victims to Boise. After reviewing the process and visiting the Boise facility, members of the group realized that most sexual assault victims don't report the crime immediately; and a facility and staff with the expertise to deal with sexual assault crimes is the most holistic and efficient treatment for victims. Sexual assault pediatric victims are taken to a special facility in Twin Falls.
- The group is trying to form a consortium to try to help repeat offenders with medical or mental health problems.

Community Food Assessment Waste Recovery Subcommittee – McCleary

The subcommittee is working with grocery stores and other commercial establishments that produce food waste. Albertsons donates slightly-outdated food to The Hunger Coalition and composts the rest.

South Central Public Health District Board Meeting – McCleary

South Central Public Health is now the administrative body for the Regional Behavioral Health Board, and is supporting the Regional Behavioral Health Board in its request to the State to locate a crisis center in Twin Falls.

South Central Regional Behavioral Health Board Meeting – McCleary

The South Central Regional Behavioral Health Board has drafted a Request For Information for a new crisis center in Twin Falls, if the location is approved.

NACo and Salt Lake County Healthy Counties Initiative Innovation Summit – Schoen

The Summit presented Pay For Success concepts for public-private initiatives aimed at evidence-based social service programs funded by capital management firms, non-profits, foundations and high net worth individuals. A special emphasis is on early childhood programs, which are proven to result in better outcomes for children born and/or raised in troubled family environments. The funders receive financial payback on their investments from program savings or private contributions.

Climb the Mine at Minnie Moore Mine in Bellevue – Schoen

The Climb the Mine snowmobile event resulted in considerable economic benefit to the City of Bellevue; but there were complaints about the noise. The sponsors didn't think the event would be as large as it was, and neglected to get a Public Gathering event permit.

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW

Also present: Airport Manager Friedman Memorial Airport (FMAA) Manager Rick Baird.

- Three candidates for Blaine County's appointees to the Noise Abatement Committee are Commissioner Greenberg, Patrick Buchanan, and Lisa Phillips.
- The BCC supports a fourth parking space for commercial aircraft north of the terminal. FMAA will have to review parking circulation and approve the scope of work.
- Should FMAA plan for additional ticketing space and an additional x-ray screening line in the terminal?
- Friedman Airport is busy once again. The BCC believes the FMAA should focus more on managing the busy airport and spend less time discussing if the airport should be relocated.
- An Independent Audit will be presented to the FMAA tonight.

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.

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

OPEN SESSION RESUMED

Schoen moved, seconded by McCleary, to approve Case #2015-22 Medical Indigent Application for Assistance, with a \$25 monthly reimbursement, based on staff recommendation; and accept cancellation of hearing and final determination of approval. Motion carried unanimously.

Schoen moved, seconded by McCleary, to approve Cases #2015-81, #2015-78, and #2016-03 Medical Indigent Applications for Assistance, with a \$25 monthly reimbursement, based on staff recommendation. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Proposal for platting Board's Upper Ranch:** A continuation of a public hearing on and consideration of an application by Sun Valley Long Term Holdings, LLC to plat 16 existing leasehold parcels and the balance of the Board's Upper Ranch into 17 proposed lots ranging in size from 1.04 to 61.58 acres. The approximately 146 acres is zoned Rural Remote District (RR-40) and is within the Floodplain Overlay (FP), Riparian Setback (R), Mountain Overlay (MOD), Wetlands Overlay (W), Seasonal Use Overlay (SU) and Avalanche Overlay (A) Districts. The property is located about 4 1/2 miles west of the City of Ketchum out Warm Springs Road within HES 130 & Sec 29, 30 & 31, T4N, R17E, BM, Blaine County. The Planning and Zoning Commission recommended conditional approval on June 18 and the Chairman signed the recommendation on July 13, 2015.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; Blaine County Administrative Specialist Andrea Walton; applicant Steve Brown and applicant's representative Linda Haavik; John Hastings; Bill Campbell; Russ Sample; and *Idaho Mountain Express* reporter Andy Kerstetter.

Cooley read notice. Letters from three surrounding landowners were undeliverable as addressed. Two were resent to current addresses; one was addressee unknown.

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

Disclosures: The BCC individually visited the site prior to the September 8 meeting, but have no disclosures since September 8.

New Materials given to the BCC:

- Four public comments received.
- Updated Staff Report evaluating criteria related to changes in the plan, P&Z recommendation with minor edits, and list of proposed plat notes.
- New exhibit maps that are available on the County's Land Use website.
- Cover letter from applicant's representative Linda Haavik received January 6, 2016.
- Sample Riparian Management Plan.

The BCC noted that some older exhibits are obsolete, but are still part of the record.

Haavik presented two new options and new exhibits showing the new floodplain delineation and proposed new lot configurations.

- In order to leave the majority of the meadow open, applicant proposes to move Lots 14 and 15 from the eastern area to the Sandy Lane area; or Move Lot 14 to Sandy Lane and leave Lot 15 at the west end.
- Applicant submitted letter at the September 8 meeting dated August 12, 2015 addressing issues that are addressed in the current staff report.
- The applicant commissioned a new Floodplain Study.
- Lots 1, 11, and 13 building areas are established by building envelopes, not setbacks.
- Lot 12 would become 61 acres.

County Land Use Administrator Tom Bergin reviewed each lot, focusing on concerns relating to floodplain, riparian and wetlands setbacks, access roads, and Mountain Overlay District boundaries. Of particular note are:

- A couple lots entirely within the floodplain will be grandfathered.
- Lots 14A and 15A have some wetlands, but are primarily impacted by floodplain. Access easements benefit Lot 1.
- Staff recommended the term "building area" for Lot 12, accompanied by a plat note that the owner would have to get a jurisdictional wetlands determination made if any building is to be within 50 feet of potential wetlands; and provide a specific plan to restore or enhance the 50ft riparian setback at the time of building permit. Schoen was uncomfortable with the term "building area" because the wetland has not been determined.
- Relocated Lot 13A is the only lot on the north side of Warm Springs Road. Does the BCC want to establish a building envelope on a lot with alluvial fan drainage? The current building envelope is less than 50ft from the road and will need to be moved back.
- There is a small cabin inholding within Upper Board Ranch that is not part of Sun Valley Long Term Holdings.
- The applicant will repair some prior stream alteration work before final plat is recorded.
- Sandy Lane roadwork and access and mitigation for Warm Springs Road must be done per Subdivision Code, unless the BCC revises requirements.
- The applicant suggested a plat note requiring lot buyers or owners individually pay a \$10,000 road mitigation fee when they pull a building permit.

County Attorney Tim Graves told the BCC they had power, under Idaho and Blaine County Code, to deny a subdivision plat or application if they felt impacts on essential public services were too great; and also to consider mitigation offered by the applicant that would lessen long term impacts of the application in excess of existing impacts. Idaho Code requires impact mitigation be voluntary, and requiring lot owners to pay mitigation at building permit is not voluntary.

Greenberg said road impacts were ongoing, and would get serious when construction began.

The applicant said they volunteered to place the \$10,000 mitigation fee on the plat.

The applicant added that they have no control over road use by Frenchman's Bend residents or people using Warm Springs Road to access public land.

PUBLIC INPUT:

- John Hastings said Warm Springs Road was already experiencing heavy equipment impacts and would experience more construction impacts as new homes of greater size were built. Blaine County Road and Bridge manager approximated cost to reconstruct Warm Springs Road at \$150,000 mile. Co-applicant Steve Brown said there was a lot of speculation about future development, but that Warm Springs Road was basically like any other County road with impacts at different times. Hastings asked why all 146 acres had to be assigned to specific owners instead of common or open area or a conservation easement. Hastings asked about a plat note that would restrict larger lots to future subdivision.
- South Central Public Health District Environmental Health Specialist Bob Erickson asked the applicant to give him the current proposal, along with the latest flood map.

Schoen said Lots 14 and 15 have been moved from estate lots, and asked if the same could be done for Lot 11. Schoen does not think Blaine County Code intended estate lots for small leasehold tracts of land, and he does not support any estate lots in the application. He suggested a revised proposal placing a building sites on Lot 1, which has ample space for additional building sites. Schoen said he could approve Lot 13 as an estate lot. McCleary generally agreed with Schoen; and reiterated concern for the impact on the character of the neighborhood and visibility from Warm Springs Road.

Schoen said many of the lots did not have building envelopes, which could make landowners' building applications challenging.

Haavik said the riparian mitigation plan they submitted applied to leasehold sites that were to be moved off the riverbank.

McCleary moved, seconded by Schoen, to continue the public hearing for the proposal for platting Board's Upper Ranch to March 1, at 2:45 pm. Motion carried unanimously.

LAND USE AND BUILDING SERVICES, Discussion and Consideration

- **Reappointment of Dick Fosbury to Blaine County Planning and Zoning Commission**

Also present: Blaine County Planning and Zoning Commissioner Dick Fosbury

Mr. Fosbury submitted a letter of willingness to continue to serve on the Planning and Zoning Commission.

McCleary moved, seconded by Schoen, to reappoint Dick Fosbury for three years, from January 1, 2016 to January 31, 2019. Motion carried unanimously.

YEW PLANTS, Discussion and Consideration CONTINUED

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Blaine County Weed Department Manager John Cenarrusa; Social Media Services Provider Bronwyn Nickel; Idaho Fish and Game Regional Director Toby Boudreau and Regional Habitat Biologist Mike McDonald; University of Idaho Extension Educator Lauren Golden; BLM Shoshone Field Office Outdoor Recreation Planner John Kurtz; Wood River Land Trust Community Engagement Coordinator Mike McKenna; Blaine County Recreation District Executive Director Jim Keating; Judy Harrison; Sarah Michael; Mickey Garcia; Catherine Chanel; Paul Stevenson; Nathan Fierman; Megan Davis; Peter Hendricks; Erin Smith; Dave Hennessy; Lili Simpson; Cherlene Malone; and *Idaho Mountain Express* reporter Greg Moore.

The BCC received a large number of emails and phone calls requesting an ordinance prohibiting yew plants (genus: *Taxus*), with the vast majority requesting an ordinance banning species of yew. The Idaho Association of Counties reported on yew ordinances around the state; and a number of Idaho counties amended their noxious weed Code to restrict yew plants. Local nurseries will no longer carry yews, and their representatives and homeowners associations are looking for yews so they can mark them and remove them in the spring. Blaine County's draft ordinance enables enforcement.

Idaho Fish and Game Regional Director Toby Boudreau said elk have died in the past after eating yew when snow moved them down into the valley.

PUBLIC COMMENT:

Former Blaine County Commissioner Sarah Michael said the County Commissioners always acted as the voice of wildlife. She said many second homeowners don't read the local newspaper and won't be aware of public education efforts. Residents said they are doing what they can to alert neighbors and other residents of the dangers of yew plants.

County Attorney Tim Graves said the ordinance will designate the yew plant as a legitimate safety hazard to wildlife, domestic pets, livestock and humans; and set possession of a yew as an infraction or misdemeanor, subject to appropriate penalties. The BCC will then decide who is responsible for enforcement, if they have permission to gain access to private property and who pays for removal of the plants. The County ordinance only applies to unincorporated County land. Cities may decide to pass their own laws. Graves will draft an ordinance for BCC approval at a future meeting.

MITIGATING RECREATION IMPACTS ON WINTERING WILDLIFE, QUIGLEY AND OTHER AREAS, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin and County Land Use Deputy Administrator Kathy Grotto; Idaho Fish and Game Regional Director Toby Boudreau; Dick Fosbury; Lisa Horowitz; and *Idaho Mountain Express* reporter Greg Moore.

Idaho Fish and Game feeds elk in the backcountry to try to keep them out of populated areas and off highways. The elk are healthy and not starving, and would stay in the backcountry, but wildfires on the west side of the Wood River Valley have destroyed forage and heavy snow is pushing elk and deer down into the canyon. People and their dogs recreate in the canyons, and there can be conflicts.

PUBLIC COMMENT:

- Jim Phillips and Judy Harrison asked what kind of comprehensive plan Fish and Game has to manage elk for the next big snow year.
Boudreau said Fish and Game will only feed elk under Idaho’s Emergency Feeding Law, which is designed to protect human safety and private property. There is a 10-year health adaptive management plan to monitor radio-collared elk in nine populations statewide. Boudreau said elk typically won’t come down into populated areas if they aren’t rewarded.
- Blaine County Recreation District (BCRD) Executive Director Jim Keating asked what Fish and Game can do to educate recreators.
Boudreau said people and wildlife using the same landscape at the same time doesn’t work. People don’t realize wildlife moving in deep snow are stressed.
BLM Shoshone Field Office Outdoor Recreation Planner John Kurtz said winter closures for motorized users are in effect and have been quite successful. Non-motorized users are encouraged to respect closures as well, but usually don’t realize they have impacts. BLM is beginning to reinstate their travel plan and will review winter recreation and different types of closures in different areas and seasons. Fully implementing the travel plan will take a huge amount of education, in partnership with private landowners, Fish & Game, cities and County and the Recreation District, because recreators frequently cross land owned by others.
- Lili Simpson was thrilled the BLM would be working in collaboration with other landowners to formulate a comprehensive travel plan for the area. In the meantime, she put up educational signs for the public in how to deal with wildlife.

ADJOURN

At the hour of 5:14 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Jacob Greenberg
Chairman