

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JULY 2014 SESSION**

Fourth Day

Tuesday, July 15, 2014

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

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

PUBLIC COMMENT - NONE

BCC COMMENTS:

Chairman Schoen noted the Preacher Fire began in Lincoln County and moved into Blaine County, burning over 10,000 acres.

AMEND AGENDA

McCleary moved, seconded by Greenberg, to amend the agenda to include an Executive Session, pursuant to Idaho Code 67-2345 1(b) Personnel at 9:30 am after Budget Officer Updates. At 10:00 am, the BCC will continue its FY2015 Budget Hearings. At 11:00am, the Blaine County Commissioners will convene in Executive Session (originally scheduled for 11:45 am), to discuss Indigent Medical Records, pursuant to Idaho Code 67-2345 1(d). Motion carried unanimously.

CONSIDERATION OF AMENDED GRAVEL PIT LEASE AGREEMENT WITH CHIP MOLYNEUX

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County legal secretary Brit Haas; and Chip and Kathy Molyneux.

Graves sent the BCC an amended version, with revised language indicating the date of reclamation and County operations on Molyneux property must cease as of November 1, instead of in six months as originally stated. Moving up the deadline is to be sure County operations are finished and the property reseeded in time for the seed to take hold. The County has every intention of ensuring the property is reclaimed according to the permit.

Chip Molyneux said November 1 is the deadline for seeding land to provide spring moisture to sprout the seeds. Kathy Molyneux said they want to comply with Idaho Department of Lands, which knows how to reclaim the land. The County will comply with IDL and the Molyneux family.

McCleary moved, seconded by Greenberg, to approve the Amended Lease Agreement, effective July 15, 2014, between Blaine County and Clarence "Chip" Molyneux, who resides at 80 Laidlaw Park Road, Carey, Idaho, for gravel removal; specify terms of reclamation and cooperation between parties to secure and submit the Conditional Use Permit facilitating gravel removal and reclamation as soon as possible. Motion carried unanimously.

BLAINE COUNTY FISCAL YEAR TENTATIVE 2015 BUDGET - Public Meeting

Budget Officer Update – Blaine County Clerk JoLynn Drage

Also present: Blaine County Land Use Administrator Tom Bergin; County Human Resources Generalist Susan Potucek; County Operations Director Char Nelson; Chief Deputy Assessor Martha Heuston; and Idaho Mountain Express reporter Tony Evans.

- Drage reviewed updated County Revenue and Expenses reports with the BCC.
- Drage corrected Emergency Communications amounts.

EXECUTIVE SESSION 67-2345 1(b) Personnel

Greenberg moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho code 67-2345 1(b) Personnel to consider the evaluation of employees and staff members. Roll Call: Greenberg (aye), McCleary (aye), and Schoen (aye). Motion carried unanimously.

EXECUTIVE SESSION - 67-2345 1(d) Indigent

McCleary moved, seconded by Greenberg, to go into Executive Session, pursuant to Idaho Code 67-2345 1(d) Indigent. Roll Call: McCleary (aye), Greenberg (aye), and Schoen (aye). Motion carried unanimously.

Also present: Blaine County Indigent Services Manager Brooke Roberson and Indigent Services Assistant Amy Rivkin.

OPEN SESSION RESUMED

McCleary moved, seconded by Greenberg, to deny Medical Indigent Applications for Assistance Cases #2014-38, 2014-39, 2014-40, based on staff recommendation. Motion carried unanimously.

McCleary moved, seconded by Greenberg, to approve Medical Indigent Application for Assistance Case #2014-41, based on staff recommendation, with no reimbursement. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Cain Creek Stream Alteration Permit:** A public hearing on and consideration of a stream alteration permit application by Thomas O'Gara to construct fish habitat improvements including channel dredging and installation of 21, 4x8 "lunker boxes" at 21 existing pool locations. The project area is located at 18154 US Hwy 20, approximately .2 miles east of Price Lane on Cain Creek, within Section 16 of Township 1 South, Range 19 East, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; and The Wetlands Group wetlands biologist Dave Kordiyak.

Cooley read notice.

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

NO NEW MATERIALS.
DISCLOSURES: NONE.

The Wetlands Group in Boise designed the Cain Creek Aquatic Habitat Enhancement Plan, which proposes 21 lunker boxes. They will not disturb upper stretches where there is good cover and natural overhang. There will be minimal disturbance to the wetlands, but areas will be reseeded if appropriate.

The project will have to receive permits from the Department of Environmental Quality and Idaho Department of Water Resources before proceeding.

The applicant is okay with conditions as suggested.

McCleary moved, seconded by Greenberg, to approve a Stream Alteration Permit for Thomas O'Gara to construct fish habitat enhancements, including channel dredging and installation of 21 4x8' lunker boxes at 21 existing pool locations on Cain Creek at 18154 US Highway 20 in Blaine County, Idaho. This approval is subject to discussions in today's hearing and Conditions 1 through 7 in the Blaine County Staff Report of July 9, 2014 which excludes Condition 8. This approval is based on the fact that the Board of County Commissioners finds this project is in compliance with the Stream Alteration Permit Application Standards of Evaluation set forth in Blaine County Zoning Regulations Title 9, Chapter 17. Motion carried unanimously.

Emergency Mountain Overlay District Extension Request - Longe

Also present: Blaine County Land Use Administrator Tom Bergin; Code Compliance Specialist Diane Shay; applicant Maureen Longe and applicant's representative Jim Zarubica.

The BCC denied applicant's request for a Mountain Overlay Site Alteration Permit on July 8, 2014 After that hearing, the applicant's representative Jim Zarubica requested an extension to the applicant's Emergency Mountain Overlay District permit. The BCC has granted emergency permit extensions to July 15, 2015 to two other applicants. Land Use recommends this Emergency Mountain Overlay District request be extended to July 15, 2015 as well.

Jim Zarubica asked the BCC to approve new site alteration construction work based on designs previously presented. Zarubica claimed the BCC's previous decision was based on arbitrary and capricious visibility criteria and the opinion of lay people. Zarubica said the BCC must base their conclusion and decision on expert testimony and facts, and not deny his client their federal civil rights to pursue happiness and enjoy their property. Zarubica requested the BCC no longer delay action to begin construction to protect their property from any further damage. His client is in imminent danger of another weather event; and will consider holding the BCC and the County responsible and accountable for any resulting damages to their home if this action is delayed.

Schoen confirmed that the prior application, which was denied by the BCC, was a site alteration permit under the Mountain Overlay District Hillside Ordinance. He asked if the applicant considered filing an application under the Emergency Site Alteration Permit process. Zarubica said staff had advised them to extend their Emergency Site Alteration Permit in order to do the work proposed under the procedures in place at the time of their application for a final permit. The Emergency Site Alteration Permit Ordinance requires the applicants to complete their Emergency Permit filed last October by submitting a final application by July 15, 2014. Subsequent to the Emergency Ordinance, the County developed an extension process in late June 2014 to allow emergency permits to be extended. Since their site

alteration permit was denied last week (July 8), the applicant has reluctantly applied to extend in order to expedite work on their mitigation project so they can immediately protect their home.

The BCC granted two extension requests to other landowners to keep hillside alterations in place for an additional period of time; but those extensions didn't include modification proposals as the Longe's application did. The applicant submitted an application for new construction under the Emergency Site Alteration process after the BCC denial last week, and asked that it be expedited. The application was to do the same work they applied for in the regular Mountain Overlay Site alteration permit that the County has been reviewing for several months. Zarubica said the applicant has been delayed through no fault of their own, and is concerned that something might happen before mitigations are in place. Bergin said Land Use anticipated scheduling review for July 22, 2014.

Schoen asked if the applicant had been advised at any time during their application process to submit an application for new construction under the emergency permitting process. Zarubica said the applicant had discussed with staff before June 24 the possibility that emergency permits would be extended, but there was no emergency extension permit procedure in place. The applicant made the decision to seek a permanent solution under the emergency ordinance in place at the time of their emergency modifications.

The BCC acknowledged that Land Use staff has been very attentive to property owners in this and other potentially hazardous post-fire areas. Staff has processed applications with full understanding of their potential emergency nature.

Commissioner McCleary said the BCC's decision last week was not arbitrary or capricious. The BCC made their decision to deny the application since it did not meet three of the standards in the County's ordinance. McCleary said an extension to July 2015 was appropriate; and a review of work proposed under the Emergency Site Alteration Permit was timely and probably appropriate. An extension would allow the applicant to do work they wanted to do; and a text amendment would allow this and any property owner to do other appropriate site alterations in the next year.

Bergin encouraged the BCC to hear this application at its earliest opportunity. The BCC set a Special Meeting for 10:00am Thursday, July 17, 2014.

McCleary moved, seconded by Greenberg, to extend the Emergency Site Alteration Permit to July, 2015 for the Longe property. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

• "Natural Causes" Mountain Overlay District - Site Alteration Permit Text Amendment

Also Present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; County Planning Assistant; County Operations Director Char Nelson; and St. Luke's Wood River Medical Center representative John Gaeddert.

In response to recent Land Use applications, staff is beginning work on a text amendment to the Mountain Overlay District Site Alteration process. The current ordinance addresses emergency situations, but site alterations may be advisable to prepare for naturally-occurring events as well. The BCC was very supportive.

Greenberg moved, seconded by McCleary, to direct staff to initiate the process of drafting a text amendment to the Mountain Overlay District Site Alteration Permit to address natural causes. Motion carried unanimously.

• Comprehensive Plan Update

The Steering Committee and two subcommittees met last week. The Steering Committee reviewed over 100 survey responses to date. Staff is pleased with consultant Lisa Horowitz's help with the Plan.

• Bellevue/Eccles Annexation

The BCC asked Land Use to prepare a letter to Bellevue P&Z regarding the proposed Eccles annexation.

• Clarendon Lot of Record Determination

Land Use sent a letter to owner of the Clarendon Lot of Record that a determination was made, recognizing the plat that was recorded in the mid 70s. The property is now on the market.

• Flying Heart Water Rights

Blaine County has filed a protest against a Flying Heart Water rights application before the IDWR. Flying Heart representatives would like to discuss their application and the County's protest.

• Findings of Fact: Picabo Hills Subdivision Plat Amendment

McCleary moved, seconded by Greenberg, to approve Findings of Fact, Conclusions of Law and Decision regarding application of Picabo Livestock Company for a Plat Amendment to amend Lot 1A Block 1 Picabo Hills Subdivision. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Operations Director - Char Nelson

- The BCC requested an analysis of water usage on the Hope Garden site back to 2007 when the county jail was on the site. Since 2009, the Hope Garden site has increased water use in May through September; but if the Hope Garden weren't onsite, there would likely be a water bill for lawn or other use. The majority of the BCC did not want to ask The Hunger Coalition to reimburse the County for water use.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **AIA A132-2009, Standard Form of Agreement between Blaine County and Wright Brothers, The Building Company, Eagle, LLC, Construction Manager as Adviser Edition** Record #619981
- **AIA A132-2009, Standard Form of Agreement between Blaine County and Thornton Heating & Sheet Metal, Inc., Construction Manager as Adviser Edition** Record #619982
- **AIA A132-2009, Standard Form of Agreement between Blaine County and Doherty Electric., Construction Manager as Adviser Edition** Record #619983

These three standard AIA agreements are for the Old County Courthouse renovation under a construction manager. County Operations Director Char Nelson said details in the contracts are correct.

Greenberg moved, seconded by McCleary, to approve AIA A132-2009, Standard Form of Agreement between Blaine County and Wright Brothers The Building Company LLC, contractor, in the amount of \$927,276. Motion carried unanimously.

Greenberg moved, seconded by McCleary, to approve AIA A132-2009 Standard Form of Agreement between Blaine County and Thornton Heating and Sheet Metal in the amount of \$40,352 for plumbing and mechanical work package on the Old County Courthouse. Motion carried unanimously.

Greenberg moved, seconded by McCleary, to approve AIA A132-2009 Standard Form of Agreement between Blaine County and Doherty Electric, Inc. in the amount of \$145,300 for electrical work on the Old County Courthouse. Motion carried unanimously.

- **Idaho Department of Commerce Rural Idaho Economic Development Professional MOU** Record #620696

This is the same as in past years.

Greenberg moved, seconded by McCleary, to approve Department of Commerce and Sun Valley Economic Development for Rural Economic Development Professional Program MOU in the amount of \$27,000. Motion carried unanimously.

- **Master Services Agreement with Syringa Networks** Record #619959

This is a 3-year renewal agreement for the IT department.

McCleary moved, seconded by Greenberg, to approve Master Services Agreement between Blaine County and Syringa Networks for \$2,375 per month for 36 months. In discussion, Schoen noted the Agreement includes a non-appropriation clause. Motion carried unanimously.

- **Service Agreement for Automation Services at Blaine County Annex Building** Record #620627

Also present: County Operations Director Char Nelson.

This contract is for service on the controller and heating/cooling system in the annex. This new vendor seems to be more responsible to County's needs, at lesser cost.

McCleary moved, seconded by Greenberg, to approve Service Agreement for Automation Services for the County Annex Building, in the amount of \$1,273 for HVAC controls and specialties. Motion carried unanimously.

- **Blaine County Security Agreement with Jim and Stacy Cooper** Record #620706

Also present: Zoning Specialist Nancy Cooley.

The Revegetation Plan has already been implemented. This is to ensure it's established over three years.

Greenberg moved, seconded by McCleary, to approve Blaine County Security Agreement between Blaine County and Jim and Stacy Cooper for Revegetation Agreement at Lot 2A Rivers Edge Subdivision, Blaine County, in the amount of \$4,780.00. Motion carried unanimously.

- **ES&S Sales Order Agreement** Record #621001

This is a 5-year maintenance agreement for the voter tabulating equipment. The first year's maintenance fee is included in the purchase price. The total amount of the 5-year maintenance plan, if paid upfront, would give the County a discount of \$3,600, but the total amount of purchase and 5-year maintenance would put the County over the \$50,000 contingency amount the Clerk previously requested. Voss noted his concerns over the lack of warranty on the equipment, but this is probably still the best solution.

Greenberg moved, seconded by McCleary, to approve the Sales Order Agreement between Blaine County and ES&S Elections for the purchase of voting tabulators for \$93,330. In discussion, the Clerk said the State's Democracy Fund will pay up to \$55,000 of the purchase price. Motion carried unanimously.

- **Modification of Grant 12-RO-11041403-098 US Forest Service/Sawtooth National Forest Ketchum Ranger District** Record #620129

Also present: County Operations Director Char Nelson.

The County has a Forest Service Resource Advisory Committee (RAC) grant to fund materials for Warm Springs Road improvements. The grant is being modified to increase the amount by \$32,500.

McCleary moved, seconded by Greenberg, to approve Modification of Grant Agreement 12-RO-11041403-098 US Forest Service Sawtooth National Forest Ketchum Ranger District for an increase in funds of \$32,500. Motion carried unanimously.

• **PUBLIC HEALTH BOARD APPOINTMENT**

The BCC supports reappointment of Dr. Peter Curran as medical consultant on the District 4 Public Health Board.

McCleary moved, seconded by Greenberg, that the Blaine County Commissioners vote in favor of Dr. Peter Curran serving on the Board of South Central Public Health District for a term of July 1, 2014 to June 30, 2019. Motion carried unanimously.

CONSENT CALENDAR

- **Resolution 2014-27 Salaries Budget Adjustment** Record #619998
- **New beverage licenses for A Taste Of Thai Ketchum and Chic Nail + Beauty Bar LLC.**
- **Beverage License renewals for McClain's Pizzeria, West Magic Resort, Evergreen Restaurant, Velocio, Guffy's, Rominnas, Bigwood Golf Course, Zenergy at Thunder Spring, Mama Inez, Hailey Chevron, Valley Car Wash, Brandie's Kitchen, Headwaters, Silver Creek Convenience Store, Sawtooth Brewery, Java On Fourth, La Parrilla Mexican Restaurant, NexStage Theatre, Casino Club, A Taste Of Thai #1, A Taste Of Thai Ketchum, Starbucks Coffee, Johnny G's Subshack, Mountain View Grocery, Power House, Divine, Mahoney's Bar & Grill, Enoteca, Ketchum Grill.**

McCleary moved, seconded by Greenberg, to approve Consent Calendar dated July 15, 2014. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Wood River Valley Climate Change Planning Partnership Meeting – McCleary

Local representatives of the County and cities met to discuss potential effects of climate change on the local economy and recreation. A Model Forest Policy Program is available with funding that brings communities together to plan for the future if the community will provide matching funds.

Approval of BOARD of COUNTY COMMISSIONERS MEETING MINUTES

- **May 7, 2014 Special Budget Workshop and July 1, 2014 Regular Meeting**
- **July 2, 2014 BOE Meeting**

Greenberg moved, seconded by McCleary, to approve Board of County Commissioner meeting minutes for May 7, 2014 and July 2, 2014 as amended. Motion carried unanimously. unan.

ADJOURN

McCleary moved, seconded by Greenberg, to adjourn. Motion carried unanimously.

At the hour of 3:40 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____
JoLynn Drage Lawrence Schoen
County Clerk Chairman