

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

Second Day

Tuesday, July 19, 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 (in person and by phone for parts of today's meeting); County Administrator Derek Voss; Chief Deputy Clerk Leslie Londos (morning); Chief Deputy Assessor Martha Heuston; County Administrative Services Manager Henry Brown (morning); Friedman Memorial Airport Manager Chris Pomeroy (part of the morning meeting); Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Andy Kerstetter.

Chairman Greenberg called the meeting to order at 9:00 a.m.

PUBLIC COMMENT - NONE

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Treasurer's Report - John David Davidson

- 98% of current property taxes are collected.
- Delinquent notices went out and outstanding payments continue to come in.
- Treasurer's staff will be out of office the first week of August for Idaho Association of County Treasurers Annual Conference.

County Administrator - Derek Voss

- Administrative Services Manager Henry Brown is back in the office.
- Staff will work with the BCC individually to get their input on the Idaho State Public Defense Commission Indigent Defense Grant.
- The Idaho Sheriffs Association is proposing to add certain employee groups to be eligible for PERSI Rule of 80. This makes it possible for employees in stressful jobs to retire when their years + age = 80 instead of the current Rule of 90. If passed, both employee and employer will make a contribution, and there will be budgetary impact to the County.

CONSENT CALENDAR

- **Beverage License Renewals** for Lewis Street Snacks; Rominnas; KB'S Burritos; Stinker Store #111; Apples Bar and Grill; Bigwood Grill; Picabo Angler; Chapalita's Grill; Town Square Tavern; Ketchum Grill; Enoteca; Il Naso; Johnny G's Subshack; Smiley Creek Lodge; Sawtooth Brewery Tap Room; Sawtooth Brewery Public House; Muleshoe Tavern; Brandie's Kitchen; Zenergy at Thunder Spring; Casino Club; and Wake Up & Live.
- **Junior College Residency Forms:** College of Southern Idaho, Fall 2016 – Spring 2017 term, for Kelsey Barker and Corban Johnson

McCleary moved, seconded by Greenberg, to approve the Consent Calendar for July 19, 2016. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Idaho Association of Counties District IV Meeting – McCleary and Schoen

- District IV supported Blaine County Commissioner Schoen's resolution in support of a workforce housing tax exemption. Some counties didn't see benefit for them, but recognized the need in Blaine County and can opt out of the exemption themselves. This moves the resolution forward to committee level.
- There was support for lowering the allowable property tax exemption for business investment in IC-63-602NN from \$3 million to \$500,000. This is for up to five years at the discretion of county commissioners.
- There was support for Medicaid Redesign or Medicaid Expansion, or some other solution for currently uninsured citizens.

South Central Behavioral Health Board Meeting – McCleary

- The South Central Behavioral Health Board has chosen a contractor to manage the future Twin Falls crisis center. The recommendation will go to South Central Public Health Board, which will contract with the manager.

Blaine County Regional Transportation Committee Meeting – McCleary

- The US Forest Service presented their Big Wood Management Plan for designated parking, camping areas, roads and trails, etc. in the Big Wood Area of the Sawtooth National Recreation Area.
- A number of user-created roads will be closed, possibly including some that Blaine County Recreation District (BCRD) rely on for winter and summer trails at Galena.

- Received updates from different jurisdictions on their transportation projects, including Ketchum sidewalks and the Hailey cobblestone project.
- ITD apologized that their contractor incorrectly striped bike lanes on Highway 75 in the Galena area. It will be restriped in the next two to three weeks.
- ITD has adjusted timing of Hailey traffic lights.

Community Advisory Committee for Timmerman Junction Safety Study – Greenberg

All three Commissioners attended this meeting where ITD presented potential options to mitigate safety concerns at the Timmerman Hill junction.

DISPOSAL OF BLAINE MANOR PROPERTY, Discussion and Consideration

Also present: Commissioner Schoen by phone; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Buildings and Grounds Manager Patrick Boyle; County Social Media Services Provider Bronwyn Nickel; Alpine Investment Group principals John Sofro and Michael Page; Wood River Fire Protection District Assistant Chief of Fire and Emergency Services Craig Aberbach; and Hailey City Administrator Heather Dawson.

There are only two changes in Alpine Investment Group’s new Letter of intent: The purchase price is increased to \$1.85 million; and if Alpine Investments sells the property for more money than they paid within the first three years of purchase, they will split the profit with Blaine County. All other terms of the original Letter of Intent and the County’s response remain the same. Alpine Investments’ offer takes into account the \$190,000 approximate cost of demolition.

Alpine Investments said their counteroffer is based on three comparable sales they felt were more appropriate than those used in the original appraisal by McCann Appraisal Services. Property values on the south side of Hailey were significantly less than those on the north side; and almost all new development is on Hailey’s north end. The Blaine Manor lot is triangular shaped and somewhat difficult to fully utilize. The Blaine Manor building will need to be scraped at an additional cost. There was not a single bidder at the Blaine Manor auction; and Alpine Investment’s offer has been public for three months, and there have been no other offers for the one and a half years the property has been available.

Blaine County Administrator Derek Voss said he expects Department of Environmental Quality to remove the underground storage tank on the Blaine Manor property on August 15, 2016, then soil test to determine if any pollutants remain; and if so, remediate that. DEQ plans to provide the County with a report of contaminants in the building, which will inform the owner of the building how to safely manage demolition. Blaine County accepts no responsibility for demolition.

After questions and answers on several components of the proposal, Commissioner Schoen said the offer from Alpine Investments was a good one, and he suggested the County accept it. Commissioner McCleary said she hoped the offer would be at least \$2 million. Chairman Greenberg was willing to accept Alpine Investment’s offer of \$1.85 million. The BCC considered the public interest and benefit of a community entertainment center, and decided to accept the offer.

Schoen moved, seconded by McCleary, that Blaine County accept the offer made by Alpine Investment Group for the purchase of Blaine Manor property—land and building—in the cash amount of \$1,850,000, with the terms and conditions as stipulated in our numerous correspondences, including a statement of understanding of the role of Department of Environmental Quality in remediation and identifying any potentially hazardous materials on site and a basis in my belief that this sale is in the public interest; in fact, the cash portion will accrue to the County Treasury to help the County meet its numerous capital improvement needs and there is a very real prospect of eventually developing the property with facilities for youth that has long been identified as a public need, a real need for young people in our community. In discussion, McCleary said she plans to vote in favor of the motion. She sees significant public benefit in the sale. She wishes the BCC had counteroffered and kept negotiations going a little longer, but trying to weigh all public benefit, she thinks this is a good course going forward. Schoen thanked Alpine Investment Group for their interest in the property and their offer. **Motion carried unanimously.**

Schoen moved, seconded by McCleary, to direct staff to work diligently with Alpine Investment Group to complete a Purchase and Sale Agreement according to the terms and conditions. Motion carried unanimously.

IDAHO PUBLIC DEFENSE COMMISSION UPDATE

Also present: Commissioner Schoen by phone; Idaho Public Defense Commission Executive Director Kimberly Simmons; County Grants Manager Michele Johnson; Blaine County Public Defenders Cheri Hicks, Josh Stanek; and Amanda Greer.

Idaho Public Defense Commission (IPDC) Executive Director Kimberly Simmons is visiting Idaho counties, to meet commissioners, clerks and public defenders. The IPDC is beginning to create standards for uniform data collection, contract terms, and training for public defenders. Their first phase is to create performance standards for defending attorneys. Public defenders are required to submit data this year, but there aren’t yet standards for what is required.

Blaine County Court procedures currently have the defendant make their initial appearance by themselves. At their arraignment, they are told their charges and potential consequences, and asked if they want a public defender for the case. This procedure would have to change if IPDC standards require a public defender to be present at first appearance.

Commissioners and Public Defender comment:

- The IPDC should consider purchasing some kind of caseload software.
- Public defenders need access to an immigration attorney and funding for interpreters. Public defender Cheri Hicks said it would be nice to have a full time immigration specialist available to join her in meeting clients in jail.

Blaine County's Grant Manager is currently completing the Idaho State Public Defense Commission Indigent Defense FY17 Grant application. Counties are eligible to receive grant funds (\$25,000 or 15% of the appropriated funds, of the median amount of the first three years of the preceding five years, whichever is higher) as long as they are in compliance or coming into compliance.

LAND USE and BUILDING SERVICES HEARINGS

- **Lot 1 Grove Creek, Plat Amendment 102 Grove Ck. Ct. Bldg. Envelope Shift**, CONTINUED: Public hearing on and consideration of a Plat Amendment submitted by Brandon & Dixie Williams to amend the existing bldg. envelope on Lot 1, Grove Creek Subdivision by extending it 170 feet to the north and remove an easement for the Cramer Ditch. The lot address is 102 Grove Ck. Ct. and is zoned Low Density Residential (R-1).

Also present: Commissioner Schoen by phone; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; applicant Brandon Williams and representative Garth McClure; property owner Jack Flammer and representative Jim Laski; Realtor Cindy Ward; neighbors Chuck and Barbara Corwin and representative Deborah Vignes; and neighbor Paul F. McCarthy.

County Land Use Administrator Tom Bergin said this third hearing was noticed to surrounding landowners and political subdivisions, but not to the legal section of the newspaper. Idaho Code and County Code do not require legal notice for a plat amendment, so notice was adequate.

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

DISCLOSURES: Chairman Greenberg said he discussed sale of his own home with Realtor Cindy Ward, but did not discuss this Land Use application with her. County Attorney Tim Graves confirmed that Greenberg had no ex parte communications about this application with Realtor Ward and no financial interest in this application, and concluded that there is no conflict of interest.

NEW MATERIALS: There is a new site plan.

Applicant Brandon Williams explained that their first priorities for this lot remained sun exposure and the safety of their family, so they planned to build their home away from the river. He said professionals advised them that the value of their land would be higher closer to the river, so they originally tried to make their building envelope as long as possible.

Their new proposal is to square off the southern boundary, which parallels BLM property, at the southwest corner, set back for the drainage easement. Williams said they now feel the character of their lot is more aligned with other properties in Grove Creek Subdivision. The newly proposed building envelope is 15,280sf.

PUBLIC COMMENT:

- Deborah Vignes, representing neighbors Chuck and Barbara Corwin, said the westerly boundary of the Williams' building envelope would be 20ft from the property line, except the minimum setback requirement in the R-1 Zoning District for a maximum 35ft tall structure is 22ft based on the height of structure. She suggested the applicant address this minimum setback in a plat note which refers to the Zoning regulations for setbacks; or the applicant could just move the westerly line of the building envelope to 22ft from the property line.
Jim Laski, representing current property owner, said the ordinance is going to control the setback and there is no need to do anything more.
Applicant's representative Garth McClure agreed with Laski that County Code will dictate the setback based on height of the building.

County Land Use Administrator Bergin said Plat Note 2 should be clarified to indicate zoning regulations should be checked for setback because building height will in fact govern the setback.

The BCC thanked the applicant for continuing to work with the County to meet the first standard of character of the subdivision, and for considering public comment and concerns of neighbors in the adjacent subdivision.

McCleary moved, seconded by Schoen, to approve an application by Brandon and Dixie Williams to amend the existing building envelope on Lot 1 Grove Creek Subdivision, as depicted in the plat presented today, which moves the building envelope approximately 80 feet north and

extends it to 15,280sf; and modify Plat Note 2 to refer to the restrictions of the 35 foot height limitation and the necessity based on height limitation and required setbacks, finding that it meets Chapter 5 and requirements of Design and Improvement Standards, 10-5-1 Administrative Standards, 10-5-2 Threshold Standards, 10-5-3 Design Standards, and is in compliance with our Comprehensive Plan and is subject to the conditions and plat notes that were presented in the Staff Report. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Public hearing on and consideration of a plat amendment application by Blaine County Recreation District** for Parcels B and C, Block 2, Valley Club West Nine PUD. The amendment would relocate the platted non-motorized public path easements to reflect the actual path locations and dedicate these easements to the Blaine County Recreation District. The parcels are located at 3706 and 3702 Buttercup Road, respectively, within Section 29, T3N, R18E, BM, Blaine County. They are zoned Planned Residential Development (R-2).

Also present: Blaine County Land Use Administrator Tom Bergin; County Deputy Land Use Administrator Kathy Grotto; Blaine County Recreation District (BCRD) Executive Director Jim Keating and representative Brian Yeager; Agave Place resident Barbara Von Sengen.

Grotto read notice.

McCleary moved, seconded by Greenberg, that notice was adequate. Motion carried 2/0.

This is a plat amendment request to move the current easement on these two different parcels to the actual location of the bikepath and dedicate these easements to the Blaine County Recreation District. The easement was relocated to its actual physical location within the Community Condos (Agave Place) when they were platted, so now the easements will line up. This would make this section of the bikepath more consistent with the rest of the bikepath parcels under easement to the BCRD, encroachment permit or right-of-way agreements.

PUBLIC COMMENT: None.

McCleary moved, seconded by Greenberg, to approve plat amendment application by Blaine County Recreation District, with the conditions stated in the staff report that the application by the Blaine County Recreation District to relocate and change dedication of the platted non-motorized public path easement on Parcels B and C, Block 2, of Valley Club West Nine Planned Unit Development Subdivision, based on the finding that the proposal complies with the applicable criteria set forth under Title 10, Chapters 4 and 5, Subdivision Regulations and applicable regulations of Title 9. Motion carried 2/0.

- **Findings to be discussed: Wood River Trails' easement - Plat Amendment Valley Club West 9 Parcels B & C**

County Deputy Land Use Administrator Grotto said accepting the Findings of this Land Use decision would expedite the change of ownership from Blaine County to the private party.

McCleary moved, seconded by Greenberg, to approve Findings of Fact, Conclusions of Law and Decision regarding an application of the Blaine County Recreation District for a plat amendment to relocate and change dedication of a platted non-motorized public path easement on Parcels B and C, Block 2 of the Valley Club West Nine Planned Unit Development Subdivision. Motion carried 2/0.

BCRD Executive Director Jim Keating said he will begin the process to dedicate the easements to the BCRD; and make application to the County to transfer the easement on Agave Place parcel to BCRD.

COMPREHENSIVE PLAN, TITLE 8, NATURAL ENVIRONMENT CHAPTER, CONTINUED

Also present: Commissioner Schoen was present for this discussion; Blaine County Land Use Administrator Tom Bergin; County Deputy Land Use Administrator Kathy Grotto; Blaine County Comprehensive Plan Update Consultant Lisa Horowitz; and Blaine County Comprehensive Plan Steering Committee member Len Harlig.

This public hearing was continued, so no additional notice was necessary.

NEW MATERIALS: Received two public comments today from Lili Simpson and Janet Carter, mostly regarding wildlife components.

Staff and the BCC continued to review the Natural Environment Chapter Desired Outcomes. Commissioner Schoen expressed concern about general statements that were not clear or specific. Staff said they tried to get all ideas on paper and organize them, and agreed that some weren't very clear.

- Len Harlig cautioned against "incentivizing," i.e., changing rules and regulations in order to make it easier for someone to do something. The BCC discussed incentivizing Best Management Practices.

- NACo is currently debating the Environmental Protection Agency’s push to tighten ozone standards. The Comp Plan should include a warning to be proactive about air quality.
- The Plan should support integrated pest management practices, including non-chemical control methods.
- All of Blaine County is in the wildland urban interface and susceptible to wildfire. Fire and fire prevention should be an integrated part of planning.
- Work toward bringing the water budget into balance.

Harlig said he was impressed with the overall knowledge of staff and Commissioners on these natural resource issues, and thanked them for taking the time to painstakingly go through each paragraph of the Comprehensive Plan.

McCleary moved, seconded by Schoen, to continue to August 16. Motion carried unanimously.

CELL PHONE HANDS-FREE DRIVING ORDINANCE, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Sheriff Gene Ramsey; Chief Deputy Sheriff Steve Harkins; County Social Media Services Provider Bronwyn Nickel; and *Idaho Mountain Express* reporter Andy Kerstetter.

The city of Ketchum adopted a cell phone hands-free driving ordinance, and Hailey is considering such an ordinance. It is important that rules and enforcement are consistent throughout Blaine County, so the County is considering a similar ordinance. Blaine County Chief Deputy Prosecuting Attorney Tim Graves cautioned that the County only has jurisdiction over roads in the County, and not within city limits. The County’s insurance company, Idaho Counties Risk Management Program (ICRMP) has every employee take an annual driving refresher that warns of the dangers of distracted driving.

- Sheriff Gene Ramsay supported the hands free driving ordinance; and suggested it be officer-discretionary and a primary infraction.
- Chief Deputy Sheriff Steve Harkins supported an ordinance that was not overly complicated, and was uniform throughout the County.
- Signs indicating Blaine County is cell phone hands-free should be at all gateways to the County and local jurisdictions.

The BCC directed staff to draft an ordinance.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- June 28, 2016 Regular Meeting
- July 12, 2016 Regular Meeting

Schoen moved, seconded by McCleary, to approve meeting minutes of June 28, 2016 and July 12, 2016, as amended. Motion carried unanimously.

ADJOURN

At the hour of 4:31 p.m., with no more business before them, the County Commissioners adjourned.

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