

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

Seventh Day

Tuesday, July 21, 2015

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; Chief Deputy Assessor Martha Heuston; Blaine County Operations Administrative Assistant Andrea Walton; Recording Secretary Sunny Grant; and *Idaho Mountain Express* Reporter Peter Jensen.

Chairman Greenberg called the meeting to order at 9:02 a.m.

PUBLIC COMMENT - NONE

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Treasurer's Report - John David Davidson

- Delinquent notices went out, and late payments are coming in. Many people ask for late fees and interest to be waived, but very few requests are warranted.
- Treasurer met with the County's independent auditor for a six-month review of the department.
- Schoen said Multi-Bank Securities had a booth at the recent NACo conference to promote new investment tools, and will present this information to the Treasurer.

Operations Director - Char Nelson

- Adams Gulch Bridge Update and Request – Currently negotiating two right-of-way purchase contracts so bridge and approach design can be completed.
- Request \$3,000 for Adams Gulch Bridge grant match out of FY2015 funds. The BCC agreed to fund the expenditure from unappropriated reserve.
- The BCC authorized \$5,100 for radon mitigation for the Historic Courthouse (\$2,500) and Judicial Building (\$2,600) basements, where staff work. Once these areas are mitigated, the Historic Courthouse will be retested. If necessary, radon mitigation for the Historic Courthouse mechanical room would be done later at an additional cost of \$2,600.
- FY2016 Recycling Education and Outreach proposal will be complete this week.
For the remainder of FY2015, funds are available for County Operations Administrative Assistant Andrea Walton to attend events around the County. For those events that Walton can't attend, the Operations Director suggests the County hire the Environmental Resource Center (ERC), on an individual event basis, to make 5B Recycling available at ERC event booths and invoice the County on an hourly basis for each event. Greenberg and McCleary agreed that the ERC is a good organization to promote 5B Recycling. Schoen will discuss this proposed arrangement with the ERC's interim director. The BCC will review the FY2016 Education and Outreach proposal in the near future.
- Judicial Building Remodel is almost complete. County Buildings and Grounds Manager Patrick Boyle was unable to get a subcontractor, and has done most of the remodel work himself.
- Little Wood Reservoir Road and Ketchum chip sealing are mostly complete. The job was done with minimal Road and Bridge equipment failure.
- Weed Department staff are spot spraying in the Bellevue Triangle; and will spray Warm Springs this week. The Weed Department will have a booth at the Blaine County Fair.
- Recycle Center replaced loader rotator hydraulic cylinder. \$2,400 cost is out of budgeted line item.
- Local Highway Technical Assistance Council (LHTAC) has offered money to fund a project this year. Plans were to improve Glendale Road in 2018, but the County could consider pushing project ahead if it can provide \$26,000 match funding in the next two years for design. Actual construction in the following years will cost the County about \$117,000 in match funding. The BCC agreed that Glendale Road has been a long-time priority, and directed it be put on next week's agenda.

County Administrator - Derek Voss

Voss cautioned Commissioners that "market rate" and CPI index are not synonymous. Market analysis compiles a number of elements, including the CPI index, to help an organization be competitive in the marketplace.

CONSENT CALENDAR

- **Resolution 2015-27 Waterways Budget Adjustment** Record #628230
- **Beverage License Renewals for Warfield Distillery & Brewery; Lewis Street Snacks; Rickshaw; Taylor'd Events; Wood River Gun Club; Silver Dragon; La Parrilla Mexican Restaurant; Zinc; Muleshoe Tavern; DiVine; and Zou 75.**

**McCleary moved, seconded by Schoen, to approve Consent Calendar for July 21, 2015.
Motion carried unanimously.**

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

NACo 2015 Annual Conference Updates - Schoen

- Coal tar sealants used to seal pavement are quite toxic and have been banned in many areas. Blaine County does not use coal tar sealant. Road materials can drain into drywells, which directly affect ground water. Schoen suggested the County consider promoting a policy against coal tar sealants for all jurisdictions and private companies.
- Clackamas County, Oregon, Community Rain Garden Partnership received a NACo Achievement Award. Rain gardens are bowl-shaped landscaped or garden areas, frequently next to parking lots, that capture, use and filter rainwater from pavement areas. Schoen suggested a rain garden be considered for McHannville.
- Regional Renewable Energy Procurement projects for community benefit are a collaboration of multiple local agencies with a goal of efficient, low cost procurement of and installation of renewable energy projects. The BCC recently heard a proposal for a community solar project in the Glendale Road area, but Greenberg expressed reservations about the project. Schoen suggested the BCC might reconsider the project, which could provide energy for the power grid and community energy resilience.
- Presentation on public lands management and federal lands transfer. Expert analysis indicates that in most cases, federal lands transfer is not an economic benefit to states. Greenberg said the federal government appropriates \$328 million to care for public lands in Idaho. Revenues on public lands only amount to about \$28 million, mostly from places where revenue from mineral deposits, i.e., gas, oil, coal, are substantial. The presenter suggested states consider a Charter Forest Concept, whereby a forest becomes autonomous in management and is no longer under the U.S. Forest Service. A couple NACo Public Lands resolutions dealt with land management and an attempt to streamline decision making on public lands.
- A lot of good basic information and discussion on Medicare and Medicaid expansion, which will be shared with the BCC.

Fly Sun Valley Alliance - Greenberg

Sun Valley Marketing Alliance and Fly Sun Valley Alliance are working together well. Local Option Tax revenues are strong, enplanements are up.

Sage Grouse Land Use Plan Amendments - Schoen

An email from the Governor's Office of Species Conservation indicated the Plan Amendments might conflict with local Comprehensive Plans and zoning. Schoen will find out if the BCC can still comment.

Craters of the Moon Name Change Resolution – Commissioners

Schoen will draft and present a resolution for BCC review next week.

BLAINE COUNTY ROAD AND BRIDGE LEVY, Discussion and Consideration

Also present: County Operations Director Char Nelson; Blaine County Road and Bridge Manager Tom Duffy; Blaine County Operations Administrative Assistant Andrea Walton; Chief Deputy Assessor Martha Heuston; Road and Bridge Levy ad hoc committee members Kathryn Goldman and Len Harlig.

Road and Bridge Levy Survey respondents supported increased registration fees over a proposed levy. The County would get 70% of the registration fee increase; the cities keep 30%; and the State can keep up to 1½% administrative fees. There were 24,282 vehicles registered in Blaine County in 2014. Greenberg estimated additional County revenue from a \$30 increased vehicle registration fee at about \$500,000. A registration fee could be increased for a certain number of years, or permanently, and becomes effectively immediately. The State's contribution from increased registration fee and gas tax, passed in the 2015 Session, should give the County at least \$450,000.

A property tax levy of \$35 per \$100,000 value would provide \$3 million, which is what Road and Bridge actually needs to bring County roads and bridges up to desired levels. The increased registration fee would be effectively immediately; whereas property tax levy funds wouldn't be available until January 2017.

PUBLIC COMMENT:

- The BCC received emails from Sarah Michael and Mary Austin Crofts, who support an increased vehicle registration fee over a Road and Bridge property tax levy.
- General public comment seems to prefer an increased registration fee.
- There are public complaints about the State's registration fee increase. Owners of hybrid cars that don't use gasoline and some pick-up trucks have especially high registration fees.
- Voss reported that he'd heard people say they would register their vehicles elsewhere if Blaine County's registration fee were increased.
- County residents who live south of Hailey may find it easier to register their cars in another county.
- Len Harlig reminded Commissioners that vehicle registration fees are not deductible from tax returns, whereas property taxes are.
- Voters north of Greenhorn tend to support property tax increases; but there is more population south of Greenhorn, and they tend to oppose property tax increases.
- Blaine County Operations Administrative Assistant Andrea Walton encouraged the BCC to make a decision ASAP and convey a clear message to the voters of the need for funding for County roads and bridges.

Schoen said a levy rate of .00005 would cost the owner of a \$400,000 home about \$20/year and would raise about \$450,000.

Blaine County Road and Bridge Manager Tom Duffy said some paved roads will be beyond repair in a couple years if not brought up to a decent remaining service life. \$500,000 would cover 20-25 miles of chip sealing a year and allow Road and Bridge to purchase used equipment to replace older equipment.

The BCC agreed that this is a permanent problem and should have a permanent solution. They decided to postpone a decision for one more week.

LAND, WATER AND WILDLIFE POLICY QUESTION, Discussion and Consideration

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Land, Water and Wildlife (LWW) Levy Advisory Board (LAB) Chairman Ben Sinnamon and members Alan Reynolds, Tom Page and Lili Simpson, and Coordinator Clare Swanger; Idaho Conservation League Central Idaho Associate Dani Mazzotta; Trout Unlimited Idaho Water Project Director Mark Davidson; Wood River Land Trust Executive Director Scott Boettger and Stewardship Coordinator Keri York; The Nature Conservancy Silver Creek Watershed Conservation Manager Dayna Gross; Sawtooth National Forest Ketchum District Ranger Kurt Nelson; and National Forest Foundation Conservation Connection Director Karen DiBari by phone.

This policy discussion is whether LWW program funding should be used on federal and other government lands. The LAB discussed the topic as a policy issue on June 3, and passed a LAB resolution that permitted using LWW levy funds for projects that benefit conservation objectives on federal lands. The resolution states that the ultimate evaluation criteria should be achieving optimal conservation value for the citizens of Blaine County, without regard to land ownership. There was no language on the levy ballot, Commissioner resolution, LAB Program Guide or other documents related to the levy which prohibits projects on property owned by governmental entities; and those documents suggest collaboration with governmental entities in considering projects is desirable. The Program Guide eligibility specifically includes government agencies. Non-governmental organization partners are ordinarily the preferred party to the grant agreement, and usually responsible for carrying out responsibilities of the grant agreement.

Schoen asked if Land and Water Conservation (LWC) Funds money could be used for local projects on public lands. Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger's experience was that successful LWC projects were typically high-ranking national projects that had survived a rigorous selection process. Sawtooth National Forest Ketchum District Ranger Kurt Nelson concurred, saying the SNRA was successful in the past for very high-visibility acquisitions, after surviving tough competition.

PUBLIC COMMENT:

- Two letters received from the public.
- LAB member Alan Reynolds said the LAB's original concept was that agricultural land was a primary goal, along with water and wildlife. LAB has seen some really good projects, but not as many applications as it would like, probably because of land value, particularly since the recent recession. Reynolds felt that a good project with a responsible government agency should be considered.
- Wood River Land Trust Executive Director Scott Boettger favors water and wildlife habitat, regardless of ownership. He encouraged the BCC to find ways to use the LWW fund to achieve the original intent the voters supported.
- Dani Mazzotta read a letter from Idaho Conservation League Executive Director Rick Johnson, which said, in part, that protection of Idaho's patchwork of open land, working farms and ranches and incredible public land is why ICL partners and citizens created a program to preserve the land, water and wildlife resources in Blaine County with public tax dollars. 85% of LWW money so far has been invested in conservation easements on private land; but the program should also include worthy projects where citizens can contribute to stewardship for treasured public lands.
- LAB member Lili Simpson thinks the next stage of the LWW program is in habitat protection and multi-stakeholder, multi-partner projects.
- Trout Unlimited Idaho Water Project Director Mark Davidson said public and private lands share the same watershed; and funding should be considered when there's a positive impact on adjoining or private lands associated with the public lands.
- LAB Chairman Ben Sinnamon said the LAB resolution captures the collective opinion of the LAB.
- Ben Sinnamon, individual, said neither the BCC's 2008 resolution nor the proposed LAB resolution contains any limitation to private land. The ballot refers to land "throughout the county".
- LAB member Tom Page said LAB members originally developed the program to include a third party non-profit, charged with public benefit. He did not support direct funding to federal agencies.
- National Forest Foundation Conservation Connection Director Karen DiBari (by phone) said they see an advantage in doing projects on a variety of lands, including public lands. The National Forest Foundation can also manage public projects on public lands.

McCleary said the Land, Water and Wildlife levy program is remarkable because it allows for creativity. There is no language and there has never been discussion about land ownership. She encouraged the BCC to think across the landscape and promote projects that provide the greatest outcomes in land,

water and wildlife conservation. She felt that projects on public lands could have great public benefit to people who access those lands.

Schoen said the BCC is a steward of property tax dollars. This program was created in the context of a major rethinking of Blaine County's land use planning outlook into the future, at a time of substantial and rapid growth. The Blaine County community values agriculture, open scenery and wildlife habit, which are not always compatible. Schoen said he and the other co-writer of the resolution wanted to create opportunities to compensate rural land owners for dedicating their equity in the land to public conservation; and funding projects on public land was not part of their discussion.

Schoen said the County relies on Payment in Lieu of Taxes (PILT) funding from the federal government which makes up for loss of taxes on public land in the County; and Secure Rural School (SRS) which makes up for loss of revenue from timber sales. He didn't think it made sense to put more property tax dollars into public lands, rather than seek higher appropriations from Congress. Schoen didn't think the County should contribute LWWP funds under the current program to joint projects with federal agencies, but didn't think that should preclude the County from collaborating with federal agencies or the National Forest Foundation. Schoen said he could support a project where there is significant nexus of the impacts of the project on adjacent landowners or riparian corridors where there is inter-connectivity of habitat. Schoen cautioned the LAB against rushing to spend money, and suggested they give private landowners time to come forward. He thought citizens would be cautious in the future about allocating property tax dollars to an open-ended agenda of conservation projects on federal land.

Greenberg said each project should be judged on its own merits. Blaine County citizens all benefit from surrounding public land, from recreation opportunities to economic benefit. He didn't see anything that precludes the County from participating in projects on public land, and would leave it to the LAB to consider each project on its own merit, just like every other project that comes through. Not every project will be to "save the family farm".

McCleary said she'd heard public comment from people who want to see a diverse variety of projects throughout the County. Projects on public lands that benefit public lands would also benefit private lands. The majority of the BCC would consider a LWW project on public land. Commissioner Schoen would need to see a benefit on private land before supporting LWW funding on public lands.

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 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, that Blaine County consents to the stipulated agreement between the applicant, Case #2013-58, Blaine County and the Catastrophic Health Care Cost Board (CAT), based on staff recommendation. Motion carried unanimously.

Schoen moved, seconded by McCleary, to approve Indigent Case #2015-48 application for non-medical assistance in the amount of \$1,106.76, with no reimbursement, based on staff recommendation. Motion carried unanimously.

McCleary moved, seconded by Schoen, to approve Case #2015-13, based on staff recommendation, and reimbursement to be determined at Blaine County Commissioners Meeting on July 28, 2015. Motion carried unanimously.

McCleary moved, seconded by Schoen, to accept cancellation of hearing and final determination of denial in Application for Assistance for Case #2015-10, based on staff recommendation. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Durrance Subdivision:** A public hearing and consideration of an application by Patsy Nickum for a short plat subdivision consisting of 5.02 acres to be divided into two lots, 2.52 and 2.50 acres in size. The property is zoned Rural Residential (R-2 1/2) and located at 13402 State Highway 75 north of Ketchum, within Section 23, T5N, R17E, BM, Blaine County.

Also present: Blaine County Senior Planner Kathy Grotto; Applicant Patsy Nickum and her representative Brian Yeager; and neighbor Emmy Blechmann and her friend, Charlie Pomeroy.

Grotto read notice.

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

Disclosures: None.

The property is north of Ketchum on Highway 75, just south of Fox Creek trailhead road. Both lots and the property to the north will continue to use a joint approach. An access easement across Lot 1 provides access to Lot 2 in the rear.

The applicant wants to subdivide a five acre lot into two lots, one in the front and one in the back. The lots are some distance from the river, and there is no riparian setback. Both lots are 2½ acres, meeting the minimum for a common access driveway. There is a National Wetlands Inventory ditch in the northeast corner. Grotto's staff report said a Wetlands Delineation *may* be necessary because staff may determine that it definitely isn't wetlands, making a Wetlands Delineation unnecessary.

PUBLIC COMMENT:

- Charlie Pomeroy, representing a neighbor, asked if the driveway access could be down the road. Yeager said there is a 16ft wide common access easement in the upper corner of the property that falls 8ft on either side of the common property line. Driveway easements are on top of other driveway easements, and are indicated as "detail common access". The driveways are shown as such because the driveway area has to be removed from area calculations. It's possible that the driveway for Lot 1 could come in anywhere on the frontage because it doesn't need an access easement to get to the highway.

The applicant tried to minimize curb cut and still maintain flexibility. The plat shows guaranteed access, so a new owner cannot remove it; but platted access doesn't necessarily preclude a different access at some point in the future. The tax lot to the south is unplatted and undeveloped, so it's possible that Lot 1 and the tax lot to the north could share a driveway. Schoen commended the property owners on being willing to share driveways.

There is an additional Subdivision standard plat note for a 30ft setback from Forest Service public lands property.

Schoen moved, seconded by McCleary, to approve the short plat subdivision application by Patsy Nickum to subdivide 5.02 acres of the two lots to be called Durrance Subdivision, based on the BCC's Finding that this application does comply with Blaine County Code Title 10 and applicable criteria in Title 9, with conditions and amended plat notes. Motion carried unanimously.

- **Thornton Heating Community Housing - Planned Unit Development:** A public hearing and consideration of an application by Thornton Heating for a Community Housing - Planned Unit Development (CH-PUD) consisting of a new building for their existing heating contractor's business, including one Community Housing Unit. The property is zoned R-.4 with Community Housing Overlay - Commercial Subdistrict (CH-C), in which heating contractors are allowed with a Conditional Use Permit. The property is located at 121 Hospital Drive within T4N R18E, Sec 30, BM, Blaine County. The Planning & Zoning Commission recommended approval of the CH-PUD on June 11, 2015.

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Applicant Nate Thornton; project architect Chad Blincoe; and Nathan Schutte.

Grotto read notice.

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

No new materials.

DISCLOSURES: None.

Thornton Heating has been in operation in this location since 1998. Thornton wants to clean up the property, consolidate storage and job trailers, and make the business more efficient. The proposal is to eliminate current access off the highway and use existing access off Hospital Drive, which is adequate for fire apparatus, trash trucks and plenty of employee parking. The parking area will be fenced, and a berm and the building will hide the parking area from the highway. There is some exterior storage that is roofed and screened; an entry sign and light pole at the main parking area.

Thornton will continue the existing sidewalk from Coldsprings Crossing. Their grading plan shows existing catch basins and dry wells that drain water on site. They will provide the maximum amount of landscaping permissible within the Scenic Overlay. Landscaping will buffer the existing shop area, community housing unit, and trailer park to the south; and there is adequate snow storage. The area will have both spray and drip irrigation from an existing well on site.

The business building flat roof is just under the allowed 20ft maximum building height. There is no parapet to minimize the height of the building; and they have incorporated some mechanical shrouds to hide rooftop mechanical equipment. The duplex is 26ft high, well below the allowed building height.

The Hospital Drive PUD requires a sidewalk and one community housing unit. There is currently a duplex on site, with one CH unit, but Thornton may want to redevelop some different housing configuration in the future in cooperation with the Blaine County Housing Authority. The County has a grant for the sidewalk, and adequate backup funds on deposit to complete the required sidewalk, curb and gutter if grant funds are not forthcoming.

PUBLIC COMMENT: None

Schoen moved, seconded by McCleary, to approve this application for Community Housing-Planned Unit Development by Thornton Heating, based on the Finding that this application complies with criteria of Blaine County Title 9, Chapter 35 and other applicable chapters of Titles 8 and 9, subject to those conditions in the Staff Report; and adopting Findings of the Planning & Zoning Commission as the BCC’s Findings as well. Motion carried unanimously.

WEED CONTROL ON COUNTY-OWNED PARCELS IN CITY OF KETCHUM

Blaine County Land Use Administrator Tom Bergin and County Weed Department staff met with Ketchum City officials to discuss control of weeds on County-owned property adjacent to the Big Wood River. The County will apply for a Ketchum permit ASAP and should be able to spray the weeds in a sensitive area when appropriate.

EXECUTIVE SESSION - Idaho Code 74-206 1(f) Pending Litigation.

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code §74-206 1(f), Engl Appeal, to discuss with legal counsel the legal ramifications of and legal options for pending litigation. Schoen (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

Open Session resumed.

Schoen moved, seconded by McCleary, to direct the County attorney to execute a Stipulation of Dismissal in the matter of Blaine County vs. Engl, whereby Blaine County will end its appeal of the decision in this case to the Idaho Supreme Court and no fees or costs will be paid to Engl. Motion carried unanimously.

EXECUTIVE SESSION - Idaho Code 74-206 1(b) Evaluation of Public Officers

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 74-2061(b) to consider a new Blaine County Emergency Medical Director and interview a candidate for Blaine County Planning and Zoning Commission. Roll call: McCleary (aye); Schoen (aye); and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 5:00 p.m., with no more business before them, the BCC adjourned the meeting.

Attest: _____
JoLynn Drage
County Clerk

Approved _____
Jacob Greenberg
Chairman