

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
SPECIAL MEETING OF THE JUNE 2015 SESSION**

**Ninth Day**

**Tuesday, June 30, 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 (arrived late); 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 Amy Busek.

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

**PUBLIC COMMENT - NONE**

**COUNTY DEPARTMENT REPORTS, Discussion and Consideration**

**Operations Director - Char Nelson**

Also present: Blaine County Operations Administrative Assistant Andrea Walton; and County Disaster Services Coordinator Chuck Turner.

- Warm Springs Road is being graded, but the County does not have funds for dust guarding.
- Weed spraying is very early in the morning due to current high temperatures.
- Old County Courthouse lawn has been reseeded and is being watered during the day.
- Blaine County Buildings and Grounds Manager Patrick Boyle is working on fans in the Annex.
- Radon levels in the Old County Courthouse basement are above acceptable level and will need immediate mitigation to allow Elections and Indigent staff to work there.
- Smiley Creek residents have asked the County to investigate recycling at the Smiley Creek transfer station. Nelson said recycling is working well at West Magic transfer station.

**County Administrator - Derek Voss**

Also present: Blaine County GIS Program Manager Joel Hall.

- The GIS plotter is failing. There is a special 40% off promotion on plotters through the end of June. The BCC supported purchase of a new plotter at a cost of about \$5,000 from GIS and Contingency.

**Funding for USGS Stream and Precipitation Gauges**

Also present: Blaine County Treasurer John David Davidson; County Grant Administrator Michele Johnson; County Commissioners' Assistant Jenny Lovell; County Disaster Services Coordinator Chuck Turner; and USGS Idaho Water Science Center Assistant Director for Hydrologic Data David Evetts by phone.

USGS representative David Evetts explained the use of the water gauge on Deer Creek. The annual cost for the gauge is \$17,800. The County's contract with USGS is up for renewal on October 1, 2015.

County Disaster Services Coordinator Chuck Turner said Sawtooth National Forest Ketchum District Ranger Kurt Nelson was comfortable removing the gauge. The USFS doesn't see any indication of debris flows. The BCC agreed the gauge could be removed when the contract expires in October. The BCC asked USGS to look at the gauge before removing it and let the BCC know if there are any concerns.

**APPEAL OF TREASURER'S DECISION REGARDING LATE CHARGE  
AND INTEREST REQUEST FROM TAXPAYER**

Also present: Blaine County Treasurer John David Davidson; County Chief Deputy Treasurer Gail Peterson; and appellant Mary Ellen Ellis.

The County Treasurer said appellant Mary Ellen Ellis asked him on June 23, 2015 to waive interest of \$316.87 and late charge of \$108.61 applied to Parcel RPS048500007A. Ellis is bookkeeper/property manager for owner of the property. The Treasurer's Office was open on Friday, June 19, and the front door was propped open so passersby could see they were open. When Ellis came in on Tuesday, June 23, she paid the tax and late charge in full and requested the interest and late charges be refunded.

Idaho Statute 63-903 states that "Any portion of property tax may be paid at any time, but nothing shall excuse costs, interest or late charge. ... If the second half is not totally paid on or before June 20, late charge and interest shall be assessed." Idaho Statute 63-1001 states that "Interest on a delinquency will be charged at 1% per month, calculated from January 1." Statute 63-201 defines Late Charge as 2% of the delinquent amount.

Appellant Mary Ellen Ellis, bookkeeper for the subject property, said she likes to conduct business in person. She is a Realtor and knows County offices are closed on Friday, but said she drove by anyway to be sure the Treasurer's office was closed. She just forgot to come in on Monday. Ellis asked if the Treasurer could help her, because she was only 24 hours late and she personally knew someone who'd had his interest and penalty reduced by 75% earlier in the year.

Schoen said the BCC couldn't forgive everyone, but this person was just one day late, and he suggested Ellis pay just the late charge. He didn't think it cost the County that much for a payment that was a day late, but added that there are costs associated with late payments.

**Schoen moved, seconded by Greenberg, in response to application for an adjustment on late charges and interest on Parcel RPS048500007A, to sustain late charge amount of \$108.61 and forgive interest in the amount of \$316.87. Motion carried 2/0.**

(This discussion was revisited later in today's meeting.)

### **CONSENT CALENDAR**

- **Beverage License Renewals** for Atkinson's Market-Hailey; Atkinson's Market-Ketchum; Atkinson's Valley Market; Bigwood Bread Cafe-380 East Avenue North; Bigwood Bread Cafe-271 Northwood Way; Brandie's Kitchen; The Cellar Pub; Enoteca; Globus Restaurant; Java On Fourth; JC Perfect Roast Chicken & Pasta; Ketchum Grill; Mama Inez; Sushi On Second; Town Square; Grill At Knob Hill; Pioneer Saloon; and The Kneadery.

**Schoen moved, seconded by Greenberg, to approve the Consent Calendar of June 30, 2015. Motion carried 2/0.**

**Commissioner McCleary arrived at 10:02 a.m.**

### **BLAINE COUNTY HOUSING AUTHORITY SEMI-ANNUAL REPORT FOR 2015**

Also present: Blaine County Housing Authority (BCHA) Executive Director David Patrie; *Idaho Mountain Express* reporter Greg Moore.

BCHA Executive Director David Patrie said Blaine County's 2015 Area Median Income (AMI) is lower than in 2014, but Idaho's AMI increased over 2014. The total number of people working in Blaine County (excluding self-employed) remains low and flat since the recession, despite the improving unemployment rate.

Blaine County is a high income area compared to the rest of the state; but Blaine County wages are lower than elsewhere in the state. The vast majority of BCHA households earn 60% or less of the AMI.

Affordable single-family housing for households that earn 80% of the AMI hasn't been available for some time. Condos/townhouses for 80% of AMI households existed in Hailey-Bellevue for awhile, but are rarely available now. Most new applicants are looking for rentals, which are hard to find. Affordable housing affects the county's ability to recruit school teachers, emergency service personnel, etc.

The BCHA:

- provides comments and recommendations to Idaho Housing and Finance Association's (IHFA) Qualified Administrative Plan and Home Program, two large federal funding programs for housing in Idaho. The BCHA reminds IHFA that Blaine County needs to participate in federal programs at the same level as other Idaho counties, even though it costs more to build in Blaine County.
- sends letters of support to Idaho's Congressional delegation for a bill that would set a fixed rate for tax credit projects.
- provided a market analysis to IHFA that resulted in a \$750,000 grant to ARCH to build new homes that are available to 80% AMI households.
- provides consultation and data to County Land Use staff and Ketchum City Planning and Zoning. Greater housing density should be encouraged within city limits.
- provides housing and other data to Sun Valley Economic Development for their economic profiles and other initiatives.
- worked with the USDA and new owner of Valley View Apartments to help residents stay in place or transition to a new place.
- is working with ARCH to preserve and provide market rate affordable housing in Hailey.
- remodeled and manages the Lift Tower Lodge south of Ketchum to provide temporary housing for low-income individuals looking for housing. The Lift Tower Lodge is full and there's a wait list.
- moved a house from Ketchum to Woodside, brought it up to Code and sold it to a schoolteacher.
- has eight families in purchased BCHA houses that are under BCHA stewardship.
- keeps an up-to-date database, which currently has 72 unique families seeking housing. Singles dominate, and families seeking housing are increasing in size.

### **RECORDER'S OFFICE EXTENDED HOURS, Discussion and Consideration**

Also present: Blaine County Land Use Administrator Tom Bergin and County Grant Manager Michele Johnson; County Assessor Valdi Pace; County Operations Administrative Assistant Andrea Walton; Henry Brown; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; Sun Valley Board of Realtors representatives Scott Mary, Amanda Ornelas, Debra Hall, Rob Struthers; Jed Gray, Jim Figge, Maureen Patterson, Garry Pearson, and Leisa Brait; McCann Daech Fenton representative Robin Christenson; Ralston Group Properties representative Penny Leopold; Coldwell Banker representative Stephanie Reed; F3 Properties representative Jason Roth; Windermere representatives Monica Hebert and Nancy Gilbert; Sun Valley Properties representative Justin Williams; Pioneer Title representatives

Elizabeth Zellers and Melody Mattsen; Blaine County Title representative Daryl Fauth; Sun Valley Title representative Rick Davis; Citywide Home Loans representative Maggie Howard; and Realty Advisors of Sun Valley representative Karen Province.

In 2009, Blaine County leadership realized that building and vehicle energy use are the two biggest contributors to greenhouse gas emissions. The County wanted to reduce its energy consumption and converted to a 4 day / 10 hour service model, which reduced County building CO<sub>2</sub> emissions and employee commute vehicle emissions. The extended daily hours made County customer services available to people who had normal 8- or 9-hour workdays and had to take off to get to County offices, and also significantly reduced the Blaine County budget.

Commissioner comments:

- Schoen said he was a principle proponent of the 4/10 workweek. On a customer service basis, County offices ideally would be open 8am to 6pm five days a week. Schoen would be interested to hear from department heads who've discussed the impacts of this change with their employees.
- McCleary has been a very strong supporter of the 4-day service model, especially since it is one of few things the County is actively doing for environmental protection, but the County must balance that with customer needs and the budget and welfare/benefit of County employees. The County cannot afford for all departments to be open 5 days for 50 hours, but she thinks it's possible for the Recorder's office to be open 50 hours a week.
- Greenberg doesn't have enough information on environmental or budget savings, and supports having the Recorder's office open on Fridays 8am to 6pm. He asked the Clerk to figure out how to serve the public efficiently and effectively, within budget.
- County Clerk JoLynn Drage said the Recorder's office can't pick one group of people to serve; and Clerk's staff agree that they need to be open 8am to 6pm to serve those people who come in from 5 to 6pm for passports and marriage licenses, without taking unpaid time off from work. Drage said she would do her best to cut \$100,000 from her budget, reduce one employee and staff the office for an extra 10 hours a week. Drage suggested she could have Recorder's staff reconfigured by October 1.
- Voss encouraged the BCC to make a decision and be responsive to the Clerk's decision and demands in the coming months to comply with their decision.

Public Comment:

- Former Sun Valley Board of Realtors President Robin Christensen said this had been a long-term process, and supported County offices being open five days a week to support the entire public and not just the group present.
- Blaine County Grant Manager Michele Johnson said Blaine County leadership originally proposed the 4/10 service model for environmental reasons, and, as a result, received over \$800,000 in grant funds. Johnson said Blaine County should not turn its back on critical environmental challenges that continue to escalate.
- Sun Valley Board of Realtors President Jed Gray said recent Congressional banking changes will be challenging for local Realtors. He said smaller counties with less revenue can be open five days a week, and opening the Recorder's office five days a week is a first step. Gray said the real estate industry would do anything to help the County, and he hoped additional real estate transactions would increase the County's tax base. Sun Valley area businesses have to try to survive on six months of business a year and the County needs to be as business-friendly as possible. He said new regulations take effect on October 3, and delaying a five-day week beyond that date would cause severe problems in their industry.

McCleary understood the difficulty of making the change and losing a key employee, and agreed to the Clerk's suggested October 1 start date. Greenberg said waiting that long might as well make it next summer, and asked the BCC to consider a sooner date. Schoen said the Recorder's office is helping balance the County's budget by eliminating a position, and needs time to reconfigure the department. He was uncomfortable putting an important County department in the difficult position of having to cope with the transition to extended office hours in a short period of time.

Schoen began to make a motion, but stopped to better incorporate the function of the appropriate office. Drage explained that the "Clerk" refers to the Judicial Court Clerk. The County Auditor is the County's bookkeeper, and is currently open 8am to 6pm Monday through Thursday. The Recorder records real estate transactions, liens, marriage licenses, passports, etc., and will be open 8am to 6pm Monday through Friday, starting October 3

**Schoen moved, seconded by McCleary, to change hours of operation of the Recorder's office to 8am to 6pm Monday through Friday, with holidays, effective date October 1, 2015. Motion carried unanimously.**

**Clerk's Report** – JoLynn Drage

- Initial Payment in Lieu of Taxes (PILT) arrived, for \$1,736,167. Clerk budgeted for \$1,743,000. There will be an additional PILT check.
- Recommended approving a Neopost maintenance contract on a postage machine sorter for \$1,325. Alternative is to pay over \$900 in repairs. Voss said the agreement is reasonable.

## AMEND AGENDA

Schoen moved, seconded by McCleary, to amend today's June 30, 2015 agenda to reschedule Executive Session for consideration of personnel and pending litigation to 11:20 a.m.; and consideration of a maintenance agreement with Neopost to 3:15 pm. Motion carried unanimously.

## EXECUTIVE SESSION – §67-2345 1(b) Personnel and 1(f) Potential Litigation.

Schoen moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 67-2345 1(b) to consider the evaluation of a public officer; and 67-2345 1(f) to discuss the Engl decision with legal counsel. Roll call: Schoen (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

## BREAK

## LAND USE and BUILDING SERVICES HEARINGS

- **Gannett Vacation and Plat Amendment Application:** Public hearing on and consideration of a Vacation and a Plat Amendment submitted by FMTZ Construction, LLC on behalf of Rick Hoel and Cindy R. Ruiz Ramos, incorporating the proposed vacated alley within Block 2, Gannett Townsite into Lot 1A, Block 2, and shifting lot lines within adjacent Tax Lot 8290.

Also present: Blaine County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; applicant Frankie Martinez and applicant's representative Brian Yeager; landowners Cindy Ramos and Rick Hoel; and Ned Williamson, representing neighbor Tom O'Gara.

Shay said this issue was on a previous BCC agenda, but notice was incomplete, so the item was continued and has been renoticed. Shay read posted notice.

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

At the previous BCC hearing, there was confusion because Martinez did not have ownership of the whole property. Staff received letters from other owners Cindy Ramos and Rick Hoel that they have no objection to these two applications.

This is for two applications: one to vacate the alley right-of-way, and one to replat the Gannett lots and adjoining tax lot. The alley right-of-way runs through the center of the lot, bifurcating infrastructure and building. The property owners would like to shift the area of the vacated alley to the north and include it in Tax Lot 1A, Block 2, to provide fee simple access to the road.

Yeager said the alley is surrounded on west, north and south by the applicant's property. Co-applicant Rick Hoel owns the property with the alley running through it. He didn't want to give his land away, and thought the alley vacation was an equitable trade.

Bergin said access on the north end is in place. Road and Bridge has issued an access permit and Land Use has issued a Building Permit and Certificate of Occupancy.

### PUBLIC COMMENT:

- Ned Williamson, representing Tom O'Gara, property owner to the north, asked why a vacation was being proposed. An easement would be quick and accomplish what the parties need to achieve, without giving up the public's interest in the alley. Vacation is irreversible, and this may set a precedent for other vacations. Williamson said if neighbors vacate alleys and streets, the character of the neighborhood will change and access will ultimately be closer to Mr. O'Gara's property.

**Schoen moved, seconded by McCleary, to approve petition for vacation by FMTZ Construction of the alley adjacent to lots 1, 2, 3, 4, 5, 6, Block 2 Gannett Townsite, which is being done with consent and cooperation of the owner of lots on either side of the alley. The motion is based on the Finding that this vacation is not in conflict with the public interest, and in fact serves the interests of affected residents. Motion carried unanimously.**

**Schoen moved, seconded by McCleary, to approve the plat amendment application by FMTZ Construction, combining Lots 1, 2, 4, 5, and 6 and the vacated alley between them within Block 2, Gannett Townsite into new Lot 1A, including revision of adjacent Tax Lot 8290, based on the Finding that this complies with relevant criteria of Blaine County Code and Comprehensive Plan, with conditions and plat notes noted in the staff report, and this is done with consent and cooperation of the property owner. Motion carried unanimously.**

Schoen asked that the Findings of Fact include a plat note referring to agricultural nuisances to properties adjacent to A20 zoned land.

- **Muldoon Creek Stream Alteration Permit:** Public hearing on and consideration of a Stream Alteration Permit submitted by Blaine County Road and Bridge to install culvert extensions in the South Fork of Muldoon Creek. The culvert is located within Section 20, T2N, R21E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; County Engineer Jeff Loomis; and County Road and Bridge Manager Tom Duffy.

Shay read notice.

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

DISCLOSURES: None

County Engineer Jeff Loomis said this project started in May, 2011, when the bridge washed out during high flows. To repair the bridge, the County requested an Emergency Stream Alteration Permit (SAP) and submitted Form 404 Joint Application to the Army Corps of Engineers, Idaho Department of Water Resources (IDWR) and Department of Environmental Quality (DEQ). USGS maps refer to the subject creek as South Fork of Muldoon Creek, but the creek is commonly referred to as Friedman Creek. Former County Engineer Jim Koonce's plan was to repair the bridge by installing culverts, to divert low flows into a bypass channel and then return the main flow back into the main channel, with the bypass channel remaining as an overflow channel. This resulted in a larger culvert, a small culvert and two little channels.

Agricultural equipment has been driven directly on the road and many implements are wider than the road was designed for, which has degraded culvert slopes. Cattle graze the area and walk into the culverts and stream and hinder reseeding efforts. The County has resubmitted a SAP and joint application to extend both large and small culverts for 10 feet on both sides, reducing the embankment grade, widening the road, and reseeding with roadside mix. DEQ has not seen the stream since the SAP was issued and suggest the road degradation is contributing to water quality issues. Loomis thinks grazing is contributing to stream turbidity, but the County can't do much about cattle on private property.

Road and Bridge has materials on hand, so anticipated overall cost is \$7,200. Greenberg was hesitant to have the County fund stream restoration that was necessary because of privately-owned cattle in the area.

Schoen asked that a condition be added to address revegetation.

PUBLIC COMMENT – None.

**Schoen moved, seconded by McCleary, to approve the application by Blaine County Road and Bridge for a Stream Alteration Permit for stream work at the culvert bridge spanning Muldoon Creek on Friedman Road, with conditions as amended today, based on the Finding that this work shall have no adverse impact, and complies with Blaine County's standards. Motion carried unanimously.**

- **Request by ARCH COMMUNITY HOUSING TRUST for county-owned parcels within Valley Club West Nine P.U.D.** Consideration of a request by ARCH Community Housing Trust to acquire Parcels B and C of Valley Club West Nine PUD, in order to relocate or construct community homes on those parcels. The parcels are designated for public use and are located at the north end of Buttercup Road, directly north and directly south of Agave Place. Community Housing has been determined to be a public use.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Blaine County Housing Authority Executive Director David Patrie; ARCH Community Housing Trust Executive Director Michelle Griffith and ARCH Board President John Flattery; Justin Cranney; The Valley Club General Manager Barry Bevers; Valley Club Owners Association President Brent Robinson; and Karl Nichols.

Bergin said this is not a Local Land Use Planning Act application and does not require LLUPA notice, but they did notice surrounding landowners within at least 300ft plus some farther out, including Village Green and neighboring homeowners associations. They also sent the Land Use Administrative Determination and right to appeal to the same list of surrounding landowners. No appeal was filed.

This land was subdivided pursuant to a land use application. The Findings of Fact and Conclusions of Law and Decision included certain conditions made by the then County Board of Commissioners pertaining to the use of the land. The BCC asked if those conditions still control today's decision. Bergin said there were no applicable plat notes that needed to be addressed with a Plat Amendment application before the BCC considers this application.

Graves said conditions of the original Subdivision and Planned Unit Development applications are usually set forth in a Development Agreement with the developer. The Plat controls requirements and, in this case, the plat for these two lots provides that they shall be set aside for public use. The property has been deeded to the County, and is County-owned. He felt the only restrictions on the property are those on the plat, which are that it must be used for public use, i.e., the County could not transfer the property to the Valley Club for the use of their members. Leasing the property is not authorized under Idaho Code; nor can the County transfer or sell the property directly to ARCH or other organization, or an individual, without going through a public auction process.

The County can transfer the property to a political subdivision of the State of Idaho, such as the Blaine County Housing Authority, with or without compensation, with proper notice and a BCC resolution finding that the transfer is in the public interest. "Public use" is up to the BCC's determination, i.e., public housing, park, some use by the Blaine County Recreation District, etc. If the BCC decides to consider a transfer

of property, that discussion would have to be scheduled for another date certain. Graves said the Land Use Administrator relied on Eminent Domain, which determines how government can take private property for public uses, for his Administrative Determination. Idaho Code Title 31 considers public housing a public use; and Blaine County considers community housing an important element of public use. The Findings relating to these two parcels support that there would potentially be affordable housing of some type on this particular site.

ARCH Executive Director Michelle Griffith said Land Use presented their Administrator's Determination that affordable housing is a public use, so today's meeting is primarily to determine how the land can be used to be considered "affordable housing" as a public use requirement. The southern lot is Lot C and the northern lot is Lot B. The existing bike path was not constructed within the easement originally intended for it, but goes through the middle of the northernmost Lot B, which was originally intended for a potential firehouse and two housing units. This bifurcation allows a passive park on one side of the lot, which can remain as is. ARCH worked with Blaine County Recreation District Executive Director Jim Keating, who suggested a new bike path easement where the existing bike path is, plus shoulders on either side, and parking for people to access the bike path and passive park picnic area.

There is water and sewer stubbed out to the two lots. The original project engineer told ARCH that three units were planned for Lot B, and there would be no impact on the community well of having three units on these two lots. The engineer said a decision to have a separate well would still draw water from the same aquifer and water resource. South Central Public Health District Environmental Health Specialist Bob Erickson said "Looks doable."

Griffith summarized letters she had received from different people in opposition to the project.

#### PUBLIC COMMENT:

- Justin Cranney asked about individual conditions for the two lots. He said the community housing lot should be buffered from Buttercup Road, the highway, fire station and open space/golf course to the south.
- Barry Bevers said the original 12 affordable units were lost to bankruptcy. These parcels should now be used for a possible mid-valley fire station and open space.
- Brent Robinson said the Valley Club Owners Association has two wells on its property which provide water for irrigation use to homes in Streamside/Village Green. Water is limited, and use is restricted. The BCC responded that Valley Club would have been required to provide water to the originally proposed firehouse and its housing units. Bergin said septic for West Nine project was under separate control, but these two lots were stubbed out.
- Robinson said Valley Club is not within 300 feet of the two County-owned lots, so members haven't received prior notice and haven't had opportunity to comment, but their concerns are probably primarily aesthetic. If the development is consistent with Agave Place, he didn't think there would be as much resistance as relocating donated houses onto the lots.
- David Patrie reiterated that Idaho Title 31 Chapter 42 declares that providing safe and sanitary dwelling accommodations for persons of low income is a public use. The BCHA Board has not yet discussed these parcels, but if the BCC chooses to transfer the land to the BCHA, the BCHA Board would have to determine if affordable housing would be the highest and best use of the land, subject to any restrictions.

Schoen said he seriously considers neighbors' concerns, but he was on Blaine County P&Z when this Planned Unit Development was originally approved, and a fire station with housing was clearly contemplated for one of the parcels. He thinks housing would be a good use on these sites. He suggested the County deed parcels to BCHA and let the BCHA figure out how to develop community housing on the parcels, with the stipulation that any structures on site be compatible with structures in the vicinity. He added that water availability was a huge topic of conversation when the development was approved, and two more housing units should be appropriate if tasteful and to scale, and done cooperatively with Village Green.

Graves said conditions were placed on the developer and ultimately included in the plat notes. The Plat requires these two lots be for public use. Graves emphasized that promises were made throughout the original development process to provide water to the site, and for potable and irrigation water for a fire station and two living units. The County has previously transferred property, with or without compensation, to Mountain Rides, the School District, City of Bellevue, Idaho Housing and Finance Association, etc. The BCC has delegated authority to the BCHA to develop and manage community housing. The BCC's best option is to transfer the property to the BCHA, which can then figure out how to develop the property. The BCC can condition the transfer with a reversion clause that the property must be developed for the highest and best public use.

Schoen and Greenberg think it may not be appropriate to transfer an existing house not designed for the site. McCleary wanted to make sure water would be provided. Greenberg wanted to be sure everything was legal. He felt the north lot was appropriate for community housing, but wasn't so sure about the south lot, which was isolated and would require screening.

Patrie will present these two parcels to the BCHA Board. Graves and Bergin will assemble a draft Blaine County resolution for Patrie to present to the BCHA Board, and notice the resolution in a future BCC meeting.

**Revisited: APPEAL OF TREASURER'S DECISION FOR LATE CHARGE AND INTEREST REQUEST FROM TAXPAYER**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and Blaine County Treasurer John David Davidson.

Schoen said he was having second thoughts about a decision made earlier in today's meeting. McCleary was not present for that earlier discussion, but is present at this time.

Earlier in the meeting, a caretaker responsible for a Blaine County property said she missed paying the property tax by one day, and asked the BCC to forgive \$316 interest if she paid \$108 late charge. The BCC (Greenberg and Schoen were present at the time) agreed to do so.

The County Treasurer told the BCC that his office refuses to forgive taxpayers all the time for many reasons; but feels it is his responsibility to tell appellants that they have the right to appeal. Davidson added that the appellant was loud and verbally abusive to him and his office. Graves said Blaine County Resolution 2014-28, passed in August 2014, gives the Treasurer authority to adjust late charges when late fees are \$500 or less and there is proof of catastrophic or unanticipated intervening event which makes it impossible for the property tax to be paid on or before the due date.

The BCC will write a letter to the appellant explaining that they made a mistake, and will not forgive appeals in the future that are not based upon "catastrophic circumstances".

**CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration**

• **Neopost Northwest Maintenance Agreement**

This is an annual maintenance contract for the postal machine.

**McCleary moved, seconded by Schoen, to approve Maintenance Agreement between Blaine County and Neopost Northwest for postal machine maintenance in the annual amount of \$1,325. Motion carried unanimously.**

**ADJOURN**

**At the hour of 4:39 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage County Clerk Jacob Greenberg Chairman