

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

Third Day

Tuesday, March 15, 2016

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

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

- A bond was recently called with a better-than-usual annualized yield of 4.97%.
- Assessor's office has corrected the address line on property tax payment stub to indicate mailing address so people don't put in their physical address.

Road and Bridge Department

- Road Material Bid Awards was incorrectly placed on today's agenda. Awards will be made on March 29, 2016.

CANVASS OF VOTES of March 8, 2016

Republican and Constitution Presidential Primary Election

The BCC read the official canvass of votes for the Presidential Primary Election for Constitution and Republican parties.

McCleary moved, seconded by Schoen, to approve the canvass of votes of the Blaine County March 8, 2016 Republican and Constitution Presidential Primary Election. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

• **Braun-Jensen, Inc. Lease Agreement**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and Blaine County Buildings and Grounds Manager Patrick Boyle.

This is a short-term lease agreement with Braun-Jensen, Inc. Braun-Jensen will be doing repair work on highways in and around the City of Carey and would like to use Blaine County's old gravel pit property for temporary storage of asphalt and equipment. The contract stipulates that Braun-Jensen will create a lined evaporation pool for the asphalt material; there will be no hazardous materials stored on site; they will grade the area smooth after use and return the property to its original condition.

The County currently leases part of the gravel pit to the Wood River Fire Protection District.

County Attorney Graves will revise the contract, per BCC direction, and return it to the BCC for final approval at this afternoon's BCC meeting.

• **Idaho Department of Parks and Recreation, FY16 Recreational Boating Safety Grant**

Also present: Blaine County Grants Manager Michele Johnson.

This is an annual grant request to Idaho Department of Parks and Recreation for waterways funds for recreation safety and boating patrols. Annual grant award funds have never been completely used, and money is available for matching funds.

Schoen moved, seconded by McCleary, to approve the application to Idaho Department of Parks and Recreation for 2016 Recreational Boating Safety Grant funds, not to exceed \$7,376. Motion carried unanimously.

RESOLUTION 2016-08, TRANSFER of TAX DEEDED PROPERTY Parcel RP04N180310080 to IDAHO TRANSPORTATION DEPARTMENT, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; and County Treasurer John David Davidson.

This is a small sliver of land adjacent to the highway that the County took tax deed on several years ago, and can now transfer to ITD. ITD will pay outstanding property taxes of \$85.98.

Schoen moved, seconded by McCleary, to approve Resolution 2016-08, as amended, pursuant to Idaho Code 31-808(9) declaring that transfer of certain property Tax Lot 1609 Sec. 31 TS 4N Range 18E to the Idaho Department of Transportation is in the public interest. Motion carried unanimously. Record #633695

Blaine County to ITD Quit Claim Deed Record #633696

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Ketchum River Property Discussion – McCleary

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; and County Deputy Land Use Administrator Kathy Grotto.

In 2012, Blaine County took tax deed on some small pieces of property in Ketchum—mostly parts of Ketchum streets and one that is about nine acres and has been referred to as the "river property". Blaine County passed a properly-noticed resolution in 2012 that it is in the public interest to transfer these properties to the City of Ketchum. In October 2012, Ketchum unanimously passed a motion to accept the four properties described in the resolution, subject to the County doing weed abatement, which the County did last summer to the satisfaction of the City of Ketchum. Ketchum then asked the County to survey the property. County staff do not think the property needs to be legally surveyed; and think the transfer is in the public interest without the extra expense of a survey. Ketchum's Mayor Nina Jonas reviewed the property and agreed the transfer is in the public's interest, and the City is pleased to accept the property without surveying it.

No further notice or resolution is necessary. County Attorney Tim Graves will prepare a deed to transfer the properties.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Minor Plat Amendment Draft Recommended Findings and Decision, Neff, Lot 11A, East Fork Subdivision #2**

Also present: Blaine County Land Use Administrator Tom Bergin; and County Deputy Land Use Administrator Kathy Grotto.

This application is to consider Findings of Fact for administrative approval of a plat amendment to combine Lots 11 and 12 into a single Lot 11A.

Grotto read notice. One response was received that expressed no objection.

Schoen moved, seconded by McCleary, to approve Findings of Fact and approval by Blaine County Land Use Administrator granting a minor plat amendment to Taylor and Paula Neff for their Lots 11 and 12, Block 1 East Fork Subdivision #2, subject to conditions listed in the Findings. Motion carried unanimously.

CONSENT CALENDAR

- **New beverage license for Rhino LLC dba Restaurant 103**
- **Junior College Residency forms:**
 - College of Southern Idaho: Fall 2015 - Spring 2016: Edwin Garcia.
 - Corrections to past Junior College Residency forms: Jessie Cole and Sarah Truxall should have been College of Western Idaho Fall 2015 - Spring 2016.

McCleary moved, seconded by Schoen, to approve the Consent Calendar dated March 15, 2016. Motion carried unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **March 1, 2016 Regular Meeting**
- **March 8, 2016 Regular Meeting**

Schoen moved, seconded by McCleary, to approve Board of County Commissioners regular meeting minutes for March 1 and March 8, 2016. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Local Emergency Planning Committee (LEPC) – Greenberg

- LEPC discussed doing future grant requests to Homeland Security's Federal Emergency Management Agency (FEMA) program.
- National Oceanic and Atmospheric Administration (NOAA) presented projected weather and flood probability. Most of Blaine County is about normal water level for this time of year; the Little Wood is below normal.
- Local organization Higher Ground asked emergency responders to help with "Carry the Load" event on Memorial Day to help the community understand the real meaning behind Memorial Day.
- Sun Valley Institute for Resiliency asked how they could participate in a community emergency situation.

Blaine County Community Drug Coalition Report – Schoen

The Drug Coalition lost its Drug Free Communities grant and is working through staff and board turnover. The former Administrative Assistant is the current interim executive director. The organization will continue Idaho Drug Free Youth and BRAVE programs, and other evidence-based programs, albeit on a reduced budget.

South Central Behavioral Health Board (SCBHB) – McCleary
Idaho Legislature’s Joint Finance-Appropriations Committee (JFAC) approved funding for a crisis center. SCBHB is looking for an appropriate location in Twin Falls.

Southern Idaho Solid Waste District (SISWD) - Landfill Gas Project Update – Schoen
SISWD Board voted to authorize Idaho Power to proceed with a facility feasibility study related to its proposed landfill gas to energy project, and also approved steps that must be completed prior to a Power Purchase Agreement with Idaho Power. The Agreement is an enforceable 20-year contract that commits the SISWD to provide no less than 90% of the contract amount of power and Idaho Power to a certain rate formula of pay for the power.

SISWD Executive Director Josh Bartlomé is researching why one small generating facility in Rupert, Idaho lost its contract with Idaho Power. Schoen suggested SISWD pursue some kind of legislation or regulation with the Public Utilities Commission that would prioritize the use of landfill gas energy projects.

Blaine County Search and Rescue Radios – McCleary
A member of the local volunteer Search and Rescue asked the BCC to research and allocate grant funds that he believed existed for new radios for the organization. McCleary discovered the grant funds he referred to to be LEPC Training and Exercise Committee funds that have already been allocated, but the Committee is open to fund requests from other agencies and organizations. Search and Rescue is currently a line item in the Sheriff's budget.

Sawtooth Fire Collaborative – McCleary
The Collaborative has created six different zones, one in Blaine County; and is working with the United States Forest Service Sawtooth National Recreation Area (SNRA) to determine which of several different fire mitigation techniques and treatments work best in which zones.

Lake Creek Trailhead – BCC
The BLM asked if the BCC objected to the Sun Valley Ski Education Foundation (SVSEF) using the Lake Creek trailhead. The BCC supports the use.

Blaine County Community Wildfire Protection Plan - McCleary
Commissioners Greenberg and Schoen offered to act as recording secretary at the Community Wildlife Protection Plan meeting.

Oregon State University Climate Change Model – Schoen
A group from Massachusetts Institute of Technology, in partnership with a regional consultancy in Boise, is asking Idaho communities if they would be interested in doing a role-play tabletop-type exercise to address climate impacts anticipated to have a significant effect on the community.

Teddy Roosevelt Conservation Partnership – Schoen
TRCP would like to assemble a local coalition of Idaho counties focused on hunting and fishing, with a conservation orientation to oppose by resolution transfer of federal public lands to the state. The organization supports public access for sportsmen; and forest management for game and non-game wildlife species.

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.

Schoen moved, seconded by McCleary, 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

McCleary moved, seconded by Schoen, to deny Case #2016-07 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried unanimously.

LAND USE and BUILDING SERVICES HEARINGS

- **2012 Building Code Adoption:** A public hearing on and consideration of: an ordinance of Blaine County amending Blaine County Code, Title 7, Chapter 1, Building Code, by deleting it in its entirety and adopting a new Chapter 1, Building Code, by which the 2012 International Building Code (2012 IBC), the 2012 International Residential Code (2012 IRC), 2012 International Energy Conservation Code (2012 IECC), and the 2012 International Swimming Pool and Spa Code (2012 ISPCS) along with amendments and additions relating to local conditions are adopted pursuant to Idaho Code, Title 39, Chapter 41, Idaho Building Code Act including snow load, wind load, and fire separation provisions; providing a severability clause; and providing an effective date.

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Building Official Jeff Giese; and County Building Department Office Manager Karen Osborne.

This is Blaine County’s consideration of adoption of the 2012 International Building Code (IBC), 2012 International Residential Code, 2012 Energy Conservation Code, and International Swimming Pool and Spa Code.

Bergin read notice, pursuant to Idaho Codes 39-4109 and 39-4116. Land Use staff also notified a number of public entities, local and state agencies, etc. and posted this public hearing on the County's website.

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

Blaine County Building Official Jeff Giese reviewed changes to various building codes, including the following, with the BCC:

- The proposed 2012 Energy Conservation Code is about 15% more stringent than the 2009 Energy Code.
- Giese explained that many structural fire walls in residences are not being designed and/or built to Code; so, to more realistically provide fire separation and relieve the County of liability issues, fire barriers are now acceptable when approved by the authority having jurisdiction. Local fire chiefs support fire barriers in residential applications.
- Manufactured mobile homes are regulated under HUD and the Division of Building Safety, so the County has no jurisdiction inside a manufactured home.
- The BCC can appoint a 3-person Board of Appeals if an architect or builder appeals the building official's decision.
- Chimney spark arrestors are required in the local wildland urban interface.
- Current local snow loads remain unchanged.

PUBLIC COMMENT - None

The 2009 IBC is codified in Blaine County Code as Title 7, Ch. 1. This ordinance replaces the 2009 edition with the 2012 edition.

Schoen moved, seconded by McCleary, that, based upon finding by the BCC that good cause exists and they are reasonably necessary, to amend in concept Blaine County Code Title 7, Chapter 1, the Building Code, deleting it in its entirety and adopting a new Chapter 1 Building Code, which incorporates the 2012 International Building Code, the 2012 Residential Code, the 2012 International Swimming Pool and Spa Code, and the 2012 International Energy and Conservation Code, and their amendments which are based on local conditions, and direct staff to prepare Building Codes Ordinance in its final form, along with Findings of Fact. Motion carried unanimously.

- **Hwy 75/Baseline Road Short Plat Application:** A public hearing and consideration of an application by John and Kristy Molyneux to plat Tax Lot 8345, to create Lot 1, Block 1, Blue Jay Acres. The proposed platted lot is 156.37 acres in size and includes a single building envelope. The property is zoned Productive Agricultural District (A-20) and is located at the corner of State Highway 75 and Baseline Road, within Section 36, T1N, R18E, B.M., Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; County Deputy Land Use Administrator Kathy Grotto; applicant Kristy Molyneux; Wood River Land Trust Stewardship Coordinator Keri York; and Gary Morrison.

The proposal is to plat one 156-acre lot to be known as Blue Jay Acres, with a single building envelope in the southeast corner. The lot was previously split off from a larger original parcel under the exception that allows for land sold intact of 40 acres or more for agricultural purposes only, and no family development was allowed. This Short Plat Application is to establish a residential development right on the lot.

Grotto read notice.

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

DISCLOSURES: This application is subsequent to approval of the Molyneux Family Legacy conservation easement under the Land, Water and Wildlife levy program.

Blaine County Land Use has not received any public comment in writing or by phone.

The proposed Conditions of Approval are standard conditions. The standard Fish and Game wildlife plat notes will be added. Commissioner Schoen said Fish and Game suggested additional plat notes should be included to indicate that feeding of game species and predatory wildlife is prohibited; and all hay and other livestock feed should be stored and fed in a manner to not attract wildlife.

Applicant Kristy Molyneux said the application is to establish the building envelope shown in the Conservation Easement done in April, 2015. The building envelope is 6.6 acres, after required setbacks.

PUBLIC COMMENT:

- Wood River Land Trust Director of Conservation Keri York said this application is in compliance with the conservation easement.

Schoen moved, seconded by McCleary, to approve this short plat application by John and Kristy Molyneux to plat Tax Lot 8345 to create Lot 1 Block 1, Blue Jay Acres, with conditions as listed in the Staff Report, plat notes on the plat and addition of three Fish and Game recommended plat notes, and find that the application is in compliance with applicable criteria of Blaine County Code Title 9 and Title 10. Motion carried unanimously.

CONSIDERATION OF ORDER TO APPROVE BALLOT LANGUAGE and PROPOSED ANNEXATION BOUNDARY FOR KETCHUM CEMETERY DISTRICT, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Clerk JoLynn Drage; County Elections Clerk Amy Rivkin; Ketchum Cemetery District Commissioner John O'Connor and Ketchum Cemetery District representative John Gaeddert.

The Ketchum Cemetery Board wants to annex property into their cemetery district. Under Idaho Code, the Cemetery Board passed a resolution to begin the process to define the area the Board wishes to annex. Ketchum Cemetery Board member John O'Connor said it's unclear why this little strip of land wasn't already included in the cemetery district.

Ketchum Cemetery Board representative John Gaeddert said no notice is required for this hearing.

PUBLIC COMMENT – None.

Schoen moved, seconded by McCleary, that the Blaine County Board of Commissioners has reviewed the territory proposed for annexation as described in Ketchum Cemetery District Resolution 2016-01 and fixes that boundary so that the annexation question may be put to a vote of qualified electors within the territory proposed for annexation. Further, the Blaine County Board of Commissioners approves the following ballot language and directs the County Clerk to place such language on the ballot for a vote by electors at the election scheduled for May 17, 2016: "Shall the Ketchum Cemetery District annex the property legally described? Yes or No." and gives the legal description. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration CONTINUED

- **Braun-Jensen, Inc. Lease Agreement** CONTINUED Record #634087

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and Blaine County Buildings and Grounds Manager Patrick Boyle.

County Attorney Tim Graves revised this contract as requested by the BCC earlier in today's meeting. The contract includes an indemnification provision, and stipulates that the lessor must provide a lined evaporation pond for temporary storage of water used in grinding asphalt material, no hazardous chemicals will be stored on the property at any time, and other minor revisions.

Blaine County Buildings and Grounds Manager Patrick Boyle didn't foresee any major staff expense to oversee the property.

Schoen moved, seconded by McCleary, to approve a lease agreement between Blaine County and Braun-Jensen, Inc. for use of Blaine County-owned property at 20550 N. Main Street in Carey, otherwise known as the Carey Gravel Pit, from April 1 to August 30, 2016, for purposes of staging for a road maintenance project under contract with the Idaho Transportation Department, at \$1,000 per month, with stipulations. Motion carried unanimously.

ADJOURN

At the hour of 3:22 p.m., with no more business before them, the County Commissioners adjourned.

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