

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE MARCH 2012 SESSION**

Fourth Day

Tuesday, March 20, 2012

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Angenie McCleary, Commissioner Lawrence Schoen; County Administrator Derek Voss; and Recording Secretaries DiAnne Shrum and Sunny Grant

Vice Chairman Tom Bowman was absent from today's meeting.

Chairman McCleary called the meeting to order at 9:36 a.m.

PUBLIC COMMENT - NONE

FOUR BID OPENINGS FOR ROAD AND BRIDGE ROAD MATERIAL CONTRACTS

Also present: Blaine County Road and Bridge Manager Tom Duffy; Idaho Asphalt Supply Regional Account Manager Adam Ackerman; Ag Express Sales Manager Daren Amundson; Road Solutions President Sharee Fassett and Transportation Manager Brian Fassett; and Walker Sand and Gravel representative Brad Walker.

The BCC opened the following bids:

Emulsion used for chip sealing:

- Western States Asphalt: CRS2R \$609.00/ton FOB job site
- Idaho Asphalt: 360 tons \$623.50/ton CRS2R 360 FOB job site

¾" Road Mix (gravel):

- Anderson Asphalt: 3,000 tons ½" aggregate cover coat \$6.50/ton.
5,000 tons ¾" aggregate road mix at \$5.50/ton.
Bid bond document enclosed.
- Glendale Construction: 3,000 tons ½" aggregate cover coat at \$9.25/ton.
5,000 tons ¾" aggregate road mix at \$5.00/ton.
Bond document enclosed.
- Walker Sand & Gravel: 3,000 tons of ½" cover coat, \$6.20/ton. Check enclosed.

Magnesium Chloride dust inhibitor for gravel roads:

- Road Solutions: \$77.91/ton delivered. Check enclosed.
- Ag Express: \$79.30/ton + \$8.00/ton applied. Check enclosed.

Striping for Gannett Road:

No bids

Schoen moved, seconded by McCleary, to accept bids and deliver to Road and Bridge Manager for review and recommendation on award of the contracts at a later date. Motion carried 2/0.

BELLEVUE DISASTER DECLARATION RESOLUTION

Also present: Blaine County Disaster Services Coordinator Chuck Turner; *Idaho Mountain Express* reporter Kate Wutz.

Turner updated the BCC on local and volunteer efforts to control flooding incidents in Hailey and Bellevue, and several county roads.

Schoen moved, seconded by McCleary, to accept the City of Bellevue's Disaster Declaration Resolution, which has been signed by Bellevue Mayor Chris Koch, and authorize chairman to sign as acknowledgement. Motion carried 2/0.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

The Sheriff, Clerk and Operations Director are all engaged in interviews for the Emergency Communication Director position.

County Administrator – Derek Voss

- Final stage of completing Outcome-Based Budget for FY2013, including Performance Management and measurement data.
- Emergency Communications Partners Advisory Committee (PAC) team and department heads are all involved in the interview process.
- Leadership Team meeting will consider attending a Webinar focused on Performance Management. Schoen encouraged the Leadership Team to take the Webinar.

Weeds Department – Malia Leonard

- Weeds Department requested Cooperative Weed Management Area (CWMA) grant funding of \$67,000 and received \$27,000. A number of projects, particularly those using alternative controls, received reduced or no funding.

CONSENT CALENDAR

- **New Beverage License for Tranquility Teahouse**
- **Award acceptance of 2012 Cooperative Weed Management Area Cost Share Funding**

Schoen moved, seconded by McCleary, to approve the Consent Calendar for March 20, 2012. Motion carried 2/0.

BOARD REPORTS, DISCUSSION and CONSIDERATION

Community Drug Coalition meeting – Schoen

The Coalition discussed project management, using the County's model.

Northwestern Energy (MSTI project) report – McCleary

McCleary and Bowman separately met with Northwestern Energy representative. All currently proposed Mountain States Transmission Intertie (MSTI) routes are in line with Blaine County ordinances.

Blaine County School District property – McCleary

Blaine County School District is interested in a piece of County-owned property in Carey. The County could be interested in a trade for School District property close to County buildings located in Hailey. The School District is appraising both properties.

Fracking – McCleary

A County constituent asked if the BCC was interested in drafting Blaine County legislation on fracking. Blaine County probably doesn't have the resources to make it a local issue. The Idaho Legislature is currently debating state legislation.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **March 12, 2012 Special Monday Meeting**

Schoen moved, seconded by McCleary, to approve the Board of County Commissioners minutes of March 12, 2012 Special Meeting. Motion carried 2/0.

EXECUTIVE SESSION – §67-2345 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

Present were: Blaine County Welfare Director Wilma Colter and Assistant County Welfare Director Connie Kacalek.

- **Case #12-03-019**
- **Case #12-04-023**
- **Case #11-04-041 – Case Update**
- **Case #12-01-007 – Case Update**

Schoen moved, seconded by McCleary, to convene in Executive Session pursuant to Idaho Code 67-2345 1(d) to consider indigent medical applications. Schoen (aye), and McCleary (aye). Motion carried 2/0.

OPEN SESSION RESUMED

Schoen moved, seconded by McCleary, to deny Case #12-03-019, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by McCleary, to deny Case #12-03-023, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by McCleary, to reconsider and approve Case #11-04-041, with a \$200 monthly reimbursement, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by McCleary, to reconsider and approve Case #12-01-007, with a \$100 monthly reimbursement, based on staff recommendation. Motion carried 2/0.

UPDATE ON SUSTAIN BLAINE AND BLAINE COUNTY ECONOMICS

Also present: Sustain Blaine Executive Director Harry Griffith.

Sustain Blaine recently held an economic forum for businesses and other organizations. Focus was how local businesses feel about this year vs. last year and the next 12 months, and what national big businesses think.

Locally, the economic downturn may have bottomed out. Calendar year 2011 data shows grocery, eating and drinking, construction and housing, and all other retail are trending up. Lodging and accommodations are flat.

- The Blaine County economy appears now to be more heavily dependent on tourism.
- There are modest improvements in employment, in spite of a decreased number of businesses.
- Skier days have stabilized in spite of reduced enplanements.
- Hotel occupancy rates are showing signs of improvement.
- Blaine County real estate markets show signs of life, although real estate sales values are still falling.

Sustain Blaine's upcoming priorities:

- Update local city economic profiles for 2011.
- Develop methodology to prepare gross regional product.
- Evaluate regional economic development options based on trends and open dialogue in future community forums

Schoen asked how current lending policy relates to the local economy. He's curious about what influences people to establish a business in Blaine County, or reject it as a place to establish a business. The value of recreational amenities should be promoted more. Idaho is falling behind in education and infrastructure, which are key economic components, and are largely impacted by federal and state funding. A recent visit from a business locating company advised careful selection of desirable businesses. Quality of life is one real selling point for both public and private sector.

Schoen wants Blaine County to engage with state policymakers on business in Idaho.

REVIEW AND ACKNOWLEDGEMENT OF AMENDED COOPERATIVE AGREEMENT FOR WOODSIDE TRAFFIC SIGNAL

Also present: Hailey City Administrator Heather Dawson.

The BCC previously signed an acknowledgment of the Cooperative Agreement for Woodside Traffic Signal for an amount based on a cost estimate. The low bid was higher than the estimate. ITD has submitted an amended agreement for the amount of the bid.

Schoen moved, seconded by McCleary, to acknowledge the Amended Cooperative Agreement on Project No. A012907 for the Woodside Blvd. Complete Streets Initiative, for the installation of traffic control devices at Woodside Blvd. and Highway 75, and authorize the chairman to sign the acknowledgment. Motion carried 2/0.

TAX DEED AUCTION

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, County Treasurer Vicki Sisiam; Robert Blakeley, and Erin Moulton.

The one property up for auction is a cabin in East Magic that sits on land owned by the Wood River Canal Company.

This is a publicly-noticed auction of Tax Deed properties. The Right of Redemption has expired.

Recording Secretary Sunny Grant gave the posting notice.

Idaho Code requires Blaine County to hold a public auction of tax deed properties within 14 months of issuance of the tax deed. The BCC sets the minimum bid equal to taxes owed to the County, plus any interest, and costs owed on the property. Properties are sold as is. The BCC can accept a bid for less than the total amount owed, and can reject any bid at its discretion. If there are no acceptable bids on a property, the BCC has additional methods of disposing of property, but doesn't have to make a decision today.

Auctioneer: Blaine County Board Chairman Angenie McCleary

- **Parcel RP00C1700005A – Cabin on leased land owned by Wood River Canal Company**
The cabin is not currently occupied. Total for three years' accumulation of taxes and fees is \$391.36.

There were no bids on this property.

The County will sell the cabin for any offer that includes removing it from the land.

AIRPORT UPDATE AND DISCUSSION

Also present: Friedman Memorial Airport Manager Rick Baird, and Operations Chief Pete Kramer.

The airport project will now be referred to as "Airport Solutions". Schoen would prefer something like Air Service Improvement Project because air service is part of the airport project.

Baird reported the following:

- FMAA staff will make offers to Hertz and Avis to extend the rental car agreements under existing lease terms.
- Baird will meet with FAA on April 2 to further discuss making improvements to the existing site, and

- a replacement airport as a long-term solution.
- FAA expects the Safety Management System review will reveal necessary improvements at the existing site. Baird would prefer the ALP process begin as soon as possible.

Schoen recently toured the airport control tower. There is no radar equipment in the tower. Traffic is managed and routed through verbal communications between tower and pilots. Baird confirmed the Friedman tower is strictly a visual tower. He will encourage a tower tour as part of an upcoming pilot's meeting.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

TK Ranch LLC's application to amend text Title 9, Chapter 5A, Zone A40: A public hearing and consideration of an application by TK Ranches to amend text in Title 9, zoning regulations, Chapter 5A, Productive Agricultural District (A40), to conditionally permit Outdoor Recreational Facilities; STATING FINDINGS AND REASONS FOR THE ORDINANCE and providing a severability clause and an effective date. On February 24, 2012 the Planning and Zoning Commission recommended the proposed text amendment specific to A40 lands located within the Fish Creek drainage due to the diminished water holding capacity of the Fish Creek Reservoir.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley; Laurence Kimball; Kenny Kimball; Chuck Baner; Tony McGraw; Jubal Brown; Scott USA US Marketing Coordinator Dien Toussant; and Jason Connors.

Cooley read posted notice.

Schoen moved, seconded by McCleary, that notice is adequate. Motion carried 2/0.

One public comment was received from Bruce Smith in support of the text amendment.

Kimball wants to build a motocross track on his property in the A40 zoning district. TK Ranch is applying for a text amendment to allow outdoor recreational uses in the A40 district. P&Z's recommendation was to allow outdoor recreational uses in the Fish Creek drainage based on water availability, but zoning must be uniform for all properties in the zone.

Graves proposed three possibilities:

- Deny the text amendment;
- Rezone this particular area and create a new zoning district that would allow for outdoor recreational uses and facilities; or
- Grant the text amendment for the entire A40 zone, to allow outdoor recreation use as a conditional use, which would incur P&Z review.

The BCC was given revised text amendment language to allow "outdoor recreational facilities, providing it can be demonstrated that the agricultural productivity of the proposed site has been reduced due to water availability."

The BCC preferred the Conditional Use Permit (CUP) process. A CUP would allow P&Z to consider criteria for harmonious use in the Ag zone, and be sure water rights stay with the property. The BCC was concerned about the perception that a CUP was just approval with conditions. There is also concern that a recreational use would impact other areas in the drainage. McCleary preferred a decision based on unproductive agriculture over lack of water.

There seems to be broad community support for the motocross track. Kimball said everyone in Fish Creek was supportive. His nearest neighbor is over a mile away.

PUBLIC COMMENT:

- A motocross track only uses water to keep the dust down.
- A motocross track would be a huge recreational benefit to the community, and would bring a lot of dirt bikers to the area.

Schoen moved, seconded by McCleary, to approve the text amendment to Blaine County Code Title 9, Chapter 5a, based upon Findings that the proposed text amendment will have no effect on potable water sources, or the impacts of delivery of services by any political subdivision in Blaine County, and is in accordance with the Comprehensive Plan, allowing for outdoor recreational facilities as a Conditional Use in the Productive Agricultural A40 Zoning District. Motion carried unanimously.

- **Subdivision Platting Process Amendments:** An ordinance of Blaine County, Idaho amending Title 10, Chapter 4 (Procedure for Approval and Plat Contents): Section 1(F) relating to prohibiting work before final plat or recordation; Section 3(C) updating agency names; Section 3(D) relating to P&Z Commission notice; Section 3(E) recognizing, in light of court decisions, the rights associated with a preliminary approval; Section 4(B) relating to riparian management plans; Section 5(B) extending time limits for filing or recording final plats; Section 5(F) amending the process for site improvements during the court appeal process; Section 6(C thru H) relating to board approval of short plats; Section 7(C) updating the plat vacation process to make it consistent with state law; Section 7(D) by modifying the plat amendment process; Section 7(E) by adding an alternative minimum size for an original parcel modification; providing a severability clause and effective date.

Also present: Blaine County Land Use Administrator Tom Bergin and Senior Planner Kathy Grotto; Brian Yeager, and Martin Flannes

Bergin read posting notice.

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

Most revisions are a result of small changes in Idaho Code Chapter 4. Staff has included some issues P&Z considered but didn't address. Some are additions consistent with Idaho Code or Court decisions. Some are updates. Graves felt the revisions dealing with Preliminary and Final Plat accurately reflect Supreme Court precedent.

PUBLIC COMMENT:

Flannes commented on some of the legal language. He suggested the BCC make an additional Finding allowing an applicant to permanently alter the land, which would make the decision appealable. Graves said the ultimate decision on appeal would be with the Courts, which may not defer to the BCC's Finding in their consideration.

Yeager supported the BCC's attempts to update the language. Yeager, representing the Gardner Family Trust, asked for differentiation between small and large properties. Staff said the 50% of lot size or minimum size restriction was included to require the platting process, which required staff review.

Schoen moved, seconded by McCleary, to continue the public hearing on Text Amendments to the Subdivision Platting Process, Title 10, Chapter 4, to Tuesday, April 17 at 1:30 pm. Motion carried 2/0.

LAND USE AND BUILDING SERVICES DISCUSSIONS AND CONSIDERATION

Gateway Wastewater Study Funding

Land Use Staff is working with Ketchum and the County Administrator on South Gateway infrastructure.

Water Rights Applications

- Application on Broadford Road seeks to correct surface water and groundwater point of delivery locations, and to correctly describe the Place of Use. (POU).
- Heart Rock Ranch/Diamond Dragon is applying for a permit for a groundwater heat pump for heating/cooling/domestic use.
- Permit to allow diversion of Water Gulch flow to stock water storage to resolve an objection filed in the SRBA. Bergin will call Idaho Department of Water Resources for clarification.

Public Access Applications

BLM is granting access across its land for a private landowner, and has requested the landowner make the County aware they are getting permits. Land Use doesn't see any issues at this time..

ADJOURN

At the hour of 4:18 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Angenie McCleary
Chairman