

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

**Fourth Day**

**Tuesday, May 12, 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; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Greg Moore.

Chairman Greenberg called the meeting to order at 9:01 a.m.

**PUBLIC COMMENT - NONE**

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**Schoen moved, seconded by McCleary, to approve claims dated May 6, 2015 with additional claims presented by staff. Motion carried unanimously.**

**Operations Director - Char Nelson**

- Forest Service Resource Advisory Committee (RAC) grants may be available. The BCC discussed applying for RAC grant funds for a joint Blaine County/Forest Service road construction project on Warm Springs Road.
- Wright Brothers weather claim on the Old County Courthouse roof project was denied by Blaine County's insurance company, Idaho Counties Risk Management Program (ICRMP), on the grounds that it was a contractual issue.
- Environmental groups in local schools will present a pilot project to collect plastic bags.

**County Administrator - Derek Voss**

- An email from Hemingway technical teacher Scott Slonim thanked County Operations Director Char Nelson and Administrative Assistant Andrea Walton for their engaging presentation and "meaningful lessons".
- This BCC meeting is the last one for Blaine County Human Resources Generalist Susan Potucek. Voss thanked Potucek for four remarkable years of getting County Human Resources in alignment with internal processes.

**Benefits Update**

Also present: Blaine County Human Resources Generalist Susan Potucek; County Emergency Communications Director Robin Stellers; County Operations Director Char Nelson; Chief Deputy Assessor Martha Heuston; GIS Analyst Chris Corwin; County Senior Planner Kathy Grotto; and *Idaho Mountain Express* reporter Greg Moore.

In the first six months of FY2015, Blaine County's health insurance loss ratio is 111%. Health benefits utilization may decrease the rest of the fiscal year, but, at this time, Blue Cross projects a 10.04% increase in the 2016 health insurance premium. The County's insurance consultant, Western Benefits Solutions, suggests Blue Cross's projected premium increase is legitimate, based on current utilization. Delta Dental's benefit quote won't be available until the end of the month.

Greenberg asked if the County should research the cost of employee self-insurance. Staff said researching options would take time; and actually changing insurance carriers is very time- and resource-consuming. Voss suggested the BCC consider changing coverage instead of carriers if they need to reduce the premium. Both Schoen and McCleary said they would not consider this option.

**BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration**

**Cooperative Weed Management Area (CWMA) – Schoen**

- Organizations in the CWMA reported on last year's projects and plans for this year.
- CWMA partners join together in several annual "Spray Days" to jointly spray properties.
- Blaine County wants to transfer some miscellaneous County-owned property in Ketchum to the City of Ketchum, but the City won't take it until a weed issue on the property is resolved to their satisfaction. The property is along the river, and eradicating the knapweed is problematic due to limited timeframe and access.

**Veterans Tribute – Schoen**

The Blaine County Historical Museum will insure the Veterans Tribute Committee during the memorial planning process. Schoen will submit a draft Blaine County resolution that the tribute will be sited on County property and the County will maintain the tribute once construction is complete. The Committee is looking for an angel investor or contributor to fund hiring a project manager to launch the tribute.

### **Boulder-White Clouds Update – Schoen**

SNRA+ legislation is scheduled for a May 21 hearing before the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining.

### **25¢ Idaho Emergency Communications Commission Next Gen Funding – Greenberg**

The Next Gen Committee is going to refocus on Next Gen tech needs, possible state or regional solutions and cost. Blaine County is one of five counties not participating in the 25¢ grant fund, which was initiated to fund Next Gen in the state.

### **Public Defenders Meeting – Greenberg**

Greenberg met with three of Blaine County's five public defenders. They discussed state and federal rules, including public defenders' reports required by state statute. The public defenders don't want to report during a case, but the BCC thinks they should be willing to report on closed cases. The public defenders will probably request an increase in the County's FY2016 public defense budget to bring them closer to what they think is commensurate with attorneys in the prosecuting attorney's office.

### **Blaine County Regional Transportation Committee Bicycle/Pedestrian Plan – McCleary**

Also present: Blaine County Senior Planner Kathy Grotto; Lili Simpson; and *Idaho Mountain Express* reporter Greg Moore.

The Bike-Ped Master Plan, completed a year ago, is included as an addendum to the Blaine County Comprehensive Plan Update Transportation Chapter. The Bike-Ped Master Plan working group, which includes representatives of many local groups, recently met to clarify language in the Plan and consider potential changes to the map. The Blaine County Regional Transportation Committee will review the Bike-Ped Master Plan and make a recommendation to the BCC.

#### **PUBLIC COMMENT:**

- Lili Simpson suggested the BCC treat the Bike-Ped Master Plan as a land use issue, with full "application" process.

### **Correspondence to and from the BCC**

- The City of Bellevue would like better communications with County Commissioners about the airport. Commissioner Schoen will attend Bellevue's next Council meeting.
- The underwriter for Public Safety Facility refinance has wired \$6,865,307.35 into an escrow account. Securities have been purchased with funds in this account and the refinance is complete.

### **May is Mental Health Month - McCleary**

Attendance at NAMI's Mental Health Month event was well attended.

### **Craters of the Moon Name Change – Greenberg**

Butte County Commissioners request a resolution from Blaine County in favor of changing Craters of the Moon to a National Park. The BCC proposes a joint meeting in Carey, and invites public input from nearby cities and residents.

### **Weyyakin Bike Path – McCleary**

One Weyyakin resident wants to propose a second bikepath on the east side of the highway.

### **Hunger Coalition Food Waste and Recovery – McCleary**

The Hunger Coalition will contact Commissioner Schoen, who is on the Southern Idaho Solid Waste District Board of Directors, to discuss food waste and recovery.

### **Water Issues – BCC**

- Schoen will make a list of issues for the BCC to discuss in anticipation of writing a comment letter regarding the Innovative Mitigation Solutions application for recharge water rights.
- The BCC wants to plan a water workshop to discuss water conservation, water rights, conjunctive management, etc.

### **ROTARUN LEASE, Discussion and Consideration**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Clerk JoLynn Drage; County Land Use Administrator Tom Bergin; Rotarun president Jesse Foster, Vice President Craig Jefferson, Treasurer Ben Frank and attorney Lee Ritzau; Sage Springs president Lance Miller; Sage Springs homeowner Suzanne Walsh; and *Idaho Mountain Express* reporter Greg Moore.

DISCLOSURE: Commissioner Schoen is a member of Rotary, but has no direct interest in Rotarun.

Blaine County Attorney Tim Graves summarized Blaine County's current agreement with Rotarun, approved in 1963, which granted a 99-year lease to Rotarun from the Arkoosh family to operate a ski area. The lease terms are extremely broad and vague. When Sage Springs was subdivided, the subdivision process conveyed the Rotarun parcel, deemed an essential part and amenity of Sage Springs, to Blaine County. A plat note required Sage Springs homeowners to pay a yearly assessment to help fund Rotarun operations, but the assessment was not collected until 2003, when Rotarun planned to expand. Homeowners balked at the assessment, and wanted more control over parts of Rotarun, which

Rotarun was willing to consider. The County began to draft a new lease to mediate the dispute between Sage Springs and Rotarun, and also to comply with State Statute, which doesn't permit leases in excess of five years on County-owned property. The County's lease agreement was tabled in 2005, when Rotarun initiated individual lawsuits against Sage Springs homeowners to collect the assessments. The Court ordered Sage Springs homeowners to pay assessments. The current relationship between Rotarun and Sage Springs is reportedly much more collaborative.

Rotarun is a non-profit recreational facility that provides value to the entire community. The County has in the past mediated on development of a Rotarun recreation plan and installation of a water facility for snowmaking, etc. The revised lease should serve to benefit Rotarun, Sage Springs and the public.

Rotarun President Jesse Foster said the 99-year lease was restated in January, 1991. The Rotarun Master Plan was approved in 2008 for snowmaking, chairlifts, etc. Rotarun and Sage Springs recently entered into a well-share agreement for snowmaking; but the County's 1995 agreement, referring to a five-year lease with 90-day termination and 60-day vacation of the premises, makes it difficult to raise capital to update and upgrade the facility. With recent snow conditions, Rotarun needs to make snow. Rotarun is a nice small ski area and community asset; but without a long-term lease, Sage Springs may consider Rotarun a liability and nuisance.

**PUBLIC COMMENT:**

- Sage Springs Homeowners Association president Lance Miller said homeowners had been paying an annual assessment since court order, and their relationship with Rotarun was good after years of poor communication. But Rotarun is a hodgepodge of unfinished projects and unused facilities. The lease needs to be 99 years to enable Rotarun to implement their Master Plan.
- Sage Springs resident Suzanne Walsh said Rotarun is an asset that adds to their quality of life and property value, but Rotarun needs to be a responsible operator and follow guidelines for the well they share.

The BCC directed Graves to draft a new lease, with input from Rotarun's attorney and Sage Springs Homeowners Association. The lease needs to provide for Rotarun maintenance and upkeep.

**CIRCUS ANIMAL ORDINANCE WORKSHOP**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Sheriff Gene Ramsey; Joyce Burrell; Elephant Student Project leader Maya Burrell and students Gabriel Delgado, Sam Laski, Warren Loving, and Harrison Blamires; The Sage School Office Manager Nancy Linscott; Dr. Alexandra Delis-Abrams; and *Idaho Mountain Express* reporter Greg Moore.

Students came before the BCC a year ago to suggest the County amend its existing exotic animal ordinance. The BCC agreed that animal welfare is important in Blaine County and County ordinances should be up to date. Greenberg and Graves have been in contact with Matt Rosell, Animal Defenders International (ADI) Campaigns Director, who suggested the ordinance language, "exotic wildlife with a successful history of non-violent domestication ..." be removed, since some domesticated animals such as camels are stubborn and frequently abused. ADI defines "wild animals" the same as the federal Animal Welfare Act. Rosell is presenting Blaine County's proposed ordinance to ADI's attorney for comments.

The existing ordinance requires a special permit to bring exotic wildlife into Blaine County. The permit is issued by the Sheriff's office, which determines that public safety won't be compromised and that animals will be treated humanely. In addition, provisions in Blaine County Code address public assemblies and animals, and specifically prohibit cruelty to animals.

Graves proposed the Code language be reconfigured to prohibit exotic wildlife displays "... with the exception of the use or display of exotic wildlife in an exhibition at a non-movable permanent institution or facility"; and "...except as part of an outreach program for educational or conservation purposes by a non-profit organization, provided that the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day". And remove "... the use or display of exotic wildlife with a successful history of non-violent domestication, such as camels, llamas and bison."

A final condition restricts "... restraints and handling tools to be designed to avoid causing pain or prolonged discomfort to the animals and constrained animals shall have general freedom of bodily movement and access to adequate water and food."

**PUBLIC COMMENT:**

- Maya Burrell said Idaho statute doesn't refer to "exotic" animals, but defines "production animal" and "wild animal," which includes camels, llamas and bison. Wild animals are either indigenous or non-indigenous. She agreed that "successful history of domestication" is problematic.
- Psychologist Dr. Alexandra Delis-Abrams said adults who are inhumane to animals (and humans) have usually been traumatized as children and are frequently not emotionally healthy.
- Students Sam Laski and Gabriel Delgada thanked the BCC for considering this amendment to County Code.
- Delgada said that current construction at Hailey Ice limits animal holding space for a circus. He added that people who watch elephants being "trained" are actually seeing a rehearsal, and not real training, which is usually abusive.

Sheriff Ramsey agreed with Graves to keep the ordinance simple. He suggested the BCC be responsible to review and approve temporary permits, and delegate the Sheriff to issue the permit and oversee the event when it happens.

COMMISSIONER COMMENTS:

- The BCC agreed that they should review and grant special permits, which would allow for community engagement.
- The intent is to prevent abusive treatment of animals. The BCC agreed to prohibit circuses; but cautioned that the language should provide for review of other events.

The BCC directed staff to revise the ordinance and present it to them.

**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 Indigent Services Director Brooke Baird.

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

**OPEN SESSION RESUMED**

**Schoen moved, seconded by McCleary, to approve Case #2015-30 Indigent Application for Assistance, based on staff recommendation, for four months of rent in the amount of \$1,980, with a reimbursement of \$25/month when the person is able to begin making payments. Motion carried unanimously.**

**Schoen moved, seconded by McCleary, to approve Case #2015-07 Medical Indigent Application for Assistance, with a \$500 monthly reimbursement, based on staff recommendation. Schoen opposed, because he thinks the reimbursement amount should be higher. Motion carried 2/1.**

**BALLOT COUNTING DEVICE LOGIC AND ACCURACY TEST**

The BCC observed the ballot counting device logic and accuracy test. All processes were accurate and approved.

**BREAK**

**LAND USE and BUILDING SERVICES HEARINGS**

- Comprehensive Plan Update - Housing Chapter, CONTINUED FROM APRIL 28. Public hearing and consideration of proposed amendments to Title 8, Ch. 1, Comprehensive Plan. The proposed Housing chapter would replace Section 7, Housing, of the current Plan. Housing is a required element of a comprehensive plan per Idaho Code Section 67-6508. The chapter was recommended for approval by the Planning & Zoning Commission on February 26, 2015. Click here for Materials.

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Blaine County Comprehensive Plan Steering Committee Chairman Dick Fosbury and member Linda Thorson; and Blaine County Comprehensive Plan Update Consultant Lisa Horowitz.

This meeting is continued from April 28. Notice is on the agenda.

Grotto and the BCC discussed a list of topics in the updated draft.

**LAND USE and BUILDING SERVICES, Discussion and Consideration**

- **Resolution 2015-15 Comprehensive Plan - Transportation Chapter** ..... Record #626578

PUBLIC COMMENT:

- Debra Town lives near the Toe of the Hill Trail. She said a trail plan and map, formulated with little notice, show a trail going down their private driveway. She felt the use of their driveway was illegal and invaded their privacy, especially without compensation. Town suggested the existing bike path be enhanced instead.

McCleary explained that Blaine County adopted a Transportation Plan in 2012. At that time, many Blaine County residents requested more emphasis on multijurisdictional bicycle-pedestrian planning. These comments were forwarded to the Blaine County Regional Transportation Committee, which formed a Working Group to put together a Bicycle-Pedestrian Master Plan.

McCleary said the Bike-Ped Master Plan Working Group publicized their meetings on the County website, published a survey, etc., to let the public know they were meeting. The Bike-Ped Master Plan was intended to be a vision document, not to plan specific projects. There is no funding for the projects, no Land Use or Planning and Zoning applications in process, and affected and adjacent private landowners have not been individually contacted. The Working Group has recently received comments from several concerned landowners, and will soon revise and clarify the Plan language and accompanying map. The

BCC agreed that it would be scary to see their private property included on a map of public trails, even if it's meant as a vision statement.

McCleary suggested that public comments on the proposed Bike-Ped Master Plan and map be made to the Regional Transportation Committee.

**McCleary moved, seconded by Schoen, to approve Blaine County Resolution 2015-15, a resolution of the Blaine County Board of Commissioners, enacted pursuant to Idaho Code 67-6509, amending the Blaine County Comprehensive Plan by adopting the Introduction and Community Profile to replace Section 11, Population, which was adopted by Blaine County Resolution 94-29 on November 7, 1994. (Resolution 2015-15 supercedes Resolution 2015-08, which was inappropriately recorded before it was complete.) Motion carried unanimously.**

**• Resolution 2015-20 Comprehensive Plan - Transportation Chapter  
McCleary moved, seconded by Schoen, to approve Resolution 2015-20, a resolution of the Blaine County Board of Commissioners, enacted pursuant to Idaho Code 67-6509, amending the Blaine County Comprehensive Plan by adopting Chapter 1 Transportation, and replacing Section 15 Road Systems, which was adopted by Blaine County Resolution 94-29 on November 7, 1994. Motion carried unanimously**

**EXECUTIVE SESSION – §67-2345 1(b) Personnel Evaluation**

**Schoen moved, seconded by McCleary, to go into Executive Session, pursuant to I.D. 67-2345 1(b) to evaluate an individual for a position on the Comprehensive Plan Update Steering Committee. Roll call Schoen (aye); McCleary (aye); and Greenberg (aye). Motion carried unanimously.**

**ADJOURN**

**At the hour of 4:27 p.m., with no more business before them, Schoen moved to adjourn, seconded by Greenberg. Motion passed 2/0.**

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