

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

Sixth Day

Tuesday, May 26, 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; and Recording Secretary Sunny Grant.

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

PUBLIC COMMENT - NONE

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims - Schar Boyd

Schoen moved, seconded by McCleary, to approve Blaine County claims dated May 21, 2015. Motion carried unanimously.

Operations Director - Char Nelson

- Trail Creek Road is now passable.
- Gannett Road Safety Audit is done and will be presented to the BCC in an upcoming meeting.

County Administrator - Derek Voss

Also present: Blaine County GIS Program Manager Joel Hall.

GIS will provide classes on its new software this summer.

CANVASS OF VOTES - MAY 19, 2015 – City of Ketchum Special Election

Schoen read results of May 19 election for Ketchum Water System bond:

Precinct	In Favor	Against
003 - North Ketchum	81	10
004 - South Ketchum	97	10
Early Voting / Absentee	24	1
TOTAL	202	21

Schoen moved, seconded by McCleary, to approve canvass of votes for the Ketchum Water Bond at the May 19, 2015 Special Election. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Carrier Corporation Terms and Conditions** Record #626830

This is for purchase of a new heat pump at the Public Safety Facility for \$5,532. Staff will confirm the length of warranty in the agreement.

McCleary moved, seconded by Schoen, to approve Terms and Conditions agreement between Blaine County and Carrier Corporation for purchase of a new heat pump at the Public Safety Facility for \$5,532. Motion carried unanimously.

- **Independent Contractor Agreement with Blaine County Appraisal, LLC** Record #626923

Agreement crafted by County Attorney Tim Graves is with Blaine County Appraisal for the appraisal of the former Blaine Manor property. Funds relating to sale of the asset come out of Contingency and are not connected with Nursing Home Fund.

Schoen moved, seconded by McCleary, to approve Independent Contractor Agreement between Blaine County and Blaine County Appraisal, LLC, for \$7,500, for provision of restricted appraisal report and additional services, with provision for additional compensation. Motion carried unanimously.

- **Idaho Department of Parks & Recreation East Magic Boat Docks**

Also present: Blaine County Grant Administrator Michele Johnson; and Idaho Mountain Express reporter Greg Moore.

The grant for East Magic aluminum docks requires a 20% \$5,000 match, which will come from boating registration fees, and is budgeted in FY2015.

Schoen moved, seconded by McCleary, to approve acceptance of Grant WW163071 for \$20,060 for acquisition and installation of boat launches and docks at East Magic, and incurs match of \$2,200 in-kind and \$5,015 cash. Motion carried unanimously.

CONSENT CALENDAR

- Resolution 2015-22 Sheriff Budget Adjustment Record #626822
- Resolution 2015-23 General Budget Adjustment Record #626823
- Resolution 2015-24 Weeds Budget Adjustment Record #626824
- Beverage License Renewal: Cornerstone Bar & Grill.

Schoen moved, seconded by McCleary, to approve Consent Calendar of May 26, 2015. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

US Department of Labor Proposed H-2A Rule Affecting Livestock Herders - Schoen

Also present: Idaho Mountain Express reporter Greg Moore.

The new H-2A rule would significantly impact livestock producers who hire seasonal herders to watch animals grazing on the open range. The herders are brought into the US for a limited period of time, with most expenses paid. Schoen drafted a letter to the Department of Labor asking that they postpone a decision on the H-2A Visa program pending further review and research. The BCC supported the letter.

Applications for Recharge Water Rights by Innovative Mitigation Solutions – Schoen

Blaine County submitted a letter of protest regarding the two water rights applications by Innovative Mitigation Solutions. The letter arrived too late to be considered a protest, but the County is considered an intervenor and can participate in all proceedings. There will be a week of hearings in Blaine County this summer. The BCC agreed that the aquifer is a valuable natural resource that should be conserved in the public interest; and this for-profit recharge proposal must be carefully considered; and supported a letter to IDWR hearing officer drafted by Schoen, with input from the County Attorney and Land Use Administrator.

Priority Calls on Upper Basin Groundwater Rights – Schoen

Both the South Valley Ground Water District water users and proposed Galena Ground Water District are organizing meetings. Blaine County does not hold any water rights, but the BCC should take a leadership role to encourage local conservation and County public interest water policy.

Correspondence

- The City of Hailey asks the County to join them in asking the BLM to reengage in its travel management planning process.
- Greenberg sent comments on the Right-of-Way Management Plan to Hulen Meadows Homeowners Association President Donna Finegan.

Other

- Emergency Communications Technical Advisory Committee met last week.

BLAINE COUNTY ROAD AND BRIDGE LEVY, Discussion and Consideration

Also present: Blaine County Administrator Derek Voss; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and Marsha Riemann.

The BCC made final suggestions on the questionnaire.

ORDINANCE 2015-03 EXOTIC ANIMAL DISPLAY ORDINANCE, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Elephant Student Project leader Maya Burrell; and Sawtooth Botanical Garden Executive Director Kat Vanden Heuvel.

Graves reviewed the latest version of the ordinance, which prohibits display of wildlife as part of a circus, animal act or other special event; with certain exceptions, such as a zoo, wildlife sanctuary, rehabilitation center, outreach, educational or conservational purposes by a non-profit organization. The ordinance includes an expanded definition of "Wildlife" to include exotic wildlife.

Public Comment:

- The Sawtooth Botanical Garden asked if bug zoo insects and other critters were considered "wild animals".
Graves said the Sawtooth Botanical Garden could technically require a permit, if the BCC chose to enforce that requirement.
- Maya Burrell said it was important that animals have some time in-between travel days. Burrell represents numerous students at this meeting. The students are on a trip at this time.

The BCC supported the ordinance in concept; and made minor changes in the draft ordinance.

Schoen moved, seconded by McCleary, to adopt Ordinance 2015-03, prohibiting display or exhibition of certain exotic and non-domesticated animals and regulating the use of certain restraints and handling tools, as modified in today's hearing. Motion carried unanimously.

ALL HAZARDS MITIGATION PLAN (AHMP) Resolution 20115-21 Record #626821

Also present: Blaine County Disaster Services Coordinator Chuck Turner; Wood River Fire Protection District Chief Bart Lassman and Assistant Chief Craig Aberbach; Whisper Mountain Professional Services, Inc. representatives Rick Fawcett and Shana Fawcett.

Whisper Mountain Professional Services drafted Blaine County's original All Hazard Mitigation Plan and this update. The Update includes significant input and participation from cities and members of the community. FEMA has approved the Update for adoption.

Fawcett reviewed the Hazard Analysis chart with the BCC, focusing on impacts on the community. Power outages have #1 impact in Blaine County, according to the Local Emergency Planning Committee (LEPC). The highest ranked hazard is wildfire. The only large hazardous material in Blaine County is ammonia at the Sun Valley Ice Skating Rink.

Blaine County finished 61 of 101 mitigation projects in a five-year period, highest of any county in the State of Idaho. Fawcett recommended the BCC adopt the Plan.

PUBLIC COMMENT:

- Wood River Fire Protection District Chief Bart Lassman said it was important to include prevention, public input and education in planning.
- Hailey Fire Chief / Wood River Fire Protection District Assistant Chief Craig Aberbach thanked Blaine County Disaster Services Coordinator Chuck Turner for encouraging input in the All Hazards Mitigation Plan.
- Turner said this is a living plan. Jurisdictions can modify the Plan when advisable.

Fawcett said Blaine County's Plan is the first in Idaho to be approved by Idaho Department of Lands and FEMA. The BCC noted widespread involvement with cities, stakeholders, County departments, and participation with state and federal partners.

Schoen noted some potential inaccuracies and omissions for next year's review:

- Blaine County has already completed some priorities.
- Blaine County doesn't declare drought emergency, but requests the State declare drought emergency.
- BCC at this time doesn't support diverting high flow waters for aquifer recharge.
- An additional County vulnerability is that there is only one road in and out of the upper Wood River Valley.

Schoen moved, seconded by McCleary, to approve Blaine County Resolution 2015-21, adopting Blaine County Multijurisdictional All Hazards Mitigation Plan, which includes the Community Wildfire Protection Plan, and resolves to execute the actions identified in the Plan pertaining to our jurisdiction and other provisions of the resolution. In discussion, the BCC thanked all jurisdictions and participants. **Motion carried unanimously.**

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 and Assistant Amy Rivkin.

Schoen moved, seconded by Greenberg, to convene in Executive Session pursuant to Idaho Code 67-2345 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 accept notice of cancellation of hearing and final determination of denial in Application for Assistance #2015-03. Motion carried unanimously.

McCleary moved, seconded by Schoen, to approve Case #2015-37 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried unanimously.

McCleary moved, seconded by Schoen, to deny Case #2015-24 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried unanimously.

McCleary moved, seconded by Schoen, to deny Case #2015-22 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried unanimously.

BREAK

Commissioner Schoen was absent until 1:35 p.m.

LAND USE and BUILDING SERVICES HEARINGS

- **Natootsi Sub. Plat Amendment:** Public hearing on and consideration of a Plat Amendment submitted by the Barrie Family Partnership to eliminate Lot 9 and shift a lot line affecting Lots 4, 5 and Parcel B to combine a portion of Lot 9 with Lot 5, creating new Lot 5A of Natootsi Subdivision. The affected lots and parcel B are located partially within Floodplain, Floodway, Wetlands Overlay Districts and the Riparian Setback District. Natootsi Sub. is located within Sections 26 & 35, Township 2 North, Range 18 East, B.M.

Also present: Blaine County Senior Planner Kathy Grotto; Zoning Specialist Nancy Cooley; Garth McClure; Trent Stumph; Sue Engelmann; Yenny Leon; and Cristian Ortega.

Cooley read notice:

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

DISCLOSURE: Commissioner Schoen said Ms. Barrie has been before the BCC previously to discuss other issues related to erosion.

Cooley distributed a revised staff report. Plat Note #6 from a previous application and Plat Note #8 referring to Lot 4A have been removed. Cooley suggested Plat Note #10 should be added to the existing plat to eliminate Lot 9, which is now underwater since the river changed course.

Garth McClure, on behalf of the Barrie Family Partnership, said this application is for a plat amendment to shift property lines to combine platted lots 5 and 9 into one single Lot 5A. The new Lot 5A is 2.81 acres, with a building envelope conservatively set back 140 feet from the ordinary high water mark and 35 feet from potential wetland area, although there is no groundwater apparent right now. The smaller lots were originally created through a PUD process, with a large open space Parcel BB adjoining this property that has been increased because it includes the old Lot 9 that is now underwater. The adjoining Lot 4 has been reduced slightly by moving 20 feet from the northern property boundary into Parcel B to provide access without an easement to Lot 5A.

Trent Stumph, representing the applicant, said the Management Plan was intended to expand and protect the elements in place, specifically the high quality old growth cottonwood riparian forest. The Wetland Evaluation identified the lowlands, which may be jurisdictional but seem devoid of wetland conditions at this time.

The BCC felt this was a good plan for the challenging conditions of this location. The application, with revised plat notes, should not seriously increase non-conformity. The applicant agreed with the suggested plat notes.

PUBLIC COMMENT: None.

Schoen moved, seconded by McCleary, to approve the application, based upon Findings by the BCC that this application complies with provisions of Blaine County Code Titles 9 and 10, with conditions and amended plat notes as discussed in this hearing, for a plat amendment application of the Barrie Family Partnership for Natootsi Subdivision plat. Motion carried unanimously.

- **Comprehensive Plan Update - Housing Chapter**, CONTINUED FROM MAY 12, 2015: 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.

Also present: Blaine County Senior Planner Kathy Grotto; and County Comprehensive Plan Update Consultant Lisa Horowitz.

The BCC suggested various revisions to the latest version of the Housing Chapter with the BCC.

McCleary moved, seconded by Schoen, to continue consideration of the Housing Chapter of the Blaine County Comprehensive Plan, to June 23, 2015, time to be determined. Motion carried unanimously.

RECYCLE CENTER PLASTIC FILM PROGRAM DISCUSSION/ADOPTION

New material program proposal: County Operations Director Char Nelson

Presentation by Ernest Hemingway Elementary technology teacher Scott Slonim, Hemingway Recycle Club, Community School Students and Wood River High School W.A.T.E.R. Club

Also present: Barry Bevers; Kristin Bevers; Hemingway School teacher Scott Slonim; Hemingway School students Addi Bevers, Tatum Vontver, Pada Alvarado, Daniel Leon Merino, Emma Nicole Alvarado, Willa Laski; Alexandra Delis-Abrams; and Maria del Cormen.

County Operations Director Char Nelson presented a proposal for recycling plastic bags (plastic "film"), which included an opportunity for partnership with Hemingway School's Recycle Program. The average family uses 60 plastic bags in four trips to the grocery store.

Novolex, formerly Hylex Poly, in Jerome, Idaho, would like to discontinue collecting plastic bags from bins in Blaine County.

Hemingway School students told the BCC that plastic bags don't biodegrade, they photodegrade. They break down into smaller pieces and toxins are absorbed into land and water. Animals ingest the plastic bags, which puts them into the human food chain. Plastic bags are made from crude oil, a non-renewable resource, and remain toxic even after they break down. Reusing bags and eventually recycling them is easily doable, yet only ½% to 3% of all bags are recycled.

Nelson said the one-time capital expense would be \$10,500 to buy two containers. The County's recycling program is funded by a contribution of \$5/ton tipping fee and revenue from selling recyclables; and has reserve funds adequate to purchase the plastic bag containers. Plastic bag revenue would depend on the current price of the commodity—estimated at \$1,800 to \$2,200; and annual cost to pick up would be \$1,250 to \$1,700. High school students have volunteered to collect plastic bags from the bins.

PUBLIC COMMENT:

- Barry Bevers said the recycle program was a good program and he as a resident felt good to participate in it.
- Teacher Scott Slonim said kids will encourage parents to recycle

The BCC supported the proposal. Schoen said millions of plastic bags take up space in the landfill. They blow offsite and it costs thousands to clean up neighboring properties. McCleary supported student participation. Greenberg said plastic and plastic bags are the dominant garbage in the ocean.

Schoen moved, seconded by McCleary, to direct the County Operations Director and Recycling staff to begin to recycle plastic film in Blaine County and initiate development of a plastic film recycle program with funding as outlined in the discussion above. Motion carried unanimously.

BLAINE COUNTY ROAD AND BRIDGE LEVY, Discussion and Consideration

Also present: County Operations Director Char Nelson.

The BCC discussed Road and Bridge's funding shortfall and what amount the levy should be.

BOARD REPORTS, CONTINUED

U.S. Forest Service Resource Advisory Committee (RAC) Grants

Representatives from Forest Service will present RAC grant proposals at next week's meeting.

National Association of Counties (NACo) Annual Conference – Schoen

The BCC agreed to allocate additional funding for Schoen to go the NACo Annual Conference.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- April 28, 2015 Regular Meeting
- May 11, 2015 Special Meeting
- May 12, 2015 Regular Meeting

Schoen moved, seconded by McCleary, to approve County Commissioner meeting minutes of April 28, May 11 and May 12, 2015, as amended. Motion carried unanimously.

ADJOURN

At the hour of 5:25 p.m., with no more business before them, the BCC adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Jacob Greenberg
Chairman