

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

Second Day

Tuesday, September 13, 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 Madelyn Beck.

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

PUBLIC COMMENT - NONE

SAWTOOTH AVALANCHE CENTER FUNDING REQUEST, Discussion and Consideration

Also present: Blaine County Social Media Services Provider Bronwyn Nickel; County Administrative Specialist Andrea Walton; and Friends of Sawtooth Avalanche Center Executive Director Steph Eisenbarth.

Chairman Greenberg said County Attorney Tim Graves and the Idaho Department of Parks and Recreation confirmed this was an appropriate request.

Friends of the Sawtooth Avalanche Center is a local 501(c)(3) non-profit that provides about half the operating costs of the Forest Service Sawtooth Avalanche Center (SAC). SAC provides actionable avalanche weather and snow daily advisories, basic avalanche safety courses and rescue clinics to the public at no charge. SAC is requesting an annual contribution of \$1,500 from Blaine County, to be taken from dedicated funds in the Blaine County Snowmobile Fund, which is funded by snowmobile registrations collected by the State of Idaho.

McCleary moved, seconded by Schoen, to approve the expenditure of \$1,500 for avalanche services from the Sawtooth Avalanche Center from the Snowmobile Fund for FY2017. In discussion, the BCC asked Friends of the SAC to present their request during regularly scheduled annual community service agencies' budget requests. **Motion carried unanimously.**

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims - Schar Boyd

Deputy Auditor Schar Boyd presented the claims, including extra claims emailed to the BCC.

McCleary moved, seconded by Schoen, to approve claims dated September 7, 2016 and additional claims emailed on September 12, 2016. Motion carried unanimously.

County Administrator - Derek Voss

- While removing the fuel tank on the former Blaine Manor property, the excavation subcontractor hit underground power lines, which also damaged a 440v transformer, causing a fairly large oil leak.
- Commissioner Schoen and County Administrator Voss will join representatives of Rural Community Assistance Corporation and US Department of Agriculture Rural Development in a Gateway area site visit with the current wastewater treatment plant owner to assess wastewater treatment, and see if and how the County can best develop infrastructure in the area.

CONSENT CALENDAR

- **New Beverage License** for The Haven.
- **Junior College Residency Forms** There were no junior college residency forms.

McCleary moved, seconded by Schoen, to approve the Commissioners' Consent Calendar for September 13, 2016. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Hailey Chamber of Commerce Quarterly Meeting – McCleary

An economist special speaker focused mostly on the national economy. Like the rest of the country, Blaine County is still recovering from recession. 3% local unemployment is better than the national statistic, but underemployment and people working more than one job is quite high. Shortage of affordable housing is a big issue in Blaine County.

Employee Reclassification – McCleary

The Idaho Sheriff's Association would like to see dispatchers and probation personnel reclassified as stressful jobs, which would revise their retirement benefits eligibility from Rule of 90 to Rule of 80, allowing them to retire earlier with benefits. This has direct budgetary implications for the County and affected employees. Commissioner Schoen said this was brought up at the Idaho Association of Commissioners and Clerks meeting, and said it may be addressed at the upcoming Idaho Association of Counties meeting.

RESOLUTION 2016-32

Setting Blaine County 2016 Property Tax Levies, Discussion and Consideration

PUBLIC COMMENT – None.

McCleary moved, seconded by Schoen, to approve Resolution 2016-32, a resolution of Blaine County setting Blaine County 2016 property tax levy per \$1 market value. In discussion, the BCC thanked the budget officer and staff for all the work that goes into preparing these levies. **Motion carried unanimously.**

RESOLUTION 2016-31 Authorizing Treasurer Collection of Assessments for Galena Groundwater District, Discussion and Consideration

Also present: Galena Ground Water District Treasurer Karl Nichols.

At their September 6, 2016, Board meeting, the Galena Ground Water District Board of Directors passed a resolution to turn over billing and collection of District assessments to the Blaine County Treasurer, who will collect a 1.5% administrative fee.

PUBLIC COMMENT – None

Schoen moved, seconded by McCleary, to approve Blaine County Resolution 2016-31, a resolution authorizing the Blaine County Treasurer to collect operation and maintenance assessments on behalf of the Galena Ground Water District, and to assess a fee to the ground water district for the service. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Carrier Commercial Service HVAC Service Agreement**

Also present: Blaine County Facilities Manager Patrick Boyle.

This service agreement is for heat pumps, fans and controls at the Public Service Facility.

Schoen moved, seconded by McCleary, to approve contract between Blaine County and Carrier Corporation for maintenance of heating, ventilation and air conditioning systems at the Public Safety Facility for FY2017. The annual contract amount is \$10,325.16. Motion carried unanimously.

- **Northwest Elevator & Contracting, Inc., Maintenance Agreement Record #638450**

Also present: Blaine County Facilities Manager Patrick Boyle.

The contract includes a \$25/hour increase only if Northwest has to come on site.

McCleary moved, seconded by Schoen, to approve contact between Blaine County and Northwest Elevator & Contracting, Inc., for annual elevator maintenance in the amount of \$1,500. Motion carried unanimously.

- **Blaine County Janitorial Agreement Renewal with Allstar Properties Record #638047**

Also present: Blaine County Facilities Manager Patrick Boyle.

The contract includes \$1,488 annually for the Fire and Rescue Room in the Public Safety Facility. The contractor is already doing some extra areas, and has cut cleaning frequency without increasing their fee for several years.

Schoen moved, seconded by McCleary, to approve contract between Blaine County and Allstar Properties for janitorial services in the buildings and rooms described in the contract. The amount of the contract is an annual rate of \$48,856.60 for the rooms and buildings described, as well as an additional \$1,488 annual fee for services at the Fire and Rescue Training Room located at Public Safety Facility Annex, for FY2017. Motion carried unanimously.

- **Blaine County Janitorial Agreement with W & T Sturgeon Cleaning Record #638163**

Also present: Blaine County Facilities Manager Patrick Boyle.

Schoen moved, seconded by McCleary, to approve contract between Blaine County and W & T Sturgeon Cleaning for janitorial services, as described in the contract, both places as per the cleaning schedule. The amount of the contract is \$55,000 annual fee, plus provision for additional services not to exceed \$5,000, paid hourly for FY2017. Motion carried unanimously.

- **Modification of U.S. Forest Service Grant or Agreement 12-RO-11041403-098 for Warm Springs Road Record #638449**

Also present: Blaine County Road and Bridge Manager Steve Thompson.

\$12,500 additional funds are available through the contractual agreement with the Forest Service to maintain Warm Springs Road.

Schoen moved, seconded by McCleary, to approve Modification of Grant Agreement between Blaine County and the U.S. Forest Service, #12-RO-11041403-098. The purpose of the Modification is to extend the agreement period to September 30, 2017, and to increase the funding amount by \$12,500. Motion carried unanimously.

- **MOU with Carey Rural Fire Protection District for 700MHz P25 Compliant Radio System Record #638012**

The County has a template agreement with each partnering entity that utilizes the radios.

Schoen moved, seconded by McCleary, to approve Memorandum of Understanding between Blaine County and Carey Rural Fire Protection District for the 700MHz P25 compliant radio system as a component of Idaho's Interoperable Communication System, for site and with equipment used within Blaine County. Motion carried unanimously.

- Sales/Lease Agreement with Western States Caterpillar for 966M 2016 Loader
- Sales/Lease Agreements with Western States Caterpillar for 160M3 2016 Grader
- Sales/Lease Agreements with Western States Caterpillar for 160M3 2016 Grader

Also present: Blaine County Road and Bridge Manager Steve Thompson.

County Road and Bridge Manager Steve Thompson said leasing is a better option for this kind of high tech equipment. The Lease Agreements have six annual payments.

Schoen moved, seconded by McCleary, to approve three sales agreements between Blaine County and Western States Equipment for the lease of equipment for use by the Blaine County Road and Bridge Department. The first piece of equipment is a Caterpillar 160M3 all-wheel drive motor grader, net due price is \$316,303.92 - lease payment for FY2017 is \$29,955.75. The second piece of equipment is a Caterpillar 160M3 all-wheel drive motor grader, the net due price is \$316,303.92 - the lease payment in Year 1 will be \$29,955.75. The third piece of equipment is a 2015 Caterpillar 966M Wheel Loader, with a net due price of \$292,415.16 - with a lease payment in Year 1 of \$21,230.68. In discussion, the net due price is lower because the County is trading equipment as part of the transaction for that piece of equipment. Motion carried unanimously.

- Sentinel Fire & Security Installation and System Monitoring Agreement Record #638048

Also present: Blaine County Facilities Manager Patrick Boyle.

McCleary moved, seconded by Schoen, to approve contract between Blaine County and Sentinel Fire and Security Installation and System Monitoring for installation of system and monitoring of fire alarms and panic buttons in the amount of \$2,796. Motion carried unanimously.

BREAK

Commissioner McCleary arrived for the afternoon session at 1:36 pm.

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 Greenberg, to convene in Executive Session pursuant to Idaho Code 74-206 1(d) to consider indigent medical applications. Schoen (aye), and Greenberg (aye). Motion carried 2/0.

OPEN SESSION RESUMED

Schoen moved, seconded by Greenberg, to approve Case #2016-15 Medical Indigent Application for Assistance, with an order for reimbursement at the rate of \$300 per month, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by Greenberg, with respect to the following two Medical Indigent Applications for Assistance, Case #2016-47 and Case #2016-48, to deny both applications on the basis of staff recommendation. Motion carried 2/0.

LAND USE and BUILDING SERVICES HEARINGS

- **Stream Alteration Permit** - Public hearing and consideration of an application by Idaho Transportation Department (ITD) to replace the existing bridge across the Big Wood River on US-20 near milepost 176 (aka Stanton Crossing) with a new bridge and make road improvements to the adjacent Idaho Department of Fish and Game (IDFG) campsite for safe access. The project site is within ITD's right of way, is zoned Productive Agricultural District (A-40) and within the Floodplain Overlay District (FP).

Also present: Blaine County Land Use Administrator Tom Bergin; County Engineer Jeff Loomis; County Code Compliance Officer and Floodplain Manager Kristine Hilt; Idaho Transportation Department (ITD) Senior Environmental Planner Connie Jones; ITD Staff Engineer Brock Dille; and Pepin Corso Harris.

ITD applied for a Stream Alteration Permit (SAP) to replace the Stanton Crossing Bridge on Idaho State Highway 20 about two miles west of Timmerman Junction. A bridge inspection in 2012 revealed the bridge was structurally deficient. ITD will lengthen and widen the bridge, remove one pier, reconstruct part of the highway, and, in the process, review local access to the highway. ITD has received a Floodplain Conditional Use Permit; this is the last permit required by the County.

ITD will begin construction in January before the yellow-billed cuckoo, an endangered species, arrives, and complete construction in August, after the birds leave.

Commissioner McCleary arrived for the afternoon session at this time.

Hilt read notice.

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

DISCLOSURES:

- Commissioner McCleary was contacted by Idaho Transportation Department District 4 Engineer Devin Rigby for her opinion on whether a Stream Alteration Permit was necessary. After discussion, they mutually agreed the SAP permit process was beneficial to both the County and ITD.

ITD Senior Environmental Planner Connie Jones showed the BCC where wetlands were located. Blaine County Land Use Administrator Tom Bergin said some wetlands intrusions require a Conditional Use Permit. Staff requested a copy of ITD's complete information packet sent to the Army Corps of Engineers (ACE) be given to the BCC. Jones assured the BCC that permanent impacts of the bridge, such as those caused by pier reconfiguration, are reviewed by ACE and the Federal Highways Administration (FHWA).

ITD put together a Stormwater Pollution Prevention Plan (SWPPP) to provide temporary and permanent measures for stabilizing the riparian area, and removing and replacing trees, etc. The area is proposed as critical habitat for the yellow-billed cuckoo; so ITD worked with the Fish and Wildlife Service (FWS) to guarantee yellow-billed cuckoo habitat, and will review the trees that have survived three years to correct any problems. Temporary wetlands area will be revegetated the same as the wetland area.

ITD is required to have an Environmental Protection Agency Construction General Permit; and National Pollution Discharge Elimination System (NPDES) Erosion Sediment Control Plan (ESCP). ITD will dewater the area they're working in, and clean the water before they put it back in the river. If water flow allows a temporary bridge, the bridge will be put on top of a geotextile. When construction is complete, everything down to the original streambed, including the geotextile, will be removed. If water flows are too high for a temporary bridge, the contractor will choose a different method.

Jones said wetlands identified by hydrology and vegetation as "wetlands", regardless of substrate, will be retained and protected, i.e., not touched by contractors.

County Floodplain Manager Hilt expressed concern about construction on the Stanton Crossing Bridge because she and County Engineer Jeff Loomis reviewed current construction on the Highway 75 hospital bridge and saw debris and sediment falling into the river under that bridge during construction. Jones said ACE and DEQ allow a small amount of turbidity downstream, as long as water meets minimum DEQ water quality standards.

PUBLIC COMMENT:

- Pepin Corso-Harris asked if there will be access to the campground and river during bridge construction.
ITD Staff Engineer Brock Dille said campgrounds will be open during construction, and will be accessible. The east approach will be permanently closed.

McCleary felt the application met standards, but wanted conditions addressing a revegetation plan and erosion and sediment control. Commissioner Schoen suggested language that applicant is required to meet federal rules for revegetation and preventing movement of soils and placement of displaced sediment, silt fencing and coffer dams as necessary to meet NPDES criteria.

McCleary moved, seconded by Schoen, to approve a Stream Alteration Permit to replace the bridge over the Big Wood River on U.S. Highway 20, roughly two miles west of the US 20/State Highway 75 junction, by Idaho Transportation Department, with conditions stated in the staff report and based on a Finding that ITD will meet some standards in other permits, and find that it meets the criteria of Title 9 Chapter 17 Floodplain Overlay District and Riparian Setback District. Motion carried unanimously.

- **Comprehensive Plan - Chapter 5, Natural Environment: Resources, Hazard Areas, and Conservation.** Continuation of public hearing and consideration of proposed amendments to Title 8, Ch. 1, Comprehensive Plan. The proposed Natural Environment chapter would replace Section 5, Hazardous Areas, and Section 10, Natural Resources, of the current Plan. Hazardous Areas and Natural Resources are required elements of a comprehensive plan per Idaho Code Section 67-6508. The Planning and Zoning Commission recommended approval of the chapter on March 31, 2016.

Also present: Blaine County Land Use Administrator Tom Bergin; County Deputy Land Use Administrator Kathy Grotto; Blaine County Comprehensive Plan Update Consultant Lisa Horowitz; Comprehensive Plan Steering Committee member Len Harlig; and Chris Harding.

County Deputy Land Use Administrator Kathy Grotto said Land Use had received compliments on the revised Comprehensive Plan.

Grotto said they did full public notice for today's hearing.

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

The BCC changed a few words and sentences. Commissioner Schoen said he felt the County's assets were presented rather like an "inventory," and suggested a reorganization.

Public comment and BCC discussions:

- Len Harlig said they used the term “natural environment” in the chapter because “natural resources” tended to indicate mining, water and other types of exploitation.
- McCleary said climate change was no longer a *new* challenge.
- Harlig said the Hillside Development Ordinance was always and would always be under pressure.
- Sage-grouse habitat is fragmented, including by livestock overgrazing.
- Water resources, including natural flow regimes and diverted flow. Baseland bypass ranchlands are the oldest water rights in the valley.

McCleary moved, seconded by Schoen to continue the public hearing on the Comprehensive Plan - Chapter 5, Natural Environment: Resources, Hazard Areas, and Conservation to September 20, 2016, at 2:30 pm. Motion carried unanimously.

EXECUTIVE SESSION – §74-206 1(f) Courthouse roof mediation discussion

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 74-206 1(f), to discuss with legal counsel the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Schoen (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:00 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Jacob Greenberg
Chairman