

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
SPECIAL (FIFTH MONDAY) MEETING OF THE APRIL 2013 SESSION**

Sixth Day

Tuesday, April 30, 2013

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Lawrence Schoen, Vice-Chairman Angenie McCleary, Commissioner Jacob Greenberg; County Administrator Derek Voss; Chief Deputy Clerk Leslie Londos; Operations Director Char Nelson; and Recording Secretary Sunny Grant.

Chairman Schoen called the meeting to order at 9:02 a.m.

PUBLIC COMMENT - NONE

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 Manager Brooke Roberson and Indigent Services Assistant Amy Rivkin.

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

OPEN SESSION RESUMED

McCleary moved, seconded by Greenberg, to deny Application for Assistance in Case #2013-35, based on staff recommendation. Motion carried unanimously.

McCleary moved, seconded by Greenberg, to approve Application for Assistance in Case #2013-41, with a \$25.00 reimbursement per month, to be evaluated over time. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

County Administrator – Derek Voss

- County and city administrators plan to start meeting monthly. Topics at the last meeting:
 - The South Gateway Water Study will cost about \$9,000. Expect Ketchum and Blaine County to pay 1/3 each, and the Sun Valley Water-Sewer District 1/6. Hope to get remaining 1/6 from City of Sun Valley. The Water Study won't be before Sun Valley City Council until late May.
 - Discussed Interoperable funding concerns.
 - Briefly mentioned emergency communications.
 - Discussed the countywide FY2014 budget process.

Operations Director – Char Nelson

Road and Bridge:

- Inspected Gannett Road flooding reported by a resident.
 - A farmer excavated a trench in a County road shoulder to find a leak in his irrigation pipe. Road crew told the farmer a permit was needed.
 - Last year, a farmer put an irrigation pipe in a culvert under the road, causing flooding. The County repaired the road and the farmer paid the bill. Apparently, a County road culvert will be used again this year for an irrigation pipe (may or may not be the same culvert).
County culverts are designed to divert floodwaters. Sheet flooding could occur if culverts are used for other purposes. Irrigation pipes must go under the road and not through culverts. Permits are required for any excavation work done in the County's right-of-way.
- Road and Bridge crews are clearing snow and avalanches from Trail Creek Road.
- Received call from citizen about public access to Lee's Gulch. The gate is closed until May 1. Residents want to use the area and are parking on private property. Complaints are likely to continue until BLM provides parking solution in the area.
- Adams Gulch Bridge project – Keller and Associates negotiated a revised scope of work supplemental agreement with ITD to cover more in-depth design.

Weeds

- Last week's Cooperative Weed Management Area (CWMA) meeting was well attended by people from 12 different agencies. Discussed funding and grant awards received. Reviewed importance of meeting requirements of grants.
- No dates yet for goat weed control on the bike path. Other people are encouraged to use goats while they're in the area to reduce the price.
- Blaine County Recreation District asks anyone spraying near the bike path to publicize it, to lessen complaints to the Rec District.

Buildings and Grounds

- Old County Courthouse retrofit project RFQ applicants will be on site today.
- Asphalt work in front of judicial building should be complete this week.

Waterways

- Blaine County Waterways Coordinator Lamar Waters asked the BCC to request an annual waterways contribution of \$1,600 from Camas County.

Recycle Center

- The Recycle Center’s interior walls, which were never finished and are being damaged by high winds, are being repaired.

Schoen asked for ideas on how to promote the recycle center in Carey.

CONTRACTS, GRANTS AND AGREEMENTS DISCUSSION AND CONSIDERATION

- **USGS Joint Funding Agreement for Water Resources Investigations** Record #
- **Memorandum of Understanding with The Nature Conservancy of Idaho for Evaluation of Silver Creek Macroinvertebrate Populations** Record #

Also present: Blaine County Land Use Administrator Tom Bergin; and Grant Administrator Michele Johnson.

This item was continued from a previous meeting. The MOU directs the pass-through of money from The Nature Conservancy to the U.S. Geological Survey for the Microinvertebrate Population Study.

McCleary moved, seconded by Greenberg, to approve Joint Funding Agreement between the U.S. Department of the Interior U.S.G.S. and Blaine County for water resources investigation. Motion passed unanimously.

Greenberg moved, seconded by McCleary, to approve MOU between Blaine County and The Nature Conservancy for the evaluation of Silver Creek’s macroinvertebrate population. Motion carried unanimously.

- **Memorandum of Agreement for Mass Fatality Trailers** Record #

This renews an ongoing relationship to share a trailer outfitted for mass fatality situations.

McCleary moved, seconded by Greenberg, to approve the Memorandum of Understanding for mass fatality trailer with the South Central Public Health District. McCleary amended her motion to approve the Memorandum of Understanding for mass fatality trailer with a number of neighboring Idaho counties. Greenberg seconded the amended motion. Motion carried unanimously.

- **Williams Scotsman Lease Agreement** Record #

This is a trailer for the temporary housing of the Clerk’s office during the Old County Courthouse retrofit project.

McCleary moved, seconded by Greenberg, to approve the agreement with Williams Scotsman for a trailer for Clerk’s office staff during the retrofit of the Old County Courthouse. Motion carried unanimously.

BOARD REPORTS, DISCUSSION and CONSIDERATION

ITD Public Transportation Funding Update – McCleary

McCleary attended the recent Procurement Technical Assistance Program (PTAC) meeting, which advises ITD on how to allocate federal funds for public transportation. PTAC receives its funding recommendations from District Coordinating Councils. The local DCC chose to base its recommendation to PTAC solely on population, and PTAC voted 4-2 to accept the DCC’s recommendation. If ITD accepts PTAC’s recommendation, Twin Falls Trans IV will receive more funding than Mountain Rides, even though Trans IV provides less service and uses funds less efficiently on a per-passenger basis compared to Mountain Rides.

ADA Curb Ramp Funding – Schoen

The BCC will write a letter of support for Mountain Rides’ grant application for funding to provide ADA curb ramps for bus stop improvements at Highway 75 and East Fork Road/Greenhorn Road.

BLM Travel Management Plan – Schoen

The BLM is under a court order to complete work in other parts of the state. The resulting limited financial and personnel resources have forced the BLM to delay work on the travel management plan it initiated several years ago.

Gateway West Transmission Line – Schoen

The BCC received a DVD of the Gateway West Transmission Line project EIS. The BLM is deciding how to proceed with segments of the transmission line.

Community Guardians Program – Schoen

The CSI Adult Protection Program Manager asks County Commissioners to form a County Board of Community Guardians responsible for wards adjudicated incompetent in a Court of Law.

Stream Gauge Chart – Schoen

The Big Wood River will probably be challenged with water and irrigation demands this summer. Schoen will be tracking water with the watermaster and will send the Request for Declaration of Drought if appropriate.

WOOD RIVER VALLEY TRAIL COUNT STUDY

Also present: Blaine County Senior Planner Kathy Grotto; GIS Program Manager Joel Hall; Blaine County Recreation District Executive Director Jim Keating; Mountain Rides Executive Director Jason Miller; Sustain Blaine Executive Director Harry Griffith; Wood River Bike Coalition Executive Director Brett Stevenson; and *Idaho Mountain Express* reporter Kate Wutz.

Last summer, the Blaine County Recreation District (BCRD) and Sustain Blaine partnered in conducting a trail counts study to survey usage of the Wood River Trail system and local backcountry trails. Sustain Blaine located 24 infrared counters at trailheads throughout the valley, and moved the counters around to different trailheads throughout the summer. Volunteer surveyors were positioned at trailheads to interview trail users to develop user profiles and data.

The counters and surveyors tallied 725,000 total trail user days April thru November 2012. User data showed 48% were locals, 28% visitors and the remaining undesignated. Users tend to be older, hike in groups, and be from the Intermountain West. Bicycle usage is 79% and hikers/runners are 13%. 350,000 of the user trips were on the bike path.

Sustain Blaine and the BCRD request support of Blaine County's GIS Department to convert the resource data into map-based information and make it intuitively understandable. The data has economic benefit and other useful implications for marketing and local business. The cities of Ketchum and Sun Valley use County GIS personnel on a weekly basis, and will contribute some of their GIS time to the project. The BCC directed staff and Sustain Blaine/BCRD to determine the data's value to all of Blaine County, and identify County resources that are needed.

BLAINE COUNTY COMMUNITY BICYCLE AND PEDESTRIAN MASTER PLAN PROPOSAL

Also present: Blaine County Land Use Administrator Tom Bergin; County Communications GIS Analyst Chris Corwin; Sustain Blaine Executive Director Harry Griffith; Blaine County Recreation District Executive Director Jim Keating; Mountain Rides (MRTA) Executive Director Jason Miller; MRTA Board Member Steve Wolper; Wood River Bike Coalition Executive Director Brett Stevenson; Lili Simpson; and *Idaho Mountain Express* reporter Kate Wutz.

When Blaine County did its 2012 Transportation Study, public input requested a comprehensive multi-jurisdictional bike-pedestrian system throughout the county. A subcommittee confirmed that countywide bike-pedestrian infrastructure would attract tourists, benefit the economy, and contribute to the county's transportation network.

The League of American Bicyclists granted the Wood River Valley silver status as a bike-friendly community in 2008. At that time, the League suggested the Valley needed a master bike plan coordinated with the BCRD, Mountain Rides, Community Transportation Association of Idaho (CTAI), Blaine County and the Idaho Transportation Department. The Master Bike Plan should be incorporated into the comprehensive plans of all local jurisdictions. The Bike Coalition estimates a master plan will cost about \$15,000; and asked Blaine County to be the umbrella organization for handling funds.

The BCC agreed this kind of countywide collaboration would be of great economic value and bring people together from all ends of the county and diverse backgrounds and uses. There is some money available in the Commissioners' budget that could potentially be tapped.

Blaine County Road and Bridge Department is currently funded at less than 25% of what is necessary to maintain its roads. That percentage would be further reduced if roads are designed to accommodate bike traffic; and the County doesn't have equipment to maintain road shoulders to bicyclists' standards.

PUBLIC COMMENT:

Public input strongly supported the efforts toward a unified bike-pedestrian infrastructure development.

COUNTY BENEFITS INSURANCE BROKER, DISCUSSION and CONSIDERATION

Also present: Blaine County Human Resources Generalist Susan Potucek; Payroll Clerk Barbie Royal; Chief Deputy Clerk Leslie Londos; Wood River Insurance agent Rhiana Mitchell; and Western Benefits

Solutions VP and Benefits Consultant Cindy Smart-Tealey.

Potucek met with Wood River Insurance and Western Benefits Solutions. A relationship with both agencies would provide a comprehensive insurance benefit to the County's employees. Wood River Insurance will act as broker and advisor for general and dental benefits. Western Benefits Solutions will act as broker and advisor on other specialized programs. Each provider will charge 1% of health insurance. Wood River Insurance will receive 3% commission for the cost of Delta Dental insurance.

The BCC thanked the two insurance brokerages for their communication and cooperative efforts for the benefit of Blaine County.

SOUTH CENTRAL PUBLIC HEALTH DISTRICT V ANNUAL BUDGET PROPOSAL

Also present: South Central Public Health District (SCPHD) Board Chair Linda Montgomery; SCPHD District Director Rene LeBlanc, SCPHD Senior Nurse Linda Lubeck, and SCPHD Environmental Health Specialist Bob Erickson.

Director LeBlanc presented the SCPHD's mid-year FY 2013 budget and FY2014 budget manual.

LeBlanc explained his concerns about funding shortfalls and possible change in federal contracts. The SCPHD is in danger of losing employees to the private sector due to an ongoing salary freeze. As a result of increased health insurance costs, the SCPHD will reduce some staff time and eliminate some positions, some of which are currently vacant. Operations expenses are being reduced as well. The Public Health District is considering introducing an escalator tied to the CPI to at least keep pace with cost of services and inflation.

Blaine County's contribution to the SCPHD is higher than other counties because its market value comprises 48% market value of the eight counties in SCPHD.

Senior Nurse Linda Lubeck said focus in the Bellevue Public Health office is on prevention, promotion and protection, primarily of communicable diseases. The office promotes immunizations for adults and children, flu clinics for seniors, school nursing, education on STDs and unplanned pregnancy, and healthy family and lifestyle choices.

Environmental Health Specialist Bob Erickson inspects new and existing food establishments and school lunch programs for food storage and preparation; and works with architects and landscape architects on sewers, septic systems and swim pool inspections.

The BCC thanked the SCPHD for their work in Blaine County, even though the office is only open part time and staff has to come from other counties on a part-time basis.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- **East Fork Subdivision #1 Lot 2, Block 3 – Appeal of Administrative Mountain Overlay Determination:** Consideration of an **appeal** by owner Michael Rollins of a decision by the Blaine County Land Use & Building Services Director regarding the non-conforming status relative to the Mountain Overlay District of the residence at **107 East Fork Rd.** Lot 2, Block 3, East Fork Subd. #1. **There is no opportunity for public comment.**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Zoning Specialist Nancy Cooley; Code Compliance Specialist Diane Shay; appellants Michael and Clotilde Rollins and their attorney Michael Pogue; Lili Simpson; Martin Flannes; Gary St. George; Brian Poster; Kris Webster; and Jo Lowe.

There were no notice requirements, but Bergin explained that some notice had been sent.

Graves explained that the BCC was limited in its consideration to items already on the record, information from the Land Use Department and arguments from the appellants' attorney. No public comment is allowed.

APPELLANT:

Appellants' attorney Mike Pogue said this hearing is limited to a fairly narrow procedural issue. He reviewed the case history which is in the record. He stated that the value of the Rollins house is affected negatively by its designation as a non-conforming structure. He said the Rollins wish is simply to apply for a Site Alteration Permit and for BCC to reverse the administrator's determination that their house is a non-conforming structure.

Blaine County Chief Deputy Prosecuting Attorney Tim Graves stated that since the Idaho Supreme Court decision, the Mountain Overlay District (MOD) has been mapped throughout the County. The Rollins house is clearly within the MOD. Graves stated that the residence is a non-conforming structure within the MOD.

Judge Elgee's decision under the old MOD standards incorrectly called this structure a non-conforming

use. Residences in the MOD are non-conforming structures but not non-conforming uses.

The Rollins residence is a non-conforming structure under the current MOD, and is entitled to certain rights as such. Many residences in the MOD are non-conforming structures. Repairs and certain alterations can be made to a non-conforming structure with a Site Alteration Permit as long as the change(s) reduce visibility of the structure.

BCC DELIBERATIONS:

The BCC determined that the property is in the Mountain Overlay District and is a non-conforming structure. The appellant may pursue a Site Alteration Permit through the regular Planning and Zoning Commission process.

The BCC reiterated that non-conforming structures in the MOD are not uncommon, and this property is not unlike most of them. The BCC directed Graves to draft a decision for BCC approval that states that the Rollins residence is a non-conforming structure, as determined by the Blaine County Land Use Administrator, and that the Rollins are free to pursue a Site Alteration Permit.

Greenberg moved, seconded by McCleary, to confirm the administrative determination that the Rollins residence is a non-conforming structure, and direct staff to prepare Findings of Fact. In discussion, the BCC acknowledges that Rollins are free to pursue a Site Alteration Permit application under conditions established by previous actions of the Land Use Administrator. **Motion carried unanimously.**

- **Cold Springs Crossing Community Housing Amendment:** Public hearing and consideration of an application by CK Enterprises to amend an approved Community Housing – Planned Unit Development. The applicant is requesting a reduction in the number of Community Housing Units from 5 to 4 in the 15-unit apartment complex called “Cold Springs Crossing” (formerly known as McHanville Apartments). The property is zoned Medium Density Residential (R-4) with Community Housing Overlay – Commercial Subdistrict (CH-C) and is located at 127 Hospital Drive (formerly 12610 Highway 75). The legal description is Tax Lot 8264, within Section 30, T4N, R18E, B.M., Blaine County.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Marc Reinemann; and Martin Flannes.

Grotto read notice.

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

DISCLOSURES: Greenberg toured the site last December with Grotto and Ketchum City officials. McCleary made a similar site tour at a different time.

The Community Housing Planned Unit Development ordinance was recently amended to reduce maximum density and the Community Housing requirement percentage. The Cold Spring Crossing apartments were approved in 2011, and are under construction. The applicant requests the number of Community Housing units in the 15-unit apartment development be reduced from 30% (4 original CH units reconfigured to 5 CH units) to 11 market-rate units and four 1BR and 2BR CH units.

The applicant said the CH-PUD ordinance is based on acreage. The project site design is limited because the property is .07 short of an acre. The owners are considering ways to add enough land to make an acre, but request the BCC amend their application from five CH units to four.

Grotto said the applicant can build their project as approved; or the BCC can approve an amendment based on the current ordinance. An application for vacation of Hospital Drive may also come forward. Once the project is finished and occupied, there can be no amendments.

PUBLIC COMMENT – NONE

Greenberg moved, seconded by McCleary, to approve application of amendment to reduce CH units from five to four, subject to Conditions of Approval. In discussion, the BCC clarified that the CH units will be two 1BR and two 2BR, as suggested by the Blaine County Housing Authority. **Motion carried unanimously.**

LAND USE AND BUILDING SERVICES DISCUSSION

- **Findings of Fact: Loving Creek Stream Alteration Permit Pond Dredging**

McCleary moved, seconded by Greenberg, to approve Findings of Fact, Conclusions of Law and Decision for application from John Fery for a Stream Alteration Permit for sediment removal on Loving Creek. Motion carried unanimously.

- **Preliminary Comprehensive Plan Update Discussion**

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

The Land Use Department is preparing to begin the Blaine County Comprehensive Plan update

