

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE DECEMBER 2013 SESSION**

Second Day

Tuesday, December 10, 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.

Commissioner McCleary arrived at 9:26 a.m.

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

PUBLIC COMMENT

Also present: Wood River Land Trust representative Patti Lousen.

- Trout Unlimited Idaho Project Director Chad Corney expressed Trout Unlimited's support of formation of a local groundwater district.
- The Nature Conservancy Silver Creek Preserve Manager Dayna Gross said a groundwater district would provide community input into future water management. Public education will be a top priority.

There are State Statutes about the limited role of County Commissioners in water management. The community needs to be educated about water management issues and impacts on private and commercial water users, and what opportunities may exist for the private sector.

EXECUTIVE SESSION – Idaho Code 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 Brooke Roberson and Welfare Assistant Amy Rivkin.

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

OPEN SESSION RESUMED

Greenberg moved, seconded by Schoen, to deny Medical Indigent Application for Assistance Case #2013-97, based on staff recommendations. Motion carried 2/0.

Greenberg moved, seconded by McCleary, to approve Medical Indigent Application for Assistance Case #2013-94, with a \$25.00 monthly reimbursement, based on staff recommendation. Motion carried 2/0.

Greenberg moved, seconded by McCleary, to approve Medical Indigent Application for Assistance Case #2013-90, with a \$25.00 monthly reimbursement and reevaluation in six months, based on staff recommendation. Motion carried 2/0.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims – Schar Boyd

- Deputy Auditor Schar Boyd presented the claims.

Greenberg moved, seconded by Schoen, to approve claims dated December 10, 2013 with additional claims for Idaho Power, Intermountain Gas, and CenturyLink presented by staff. Motion carried 2/0.

ajv112013	Nov-2013		
FUND 01	AGAINST GENERAL FUND		
Blaine County Employees	Salaries November 14	\$ 245,129.26	
Blaine County Employees	Salaries November 27	\$ 244,638.43	
Total November FICA		\$ 34,506.85	
Total November Benefits		\$ 146,574.28	
Total November Bills		\$ 384,433.91	
Combined Total November Expense			\$1,055,282.73
FUND 02	AGAINST ROAD & BRIDGE		
Blaine County Employees	Salaries November 14	\$ 27,364.06	
Blaine County Employees	Salaries November 27	\$ 27,364.05	
Total November FICA		\$ 3,904.74	
Total November Benefits		\$ 17,425.56	
Total November Bills		\$ 82,411.31	
Combined Total November Expense			\$ 158,469.72

FUND 03	AGAINST ELECTION CONSOLIDATION		
Blaine County Employees	Salaries November 14	\$ 3,077.97	
Blaine County Employees	Salaries November 27	\$ 2,521.30	
Total November FICA		\$ 425.60	
Total November Benefits		\$ 917.18	
Total November Bills		\$ 11,818.26	
Combined Total November Expense			\$ 18,760.31
FUND 04	AGAINST AMBULANCE		
Total November Bills		\$ 175,166.11	\$ 175,166.11
FUND 06	AGAINST DISTRICT COURT		
Blaine County Employees	Salaries November 14	\$ 1,970.26	
Blaine County Employees	Salaries November 27	\$ 1,970.26	
Total November FICA		\$ 301.46	
Total November Benefits		\$ 1,045.04	
Total November Bills		\$ 6,889.81	
Combined Total November Expense			\$ 12,176.83
FUND 07	AGAINST COUNTY FAIR		
Total November Bills		\$ -	\$ -
FUND 11	AGAINST PUBLIC HEALTH		
Total November Bills		\$ 19,816.17	\$ 19,816.17
FUND 12	AGAINST HISTORICAL SOC. & MUSEUM		
Total November Bills		\$ -	\$ -
FUND 16	AGAINST CHARITY & INDIGENT		
Blaine County Employees	Salaries November 14	\$ 1,844.00	
Blaine County Employees	Salaries November 27	\$ 1,844.00	
Total November FICA		\$ 225.78	
Total November Benefits		\$ 1,246.85	
Total November Bills		\$ 5,750.96	
Combined Total November Expense			\$ 10,911.59
FUND 17	AGAINST JR. COLLEGE TUITION		
Total November Bills		\$ 37,650.00	\$ 37,650.00
FUND 19	AGAINST CONSOLIDATED EMERG. COMM.		
Blaine County Employees	Salaries November 14	\$ 22,254.51	
Blaine County Employees	Salaries November 27	\$ 22,663.02	
Total November FICA		\$ 3,369.17	
Total November Benefits		\$ 13,429.66	
Total November Bills		\$ 10,681.96	
Combined Total November Expense			\$ 72,398.32
FUND 20	AGAINST REVALUATION		
Blaine County Employees	Salaries November 14	\$ 10,310.27	
Blaine County Employees	Salaries November 27	\$ 10,435.63	
Total November FICA		\$ 1,356.43	
Total November Benefits		\$ 9,489.12	
Total November Bills		\$ 1,252.45	
Combined Total November Expense			\$ 32,843.90
FUND 22	AGAINST RECYCLE CENTER		
Blaine County Employees	Salaries November 14	\$ 3,914.80	
Blaine County Employees	Salaries November 27	\$ 3,914.80	
Total November FICA		\$ 596.02	
Total November Benefits		\$ 2,078.15	
Total November Bills		\$ 2,281.52	
Combined Total November Expense			\$ 12,785.29
FUND 23	AGAINST SOLID WASTE		
Total November Bills		\$ 1,980.68	\$ 1,980.68
FUND 27	AGAINST NOXIOUS WEEDS		
Blaine County Employees	Salaries November 14	\$ 3,600.67	
Blaine County Employees	Salaries November 27	\$ 3,600.67	
Total November FICA		\$ 482.24	
Total November Benefits		\$ 2,773.22	
Total November Bills		\$ 2,763.88	
Combined Total November Expense			\$ 13,220.68

FUND 30	AGAINST CAPITAL IMPROVEMENT FUND		
Total November Bills		\$ 748.41	\$ 748.41
FUND 31	AGAINST PSF BOND REDEMPTION		
Total November Bills		\$ -	\$ -
FUND 35	AGAINST NURSING HOME		
Blaine County Employees	Salaries November 14	\$ 1,923.20	
Blaine County Employees	Salaries November 27	\$ 1,923.20	
Total November FICA		\$ 294.26	
Total November Benefits		\$ 1,034.40	
Total November Bills		\$ 104.32	
Combined Total November Expense			\$ 5,279.38
FUND 37	AGAINST SNOWMOBILE		
Total November Bills		\$ 304.83	\$ 304.83
FUND 38	AGAINST WATERWAYS		
Blaine County Employees	Salaries November 14	\$ 136.50	
Blaine County Employees	Salaries November 27	\$ -	
Total November FICA		\$ 10.45	
Total November Benefits		\$ 15.92	
Total November Bills		\$ 27,742.24	
Combined Total November Expense			\$ 27,905.11
FUND 46	AGAINST E-911 EMERGENCY COMM.		
Blaine County Employees	Salaries November 14	\$ 4,641.50	
Blaine County Employees	Salaries November 27	\$ 4,641.50	
Total November FICA		\$ 645.48	
Total November Benefits		\$ 2,943.78	
Total November Bills		\$ 5,860.09	
Combined Total November Expense			\$ 18,732.35
FUND 51	AGAINST LAND WATER & WILDLIFE LEVY		
Total November Bills		\$ 6,134.63	\$ 6,134.63
FUND 81	AGAINST LIABILITY INSURANCE		
Total November Bills		\$ -	\$ -
TOTAL ALL FUNDS			\$1,680,567.04

County Administrator – Derek Voss

• **Presentation by Safe Haven Healthcare of Upper Payment Limit (UPL) Reimbursement**

Blaine Manor Interim Director Stephanie Jaskowski; Blaine Manor Board member Linda Haavik; Safe Haven representative Dave Hennessy; Bell Mountain Nursing Home Administrator Jeri Herrera; and Director of Nursing Services Cindy Rhinevault;

Herrera presented the last Upper Payment Limit provider tax reimbursement check to Blaine County.

Herrera said a number of Blaine Manor staff and 15 Blaine Manor patients had transitioned to Safe Haven and seemed to have adjusted well.

Hennessy said exterior walls are going up on all three of the Bellevue Bell Mountain facility's buildings. Safe Haven has state approval of the fire alarm system. Opening is anticipated for October-November 2014.

Bell Mountain now has a resident council that is well organized and contributing good input, which Bell Mountain is incorporating.

The State's survey results should be in soon.

Blaine County Commissioner Angenie McCleary arrived at 9:26 a.m.

Operations Director – Char Nelson

- The County website keeps the community updated on where Road and Bridge is working.
- The Weed Department will reseed right-of-ways with crested wheatgrass after Road and Bridge completes projects; and will experimentally mow a right-of-way strip to see if it's beneficial in reducing weed growth.
- The Adams Gulch Bridge project was designed to correct some problems in the immediate area, but there are concerns about eddies downstream. Nelson has discussed a minor project addition with the Local Highway Technical Assistance Council (LHTAC), Idaho Transportation Department and Keller & Associates to see if the additional \$80,000 cost can be included in the project.
- Blaine County's new maintenance technician is Patrick Boyle. He has extensive experience with property management and construction.
- Southern Idaho Solid Waste District (SISWD) and Blaine County Recycling Center are going to work together to improve recycling efforts.

- Staff has been working with McKinstry and Yamas to improve the HVAC system in the Blaine County Annex building, and will be operating the system in a test run this week.
- Blaine County Emergency Communications Director Robin Stellers has researched emergency notification systems. She will make a recommendation to the BCC and present a contract at a future BCC meeting. The County uses an emergency notification system for community and employee alerts and mass notification, storm alerts, conference calls, etc.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Intermountain Facility Agreement with BHC Intermountain Hospital, Inc. Record #615438**
This is a long-standing indemnification agreement. Voss questions indemnification language in the contract, but recommends the BCC approve it at this time. The risk is low.

McCleary moved, seconded by Greenberg, to approve the Intermountain Facility Agreement between Blaine County and BHC Intermountain Hospital Inc. for FY2014. Motion carried unanimously.

- **Contract for Services with Camas County for Snow Removal**
This is a long-standing contract for snow removal of West Magic Road. Blaine County is reimbursed for costs.

Greenberg moved, seconded by McCleary, to approve Contract for Services between Blaine County and Camas County for snow removal of West Magic Road for FY2014. Motion carried unanimously.

- **Roofing and Seismic Project Agreement between Blaine County and Contract Manager**
Staff is requesting authorization to use this standard AIA agreement to engage with Kreizenbeck as Contract Manager Advisor (CMA) and other contractors on the Old County Courthouse roof and seismic project. With BCC approval of this basic contract, Operations will proceed to negotiate terms with Kreizenbeck.

McCleary moved, seconded by Greenberg, to approve the form and function of the Roofing and Seismic Project Agreement between Blaine County and Contract Manager Advisor Kreizenbeck, contingent upon successful negotiations between the administrator and contractor. Motion carried unanimously.

CONSENT CALENDAR

- **Resolution 2013-63 – electing to receive Secure Rural Schools payment Record #615319**

Greenberg moved, seconded by McCleary, to approve the Consent Calendar for December 10, 2013. Motion carried 2/0.

APPOINTMENTS

- **Air Service Board**
McCleary moved, seconded by Greenberg, to appoint Commissioner Larry Schoen to the Air Service Board. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Beaver Creek Fire Recovery Update – McCleary

- U.S. Congressman Mike Simpson’s staff is checking to see when Congress might appropriate additional funds to the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) program. Blaine County is about 30th on the list waiting for funding.

Blaine County Regional Transportation Committee – McCleary

- Majority of meeting was spent discussing the Community Bike/Pedestrian Master Plan. Stakeholders are staying involved in moving the program forward. Bike shop owners are enthusiastic and looking for private money.
- Idaho Transportation Department District Engineer Devin Rigby said ITD’s State Highway 75 widening design in the area south of the hospital with a 20ft clear zone and drainage ditches does meet highway safety standards, but members of the BCRTC are concerned that the shoulder and ditches don’t look very safe. The ditches are “non-recoverable”, meaning a car that had driven into the ditch would not likely be able to drive out. Schoen said the drainage ditch is as large as a good-sized irrigation canal and he was concerned about what constituted ITD highway safety standards. A number of residents have complained about the highway conditions in this area. The Beaver Creek Fire caused timing problems, but the construction crew left the project with asphalt chunks causing serious safety concerns and now ITD was threatening to not complete the bridge as designed. ITD said they designed the clear zone and ditches to save money so they could afford the wider bridge, and offered to either make the roadway safer or widen the bridge. McCleary notified ITD that these choices were not acceptable. Blaine County Engineer Jeff Loomis has submitted recommendations. The BCRTC will discuss future action in January. Schoen wants to address safety on the entire stretch of proposed Highway 75 improvements.

Regional Behavioral Health Board Meeting – McCleary

The Regional Behavioral Health Board discussed mental health problems and funding with legislators who attended the meeting.

Legislative Interim Committee on Transfer of Public Lands – Schoen

Transfer of public lands has been an ongoing discussion at Idaho Association of Counties meetings. Schoen testified December 4 before the interim legislative committee against the transfer of public lands. The morning session was public comment, with mixed opinions; and the afternoon session was conservation organizations. Greenberg said he refused to fill out the survey form IAC distributed because it was so slanted.

Sawtooth Board of Realtors Symposium on Conjunctive Administration of Water Rights – Wood River Land Trust Project Coordinator Patti Lousen

There is a real divergence of opinion, but all three BCC members and several conservation organizations support formation of a groundwater district. Impacts of conjunctive administration of water rights are going to be serious, and the community is expressing concerns. Some citizens complained that letters from Innovative Mitigation Solutions were intimidating. Some businesses supportive of the Air Service Board were included as references for Innovative Mitigation Solutions without their endorsement. Greenberg suggested the BCC review IMS's answers to the County's objections.

UNIVERSITY OF IDAHO EXTENSION QUARTERLY REPORT

Blaine County Extension Educator Lauren Hunter, Administrative Assistant Sarah Busdon, 4-H Coordinator Kathi Kimball, and Extension Vista volunteer Loretta Bonner.

Hunter reported on her programs:

- Extension is planning a water workshop in March.
- Hunter and other Southern Idaho Extension educators have reached over 700 producers on over 440,000 acres in southern Idaho in three years.
- Over 90% of Blaine County producers responding to a survey said they implemented dairy compost into their soil management plan or adjusted their current use of dairy compost.
- Cover crop education has helped Blaine County producers save on fertilizer costs by providing better soil management and livestock forage.

4-H Coordinator Kathi Kimball said she and Vista volunteer Loretta Bonner were working with ten 4-H leaders and 60 youth.

- 4-H is injecting Science Technology Engineering & Math (STEM) programming as an extracurricular activity into the schools.
- Blaine County School District and 4-H members compete in robotics "cooperatition". Blaine County won 1st place at its first Robotics state championship.
- Range Science was introduced to first through third graders at the YMCA by demonstrating perennial and annual seed science. Range Science in conjunction with Trailing of the Sheep is taught in fourth grade as part of Idaho History. The Sawtooth Botanical Garden invited high school Freshmen to an environmental protection version of Range Science.
- Staff will create a new assignment description and hope to get a new Vista volunteer.

The BCC thanked Extension workers for helping local producers accomplish good results without putting chemicals into the ground. Schoen encouraged Extension to continue research on nutrient economic value of dairy composting.

RECOVERS.ORG WEBSITE PRESENTATION and DISCUSSION

Also present: Blaine County GIS Analyst/CAD Administrator Chris Corwin; Blaine County Disaster Services Coordinator Chuck Turner; City of Hailey Volunteer Coordinator LeAnn Gelskey, and recovers.org Chief Operating Officer Chris Kuryak (by phone)

Recovers.org is an online tool that helps cities manage and organize local disaster preparedness and recovery efforts by coordinating volunteers to help people with needs. Recovers.org presented their service to the Local Emergency Planning Committee (LEPC) earlier in 2013. The City of Hailey subsequently implemented hailey.recovers.org, just in time for the Beaver Creek Fire. Blaine County's 21,000 population is easily serviced by recovers.org. The annual cost is about 5¢ per person. Gelskey presented a videoclip of how recovers.org works.

Hailey is still identifying needs to determine if it should be an emergency service or available all the time. Volunteers can indicate their skills and resources they have available to provide. It is important that local jurisdictions work together to make the website most beneficial regionally. A committee could be formed to help decide whether jurisdictions should be combined, how they can best work together and who would staff and administer the site.

Recovers.org requires volunteers to sign a liability waiver that protects recovers.org and organizations that use the site. Recovers.org is working on a more comprehensive liability waiver for donors, volunteers and service requesters. Recovers.org encourages cities to have their counsel review the waiver and suggest revisions.

Commercial contractors are encouraged to offer free or in-kind services in a special area of the website.

BREAK

Commissioner McCleary was not present for the afternoon session until 2:30p.m.

LAND USE AND BUILDING SERVICES HEARINGS

- **Ranch Street Right-of-Way (ROW) Vacation request:** A public hearing on and consideration of a Vacation of Ranch Street to Picabo Livestock Co. to assume maintenance, but keep the ROW available for public use. Ranch Street is immediately south and adjacent to Lot 1A, Block 1, Picabo Hills Subdivision Amended also known as 100 Ranch Street.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; and applicants Nick Purdy and Sharon Purdy.

Cooley said new materials included an amended staff report with clarifying language and new exhibits.

Bergin read notice. Notice on vacations is different from most land use applications.

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

There are new exhibits from Blaine County Recreation District, Idaho Transportation Department, and a comment from Diane James. There is a water line under Ranch Street owned by the applicant that services the RV park.

Ranch Street is a dedicated 60ft right-of-way from Picabo used primarily by ranchers, and will be used by people using the applicant-owned RV Park. The applicant does not intend to limit use of the road, but would like to landscape it closer to the road. He has road equipment to maintain the road himself.

When a road is vacated, the County can place reasonable restrictions on it. The County can require the private road be open to the public or require an easement for the public good.

PUBLIC COMMENT – NONE

The BCC and Purdy discussed whether vacation should be conditioned on the road being open to the public. Almost all use of the road is ranch- or RV park-related. The Blaine County Recreation District has an easement, but is requesting the easement be rewritten to allow it to connect to the public road.

Greenberg made a motion which was not seconded.

Greenberg moved, seconded by Schoen, for Blaine County to vacate the entire Ranch Street right-of-way adjacent to Block 1 Lot 1A, Picabo Hills Subdivision, amended plat Picabo Livestock Company, Inc., as shown and described by Exhibit A2, Maps and Legal Description in the record after required easements—Idaho Power, CenturyLink, and Blaine County Recreation District—have been recorded and such instruments have been provided to Land Use and Building Service. The approved Ranch Street shall not be maintained by the public. The applicant shall provide staff with an amended plat or quitclaim deed showing the aforementioned changes. The applicant must record the amended plat or quitclaim deed within 90 days of final approval, or seek an extension, at the BCC's discretion, within the 90 days. The non-motorized public access easement will be rewritten and recorded to provide continuity through the entire length of Ranch Street. Motion carried 2/0.

LAND USE and BUILDING SERVICES, DISCUSSION and CONSIDERATION

- **Kilpatrick Pond Update – Nick Purdy**

The Picabo Livestock part of the project is almost complete. The pond will be completed this week, and the bypass opened up. The Nature Conservancy starts their part of the project next week.

- **Disposition of County-Owned Property in Indian Springs**

There may be additional parties interested in this property. Land Use will consider getting the property appraised and/or flag the property for public auction.

MOUNTAIN OVERLAY DISTRICT, EMERGENCY SITE ALTERATION PERMIT ORDINANCE WORKSHOP

Also present: Vice-Chairman Angenie McCleary by phone; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; and Steve Woods.

Emergency Ordinance 2013-02 that allow Mountain Overlay District Emergency Site Alteration Permits (MOD ESAP) will expire in March. The BCC discussed various components of a permanent ordinance:

- What is the permit timeframe for an extreme emergency? What is the protocol if the work has already been done in an extreme emergency? What if a neighbor expresses strong opposition?
- What is the timeframe for reconsideration? What if the SAP is denied on work that has already been done?
- Emergency work in the MOD to protect a home may disturb the natural character and aesthetic value of the hillside and be a violation of the MOD. Should the County expect the land to be restored to its prior natural state?

- County engineer review is advisable. The applicant may have engineer drawings which the County engineer can corroborate or question. Code Compliance Specialist Diane Shay said detailed plans, including applicant's engineer review, and County engineer site review are very helpful. Is the County liable if the County engineer approves something that causes damage to another homeowner?
- Are photos and flagging beneficial?
- Is a set timeframe to complete emergency site alteration advisable? Shay suggested the timeframe be individual for each project depending on scope and scale. McCleary said the timeframe should be based on a minimal amount of work done as soon as possible to address an emergency.
- Neighbor properties must be notified and given opportunity to participate.
- A rockslide, debris flow or fallen tree can cause new or unforeseen hazard(s) without warning and precipitate new permit considerations.
- Safety is primary concern, but aesthetics are important to the community and neighbors and should be included in the permanent permit ordinance.
- Should the BCC or P&Z evaluate Site Alteration Permits? The BCC must approve emergency SAPs.
- Reconsideration process is important. Should Land Use Administrator preview applications and make a recommendation for further action?
- What plans and professional evaluation(s) are required for emergency permit? What is required for a permanent permit to replace an emergency permit?
- Should the "emergency" allowing emergency site alterations require an emergency declaration? What if just one or a couple properties are in an emergency situation?
- Once a permanent emergency ordinance is in place, the County should be less tolerant of violations. If work is done without a permit, the County should issue a STOP WORK ORDER, fine the perpetrator and require restoration.
- The fee and financial security for a site alteration permit should be consistent with fee and security for stream alteration permit. The County needs to establish a fee for reconsideration.

PUBLIC COMMENT:

Steve Woods said it is difficult to get good photos that show landscape and contour details. It is critical that neighbors are involved from the start. The MOD ESAP ordinance should address flooding and debris flow, particularly in the Greenhorn basin which is susceptible to high-intensity rain events.

The County P&Z will schedule a public hearing/workshop with public comment.

EXECUTIVE SESSION – §67-2345 1(c) Property Acquisition and 1(f) Potential Litigation.

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 67-2345 1(c) and 1(f) regarding Croy Canyon Ranch Foundation, to conduct deliberations regarding an interest in real property which is not owned by a public agency and 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. Greenberg (aye), and Schoen (aye). Motion carried unanimously.

ADJOURN

At the hour of 3:44 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____
 JoLynn Drage Angenie McCleary
 County Clerk Chairman