

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE DECEMBER 2012 SESSION**

First Day

Tuesday, December 4, 2012

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Angenie McCleary, Commissioner Lawrence Schoen, Commissioner Jacob Greenberg; County Administrator Derek Voss; County Clerk JoLynn Drage; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Kate Wutz.

Chairman McCleary called the meeting to order at 9:08 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

• 12-09-138 • 12-10-145 • 12-10-146 • 12-10-147 • 12-10-148

Present were: Blaine County Indigent Services Manager Brooke Roberson and Indigent Services 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. Schoen (aye), Greenberg (aye), and McCleary (aye). Motion carried unanimously.

OPEN SESSION RESUMED

Greenberg moved, seconded by Schoen, to approve Application for Assistance Case #12-09-138, based on staff recommendation, with a stipulation of repayment of \$25.00 month as soon as the applicant is able to make payments, and further stipulate that the applicant's ability to pay will be reevaluated by staff over time. Motion carried unanimously.

Greenberg moved, seconded by Schoen, to deny Application for Assistance Case #12-10-148, based on staff recommendation; to deny Application for Assistance Case #12-10-147, based on staff recommendation; to deny Application for Assistance Case #12-10-146, based on staff recommendation; and to deny Application for Assistance Case #12-10-145, based on staff recommendation. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Clerk's Report – JoLynn Drage

Also present: Blaine County Treasurer Vicki Sisiam.

The Clerk's office just received a revised First Amendment to the Access Idaho Payport Addendum B. This amendment clarifies the fees to both the customer and the county.

AMEND AGENDA

Schoen moved, seconded by Greenberg, to amend the Blaine County Commissioners December 4, 2012 agenda by adding a revised 1st Amendment to Addendum to the Service Level Agreement for Electronic Transaction and Access to Blaine County Assessor to the Agenda's Consent Calendar; to move the McMorrow Plat Amendment from the Land Use and Building Services Discussion and Consideration to the Consent Calendar; and to remove the Ambulance District Bid Opening from the agenda. Motion carried unanimously.

Operations Director – Char Nelson

- The Local Rural Highway Investment Program (LRHIP) grant application for \$30,000 has been sent to the State.
- Recycle Center informational brochures and stickers will go to the printer this week.
- Leaks in the Public Safety Facility roof are being fixed.

County Administrator – Derek Voss

The Sunshine Review recently gave Blaine County's website a D for transparency. Blaine County takes transparency and accountability very seriously. Voss reviewed the County's website and the BCC will make a determined effort to improve it. BCC noted that all the Skilled Nursing RFP information and documents were available online; and that Blaine County had devoted time and resources to making extensive GIS-related information available to the public. Blaine County has to balance its website capability with fiscal responsibility.

The Administrator and Clerk's office will look at the website to see where improvements can be made.

TAX CANCELLATIONS

Also present: Blaine County Treasurer Vicki Sisiam.

Parcel RPH047000200010 – The Assessor removed the homeowner exemption in 2008 when the homeowner deeded the property to an LLC without submitting documentation that his family continued to occupy the house. The Assessor’s office recently received the necessary documentation. It is reasonable to cancel taxes for the 2012 homeowner’s exemption value for the property.

Schoen moved, seconded by Greenberg, to cancel 2012 taxes on Parcel #RPH04900020010 for the Homeowners Exemption value in the amount of \$812.18. Motion carried unanimously.

Parcel #RPS050000000000 – Johns Manville Idaho granted an 8 ft easement to the property because the neighboring owner’s deck is over the property line by 8 feet. The easement should not have been taxed for 2009, 2010, 2011 and 2012, for a total \$24.60.

Schoen moved, seconded by Greenberg, to cancel taxes on Parcel #RPS050000000000 common area in Twin Creeks II Subdivision, for Tax Years 2009 for \$6.46, 2010 for \$6.66, 2011 for \$5.72, and 2012 for \$5.76, for a total of \$24.60. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS DISCUSSION AND CONSIDERATION

- **Commercial Electronics Master Post Warranty Services Agreement** Record # _____

Also present: Blaine County Emergency Communications Director Robin Stellers.

This is an ongoing service agreement with a program that records emergency communications.

- **Independent Contractor Agreement with Kimberly Berg for Building Inspection** Record #603807

Also present: Blaine County Land Use Administrator Tom Bergin.

This is a standard contract for contract labor. The contract reflects the County’s current mileage rate of 50¢ mile, consistent with employee’s use of vehicles in the Manager/Employee Handbook

- **Amended Public Defender Contract with Christopher Simms Revised Contract** Record # _____
- **Amended Public Defender Contract with Dan Dolan** Revised Contract Record #603804
- **Amended Public Defender Contract with Cheri Hicks** Revised Contract Record #604032
- **Amended Public Defender Contract with Roark Law Firm** Revised Contract Record #604039

These are amended FY2012-13 public defender contracts, with correct dates.

Schoen moved, seconded by Greenberg, to approve the following contracts: Commercial Electronics Master Post Warranty Services Agreement, Independent Contractor Agreement with Kimberly Berg for Building Inspection, Amended Public Defender Contract with Christopher Simms, Amended Public Defender Contract with Dan Dolan, Amended Public Defender Contract with Cheri Hicks, and an Amended Public Defender Contract with the Roark Law Firm. Motion carried unanimously.

CONSENT CALENDAR

Also present: McMorrow representatives Barry Luboviski and Bruce Smith

- **New Liquor License for The Moose Girls Café & Bar**
- **Liquor License Transfer to the Grill at Knob Hill**
- **Resolution 2012-59 Snowmobile Budget Adjustment** Record #603802
- **McMorrow Minor Plat Amendment**
- **(Revised) 1st Amendment to Addendum to the Service Level Agreement for Electronic Transaction and Access to Blaine County Assessor** Record # _____

Schoen moved, seconded by Greenberg, to adopt the Consent Calendar for December 4, 2012. Motion carried unanimously.

BOARD REPORTS, DISCUSSION and CONSIDERATION

Cooperative Weed Management Area Update – Schoen

The Cooperative Weed Management Area coordinators met to discuss their projects throughout the year. Leftover state funds will be available to carry over next year.

Community Drug Coalition Update – Schoen

St. Luke’s Wood River Foundation awarded \$97,500 to the Community Drug Coalition for the Idaho Drug Free Youth program, which the Drug Coalition coordinates. Local youth actively participate in various Drug Free Youth programs, pledging not to use drugs or alcohol and participating in drug testing.

National Association of Counties (NACo) Update – Schoen

Schoen has been reappointed to the NACo Environment, Energy and Land Use Steering Committee. Appointment is necessary to serve on NACo steering committees. Schoen also participates on the NACo Rural Action Caucus.

Sage Grouse Update – Schoen

Schoen participated in the Cooperating Agency conference call, which brings together counties and public agencies, including Craters of the Moon, the Department of Energy, etc., that are affected by the potential for sage grouse listing. The BLM is currently examining the different action alternatives it has received, including individual components of the alternatives, and is working toward issuing a draft final Environmental Impact Statement in 2013.

Public Health District Legislative Meeting – McCleary and Schoen

The Public Health District annually invites local state legislators and county commissioners in its region to discuss regional public health issues. This meeting's focus was on Network of Care and the public health information available on its website free of charge to the public. There was a discussion on the state public health budget and programs.

Public Health District Board Meeting – McCleary

The Board discussed the preceding Public Health District Legislative Meeting. The Board also discussed providing funding for back-up generators for public health offices. The generators would allow public offices to provide service during emergencies and also preserve vaccines in the event of power outage.

Blaine County Employee Meetings – McCleary

The BCC and HR hosted employee meetings last week that addressed harassment and diversity training in the workplace and candid Q&A sessions with the County Commissioners.

The County's Leadership Team continues to explore how to improve communications among team members. Several employees expressed appreciation for the opportunity to learn more about what Blaine County Commissioners do.

Southern Idaho Solid Waste District Board Meeting – Schoen

The Southern Idaho Solid Waste District (SISWD) Board conceptually approved the final drafts for renewal of the Solid Waste Disposal Agreements that establish the membership of individual counties in the SISWD. The SISWD will extend the term of the counties' waste disposal agreements to 20 years and has a provision precluding any county from withdrawing without permission of the other counties.

AIRPORT PROJECT UPDATE AND DISCUSSION

• Friedman Memorial Airport Authority (FMAA) Board

Also present: Friedman Memorial Airport Manager Rick Baird; Friedman Memorial Airport Authority Chairman Tom Bowman; Friedman Airport engineer Dave Mitchell; FMAA attorney Barry Luboviski; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; and Fly Sun Valley Alliance Executive Director Carol Waller.

The BCC asked Tom Bowman to remain as FMAA Chairman through the FMAA's January meeting. Bowman agreed. The BCC will determine FMAA representation in January.

Greenberg said he was prepared to learn whatever is needed to be an effective FMAA Board member. He is ready to serve on the FMAA when Chairman Bowman feels it appropriate to retire from the FMAA.

Friedman Memorial Airport Authority (FMAA) Meeting Preparation

The BCC's guidance to the FMAA on the Alternatives Analysis of 2012:

- achieve the December 2015 runway safety area (RSA) deadline, if possible;
- maintain the current (2012) airfield net capacity;
- allow for future flexibility;
- use assets efficiently; and
- avoid alternatives with the highest cost and biggest environmental impact (Alternatives 1-4). The cities of Bellevue and Hailey have both asked the County to not consider Alternatives 1-4.

The FMAA's goal is to enable Friedman to accept modern aircraft with safety provisions acceptable to the FAA. This planning process will be public. The community must work together to support an airport that meets the community's needs, provides up-to-date air service and minimizes the negative impacts on the cities of Hailey and Bellevue.

BREAK

PLANNING AND ZONING COMMISSION APPOINTMENT CONSIDERATION

Also present: Blaine County Land Use Administrator Tom Bergin; Senior Planner Kathy Grotto; and Blaine County Planning and Zoning Commission candidate Kim Nalen.

The BCC previously interviewed potential candidates for P&Z Commissioner in Executive Session. The BCC thanked Ms. Nalen for her interest in the position and her enthusiasm in familiarizing herself with the County's Land Use Code and Comp Plan. Ms. Nalen said she was looking forward to being part of the land use process.

Schoen moved, seconded by Greenberg, to appoint Kim Nalen to the Blaine County Planning and Zoning Commission. Motion carried unanimously.

LAND USE AND BUILDING SERVICES DISCUSSIONS AND CONSIDERATION

• BLM Land Exchange with Blue Canyon and the Wood River Land Trust

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin, Senior Planner Kathy Grotto; and Wood River Land Trust Stewardship Coordinator Keri York.

DISCLOSURE: Schoen disclosed that he is a member of the Advisory Committee of the Wood River Land Trust.

This land exchange with Blue Canyon Corporation has been in process since 2005-06. The exchange is to transfer two Land Trust parcels (Sheep Ridge and part of Square Lake) that are surrounded by BLM land to the BLM, consolidating land ownership and making the entire area easier to manage for conservation purposes. BLM land north of Ketchum will be transferred to Blue Canyon Corporation. The Bureau of Land Management Shoshone Field Office has issued its decision to approve the land exchange with Blue Canyon, and recommends an 80-acre donation. Wood River Land Trust Stewardship Coordinator Keri York said the transfer has been approved by the BLM Washington office, which requires a 45-day comment period. The BCC will write a letter in support of the land exchange during the comment period.

LAND, WATER, AND WILDLIFE ADVISORY BOARD PRESENTATION

• Little Wood River Ranch – conservation easement with partner The Nature Conservancy:

A public hearing on and consideration of a \$300,000.00 request for funding from the Land, Water & Wildlife Levy or for 33% of the total cost (whichever is less) to protect 2,320 acres of the Little Wood River Ranch located 2.5 miles north of the Little Wood Reservoir and generally north of Muldoon Canyon Rd. and East of Baugh Creek Rd. with a perpetual conservation easement that will be held, monitored and enforced by The Nature Conservancy.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin, Senior Planner Kathy Grotto; Blaine County Land, Water and Wildlife Levy Advisory Board (LAB) Coordinator Clare Swanger; LAB attorney John Seiller; LAB members Alan Reynolds and Ben Sinnamon; Wood River Land Trust Stewardship Coordinator Keri York; The Nature Conservancy (TNC) Central Idaho Program Manager Mark Davidson, TNC Watershed Program Manager Trish Klahr; levy applicant/landowner Rebecca Patton; and neighboring property owner Lewis Oneida.

Bergin said surrounding land owners were notified of the application. The meeting was publicly posted.

DISCLOSURE: Greenberg visited the site with Blaine County Senior Planner Kathy Grotto; LAB coordinator Clare Swanger; LAB member Jim Phillips; and TNC Program Manager Mark Davidson, on November 29, 2012.

The Levy Advisory Board (LAB) submitted for conceptual BCC approval a recommendation for a perpetual conservation easement on the Little Wood River Ranch. The conservation easement would be held, monitored and enforced by The Nature Conservancy. The LAB is suggesting the levy fund a third of the purchase price, not to exceed \$300,000. The remaining two-thirds would be a charitable contribution from the landowner of about \$640,000.

The LAB is charged with evaluating conservation values and the basic structure of the transaction. If the BCC approves the project in concept, the property and project return to the LAB for additional due diligence investigation. If the LAB gives the project final approval, the project will return to the BCC for final authorization of expenditure of levy funds.

The property is a 2,320-acre ranch within the Pioneer Mountains/Craters of the Moon landscape and is a short drive from the Wood River Valley. There is now over 70,000 acres under easement or committed to easement that provides quality wildlife habitat and migration routes in this area.

The ranch consists of about 450 acres of wetlands and riparian habitat; 900 acres of sage steppe uplands; six miles of rivers, streams and creeks, including three miles of the Little Wood River; and an 1887 water right. This property offers many of the main purposes of the levy: important wildlife habitat and migratory routes; public access to a portion of the Little Wood River at Muldoon Creek; and wildlife connectivity and landscape conservation. Properties to the north and south are already under conservation easements.

The property meets the six minimum criteria for levy funding: it's in Blaine County, serves at least one of the main levy purposes, has a willing seller of the conservation easement, has a qualified entity to hold the nature easement (The Nature Conservancy), financial leverage; and conservation outcomes to be maintained in perpetuity.

Landowner Rebecca Patton said the LWW levy will help them make the landscape all it can be for wildlife conservation.

LAB concerns with the easement language:

- Public access to a portion of the property may be in conflict with some of the conservation goals.

- The easement is currently written to give the landowner sole discretion to close the 80-acre public recreational piece to public recreational use.
- Language referring to controlling “problem animals” is standard in conservation easements purchased with levy funds. This easement has additional language about no trapping animals without The Nature Conservancy’s knowledge or approval; and The Nature Conservancy is reserving the right to eradicate non-native and feral animals to benefit conservation values.
- Language regarding the 80-acre parcel and agricultural improvements.

The 2,320-acre parcel was split from the Flat Top Ranch a decade ago under the County’s Agricultural Use Exemption, and sold without formal subdivision to a prior owner, who sold it to the current owner/LWW levy applicant. The parcel will need to be platted before the LWW levy process can continue.

If the property is subdivided in the future, the applicant proposes development be restricted to three developments (one 20-acre building envelope ranch and two 10-acre building envelope residential sites) on six designated potential development areas; with only one development per development area.

Blaine County attorney Tim Graves expressed concern that the exchange of public funds not take place until the landowner’s plat process is complete. A financial stake in a land use application could create a conflict of interest situation. The BCC can grant conceptual approval to the project subject to the platting processes, but the LAB should probably not continue due diligence until the property is legitimized under County Code. The BCC agreed that the Land, Water and Wildlife program must be responsible and accountable in spending taxpayer money. Swanger said The Nature Conservancy’s due diligence is well underway, but the LAB will defer due diligence until the County’s Land Use department is satisfied with the property’s legal status.

PUBLIC COMMENT:

- Lewis Oneida wanted to be sure there is no problem with public access on an existing road. Patton said the access drive to Mr. Oneida’s property goes through their property. She said they would work on a formal arrangement.
- Keri York encouraged the BCC to separate the platting process from the conservation easement.

BOARD REPORTS, DISCUSSION and CONSIDERATION, continued

Sawtooth Vision 20/20 Steering Committee Meeting – McCleary

The Steering Committee decided to continue their annual meetings to implement the Sawtooth Vision 20/20 plan.

Bike/Pedestrian Plan Update – McCleary

A number of public comments made on the Blaine County Transportation Plan suggested Blaine County have a countywide multi-jurisdictional regional bike/pedestrian policy. Interested stakeholders met and are forming a group to draft a countywide policy to include local jurisdictions and the Recreation District.

Bellevue Transportation Center – McCleary

The City of Bellevue will address the Mountain Rides south-valley facility in the near future.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **October 30, 2012 Regular Tuesday Meeting**
- **November 13, 2012 Regular Tuesday Meeting**

Schoen moved, seconded by Greenberg, to approve the Blaine County Commissioners Regular Meeting Minutes of October 30, 2012 and November 13, 2012 as amended. Motion carried unanimously.

EXECUTIVE SESSION – §67-2345 1(f) PENDING LITIGATION

At 3:42 p.m., Schoen moved, seconded by Greenberg, to go into Executive Session for Pending Litigation, pursuant to Idaho Code §67-2345 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. Greenberg (aye), Schoen (aye), and McCleary (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:00 p.m., the BCC finding no more business before them adjourned.

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