

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE DECEMBER 2011 SESSION**

First Day

Tuesday, December 6, 2011

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

Chairman McCleary called the meeting to order at 9:05 a.m.

AMEND AGENDA

McCleary moved, seconded by Schoen, to amend this meeting's agenda to remove from the Consent Calendar the Cooperative Agreement between the Blaine County Waterways Program and West Magic Recreation Club and add it to Contracts, Agreements and Grants for Discussion and Consideration. Motion carried unanimously.

McCleary moved, seconded by Bowman, to amend this meeting's agenda to add the Adoption Agreement for Nationwide Governmental 401(A) Plan to the Consent Calendar. Motion carried unanimously.

Bowman moved, seconded by Schoen, to amend this meeting's agenda to remove Consolidated Emergency Communications Mediation Discussion from the agenda, and add an Executive Session for §67-2345 1(f) Pending Litigation later in the meeting; and to remove from the Consent Calendar the Independent Contractor Agreement with Blaine County Levy Advisory Board (LAB) consultant Clare Swanger and the Independent Contractor Agreement with Galena Engineering, in order to make very minor revisions to those two contracts. Motion carried unanimously.

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

- 11-08-057 Final Determination
- 11-09-063 Final Determination
- 11-09-059 Case Update

Present were: Blaine County Welfare Director Wilma Colter and Assistant County Welfare Director Connie Kacalek.

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

OPEN SESSION RESUMED

Bowman moved, seconded by Schoen, to approve Case #11-09-059, and to accept a monthly reimbursement of \$200, based on staff recommendation. Motion carried unanimously.

Bowman moved, seconded by Schoen, to accept notice of cancellation of hearing and final determination of denial on Case #11-08-057. Motion carried unanimously.

Bowman moved, seconded by Schoen, to accept notice of cancellation of hearing and final determination of denial on Case #11-09-063. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Probation – Chief Probation Officer Teresa Espedal

- **Juvenile Accountability Block Grant (JABG) Application**

This application is for an Annual Juvenile Accountability Block Grant. The County pays 10% match.

Schoen moved, seconded by Bowman, to authorize the Blaine County Probation Department to proceed with application for funds under the Juvenile Accountability Block Grant program. Motion carried unanimously.

Blaine County Disaster Services – Coordinator Chuck Turner
Also present: Blaine County Chief Deputy Sheriff Ed Fuller.

• **Emergency Operations Plan (EOP) Update**

Also present: Blaine County Disaster Services Coordinator Chuck Turner and Blaine County Chief Deputy Sheriff Ed Fuller.

The BCC previously adopted amendments to the Emergency Operations Plan, but never finalized the organizational structure diagram, or made the incident working examples part of the EOP. McCleary would like to see some text explanation of how the organizational chart would be applied during an actual emergency. The plan will be updated in 2012 with the assistance of consultant Whisper Mountain. Disaster Services is planning tabletop exercises and further revisions to ensure the EOP is realistic and practical.

Clerk’s Report – JoLynn Drage

- New precinct boundaries have been tentatively redrawn. New commissioner districts will be presented to the BCC early next year.

Operations Director – Char Nelson

- There is no heating in the County Annex building today.
- The Recycling Advisory Committee visited Ohio Gulch Recycling Center; and will be at the upcoming County Commissioners special public meeting regarding recycling.
- Met with Forest Service representatives to discuss the Warm Springs Road maintenance agreement. Blaine County Road and Bridge Manager Tom Duffy developed a four-year plan to address improvements needed on Warm Springs Road. Duffy and Blaine County Engineer Jim Koonce are negotiating a contract with the Forest Service to do the repairs.
- Submitted questions to the EPA on how the National Pollution Discharge Elimination System (NPDES) permitting for pesticide applications will be applied in this area. Will report back to the BCC.

County Administrator – Derek Voss

- McCleary met with the Forest Service, Sawtooth Snowmobile Club, BLM, Idaho Parks and Recreation and Blaine County representatives to organize this year’s snowmobile program. The three snowmobile agreements on the Consent Calendar are renewals: the Master Agreement and the Grooming Agreement with the County’s subcontractor are basically the same as before. The Operating Plan has up-to-date financial numbers.
- The Cooperative Agreement between the Blaine County Waterways Program and West Magic Recreation Club clarifies responsibilities for the restrooms and septic system at West Magic. The restrooms are used year round.

CONSENT CALENDAR

- **FY2012 Annual Operating Plan for Snowmobile Grooming Program, Blaine County, State of Idaho and Forest Service, U.S. Department of Agriculture Sawtooth National Forest** Record #593375
 - **FY2012 Sawtooth Snowmobile Club Agreement Cooperative Agreement between the Blaine County Waterways Program and West Magic Recreation Club** Record #592768
 - **Challenge Cost-Share Agreement among the Idaho Department of Parks and Recreation and Blaine County, State of Idaho and USDA Forest Service, Sawtooth National Forest** Record #593376
 - **ADK Systems Maintenance Agreement** Record #593510
 - **Schindler Elevator Maintenance Agreements for the Annex Building** Record #594206
 - **Schindler Elevator Maintenance Agreements for the Old County Courthouse** Record #594207
 - **Adoption Agreement for Nationwide Governmental 401(A) Plan** Not recorded
- Schoen moved, seconded by McCleary, to adopt the Consent Calendar for December 6, 2011. Motion carried 2/0.

CONTRACTS, AGREEMENTS, AND GRANTS FOR DISCUSSION AND CONSIDERATION

- **Independent Contractor Agreement with Blaine County Levy Advisory Board (LAB) consultant Clare Swanger** Record #592807
- **Independent Contractor Agreement with Galena Engineering** Record #592922

The BCC requested minor revisions be made to the two Independent Contractor Agreements.

Schoen moved, seconded by Bowman, to approve the Independent Contractor Agreement between Blaine County and Blaine County Levy Advisory Board (LAB) consultant Clare Swanger, as amended; and the Independent Contractor Agreement between Blaine County and Galena Engineering, as amended. Motion carried unanimously.

- **Cooperative Agreement between the Blaine County Waterways Program and West Magic Recreation Club** Record #

Schoen moved, seconded by Bowman, to approve the Cooperative Agreement between the Blaine County Waterways Program and West Magic Recreation Club. Motion carried unanimously.

BOARD REPORTS, DISCUSSION and CONSIDERATION

Roadless Rule meeting – Bowman

Bowman said the purpose of the Roadless Rule Implementation Committee is somewhat ambiguous, but their basic role is to review roads proposed for roadless areas in Idaho. The Forest Service Regional Roadless Coordinator is presenting all potential requests to the Roadless Rule Committee in an attempt to calibrate their response.

Bowman suggested Blaine County review its Wildlife Protection Plan.

IAC Legislative Committee meeting – Bowman

- Legislation addressing foreclosure procedures has been tabled pending the outcome of a case before the Idaho Supreme Court.
- State Interoperability Executive Council (SIEC) reauthorization was introduced.
- Legislation will be introduced to insure homeowner's exemption for homeowners in the military and temporary humanitarian or religious service, even if the house is rented while the homeowner is away.
- There is some question on language for proposed legislation on the mental health commitment process. Counties are asking courts to require a "Release of Information" form with signature from involuntary commitments so investigations can be done to determine if the individual is indigent. The BCC suggested the Court could appoint an advocate for an individual that is incompetent.

Associated Tax Payers of Idaho conference – Schoen

- The State of Idaho is predicting a budget surplus, but already has requests for twice the projected amount.
- There was a lot of debate about what to do to solve the national debt problem and promulgate economic growth. Good panel discussion on business in Idaho and the Federal Reserve.
- Idaho's Senator Pro Tem and Speaker of the House gave their predictions for coming legislative session.
- There was a lively debate on how state legislated mandates directly impact county and city programs that have to be operated and funded locally.

Southern Idaho Solid Waste District (SISWD) meeting – Schoen

- The FY2011 audit shows the SISWD to be in excellent financial health.
- SISWD was formed 20 years ago. Foundation documents and the debt to establish Milner Butte and finance closure of counties' individual landfills will need to be renegotiated. There was discussion whether the debt should be retired early.
- Might be cost efficient to replace some older equipment.
- Risk management and liability clauses in the contracts should be reviewed.

Veterans Tribute – Schoen

Project outline and list of project components are ready to be incorporated into a Request for Qualifications, which will be submitted to the BCC.

Blaine County Regional Transportation Committee meeting – McCleary

- ITD's plan to widen Highway 75 at Boulder Flats includes a 6-acre wetlands mitigation. This mitigation would generate the need for a new 6-acre mitigation plan. The Transportation Committee encouraged ITD to cooperate with the Forest Service, consider all options, and make smart decisions.
- ITD Highway 75 project next year will be microsealing the pavement.
- Update from Mountain Rides Transportation Authority.
- Update from the Active Living Task Force, which is studying how to make Blaine County and its cities more bike and pedestrian friendly.
- City of Sun Valley's bond to fund street and bike path improvements failed.
- Hailey is continuing to make plans for Woodside Blvd. improvements.
- Finalized priority list of road projects for current cycle of Local Highway Technical Assistance Council (LHTAC) funding.
- McCleary suggested the Blaine County Regional Transportation Committee include air service in its big picture. The BCRTC considers itself a ground transportation committee, and will work with the airport when it needs ground transportation services.

Regional Mental Health Meeting – McCleary

The State is considering combining the Regional Mental Health and Regional Substance Abuse boards. Blaine County looks forward to that transition. Health and Welfare will meet with St. Luke's and Blaine County representatives to discuss mental health services in Blaine County.

Capital for a Day – McCleary

The BCC will discuss a program of speakers and events for the upcoming Capital for a Day event.

Fly Sun Valley Alliance Request – Schoen

Fly Sun Valley Alliance has requested a list of zip codes of second homeowners from the Assessor's Office in order to do market research; and has requested the fee be waived.

Blaine County Housing Authority Workshops – McCleary
Schoen will represent BCC at an upcoming workshop.

Wood River Wolf Project – Schoen

The *Twin Falls Times-News* offered a “cheers” to Defenders of Wildlife. The newspaper congratulated the Wood River Wolf Project for offering another way to manage wolf conflicts.

Blaine County Community Drug Coalition update – Schoen

The *Mountain Express* endorsed the concept of the Drug Coalition’s potential drug testing program in Blaine County schools.

AIRPORT PROJECT UPDATE AND DISCUSSION

• **Sustain Blaine Airport Economic Forum**

Also present: Friedman Memorial Airport Manager Rick Baird; Fly Sun Valley Alliance President Eric Seder; Sawtooth Board of Realtors Government Affairs Director Bob Crosby.

Schoen expressed his appreciation to Sustain Blaine for presenting the economic issues of the local airport to the community. Loss of air service could devastate a number of local businesses that are major employers in the community. A local physician noted the human aspect of commercial air service when it is used by people responding to the needs of loved ones in the community.

• **Friedman Memorial Airport Authority (FMAA) Meeting Preparation**

At tonight’s meeting, the FMAA will discuss the FAA’s Safety Management Systems, and a Letter of Agreement between the airport tower and the airport manager that clears the runway when Q400 aircraft use it. The FMAA will discuss asking the FAA about future use of the airport for regional aircraft. This request will initiate a Safety Management System (SMS) evaluation, which may have unintended consequences.

The FMAA will consider hiring a local marketing development person as an interim communications coordinator.

• **City of Bellevue Letter to FMAA**

The City of Bellevue has appointed a Bellevue staff member as liaison to FMAA meetings. Bellevue elected officials are also likely to attend FMAA meetings. Bellevue would like to be included as a decision maker on the FMAA, although they understand the complexity of revising the Joint Powers Agreement.

McCleary is working with Hailey Councilmembers to see if City of Hailey leadership wants to partner with the County on a Strategic Framework plan for the airport.

McCleary has asked Ketchum and Sun Valley if they would like to have a public meeting with the FMAA. Ketchum is planning to schedule a joint meeting in January.

COUNTY-OWNED PROPERTIES DISCUSSION AND CONSIDERATION

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, Code Compliance Specialist Megan Stelma; and Blaine County Planning & Zoning Commissioner Lili Simpson.

Land Use has compiled a list of County-owned properties. The list excludes major County buildings and shops; and land used for community housing, recreational purposes, and the School District. The BCC would like to put the vacant parcels to good use and get them on the tax rolls, or identify them for future County use. The list was reviewed by Graves, the County Assessor and County Treasurer. Graves submitted a memo outlining options available to the BCC, including auction, land transfer, exchange, and sale. The BCC could also consider long-term leases with other government entities.

BLAINE COUNTY SNOW REMOVAL POLICY DISCUSSION AND CONSIDERATION

Also present: Operations Director Char Nelson, and Road and Bridge Manager Tom Duffy.

The County’s Snow Removal Policy has been revised to clarify a realistic level of service to the public within the County’s limited budget. Duffy will check with the School District to be sure all school bus routes are priority one.

PUBLIC COMMENT - NONE

The BCC directed Road and Bridge to consider themselves as partnering with the BCC in their approach to snow removal. Any staff or public questions or concerns on the policy should be directed to the BCC.

Schoen moved, seconded by Bowman, to approve the updated Blaine County Snow Removal Policy, as presented by staff. Motion carried unanimously.

APPROVAL OF BCC MEETING MINUTES

- **November 15, 2011 Special Joint Meeting with Carey City Council**
- **November 22, 2011 Regular Tuesday Meeting**

Schoen moved, seconded by Bowman, to approve minutes of the County Commissioners Special Joint meeting with the City of Carey on November 15, 2011; and regular November 22, 2011 BCC Meeting minutes, as amended. Motion carried unanimously.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- **Life Church Appeal of a condition of the Conditional Use Permit:** Consideration of an appeal by the Life Church Wood River Inc. of a condition of a conditional use permit approved September 14, 2011 by the Blaine County Planning and Zoning Commission that states- "8. No subdivision of the subject lot, RP02N18004247A is permitted." The parcel is located immediately north of Albertsons in Hailey on the west side of SH 75 with an address of 931 N. River St. The property is located in a Low Density Residential (R-1) zoning district, a wellhead protection district and Hailey's Area of City Impact.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley; The Life Church Pastor Michael Hendricks, and applicant's representative Deborah Vignes; and Douglas B. Fenn.

Cooley gave the posting notice.

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

Graves said an appeal is normally limited to the record as prepared by P&Z. The BCC did not accept public comment.

Cooley said the subject parcel totaled 6.21 acres and was directly north of Albertsons Market north of Hailey. The lots are zoned R1 Low Density Residential. The appellant is appealing a condition in their approved Conditional Use Permit that says no subdivision of the subject lot is allowed.

Vignes, representing the appellant, said the proposed church building is located on the north tax lot on the western part of the parcel. There are no current plans for the eastern portion of the lot, which is over two acres, and fronted by the highway and McKercher Blvd. The appellant's CUP should not be encumbered by any P&Z concern for what future use might be proposed on the lot.

The BCC favored rescinding the condition of approval, arguing that there should be no speculation of the applicant's future use of the lot. Any proposed future use or expansion of the current use would be subject to normal staff and P&Z review.

Schoen moved, seconded by Bowman, to direct the County Attorney to draft a written decision to the Life Church Appeal, based on the BCC's discussion of a condition of the Conditional Use Permit at today's meeting, with the written decision subject to future approval of the BCC. Motion carried unanimously.

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

Bowman moved, seconded by McCleary, 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. Bowman (aye), McCleary (aye), and Schoen (aye). Motion carried unanimously.

OPEN SESSION RESUMED

LAND USE AND BUILDING SERVICES DISCUSSIONS AND CONSIDERATION

- **Bellevue Property Exchange Request**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, Code Compliance Specialist Megan Stelma, County Planner Kathy Grotto, Zoning Specialist Nancy Cooley, Bellevue Council President Dave Hattula; Bellevue Development Services Director Craig Eckles, and Bellevue Fire Chief Greg Beaver.

The City of Bellevue has requested the BCC consider trading a County-owned property adjacent to the new Bellevue Fire Station for one of several Bellevue-owned lots. Bellevue believes it is in the best interest of the citizens of Bellevue to own the lot adjacent to the fire station for current training use and future expansion.

The BCC favored the exchange, and asked Land Use to provide more information on the parcels available for trade to the County.

• **Fee Waiver Request from Idaho Public Television**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, and Zoning Specialist Nancy Cooley.

Bergin said the County had not waived fees for other non-profit organizations, including the Land Trust and Animal Shelter. The BCC agreed that Idaho Public Television had broad public interest, and asked them to pay a \$500 fee.

ITD McHANVILLE AREA RIGHT-OF-WAY PURCHASE DISCUSSION AND CONSIDERATION

Also present: Blaine County Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley, County Planner Kathy Grotto; and ITD Highway 75 Project Manager Mike Scott.

ITD would like to acquire two parcels adjacent to Highway 75 in the St. Luke’s Hospital area: a long narrow strip on the east side of Highway 75; and the southernmost tip of the triangle lot where the traffic light is located at the intersection of Highway 75 and Hospital Drive. Graves said there was no development proposal associated with this land transfer, so no reimbursement proposal would be required.

The BCC discussed usage and aesthetics of the parcel that ITD is negotiating with a private landowner on the west side of the highway. Scott said the ITD’s environmental document limited location of the drainage pond and drywell planned for the parcel.

ADJOURN

At the hour of 3:21 p.m., the BCC finding no more business before them adjourned.

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