

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

**Third Day**

**Tuesday, February 23, 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; Blaine County Administrative Services Manager Henry Brown; Chief Deputy Assessor Martha Heuston; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Andy Kerstetter.

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

**PUBLIC COMMENT - NONE**

**AMEND AGENDA**

**McCleary moved, seconded by Schoen, to amend today's February 23, 2016 agenda to include Contract for Services with International Institute for Restorative Practices at the beginning of the agenda at 9:02 a.m. Motion carried unanimously.**

**CONTRACTS, Discussion and Consideration**

- **Contract for Services with International Institute for Restorative Practices .... Record #633532**  
Also present: Blaine County Chief Probation Officer Teresa Espedal.

The International Institute for Restorative Practices will provide training for local stakeholders, mostly within the Blaine County School District and Silver Creek High School staff. Blaine County Juvenile Probation is working to start a restorative school pilot program at Silver Creek High School. The source of funding is Idaho Lottery Funds grant.

**McCleary moved, seconded by Schoen, to approve a Contract for Services between Blaine County and International Institute for Restorative Practices for a 3-day professional development and consultation in March, 2016, with tentative budget of \$14,020. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS, Discussion and Consideration**

**Claims - Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**Schoen moved, seconded by McCleary, to approve claims dated February 17, 2016. Motion carried unanimously.**

**Clerk's Report - JoLynn Drage**

The Elections Office is open for early voting for the March 8, 2016 Republican and Constitution presidential primary election.

**County Administrator - Derek Voss**

- The Hailey Police Department requests use of the former Blaine Manor facility for canine training.
- ITD contractor would like to lease the old Carey gravel pit property for a temporary road materials staging area at minimal rent. Blaine County will be compensated for time and resources to oversee rental and use of the property.
- Road and Bridge Department is postponing awards for road materials bids that were received on February 9.

• **Road & Bridge Organizational Review**

Voss presented the BCC with a revised Road and Bridge Organizational Structure, intended to improve management and oversight of Carey and Glendale shops. The new Organizational Chart will have North County and South County supervisors and revises several other titles to be more in line with ITD. The County will hire a new Road and Bridge Manager. There should be no monetary adjustment at this time.

**McCleary moved, seconded by Schoen, to approve Fiscal Year 2016 new Road and Bridge Department Operational Structure, effective April 1, 2016. Motion carried unanimously.**

**BLAINE COUNTY WATERWAYS PROGRAM FUNDING REQUEST, Discussion and Consideration**

Also present: Blaine County Waterways Coordinator Lamar Waters.

County Waterways Coordinator Lamar Waters asked the BCC for approval to send a letter to Camas County requesting a \$1,000 contribution for Blaine County Waterways for the current fiscal year. Parts of Magic Reservoir are in Camas County. The BCC supported the letter.

**CONSENT CALENDAR**

- **Junior College Residency forms:**

College of Southern Idaho: Fall 2015 – Spring 2016 Dual Credit: Chandra Barney, Kali Castle, Angelica Gil Salinas, Fredy Mendiola, Vanessa Serva Reyes, Nicole Shardlow, Emily Thayer, Leah Thayer, Sarah Truxal, and Laura Vega.

College of Southern Idaho: Spring 2016 Dual Credit: Oscar Avila, Kevin Browder, Sidney Chambers, and Makayla Dohse Collins.

College of Western Idaho: Fall 2015 – Spring 2016 Dual Credit: Alyson Cavallo, Anthony Cavallo, Cooper Dean, Carter Randal Gerringa, Genesis Quinonez, Emmett Say, and Hunter Thompson.

**McCleary moved, seconded by Schoen, to approve the Consent Calendar for February 23, 2016. Motion carried unanimously.**

### **COMMUNITY FOOD ASSESSMENT REPORT**

Also present: The Hunger Coalition Community Food Assessment Manager Lynea Petty and The Hunger Coalition Director of Operations Brooke Pace McKenna.

Community Food Assessment Manager Lynea Petty presented a PowerPoint of Assessment results. Phase 1 of the Food Assessment was distribution of 8,100 surveys by mail, door-to-door and at public events. The surveys focused on production, consumption, food waste and recovery and food security. Demographics of the 1,100 surveys returned matched Census data. Survey distribution was followed by interviews with food producers, meetings with focus groups in the area, and sample grocery basket shopping at local grocery stores.

Approximately one in seven households in Blaine County (14%) are food insecure, with additional 5% marginally food insecure. The Hunger Coalition is working on getting people to ask for help when they need it; and is meeting with local grocery stores to reduce food waste. The Hunger Coalition Director of Operations Brooke Pace McKenna said local prices of items included in the United States Department of Agriculture's Thrifty Food Plan were 1½ times the price of those items. This is why the BCC approved the Moderate Food Plan for Blaine County's indigent applicants.

As the Assessment process enters Phase II, University of Idaho Extension Educator Lauren Golden is taking over future project coordination.

### **FY-2015 AUDIT PRESENTATION**

Also present: Curtis Stoker, CPA; Blaine County Treasurer John David Davidson; County Chief Deputy Treasurer Gail Peterson; County Assessor Valdi Pace; and Chief Deputy Assessor Martha Heuston.

Blaine County's Annual Independent Auditor Curtis Stocker, CPA, gave Blaine County a clean opinion on the financial statements presented, with no exceptions. The Independent Auditor's Report on Internal Control gives the County a clean opinion on compliance with laws and regulations.

The Auditor's Management Discussion and Analysis includes required comparative information on changes in budgets from last year to this year.

The Statement of Net Positions is part of Governmental Accounting Standards that is similar to a balance sheet. Blaine County's Total Assets are stated at about \$57 million. Cash in investments at year end was \$17,953,000; receivables of \$1,515,000, and Capital Assets net of depreciation stated at \$36,930,000.

The County's General Fund net has increased by about \$1 million. This includes approximately \$700,000 for trial expenses not yet expended.

PUBLIC COMMENT: None.

### **POSSIBLE TRANSFER of TAX DEEDED PROPERTY, Discussion and Consideration**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Treasurer John David Davidson; County Chief Deputy Treasurer Gail Peterson; County Assessor Valdi Pace; Chief Deputy Assessor Martha Heuston; and County Planning Assistant Michele Johnson.

#### **Parcel RP04N180310080**

The Blaine County Assessor's office discovered this sliver of property next to Highway 75. The Assessor put a minimum value on it, but could not find the family that once owned the property. Taxes were not paid, and the County took tax deed in 2015. The parcel can best be used by ITD, and ITD District Management is in agreement to receive the parcel and include it in its property holdings. ITD will pay taxes due of \$85.98.

The BCC supported the transfer to ITD. County Attorney Tim Graves said the property doesn't have to be put up for auction if it is to be transferred to another public entity. It can be noticed for transfer at a future BCC meeting, and a resolution and quitclaim deed prepared to transfer the property.

### **INDIGENT (MEDICAL EXPENSE CAPS), Discussion and Consideration CONTINUED**

Also present: Blaine County Indigent Services Manager Brooke Baird; The Hunger Coalition Director of Operations Brooke Pace McKenna; and St. Luke's Center for Community Health Community Outreach Coordinator Erin Buell.

McCleary invited The Hunger Coalition, Blaine County Housing Authority and St. Luke's Center for Community Health to discuss expense caps for indigent applicants with the BCC. The BCC considered expenses they would allow for indigents who receive funding for emergency medical expenses, including:

- Car payment of up to \$250 per household member 15½ or older, up to \$500 per family, can be allowed if car is necessary. Buses are usually available to get students to school. A working student who contributes income could be considered a working member of the family.

- Fuel – 60 gallons a month can be allowed.
- Car maintenance – staff will check AAA for average monthly maintenance cost for two vehicles.
- Any other alternative transportation can be allowed for up to the fuel allowance.
- Other vehicles—motorcycles, RVs, ATVs—are not allowed unless they can be proven to be work related.
- Basic internet plan cost can be allowed.
- Previous medical expenses for procedures allowed under Idaho Code can be allowed. Staff will send BCC a list of procedures allowed.

**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.

**McCleary moved, seconded by Schoen, to convene in Executive Session pursuant to Idaho Code 74-206 1(d) to consider indigent medical applications. McCleary (aye); Schoen (aye); and Greenberg (aye). Motion carried unanimously.**

**OPEN SESSION RESUMED**

**Schoen moved, seconded by McCleary, to accept cancellation of hearing and final determination of denial in Application for Assistance #2015-50. Motion carried unanimously.**

**Schoen moved, seconded by McCleary, to deny Cases #2015-82, 2016-01, 2016-02 and 2016-05 Medical Indigent Applications for Assistance, based on staff recommendation. Motion carried unanimously.**

**BREAK**

**LAND USE and BUILDING SERVICES HEARINGS**

- **Cross Cut Lane Plat Amendment:** A public hearing on and consideration of an application by Alexis du Pont to amend Board's Lower Ranch Subdivision, Block 1, by combining Lot 33B, Area 5 (a leasehold parcel) of Lot 33C, and a portion of Parcel BB. The property is zoned R-1 with areas of Mountain, Avalanche Hazard, Floodplain Hazard, and Riparian Setback Overlay Districts, and Elk Winter Range. It is located at 117 Cross Cut Lane, within Section 15, T4N, R17E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; County Deputy Land Use Administrator Kathy Grotto; and applicant's representatives Garth McClure and Trent Stumph.

Grotto read notice.

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

NO DISCLOSURES.

NEW MATERIALS: One new written comment with questions.

Staff received one phone call from a neighbor concerned about the health of the riparian area.

This is a lot line shift to rearrange lot lines and consolidate existing lots. Three lots are involved: 33C, which includes five areas that are surveyed leasehold parcels. The applicant previously purchased the lease for Area 5 of Lot 33C and adjoining Lot 33D. She would like to remove Area 5 out of Lot 33C, combine it with Lot 33D, and add some additional area from Parcel BB to end up with Lot 33D that is a little over two acres. Lot 33C will become Lot 33CC, which is four leasehold parcel areas with no changes. There is no development proposed as part of this application. There is currently no building envelope and none is proposed.

An existing road, Cross Cut Lane, runs through the property and will be granted an easement via plat that gives access to 33D. Other easements have been identified that affect Parcel BB from the previous plat. The preliminary plat includes floodplain, floodway, ordinary high water mark, riparian setback, 25% slope, Mountain Overlay District, etc. There is an existing house with a prior addition, a driveway, and fire turnarounds installed for the rural fire district. The area within the Mountain Overlay buffer is acceptable. Plat Note #17, which was a fire department requirement before the bridge was installed, will be eliminated. All previous plat notes remain. There are a couple additional notes addressing easements. Plat Note 5 refers to risk of fire and mudflow.

Applicant's environmental consultant Trent Stumph submitted a riparian management plan. The applicant requests a 50ft riparian setback instead of the 125ft required without a riparian management plan. The plan's objective is to protect and preserve the whole reach along the subject lot. Once the area is free of snow, Stumph will visit the site and reevaluate the riparian management plan and talk to adjoining landowners.

Condition: The applicant shall plant endemic native riparian vegetation within the reclamation area. A planting plan shall be submitted for administrative approval, and a security deposit for 30% of the plant materials shall be held for up to five years to insure establishment of the planting.

PUBLIC COMMENT: None

The BCC agreed that all standards are met, and agreed to accept the riparian management plan, given the constraints of the site.

**Schoen moved, seconded by McCleary, to approve application by Alexis du Pont to amend Lot 33B, 33C and Parcel BB of Board's Lower Ranch Subdivision, Lot 1, based upon the BCC's findings that the application complies with criteria of Titles 9 and 10 of Blaine County Code, subject to conditions listed in the staff report and additional riparian planting plan condition as read into the record, plat notes, and additional four proposed plat notes included in the staff report. Motion carried unanimously.**

#### **LAND, WATER and WILDLIFE LEVY PROGRAM**

- **Idaho Conservation League / U.S. Forest Service Deer Creek Watershed Restoration Project**  
Idaho Conservation League (ICL), Trout Unlimited (TU) and National Forest Foundation (NFF) applicants, with partner U.S. Forest Service (USFS): A public hearing on and consideration of the Full Application for conceptual approval for funding for the project from the Land, Water & Wildlife Levy for \$496,300 total for (a) the restoration of 1,535 acres of upland vegetation and white bark pine (\$105,300) and (b) floodplain restoration and road relocation (\$391,000) to be matched with funds from the USFS, on USFS land northwest of Hailey in the Deer Creek drainage that were burned during, and otherwise damaged after, the 2013 Beaver Creek Fire. Other project components including recreational improvements and additional ecological restoration will be funded by the USFS, NFF, 5B Restoration Coalition, and Idaho Dept. of Parks and Recreation.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Deputy Land Use Administrator Kathy Grotto; Blaine County Land, Water and Wildlife (LWW) Levy Advisory Board (LAB) Coordinator Clare Swanger; LAB members Ben Sinnamon and Alan Reynolds; Trout Unlimited Big Wood River Project Manager Chad Chorney; Idaho Conservation League (ICL) Central Idaho Associate Dani Mazzotta; US Forest Service botanist Deb Taylor and biologist Erika Phillips; Zach Poff; Chris Kastner; National Forest Foundation Conservation Connect Director Karen DiBari; Andy Harding; Mickey Garcia; Guy Bonnavier; Nick Purdy; Betsy Mitch; Bruce Norvell; Peter Hendricks; Tom Bowman; Sarah Michael; Pepin Corso-Harris; Chip Deffé; Pat Murphy; Chris Leman; Jo Heiss; and Big Wood Backcountry Trails representative Nancy Humphrey.

This project received unanimous approval of the LWW LAB for funding, and is now presented to the Blaine County Board of Commissioners for their review. If the project receives conceptual approval from the BCC, it will undergo additional scrutiny and due diligence by the LWW LAB before being re-presented to the BCC.

The Idaho Conservation League, Trout Unlimited and National Forest Foundation, in partnership with the United States Forest Service, request \$496,000 in LWW levy funds of the total \$1.66 million cost for the Deer Creek Watershed Restoration project located near Hailey. The USFS has contributed \$585,000, Idaho Department of Parks and Recreation \$225,000, \$50,000 from the National Forest Foundation, and an additional \$97,000 from 5B Restoration Coalition, the USFS and NFF. The Forest Service claims it can leverage an additional \$100,000 to restore upstream areas of the watershed if the LWW funds this Deer Creek project.

The project has three components:

- Restoration of upland vegetation and whitebark pine habitat;
- Deer Creek Stream riparian floodplain restoration, including relocating a section of the existing road out of the riparian zone onto adjacent terrain and restoring that section of riparian area to its original floodplain grade, removing three existing bridges, and restoring the stream channel, fisheries habitat and natural vegetation; and
- Other recreational improvements, erosion control, aquatic assessments, and additional restoration.

The proposed project meets the six minimum criteria for LWW funding:

- It's in Blaine County;
- protects land, water and/or wildlife;
- has lasting conservation values;
- has a willing landowner;
- a qualified entity willing to take responsibility for completion, maintenance and enforcement of the project; and
- has matching funds or other leverage.

ICL Central Idaho Associate Dani Mazzotta and National Forest Foundation Conservation Connect Director Karen DiBari presented project goals to restore the Deer Creek watershed on public land to be managed by the Ketchum Ranger District. The overall goal is to create a more resilient natural system that can respond to future change and offer watershed benefits, while addressing ecological, social and recreational community economic need for the long term.

After the Beaver Creek fire and subsequent rains, the Forest Service gated Deer Creek Road for public safety. Ketchum District Ranger Kurt Nelson said the Forest Service has decided the best way to restore the Deer Creek watershed is to remove Deer Creek Road and bridges from the floodplain and rebuild the road out of the floodplain to restore public access.

Commissioner McCleary asked if there was benefit to spending levy money spent on restoring the riparian area if future natural disasters could occur. Nelson said yes, that the culvert at the bottom of the hill is being designed to withstand future flooding. Ketchum Ranger District Fisheries Biologist Erika Phillips said the stream is trying to self-heal, but can't because of the road. Once the road and human impacts are removed, they expect the whole system to naturally take care of itself and be resilient in future events.

#### PUBLIC COMMENT:

- Commissioner McCleary received public comments asking if the road could be moved entirely out of the area.
- Chris Leman originally supported the LWW levy, with the anticipation that this is the kind of project it would fund. He feels this project will benefit private lands downstream as well as public lands onsite.
- Jo Heiss thinks the Forest Service has done a great job of restoration.
- Mickey Garcia supports the project on public land, because 80% of local land is government-owned.
- Kaz Thea said the LWW program had so far spent money wisely and productively. She said the 2008 resolution language is clear that funds can be used for restoration and protection of public lands. Deer Creek needs a lot of work, and the Forest Service has already spent significant funds to stabilize the area. The LAB, whose job is to recommend to BCC the highest and best use of the LWW levy funds to achieve optimal conservation value and public benefit, unanimously recommended this project. The Deer Creek watershed is highly valued for recreation and is an important tributary to the Big Wood River.
- Sarah Michael said she was a Blaine County Commissioner when the LWW levy was proposed to taxpayers, and the levy was intended to be used for private land conservation. She suggested the BCC use Payment in Lieu of Taxes (PILT) funds to fund this project.
- Bruce Norvell supports the LWW levy and how the money has been spent. He said overall environmental concerns is what's important, and it doesn't matter if it's private or public land.
- Andy Harding is not opposed to spending levy funds on public land. He would like to see the road removed, and the funds used for trails only.
- Pepin Corso Harris said there is no doubt this is a good project, but LWW money is from property taxes and she feels it should be used for private land. She is also concerned about setting a precedent for funding a road on the hillside.
- Jon Marvel said National Environmental Policy Act (NEPA) requires the Forest Service to provide at least one alternative for putting the road on the hill.
- Nick Purdy thinks this is a good project, but the road on the hill goes against everything the levy is about.
- Tom Bowman was on the BCC when the LWW levy passed. He said he never thought it would be used for public lands and didn't include any language referring to public lands. The Forest Service will get funding sooner or later for Deer Creek Road.
- Pat Murphy said this is a great project, but acquiring fee title and interest in real property and water rights for use in connection with other purposes are main objectives of the levy. Murphy, a Blaine County P&Z Commissioner, has serious misgivings about any project that falls within the Mountain Overlay District, even if it is public land and not under County jurisdiction.
- 5B Restoration Trails and Recreation Subcommittee member Chip Deffé lives at the mouth of Deer Creek. He said restoring the Deer Creek watershed is an immense project, and involves non-profit conservation groups, government agencies and user groups working together. Rainfall results in debris run-off, which affects Deer Creek and the Big Wood River, which has suffered occasional high fish mortality rates as a result. Only one of the eight trails in Deer Creek has been restored so far, and the rest will be restored starting this year. LWW funds for this project would reestablish the riparian corridor and upper regions of Deer Creek, secure about six miles of fish passage, relocate existing public access road out of the floodplain and into a more sustainable access location, restore natural floodplain function, reestablish upland vegetation, preserve and enhance trail corridors, protect and maintain wildlife habitat, and provide proper stewardship of lands and water. Deffé said this proposal meets the criteria of the language of the levy as it was written.
- Chris Kastner, owner of CK's Restaurant in Hailey, would like to see the BCC support this LWW project. The South Valley has lost jobs since the Beaver Creek Fire. Public land belongs to everyone and he wants to support his land.
- Guy Bonnavier said the LWW levy emphasis is on private land. He would have voted no on the levy if he thought the money was going to be used for a public road on public land.
- Ben Sinnamon said this is a well-leveraged project that moves a road out of a riparian area; restores natural function of a floodplain; improves fish and wildlife habitat; is a cooperative collaboration among citizens, organizations and governmental interests; and is within objectives of the LWW program. He supports the project.
- LAB member / former County Commissioner Alan Reynolds supports the project.

#### Commissioner comments:

- Commissioner McCleary said the LWW conservation levy is to protect land, water and wildlife; and feels this project meets LWW levy core objectives. The BCC received 30 public comments, 21 for and nine opposed; and today's public comment expressed varied opinions. The LAB looked at all related issues, and unanimously voted for the project.
- Chairman Greenberg said everything people had said made sense; but the road had to go somewhere.

- Commissioner Schoen said the major part of the project being seriously questioned is road relocation; but he reiterated that it was never considered that LWW levy funds (from property taxes) would be used for projects on public lands. He asked the BCC not to give the project conceptual approval until the Forest Service presented alternatives to building a road on the hillside.

**McCleary moved, seconded by Greenberg, to continue this public hearing to April 5, 2016. Schoen nay. Motion carried 2/1.**

**KETCHUM CEMETERY DISTRICT ANNEXATION, Discussion and Consideration**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Clerk JoLynn Drage; Ketchum Cemetery District Commissioners Ed Simon and John O'Connor; Ketchum Cemetery District Land Planner John Gaeddert; and Sun Valley Mayor Peter Hendricks.

The Ketchum Cemetery District adopted a resolution to annex a small parcel of land in Ketchum that is not currently included in the Ketchum Cemetery District. The Cemetery District would like to put the proposed annexation for a vote before affected residents in the upcoming May 17 election.

County Attorney Tim Graves will review the resolution and request for annexation, and present it to the BCC at a future BCC meeting.

**ORDINANCE 2016-01 DECLARING CERTAIN PLANTS**

**AS NOXIOUS WEEDS, Discussion and Consideration ..... Record #633409**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Weed Department Manager John Cenarrusa; Sun Valley Mayor Peter Hendricks; County Social Media Services Provider Bronwyn Nickel; County Administrative Specialist Andrea Walton; University of Idaho Extension Educator Lauren Golden; and County Extension Administrative Assistant Sarah Busdon.

County Attorney Tim Graves reviewed recent revisions to proposed Blaine County Ordinance 2016-01, which creates a Blaine County noxious weed list, and sets forth violations and penalties under Blaine County Code. The ordinance is meant primarily for education, and violations will be a misdemeanor, with maximum penalty up to 6 months in jail and \$1,000 fine.

**STAFF COMMENT:**

- University of Idaho County Extension Administrative Assistant Sarah Busdon asked if cross-species were included.
- Sun Valley Mayor Peter Hendricks said he would push for public education at this time.

County Weed Department Manager John Cenarrusa said most people will clean up their property, but there will likely be one or two who will require enforcement. He suggested the penalty be strong enough to cover cost of enforcement and motivate people to compliance. The ordinance should state that possession of a yew on or after the date of the ordinance is in violation of the ordinance.

**McCleary moved, seconded by Schoen, to approve Ordinance 2016-01 declaring certain plant species as Blaine County noxious weeds, prohibiting the sale, planting or possession of any plant on the Blaine County Noxious Weed List and providing penalties for violation as amended today to add language to 3.2.3. (a) to include hybrids of the three species listed. Motion carried unanimously.**

**ADJOURN**

**At the hour of 5:49 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
 JoLynn Drage County Clerk Jacob Greenberg Chairman