

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

**Fourth Day**

**Tuesday, July 12, 2011**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 10:00 a.m. Present were Acting Chairman Tom Bowman, Chairman Angenie McCleary (by phone), County Administrator Derek Voss; County Clerk JoLynn Drage; Operations Director Char Nelson; Idaho Mountain Express reporter Kate Wutz; and Recording Secretary Sunny Grant.

Commissioner Schoen was absent from today's meeting.

Vice-Chairman Bowman called the meeting to order at 9:01 a.m.

**PUBLIC COMMENT**

Lee Mitchell and Bob Nemeec, CESCO John Deere, asked that their company be considered for Blaine County Road and Bridge equipment contracts. They assured the BCC that CESCO could service the equipment in the Wood River Valley.

**COUNTY DEPARTMENT REPORTS and DISCUSSION**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**McCleary moved, seconded by Bowman, to approve batch #1 of claims dated July 6, 2011 and batch #5 of claims dated July 11, 2011, with additional claims presented by staff. Motion carried 2/0.**

ajv062011

**Jun-2011**

**FUND 01**

**AGAINST GENERAL FUND**

Blaine County Employees	Salaries June 2	\$ 252,582.89	
Blaine County Employees	Salaries June 16	\$ 268,529.37	
Blaine County Employees	Salaries June 30	\$ 254,965.45	
Total June FICA		\$ 56,893.11	
Total June Benefits		\$ 177,055.59	
Total June Bills		<u>\$ 239,291.70</u>	
Combined Total June Expense			\$1,249,318.11

**FUND 02**

**AGAINST ROAD & BRIDGE**

Blaine County Employees	Salaries June 2	\$ 20,430.72	
Blaine County Employees	Salaries June 16	\$ 20,439.39	
Blaine County Employees	Salaries June 30	\$ 20,914.29	
Total June FICA		\$ 4,425.68	
Total June Benefits		\$ 16,249.53	
Total June Bills		<u>\$ 79,338.77</u>	
Combined Total June Expense			\$ 161,798.38

**FUND 03**

**AGAINST ELECTION CONSOLIDATION**

Blaine County Employees	Salaries June 2	\$ 1,021.30	
Blaine County Employees	Salaries June 16	\$ 1,021.30	
Blaine County Employees	Salaries June 30	\$ 1,021.30	
Total June FICA		\$ 234.39	
Total June Benefits		\$ 879.71	
Total June Bills		<u>\$ 3,015.96</u>	
Combined Total June Expense			\$ 7,193.96

**FUND 06**

**AGAINST DISTRICT COURT**

Blaine County Employees	Salaries June 2	\$ 1,892.31	
Blaine County Employees	Salaries June 16	\$ 1,892.31	
Blaine County Employees	Salaries June 30	\$ 1,892.31	
Total June FICA		\$ 409.62	
Total June Benefits		\$ 1,428.61	
Total June Bills		<u>\$ 10,052.67</u>	
Combined Total June Expense			\$ 17,567.83

**FUND 16**

**AGAINST CHARITY & INDIGENT**

Blaine County Employees	Salaries June 2	\$ 3,453.89	
Blaine County Employees	Salaries June 16	\$ 3,453.89	

Blaine County Employees	Salaries June 30	\$ 3,453.89	
Total June FICA		\$ 787.38	
Total June Benefits		\$ 2,211.84	
Total June Bills		<u>\$ 61,502.57</u>	
Combined Total June Expense			\$ 74,863.46
<b>FUND 20</b>	<b>AGAINST REVALUATION</b>		
Blaine County Employees	Salaries June 2	\$ 14,698.39	
Blaine County Employees	Salaries June 16	\$ 11,286.11	
Blaine County Employees	Salaries June 30	\$ 11,286.11	
Total June FICA		\$ 2,662.30	
Total June Benefits		\$ 9,703.56	
Total June Bills		<u>\$ 320.55</u>	
Combined Total June Expense			\$ 49,957.02
<b>FUND 23</b>	<b>AGAINST SOLID WASTE</b>		
Blaine County Employees	Salaries June 2	\$ 3,149.60	
Blaine County Employees	Salaries June 16	\$ 3,149.60	
Blaine County Employees	Salaries June 30	\$ 3,149.60	
Total June FICA		\$ 712.95	
Total June Benefits		\$ 2,195.98	
Total June Bills		<u>\$ 387,705.42</u>	
Combined Total June Expense			\$ 400,063.15
<b>FUND 27</b>	<b>AGAINST NOXIOUS WEEDS</b>		
Blaine County Employees	Salaries June 2	\$ 5,032.36	
Blaine County Employees	Salaries June 16	\$ 5,629.74	
Blaine County Employees	Salaries June 30	\$ 5,957.10	
Total June FICA		\$ 1,202.02	
Total June Benefits		\$ 4,004.81	
Total June Bills		<u>\$ 30,621.20</u>	
Combined Total June Expense			\$ 52,447.23
<b>FUND 04</b>	<b>AGAINST AMBULANCE</b>		
Total June Bills		\$ 162,100.50	\$ 162,100.50
<b>FUND 07</b>	<b>AGAINST COUNTY FAIR</b>		
Total June Bills		\$ 12,820.00	\$ 12,820.00
<b>FUND 11</b>	<b>AGAINST PUBLIC HEALTH</b>		
Total June Bills		\$ 21,859.00	\$ 21,859.00
<b>FUND 12</b>	<b>AGAINST HISTORICAL SOC. &amp; MUSEUM</b>		
Total June Bills		\$ 12,305.00	\$ 12,305.00
<b>FUND 17</b>	<b>AGAINST JR. COLLEGE TUITION</b>		
Total June Bills		\$ -	\$ -
<b>FUND 31</b>	<b>AGAINST PSF BOND REDEMPTION</b>		
Total June Bills		\$ 500.00	\$ 500.00
<b>FUND 35</b>	<b>AGAINST NURSING HOME</b>		
Total June Bills		\$ 200,191.11	\$ 200,191.11
<b>FUND 37</b>	<b>AGAINST SNOWMOBILE</b>		
Total June Bills		\$ 2,932.72	\$ 2,932.72
<b>FUND 38</b>	<b>AGAINST WATERWAYS</b>		
Blaine County Employees	Salaries June 2	\$ 1,141.89	
Blaine County Employees	Salaries June 16	\$ 724.07	
Blaine County Employees	Salaries June 30	\$ 868.04	
Total June FICA		\$ 209.13	
Total June Benefits		\$ 293.35	
Total June Bills		<u>\$ 5,510.31</u>	
Combined Total June Expense			\$ 8,746.79
<b>FUND 46</b>	<b>AGAINST E-911 EMERGENCY COMM</b>		
Blaine County Employees	Salaries June 2	\$ 4,136.00	
Blaine County Employees	Salaries June 16	\$ 4,136.00	
Blaine County Employees	Salaries June 30	\$ 4,136.00	

Total June FICA	\$ 944.40	
Total June Benefits	\$ 1,857.30	
Total June Bills	<u>\$ 25,578.47</u>	
Combined Total June Expense		\$ 40,788.17

<b>FUND 51</b>	<b>AGAINST LAND WATER &amp; WILDLIFE LEVY</b>		
Total June Bills		\$ 3,983.00	\$ 3,983.00

<b>FUND 81</b>	<b>AGAINST LIABILITY INSURANCE</b>		
Total June Bills		\$ 4,234.48	\$ 4,234.48

**TOTAL ALL FUNDS** \$2,483,669.91

**BCC REPORTS and DISCUSSION**

**Williamson Board of Equalization Appeal - McCleary**

Ned Williamson submitted a letter asking the Board of Equalization (BOE) to reconsider his BOE appeal. The Idaho State Property Tax Administrator said Idaho Code does not address BOE rehearings. BCC supports a letter to Williamson recommending he follow the normal course of action and appeal the BOE’s decision to the State Board of Tax Appeals. .

**AMENDED AND RESTATED JOINT POWERS AGREEMENT FOR THE FRIEDMAN MEMORIAL AIRPORT AUTHORITY DISCUSSION AND CONSIDERATION** - McCleary

Friedman Memorial Airport Authority (FMAA) attorney Barry Lubovski asked the City of Hailey and BCC to change the airport budget approval date in the JPA to the second Tuesday in August. McCleary will confirm with Hailey that just one page in the JPA will be changed, and the change doesn’t require another hearing. Graves is drafting the language change. The BCC will review the revised JPA at the July 18 BCC meeting.

**CONTRACTS AND AGREEMENTS CONSIDERATION**

- **Transportation Plan between Keller Associates, Inc. and Blaine County** .....Record #589284

Graves has reviewed the contract. Voss suggested the BCC approve the contract with the provision that the sentence relating to reuse or modification of the Transportation Plan be removed. Blaine County Land Use and Building Services Director Tom Bergin concurred, saying the County would probably want to incorporate the Transportation Plan into the Comprehensive Plan.

**McCleary moved, seconded by Bowman, to approve the Transportation Plan between Keller Associates, Inc. and Blaine County, with the removal of this sentence in Section 4: “The owner shall not reuse or modify said instruments of service unless the owner obtains prior written agreement from the consultant”. Motion carried 2/0.**

**JOB DESCRIPTION DISCUSSION and CONSIDERATION**

Also present: Blaine County Human Resources Generalist Susan Potucek, Assessor Valdi Pace, and Assessor’s Office Manager Amanda Larese.

The BCC approves all job descriptions and sets salaries for County employees. The job description outlines the partnership between employer and employee, and is the basis for employee performance evaluation.

**McCleary moved, seconded by Bowman, to adopt the job description for Appraiser II in the County Assessor/Revaluation Department. Motion carried 2/0.**

**CONSENT CALENDAR**

- **Resolution 2011-41 Waterways Budget Adjustment** .....Record #589014
- **Resolution 2011-42 911 Emergency Communications Budget Adjustment** ..Record #589015
- **Beverage License Renewals for Flip and Pour Inc dba Wicked Spud; The Pub Inc dba The Cellar Pub; Keith and Paula Perry dba Perry’s Restaurant; Food Thought Collective LLC dba Della Mano; Nick and Sharon Purdy dba Silver Creek Convenience Store; Sun Valley Brewing Co Inc dba Sun Valley Brewing Company; Smiley Creek Lodge LLC dba Smiley Creek Lodge; N Main 280 LLC dba Roosevelt Tavern; Main Street Inc dba The Sawtooth Club; Apples Inc dba Bigwood Grill and Apples Inc dba Apples Bar and Grill; SGWB LLC dba DiVine; Wookie Corporation dba KB’s; Michel’s Christiania LLC dba Michel’s Christiania; Dirty Birds LLC dba Wise Guy Pizza Pie in Hailey and Wise Guy Pizza Pie in Ketchum; Peter Lewis Enterprises Inc dba Clarion Inn of Sun Valley; and Shorty’s Restaurants Inc dba Shorty’s.**
- **Catering permit for Sawtooth Botanical Garden.**

**McCleary moved, seconded by Bowman, to approve the Consent Calendar for July 12, 2011. Motion carried 2/0.**

## **APPROVAL OF BOARD MEETING MINUTES**

- June 27 and July 5, 2011 Regular BCC Meetings
- July 6, 2011 Board of Equalization Meeting

**McCleary moved, seconded by Bowman, to approve July 5, 2011 Regular BCC Meeting minutes and Board of Equalization Meeting minutes of July 6, 2011. Motion carried 2/0.**

## **PUBLIC HEARING TO CONSIDER VALIDATION OF A PORTION OF EAST FORK ROAD RIGHT-OF-WAY IN TRIUMPH, IDAHO**

Pursuant to I.C. §40-203A, the Board of Blaine County Commissioners will hold a public hearing to consider the validation of a portion of East Fork Road through and in the vicinity of the Community of Triumph in the south one-half of Section 25, Township. 4N, Range 18E. Boise Meridian.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use and Building Services Director Tom Bergin, County Engineer Jim Koonce; Brian Yeager; Gordon Williams; Ken Raabe; Pat Murphy, Wendy B. Collins; Dan Tucker; and Don Nocito.

Blaine County Road and Bridge received a complaint in 2009 about a fence in the public right-of-way. The County hired engineer Brian Yeager to locate the actual right-of-way, and submit a survey analysis report of the right-of-way.

In the field, Yeager discovered problems with the plat, resulting in multiple ambiguities in the East Fork Road right-of-way and neighboring property lines. The plat did not mathematically indicate monumentation. When the Triumph Mine was remediated, the remediation may have disturbed some of the original monuments. Original monumentation is usually controlling for a property, whether or not it agrees with the plat, so Yeager went to great effort to find the monuments. Yeager had a team of surveyors attempt to field search the original monuments with metal detectors, shovels, GPS equipment, and a backhoe. The metal detection found numerous erroneous mining debris, and only a few of the original monuments of the original subdivision plat.

There are two right-of-way dedications of East Fork Road, one by the original Wooden Hills Subdivision plat and the other by the amended Wooden Hills Subdivision plat. The two are parallel, but not consistently in the same place, so the right-of-way is sometimes wider than 50 ft. In addition to two parallel strips going through the area, there is also a prescriptive use right-of-way.

Idaho Code authorizes the BCC to validate a public right-of-way. Graves outlined the procedure:

1. The BCC must initiate the process by resolution, which was done with Blaine County Resolution 2009-69 in December 2009.
2. A report and survey must be prepared for County and public review. This is the survey analysis report done by Brian Yeager, which is available for public review.
3. The BCC must hold a public hearing, with notice provided pursuant to statutory requirements.

Blaine County LU&BS Director Tom Bergin read public notice of today's hearing.

**McCleary moved, seconded by Bowman, that notice was adequate to comply with Idaho Statute. Motion carried 2/0.**

Yeager is a licensed engineer, and understands road construction. He is also a licensed Idaho land surveyor, and is authorized to resurvey or retrace what he believes to be the location of a right-of-way, and to represent that to private or public entities.

Graves said he felt Yeager was entitled to make recommendation on how he thinks the BCC should address the problem. Koonce was in the field on a daily basis, and substantiated Yeager's report. Because the location of East Fork Road is ambiguous, Koonce recommended the County declare a prescriptive use right-of-way centered on the existing road.

### **PUBLIC COMMENT:**

Pat Murphy chided the county for spending so much to declare the obvious prescriptive easement.

Gordon Williams, Wendy Collins, Dan Tucker, and Ken Raabe thanked the County for trying to resolve the roadway right-of-way and property lines, which would help to resolve long-standing title issues and neighborhood disputes. Written comments were also received from Carl Massaro; Jitka Sullivan; and Tim Duffner, Idaho State Dept of Lands.

If the County adopts a 50ft right-of-way, it becomes a fee simple right-of-way that was intended to be represented by the plat. Residual property between the proposed right-of-way and neighboring lots can be quitclaimed to the adjacent lot owner. This will not resolve back or side boundaries.

**McCleary moved, seconded by Bowman, to continue the Public Hearing to consider validation of a portion of East Fork Road Right-of-Way in Triumph, Idaho to July 26, 2011 at 11:00 a.m. Motion carried 2/0.**

The BCC will accept written comments until the July 26 continued public hearing. Oral comments will be taken at the July 26 continued public hearing.

**BREAK**

**LAND USE AND BUILDING SERVICES HEARINGS**

**• Anderson Stream Alteration Permit/Gravel/Floodplain CUP review**

Also present: Code Compliance Specialist Megan Stelma; applicant Larry D. Anderson; Blaine Porter, representing Anderson Asphalt; and Jim Walker of Walker Sand & Gravel.

This review is a condition of approval of a Stream Alteration Permit/Gravel/Floodplain Conditional Use Permit. Staff said the applicant has operated within permit and conditions of approval, and suggests the two-year review be extended to five years.

PUBLIC COMMENT: Walker said the gravel was a valuable resource to the entire valley.

**McCleary moved, seconded by Bowman, to revise Condition #15 in the Anderson Stream Alteration Permit to change the review period to five years. The rest of the condition remains the same. Motion carried 2/0.**

**HEALTH INSURANCE OPTIONS DISCUSSION AND CONSIDERATION**

Discussion postponed at the County Clerk's request.

**ADJOURN**

At the hour of 1:49 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage Tom Bowman  
County Clerk Acting Chairman