

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

**Fifth Day**

**Tuesday, July 23, 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; County Clerk JoLynn Drage; Operations Director Char Nelson; and Recording Secretary Sunny Grant.

Chairman Schoen called the meeting to order at 9:02 a.m.

**RELAY FOR LIFE REPORT**

Also present: Blaine County Planning Assistant Michele Johnson; Court Supervisor Andrea Logan; and Blaine County Senior Planner Kathy Grotto.

Relay Team co-captains Johnson and Logan announced that Blaine County won 2<sup>nd</sup> Place in the Blaine County Relay for Life. The team had 21 participants and support people, a raffle and food booth during the Relay. The team featured a costumed County Prosecuting Attorney pushing food. There were at least two people on the relay track from 7:00pm Friday evening to 7:00am Saturday morning.

**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

Present were: Blaine County Indigent Services Manager Brooke Roberson and Indigent Services Assistant Amy Rivkin.

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

**OPEN SESSION RESUMED**

**Greenberg moved, seconded by McCleary, to deny Application for Assistance Case #2013-56, based on staff recommendation. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**McCleary moved, seconded by Greenberg, to approve claims dated July 18, 2013 and additional claim for \$3,918.53 for Idaho Power, as presented by staff. Motion carried unanimously.**

**Sheriff – Gene Ramsey**

Also present: Court Supervisor Andrea Logan; Deputy Clerk Crystal Rigby, and Deputy Clerk Angie Hall,

- A wildland fire started around Redfish Lake last night, closing Highway 75 and causing evacuation of Redfish Lake area. The fire is heading east but could come south. A Type 1 team has been called in.
- Investigation continues on bottle bombs that appeared around the County.
- 45 inmates in jail this morning. 17 are Idaho Department of Corrections (IDOC) inmates and 3 are from Jerome.
- Sheriff submitted Jail Income Sheet and Next Generation Pilot Project.
- Sheriff's staff appreciated the opportunity to be part of HR's Benefit-Wage Survey.
- Sheriff's staff have trained in VeriPic evidence management software and are beginning the bar coding process.
- An Idaho State Police Officer from Jerome is now head of ISP Dispatch Services in Meridian.
- The BCC is invited to participate in the Emergency Operations Center in the upcoming Function Exercise for Emergency Services.
- Sheriff secured a grant to train supervisors and HR people for the Prison Rape Elimination Act (PREA).
- Blaine County Drug Coalition Road Rally is this weekend.

**Extension Report – Lauren Hunter**

Also present: Blaine County Extension Educator Lauren Hunter; 4-H Coordinator Kathi Kimball; and 4-H Science Technology Engineering & Math (STEM) Coordinator Loretta Bonner.

The Extension and 4-H are getting entries and contestants ready for the Blaine County Fair and Market Animal Sale.

The Blaine County Fair Board's five-year plan includes:

- The Fair Board did an all day Work Day to fix up the fair's event corridor.
- Expand the animal capacity and see more families each year.
- Staff encourage people from all over the County, with and without 4-H participants, to come to the Fair. Staff are partnering with the ERC, the Ketchum Recreation District and the YMCA to introduce the Fair to new youth and vendors.
- Staff are working with schools to present new exhibits, including a volcano display.

Loretta Bonner is the Extension Office's Vista volunteer. Bonner will work with 4-H, especially on Science Technology Engineering & Math (STEM) projects with the School District. Bonner invites schools to participate with 4-H in STEM programming and extracurricular activities. Greenberg noted that science education is in line with Idaho's push to improve core standards of education. The Vista volunteer requires a 15% match contribution, which the University of Idaho has agreed to cover.

**Clerk's Report – JoLynn Drage**

- Updated budget sheets are almost ready.

**Operations Director – Char Nelson**

- Yamas just presented Blaine County with a \$7,500 quote for work on the Annex HVAC system. Yamas did the HVAC system and has been unresponsive to the Annex's problems. The County switched to a replacement service contract with ClimaTech, which has worked well. ClimaTech suggests the County completely change out the HVAC system due to ongoing problems with the system and lack of cooperation with Yamas. McKinstry has worked on the HVAC system at no cost, and has also had problems with Yamas. Replacing the Yamas system would cost about \$100,000.
- The City of Hailey asked the county to remove the construction trailer in the Judicial Building parking lot, since there is no active construction activity; or apply for a Conditional Use Permit for \$500, which may allow the trailer to remain on premises. The BCC directed Nelson to take the least expensive option. Nelson has not yet heard from the trailer company.
- Blaine County Weeds Department and Recycle Center Outreach Coordinator Bronwyn Nickel had a booth at the Ketchum Art Festival and talked weeds and recycling with a lot of people. Blaine County's Weed trailer will also be at the Blaine County Fair.
- The County received a Stream Alteration Permit from Idaho Department of Water Resources (IDWR) for the Adams Gulch Bridge. Local Highway Technical Assistance Council (LHTAC) Federal Aid Area Manager Jerry Flatz recommends a basic scour and material analysis for upstream/downstream and bridge location be done. LHTAC will pay most of the cost for the 3-day process; the County's share is 7.34%, or \$291. The BCC supported the process.

**County Administrator – Derek Voss**

- Discussed County Attorney office space potential in the Annex with county prosecutor. There are budget constraints, but the attorneys would like a multi-purpose private conference room.
- The budget for Sarah Johnson case can remain same as last year.
- County and city administrators are in touch regarding the proposed County Road and Bridge levy. The best chance of accomplishing the levy is with countywide support.
- Nelson and Voss are concerned about air quality in County buildings. Initial report is that the radon level in the judicial building basement is unacceptably high. The state probation officer who uses the basement will be notified to find another office space. County Clerk's staff occasionally search records in the basement. Radon levels in other buildings are a little high, and Operations staff will install mitigation methods.

**CONTRACTS, GRANTS AND AGREEMENTS DISCUSSION AND CONSIDERATION**

- **Resolution authorizing the execution of the application for federal assistance for Friedman Memorial Airport** ..... Record #611321

This is a standard resolution authorizing execution of FMAA's application for federal assistance.

**McCleary moved, seconded by Greenberg, to approve Blaine County Resolution 2013-29, a resolution of Blaine County, as a co-sponsor of Friedman Memorial Airport, authorizing an application for federal assistance dated July 2, 2013, and the Standard DOT Title XI Assurances dated July 2, 2013. Motion carried unanimously.**

**CONSENT CALENDAR**

- **New beverage license for The Local Dish**
- **Beverage license renewals for Lefty's Bar & Grill, The Town Pump, Seasons Steakhouse, Mahoney's Bar and Grill, Beaver Creek Store, Muleshoe Tavern, Eastside Magic Reservoir, China Panda Restaurant, Zenergy at Thunder Spring, The Local Dish, Zou 75, La Costa Mexican Restaurant, and Lago Azul.**

**McCleary moved, seconded by Greenberg, to approve the Consent Calendar for July 23, 2013. Motion carried unanimously.**

## **BOARD REPORTS, DISCUSSION and CONSIDERATION**

### **Idaho Fire Service Resource Response Plan Overview and Training Session – Greenberg**

The Idaho Fire Chiefs Association, Bureau of Homeland Security and Idaho Department of Lands developed a Plan to provide short-term access to additional resources needed in a major emergency. Each of the seven districts lists their resources and cost based on FEMA rates.

### **Sustain Blaine – Greenberg**

College of Southern Idaho said future prospects for people without higher education don't look good. Local businesses are leaving the area because educated workers are not available to meet their needs. Sustain Blaine hopes to get a human performance facility in conjunction with the Olympic/Paralympic Training Center and Boise State University to bring young, well-educated people to the valley.

### **Fly Sun Valley Alliance – Greenberg**

Main focus is getting the 1% additional Local Option Tax on the November ballot.

### **Craters of the Moon National Monument – Schoen**

The BLM Shoshone Field Office is drafting language for the Memorandum of Understanding for Blaine County's status as a cooperating agency with the BLM working on revisions to the Craters of the Moon National Monument Management Plan. The BCC approved. The MOU will be on a future Consent Agenda for approval and signature.

## **INDIGENT**

**McCleary moved, seconded by Greenberg, to approve cancellation of hearing and final determination of denial in Application for Assistance #2013-42. Motion carried unanimously.**

## **HULEN MEADOWS SUBDIVISION ROAD RIGHTS OF WAY, CONTINUED**

Also present: Blaine County Land Use Administrator Tom Bergin; County Operations Director Char Nelson; Blaine County Road and Bridge Manager Tom Duffy; Blaine County GIS Program Manager Joel Hall; Hulen Meadows Homeowners Association President Donna Finegan; Craig Brooks; Rick Walsworth; Claudia Walsworth; Jeff Steinberg; John Taber; Carol Pintler; Peggy Dean; Craig Poulsen; Jima Rice; Ann Taylor; Doug Taylor; Will Bailey; Karen and Ken Dickens; Bev McNeal; Tifney Stewart; Jody Moss; Billy Mann; and *Mountain Express* reporter Greg Moore.

This is a follow-up to the meeting held two weeks ago that discussed rights-of-way enforcement, particularly in the Hulen Meadows neighborhood. The BCC would like to clarify the County's position and the BCC's intentions in today's meeting.

- The BCC confirmed that the County will maintain rights-of-way throughout the County in a consistent and fair manner.
- The County Administrator suggested the BCC develop a Right-of-Way Management Plan.
- The Blaine County Road and Bridge Department is challenged to maintain and enforce County rights-of-way. Rights-of-way within some subdivisions in Blaine County are problematic, including Hulen Meadows, where a number of significant encroachments exist.
- Rights-of-way are public property. Managing and maintaining County infrastructure efficiently and safely for everyone—Hulen Meadows residents, County residents, their guests, County staff and emergency responders—is in the public's interest.
- Rights-of-Way enforcement is a major project. The County needs to formulate a plan that anticipates need and moves forward, with public input, while treating everyone respectfully.

McCleary supports the big picture of a countywide right-of-way plan. There are 98 violations in the Hulen Meadow subdivision and implementation will have a drastic effect on the neighborhood. McCleary suggested the County look for alternatives, and does not support the Management Plan as presented at this time.

Greenberg said the challenge is to fairly balance the needs of emergency services, the safety and efficiency for Road and Bridge personnel, and the concerns of homeowners; but accommodating individuals is tricky and unfair. Right-of-way issues have been a quandary in the County for years. Greenberg questioned how a new management plan can help the County make decisions if it can't do so based on existing state and county laws. Landscaping in rights-of-way also proves difficult for utility companies. Blaine County doesn't have the budget to landscape each property and will run into legal problems if it doesn't treat everyone the same.

Schoen said two of the BCC's main responsibilities are setting the budget and maintaining county roads and bridges for access, safety and reliability. The Hulen Meadows problem exists because the County has not uniformly enforced its rights-of-way in the past. Establishing and enforcing rights-of-way throughout the entire county is a big project and may require a fresh approach. County landowners should look forward to a clearly articulated, consistent policy of maintaining and enforcing County rights-of-way in the future. Lack of past management is no excuse to not make and implement a comprehensive policy for moving forward.

McCleary said the survey stakes are in place to make Hulen Meadows homeowners aware of their property boundaries. Homeowners who have not received photos of their right-of-way issues should be sent letters with photos.

## PUBLIC COMMENT:

- Suggest the BCC figure out where in the County the biggest issues are and how the County can fund fixing them.
- Some right-of-way violations may not cause problems; and some roads in Hulen Meadows are very narrow. Don't take a cookie cutter approach to violations.
- Installation of water lines will help solve some of the problems.
- County Land Use department needs to make people aware of property lines when they apply for land use or building permits.
- Give Hulen Meadows the opportunity to monitor themselves. Ask the homeowners association to talk to owners and see if they can't get cooperation of residents to remove obstacles.
- Safety should be addressed everywhere in the County. Safety is not an issue in Hulen Meadows.
- Establish a fire lane. Residents can walk or bike within the subdivision.
- The guidelines should include evidence-based criteria for safety and snowplow issues so particular areas that cause problems can be addressed.
- The Blaine County Transportation Plan should provide direction for rights-of-way.
- The County right-of-way should have been established when Hulen Meadows subdivision was established. The County can't expect homeowners to pay for destruction and subsequent devaluation of their property.
- Barrow pits on the roadside will be unsightly weed traps.

County Operations Director Char Nelson said staff photographed problem-causing violations and asked individual residents to resolve the problems. Many removed encroachments. County staff continued to visit with Hulen Meadows residents. Some removed encroachments as they said they would; but a common response was that they would remove encroachments if their neighbor did. The BCC summarized the meeting:

- The BCC generally supports the County Administrator's Rights-of-Way Management Plan.
- The BCC will give the homeowners association every opportunity to effectively work with residents to solve problems within the neighborhood.
- Rights-of-way issues will be dealt with throughout the entire County.

## BREAK

### **LAND USE AND BUILDING SERVICES, DISCUSSIONS AND CONSIDERATION**

#### • **Comprehensive Plan Update**

Also present: Blaine County Land Use Administrator Tom Bergin; and County Senior Planner Kathy Grotto.

Grotto and the Comprehensive Plan Steering Committee discussed input given at the Comprehensive Plan Kick Off. The Steering Committee is diverse in experience and age and should provide a good range of attitude and ideas. The committee will meet regularly twice a month.

#### • **Findings of Fact: Morada Farms Subdivision and Variance Findings of Fact: Golleher Plat Amendment**

**Greenberg moved, seconded by McCleary, to approve the Findings of Fact, Conclusions of Law and Decision in regard to the application of Morada Farms Subdivision, Morada Farms variance, and the Golleher plat amendment. Commissioner Schoen abstained since he was not present at the meeting. Motion carried 2/0.**

#### • **Findings of Fact: Bullion Street Bridge Stream Alteration Permit**

**McCleary moved, seconded by Greenberg, to approve the Findings of Fact, Conclusions of Law and Decision regarding the application of Blaine County Road and Bridge for a Stream Alteration Permit for maintenance of the Bullion Street Bridge on the Big Wood River. Motion carried unanimously.**

### **TRANSITION AND LEASE AGREEMENT WITH SAFE HAVEN HEALTHCARE, LLC DISCUSSION AND CONSIDERATION**

Also present: Blaine County Prosecutor Jim Thomas; Blaine Manor Interim Director Stephanie Jaskowski; Blaine Manor Board Chairman Marsha Riemann and Board member Stephen Pauley; Blaine Manor representative Linda Haavik; Safe Haven representative Dave Hennessy; St. Luke's Wood River Medical Center representative John Gaeddert; Croy Canyon Ranch Foundation Executive Director Kathleen Eder; Blaine Manor advocate Sandy Christiansen; Safe Haven Director of Nursing Services Cindy Rhinevault; Tom Rhinevault; and Ursula Hulbert.

Blaine County Chief Deputy Prosecuting Attorney Tim Graves has reviewed several iterations of the Transition and Lease Agreement that transitions Blaine Manor from Blaine County to Safe Haven Healthcare. A transition team—Blaine Manor Board members and staff, Blaine County Commissioner Greenberg and Blaine County staff—has worked on the transition process for several months to make it the least disruptive to Blaine Manor residents as possible:

- The facilities license will remain in Blaine County.
- The transition team wants to maintain continuity of staff during the transition period.

