

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

**Tenth Day**

**Tuesday, July 26, 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; *Idaho Mountain Express* reporter Kate Wutz; and Recording Secretary Sunny Grant.

Chairman McCleary called the meeting to order at 9:04 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

- **Case #11-04-042**
- **Case #11-07-052**

Present were: Blaine County Welfare Director Wilma Colter.

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

**OPEN SESSION RESUMED**

**Schoen moved, seconded by Bowman, to deny Case #11-07-052, based on staff recommendation. Motion carried unanimously.**

**Schoen moved, seconded by Bowman, to deny Case #11-04-042, based on staff recommendation. Motion carried unanimously.**

**AMEND AGENDA**

**Schoen moved, seconded by Bowman, to amend the agenda for Tuesday, July 26, 2011, to add I.C. 67-2345 1(a) Personnel and 1(d) Records exempt from disclosure to the scheduled Executive Session at 3:30 p.m. Motion carried unanimously.**

**DEPARTMENT REPORTS FOLLOW-UP**

**County Administrator – Derek Voss**

- Voss will send out Emergency Communications contracts with Exhibit A to the County's partners. Contract pricing is same as 2010 contracts, with consideration for current individual parcel data. Contracts will not include any increase for Dispatch compensation.

**BOARD REPORTS DISCUSSION and CONSIDERATION**

**Sustain Blaine – Bowman**

Sustain Blaine asked the County GIS Department to give them an updated inventory of all undeveloped land in Blaine County. The inventory could be of use to the County. The BCC asked GIS for an estimate of the project cost. Voss suggested the GIS Users Group revive, and formulate a broad concept of potential GIS services and expense, for County departments and outside organizations, jurisdictions and commercial use.

**Redistricting Commission - Schoen**

Democratic members of the State's Redistricting Commission have submitted a reapportionment map that keeps the current district pretty much intact. The Republicans on the Committee have not yet submitted a plan.

**Snake River Juvenile Detention Center – McCleary**

McCleary will research why Blaine County's user days at the Detention Center were significantly higher this quarter and last.

**AIRPORT UPDATE and DISCUSSION**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Friedman Memorial Airport Manager Rick Baird; Dick Fenton; and Jim Phillips.

Hailey City Council unanimously ratified the Amended and Restated Joint Powers Agreement for Friedman Memorial Airport Authority (JPA), with minor revisions.

Hailey Council appointed their three members to the Friedman Memorial Airport Authority under the new JPA: Councilmembers Martha Burke, Susan McBryant and Don Keirn.

Sun Valley Mayor, Council and counsel would like to meet with the BCC and Baird to discuss concerns about the replacement airport cost, a potential bond, and the amended JPA regarding governance structure. They also want to clarify timelines, and would like an update on the Environmental Impact Statement.

Baird reported on two recent airport incidents, neither resulting in injury. The FAA is investigating both incidents.

The BCC will meet with the three remaining members of the Blaine County Airport Advisory Committee next week to further consider their role in the replacement airport process.

### **BLAINE COUNTY APPOINTMENTS TO FMAA**

The amended JPA does not establish terms of service, so all three County Commissioners will be appointed or reappointed at this time, with concurrent terms at the pleasure of the BCC.

**Bowman nominated the three duly-elected Blaine County Commissioners—Lawrence Schoen, Angenie McCleary, and Tom Bowman—to sit as County representatives on the Friedman Memorial Airport Authority, for indeterminate terms. Motion carried unanimously.**

### **TAXING DISTRICT BUDGET CERTIFICATION REQUEST FORM DISCUSSION**

The BCC has been approving tax levies for the Picabo Cemetery District without the District having a duly-authorized Board. There is some concern about taxing districts across the state that may not be in compliance with Idaho Code.

Drage said the County Clerk's office distributed forms to each taxing district every year. The form included contact information and details of the district's budget hearing, and were returned to the Clerk before an annual deadline date in order for their allowable increase to be included on property tax bills.

Graves said county commissioners set the levy rate, and should be sure taxing districts met requirements in presenting their annual budgets; but Idaho Statute requirements for taxing districts were individual and vague. The only consequence of failure to comply mentioned in Idaho Code is the inability to increase the district's budget for the next year.

The Clerk, County Attorney and Schoen will review the Clerk's Taxing District form to determine if additional information should be included.

### **UNIVERSITY OF IDAHO EXTENSION SERVICES DISCUSSION and CONSIDERATION**

Also present: Blaine County Human Resources Generalist Susan Potucek; University of Idaho Extension College of Agricultural and Life Science Southern Director Patrick A. Momont.

The County Extension Office recently lost two employees. The Extension just hired an office administrator; but, due to budget cuts, has been asked to revise the existing position to include 4-H Coordinator duties. Extension positions are considered University of Idaho employees, but are currently paid by Blaine County.

Patrick Momont said that U of I provides leadership training to its Extension employees, whether they are employed by the University or a county. A 4-H Coordinator is critical in every Extension office. If necessary, a position can be held open and vacant for a year, but, during that time, another Extension position will have to take on the duties of the vacant position. It is also problematic to actually combine job descriptions.

The BCC will consider this in setting its FY2012 budget.

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

Pursuant to Idaho Code Section 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, Zoning Specialist Nancy Cooley; County Engineer Jim Koonce; Billy and Wendy Collins; Ken Raabe; and Dan Fahrman;

Bergin said there was no additional published notice, but signs posted on the property had been updated. There was no additional public comment since last hearing.

The BCC is considering a road validation, pursuant to Idaho Code 40-203(a). If there is doubt as to the existence or location of a road right-of-way within the county, the BCC can invoke a process to make a final determination on where the location or existence of that road actually is. This section of road in the Triumph area has been problematic for decades, largely because of errors made in the original

surveying of the area.

The BCC invoked the validation process through Resolution 2009-69. As required by Idaho Code, surveyor/engineer Brian Yeager prepared a report and survey of the road in question, which was reviewed by Koonce. The BCC held a public hearing on July 12, 2011, properly noticed to all affected property owners and published in the newspaper. The BCC must accept all information and testimony, review the report and survey, and determine if validation of the public right-of-way is in the public interest. The BCC will then initiate a written order, record the survey and written order together, then amend the highway map.

At the prior public hearing, Yeager outlined the mathematical errors he encountered on the original survey, and the difficulty he had in finding original monumentation. Koonce related the history of the road.

Yeager again recounted the difficulty he had in trying to align the original survey and monumentation to the existing right-of-way. Koonce concurred that he was unable to follow the original survey. Both engineers agreed the best evidence of where the road should be is where the road currently is. Usage of the current roadway has been continuous and ongoing by the public since at least the 1950s, and the County has continuously maintained this section of road.

#### PUBLIC COMMENT

Residents of Triumph agreed the road has been there for decades; and said the proposed validation would help with long-time ongoing property line issues.

Residents asked about property boundary issues not adjacent to the roadway. Graves said this proceeding is strictly limited to the right-of-way.

**Schoen moved, seconded by Bowman, to validate the East Fork Road right-of-way as depicted on the surveyor's report, including graphical representation and narrative, as provided in Idaho Code 40-203(a), based upon a Finding that such validation is in the public interest; and further find that it is also in the public interest, although separate from the validation, that existing historic structures along, but outside the right-of-way, be maintained. Motion carried unanimously.**

Graves will prepare the written Order and Findings of Fact for BCC review.

#### BREAK

#### **LAND USE AND BUILDING SERVICES HEARINGS**

##### • **Glendale Area Rezone Applications**, continuation:

1) **Sleepy Acres & Tax Lot 7275 Light Industrial Rezone**: A continued public hearing on and consideration of an application by **John Majors, William & Vivian Bobbitt, Barbara Tomasi, and Erwin Excavation** to **rezone** the non-FEMA floodplain portions of Lot 1, 2, and 3 of Sleepy Acres Subdivision and Tax Lot 7275 **from Productive Agricultural District (A-20) to Light Industrial District (LI)**. The area is comprised of 64.6 acres west of the Big Wood River on Glendale Road, Section 13, T1N, R18E, B.M., Blaine County. After two public hearing on April 30 and June 11, 2009, the Planning and Zoning Commission recommended approval with conditions of this rezone proposal; and

2) **Light Industrial Rezone of a portion of the Brown Ranch**: A continued public hearing on and consideration of Dan Brown to rezone 36 acres of the Brown Ranch from Productive Agricultural District (A-20) to Light Industrial District (LI). The area is located directly west of the Brown Subdivision, immediately adjacent to Glendale Road in Section 14, T1N, R18E, B.M., Blaine County. After one public hearing on August 13, 2009, the Planning and Zoning Commission recommended approval with conditions of this rezone proposal. Both of these applications are continued from an April 19, 2011 hearing.

Also present: Blaine County Land Use and Building Services Director Tom Bergin, Chief Deputy Prosecuting Attorney Tim Graves; Applicants' Attorney Ned Williamson and engineer Brian Yeager; Robin Tomasi; Dan Brown; and Jim Kino.

Bergin read posting notice, which was the same as the original hearing in May, but redone to comply with notice timeframe.

Staff had received input regarding Glendale Road issues and potential road improvements from County Engineer Jim Koonce and County Road and Bridge Manager Tom Duffy. The two applications received positive recommendations from the P&Z Commission, and were consolidated into one application.

The applicants' goal at today's meeting is to encourage the BCC to make Findings on some rezone standards. Even in a down economy, there is demand for these properties after a rezone. There were two original locations, then an additional third location was added. There is now a fourth location that is not included in this application.

The BCC discussed the rezone to Light Industrial; and increasing the applicants' contribution for road improvements. The BCC made some minor revisions to the Development Agreement.

**Bowman moved, second by Schoen, to continue the Glendale Area Rezone Applications public hearing to August 9, 2011, at 1:30 p.m. Motion carried unanimously.**

- **Blaine County Road and Bridge Stream Alteration Permit South Fork Muldoon Creek, also known as Friedman Creek:** Bridge replacement on West Muldoon Creek Rd., 16 miles north of Carey in Section 20, T.2N., R.21E., B.M.

Also present: Blaine County Land Use and Building Services Director Tom Bergin, Code Compliance Specialist Megan Stelma, and Blaine County Engineer Jim Koonce.

Stelma read posting notice.

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

Stelma said there were no new materials

An emergency Stream Alteration Permit (SAP) was issued last May. This is the follow-up SAP to complete the permit process. McCleary, Koonce and Blaine County Road and Bridge Manager Tom Duffy visited the site. McCleary and Schoen reviewed and signed the permit, which has been approved by the Army Corps of Engineers, Department of Environmental Quality and Idaho Department of Water Resources.

PUBLIC COMMENT - NONE

**Schoen moved, seconded by Bowman, based on the Finding that the application complies with conditions of Blaine County Code, to approve the application for a Stream Alteration Permit as follow-up to the emergency Stream Alteration Permit, for the South Fork of Muldoon Creek, otherwise known as Friedman Creek.** In discussion, Bowman said R&B monitors and the County does weed control. Stelma said the main purpose of the condition is to be sure grass grows back. **Motion carried unanimously.**

**EXECUTIVE SESSION – Idaho Code §67-2345 1(a), 1(b), and 1(d)**

**Bowman moved, seconded by McCleary, to go into Executive Session for I.C. §67-2345 1(a) Personnel, to consider hiring a public officer, employee, staff member or individual agent, and to evaluate the respective qualities of individuals to fill the vacancy or need; I.C. §67-2345 1(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent; and I.C. §67-2345 1(d) to consider records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code. Bowman (aye), and McCleary (aye). Motion carried 2/0.**

**ADJOURN**

At the hour of 3:28 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
 JoLynn Drage Angenie McCleary  
 County Clerk Chairman