

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JUNE 2012 SESSION**

Third Day

Tuesday, June 12, 2012

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; Chief Deputy County Clerk Leslie Londos; and Recording Secretary Sunny Grant.

Chairman McCleary called the meeting to order at 9:01 a.m.

PUBLIC COMMENT - NONE

RESOLUTION 2012-20 DECLARING THAT THE TRANSFER OF CERTAIN COUNTY-OWNED PROPERTY TO ANOTHER POLITICAL SUBDIVISION (BLAINE COUNTY SCHOOL DISTRICT) IS IN THE PUBLIC INTEREST

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County School District CFO Mike Chatterton; and School District Director of Building and Grounds Howard Royal.

The Carey City Council supported the land transfer.

The BCC complimented the School District on getting the land transfer done so efficiently.

Bowman moved, seconded by Schoen, to approve Resolution 2012-20, pursuant to Idaho Code 31-808, Paragraph 9, declaring that transfer of certain property to another political subdivision or tax district is in the public interest. Motion carried unanimously. Record #598342

Blaine County received a parcel in exchange from the Blaine County School District. The BCC expressed interest in working with the Blaine County Housing Authority to include this parcel in the County's community housing inventory.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Claims – Schar Boyd

- Deputy Auditor Schar Boyd presented the claims.

Schoen moved, seconded by Bowman, to approve claims dated June 7, 2012, with additional City of Hailey water/garbage bills of \$2,577.22, and a refund of \$33.00 to Kevin Schlenker for overpayment of recording fees, and as noted by the Deputy Auditor. Motion carried unanimously.

Sheriff's Office – Gene Ramsey

- Last week's Employee Meeting on County Strategic Planning had a good turnout from many County departments, and was very productive.
- 69 inmates in the County jail, 38 from Idaho Department of Corrections and five from Jerome.

Clerk's Report – Chief Deputy County Clerk Leslie Londos

- The Clerk is in the middle of outcome-based budget process.

BOARD REPORTS, DISCUSSION and CONSIDERATION

Employee Meeting for Outcome-Based Budgeting – Schoen

Schoen attended the meeting and felt that employee feedback was valuable. Staff would like to continue interdepartmental quarterly meetings to share information. The BCC wants employees to know they matter. Performance management is an attempt to build employee morale and teamwork.

Upcoming Events

- The US National Mountain Bike Championships would like to use part of a county road.
- Ketchum is planning a two-day music festival in July. Camping will be available on the Gardner-Drashner bench property.

Region IV Development Corporation – Schoen

- Region IV Development Corporation is struggling to find small business customers for available funds. Loans processed last year created over 235 jobs, and over 4,000 jobs since the program began in 1984.
- China Mountain Wind Energy project has been suspended indefinitely. There are sage-grouse issues and China Mountain lost their power contract with Nevada Power.

Region IV Development Association Annual Board meeting – Schoen

The Region IV Development Association Board:

- Reported on Community Development and Rural Development programs.
- Selected an auditor on a multi-year contract basis.
- Endorsed a Regional Comprehensive Economic Development Strategy; the next step is to create a statewide strategy. Schoen would like to see more emphasis on higher education and the role it plays in economic development.
- Approved salary increases.
- The Public Utilities Commission will allow Idaho Power to offer alternative power purchase agreements, but Idaho Power pays too little for the providers to be sustainable.
- Region IV received a US Department of Agriculture grant for business technical development.
- Held a regional freight forum, including rail, relating the shipment of goods within and without Idaho to economic development.

Sawtooth Vision 20/20 annual meeting – McCleary

- This year's annual meeting included updates on the five areas in the 20/20 Plan:
 - Economic and community stability—a geothermic study on what possibilities might exist on forest service land; and Stanley is now building a multi-use building with a library, public restrooms, retail, and six residential units, including three affordable units.
 - Fish and wildlife—no results yet on the current study on wolverines and the impacts recreational uses have on them.
 - Historic and pastoral scenic areas—some residents in Custer County and Stanley are interested in a dark sky ordinance. Stanley elected officials decided to deal with specific problems rather than pass an ordinance.
 - Natural and sustainable ecosystems—working on long-term projects, including the appropriateness of a gravel pit at 4th of July.
 - Recreation—addressing motorized and non-motorized traffic on remodeled Pole Creek trails.
- Blaine County Recreation talked about their Galena Summer Trail project.
- There is a plan for a Redfish to Stanley Trail using a portion of \$150,000 grant funds.

Behavioral Health Interagency Cooperative meeting – McCleary

Health and Welfare, Juvenile and Adult Corrections have produced white papers explaining their roles in the mental health system and the services they provide. Cooperative members are looking for opportunities for coordination; and exploring if any legislative fixes are appropriate.

Blaine County Regional Transportation Committee meeting – McCleary

Topics of discussion were:

- Transportation and mobility updates from all cities and the county.
- Ketchum Walkability project may include signs in the right-of-way, which will require coordination with Idaho Transportation Department.

Regional Mental Health Board meeting – McCleary

Regional Idaho Department Health and Welfare counselors are still unable to see new “voluntary” clients. This voluntary population includes Blaine County Probation misdemeanor clients that have been ordered by a judge to seek counseling. Only felons receive state-funded counseling. Blaine County Probation officers are concerned that their clients do not receive adequate counseling or medication management.

SKILLED NURSING REQUEST FOR INFORMATION DISCUSSION AND CONSIDERATION

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine Manor Administrator Gail Goglia and Blaine Manor Finance Director Stephanie Jaskowski; Blaine Manor Board Member Marsha Riemann, and Blaine Manor advocates Linda Haavik, Carol Taglio, Lois Jean Heagle, Dorothy Ann Outzs, Ursula Hulbert, and Sandy Christiansen; Croy Canyon Ranch Foundation (CCRF) Board President Jeanne Cassell and CCRF Board Members Jed Gray, Jan Wygle, and Greg Cappel; CCRF Executive Director Kathleen Eder and Campaign Chairman Anita McCann; CCRF advocates Lyman Drake and Kathryn Gardner; Karen Bossick; Eric Remais, Peter Candy; Al Stevenson; St. Luke's Wood River Medical Center CEO Cody Langbehn; Safe Haven Marketing and Social Services Director Melissa Ourata; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; and *Idaho Mountain Express* reporter Kate Wutz.

McCleary stated the three guiding principles she considered most relative to senior care:

- Safe and compassionate skilled nursing care should be available within the community for all socio-economic groups.
- Blaine County supports community partnerships to provide a continuum of care services and options.
- Blaine County values its seniors and wants them to be able to remain in the community.

Today's discussion is primarily to evaluate public-private partnerships in the context of skilled nursing.

The BCC discussed potential business models. Both private and public entities have suggested diversification may help to improve a facility's profitability. In order to explore various and innovative concepts of what a public-private partnership might look like, the BCC sent out over 40 Requests for Information (RFI).

The BCC received three very different responses to the RFIs, all of which include element(s) of a successful program. . All three suggested a public-private partnership, and all included Blaine Manor's facilities license, but otherwise did not lend themselves to comparison.

Bowman's vision of success is a private entity—profit or non-profit—that builds a quality facility in Blaine County; and provides for operating Blaine Manor during construction of that facility. When the facility is complete, Blaine Manor's current residents are transferred into it.

Bowman asked the Blaine Manor Board to contribute their experience and suggestions to the discussion, even though Blaine Manor may not be part of the solution over the long term.

Schoen thanked everyone who had contributed to a senior care solution, especially CCRF volunteers who had worked hard for 12 years to achieve their vision. The BCC discussed CCRF's response to the RFI, including:

- Blaine County has given Blaine Manor an annual subsidy of about \$600,000 since 2000.
- CCRF wants the County to bond for \$29.3 million, which equates to an annual subsidy of about \$1.6 million for 35 years.

Graves said it was possible under Idaho Code for Blaine County to pledge public funds to an outside entity through a service agreement. He would prefer to see a lease-to-own type operation, with eventual private ownership. A levy could be put before the voters, as long as the relationship with the private entity is very clear.

RFI proposals from both TanaBell Health Services and Safe Haven offer the County the potential to transition into an independently-operated facility with no long-term subsidy. TanaBell suggested they could take over management of Blaine Manor, expand it and make it more economically viable, and eventually take over Blaine Manor. Safe Haven's RFI response only includes the County's partnership to obtain Blaine Manor's facilities license to enable them to transition to Medicaid funding. Safe Haven is negotiating the purchase of land and intends to open their own private facility.

McCleary's first priority is that safe and compassionate skilled nursing care remain within Blaine County. Any nursing care provider must come close to Blaine Manor's consistently very high ratings. McCleary wants a sustainable solution, and is not opposed to a continued subsidy, providing it is a publicly-support bond or levy.

PUBLIC COMMENT:

- CCRF will be a 501(c)3 and, by law, must have a successor in interest, which must also be a non-profit entity. Public funds will never go to a private entity.
- There is a long history of the Blaine County community's financial support for senior care.
- A \$225,000 median-value house would pay about \$50/year for a 35-year \$29 million bond.
- Sustainability is a key long-term issue. CCRF says their fund-raising probably has greater potential for sustainability than a small private facility.
- CCRF will receive more donations once the facility is open.
- CCRF will transition Blaine Manor's entire staff, management, and quality of care into the new facility. CCRF will offer the full realm of independent living, assisted living, memory care and skilled nursing care.
- Nothing in a private facility can guard against the profit motive.
- A locally-owned three-tiered facility would provide local jobs, purchase of local services, etc., as well as a link to an acute-care hospital.

The BCC would like to consider all assets—responses, concepts, and brainstorming—that could provide safe, compassionate nursing care in Blaine County. They encouraged Blaine Manor to participate actively in the discussion.

EMERGENCY COMMUNICATIONS FUNDING – RECOMMENDATIONS FROM SUN VALLEY, HAILEY AND BELLEVUE

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Sheriff Gene Ramsey, County Emergency Communications Director Robin Stellers, County Communications GIS Analyst Chris Corwin; Wood River Fire Protection District Chief Bart Lassman; Wood River Fire Protection District Commissioner Jay Baille; Hailey Mayor Fritz Haemmerle and Hailey Councilmembers Don Keirn and Carol Brown; Hailey Police Chief Jeff Gunter; Sun Valley City Councilman Nils Ribi; Bellevue Council President Dave Hattula; Ketchum Fire Chief Mike Elle and Ketchum Assistant Fire Chief Robbie Englehart; and Sun Valley Board of Realtors Government Affairs Director Bob Crosby.

Blaine County and its cities have struggled for several years to find a funding formula for county dispatch. Sun Valley, Hailey and Blaine County participated in a mediation with the Idaho 911 Emergency Communications Commission (IECC), but the IECC's recommendation did not resolve the issues for the cities.

After the last Partners Advisory Committee (PAC) meeting, the cities of Sun Valley, Bellevue and Hailey met to figure out a more affordable way to contract out non-911 (non-emergency) calls. Based on some preliminary verbal quotes, they think they can save up to 65% on non-emergency phone calls. Councilmembers described "non-emergency calls" as anything from a "cat in a tree" to an administrative call. The BCC said Dispatch has to treat every call that comes in as a potential emergency. An officer-generated call could start as a traffic stop and end up in an altercation.

Blaine County and its jurisdictions voted in 2002 to set up a consolidated system. Idaho Code 31-48 makes a distinction for specific uses for the Emergency Communications fee. "All other expenditures necessary to operate such systems and other normal and necessary safety or law enforcement functions shall be paid through general funding of the respective governing boards." The BCC questioned whether cities could split non-emergency calls from the E911 system.

The BCC is governing board and administrator of the E911 system, and statute doesn't provide otherwise. The BCC applauded the cities for searching out efficiencies, but the fundamental goal of emergency communications is safety for all County citizens.

The BCC asked the Prosecutor's office to research legal questions:

- Is the County required to provide emergency services, and can the County charge for the services?
- Can a jurisdiction legally opt out of part of consolidated emergency communications?
- Can a jurisdiction contract out for part of emergency communications?
- The 90-day notice clause in the contract.
- The liability of having emergency dispatch calls handled outside the area.
- The need to have a minimum number of dispatchers to provide reliable service.

The Councilmembers asked BCC to consider a 90-day or 6 months termination clause if the County is going to consider the current termination clause in the contract.

PUBLIC COMMENT:

- The County has to provide emergency communications, and it has to be funded. Every time someone in Blaine County dials 911, there needs to be a dispatcher available to answer the call, regardless of what kind of call it ends up being. Two dispatchers are needed in an emergency.
- A Hailey resident asked why calls to a non-emergency phone number currently in the phone book go to dispatch instead of a non-emergency operator?
- A Hailey resident has had experience with an inept dispatch service.

The BCC said the health, safety and welfare of Blaine County residents is their overriding concern. The County must provide emergency communications for its residents. County residents have reasonable expectations for excellent service, and that service has fixed costs that must be paid by taxpayers. The BCC may need to review the structure of the Partners Advisory Committee.

Voss said the new proposal presented as many challenges as it proposes to solve. The County is not in a position to implement or consider any new proposals for FY2013.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- **Plat Amendment of Zinc Spur Unit 4 Subdivision.** Public hearing and consideration of an application by Rod Rinker to amend Lot 1A, Block 1, Zinc Spur Unit 4 Subdivision by eliminating plat note #4 and adding a new building envelope outside delineated wetlands. The property is zoned Residential/Agricultural District (R-5) with areas of Wetlands Overlay District and is located within Section 29, T3N, R18E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin, County Senior Planner Kathy Grotto; applicant Rod Rinker; Harry Rinker; applicants' representatives Garth McClure, Trent Stumph, and Keith Roark; Eric Remais; and Ted Waddell representing Lynn Campion.

Grotto read posted notice.

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

New materials received have been distributed to the BCC. A letter from the Army Corps of Engineers confirms the property's wetlands delineation.

A similar application on the subject property was denied in 2009, based on the property being in the wetlands. A high water table forced the need for substantial fill to make the lot buildable, and there was considerable concern for neighbors. This application has two significant changes from the 2009 application: The 2010 FEMA maps no longer include any portion of the parcel in the floodplain. This

application includes a Wetlands Delineation and Management Plan which shows the wetlands are a “no build zone”, and states the wetlands will not be disturbed.

Garth McClure, representing the applicant, said surveyor Bruce Smith cleared up some boundary issues along the old Deer Creek Road right-of-way. The property is confirmed to be out of the wetlands delineation. The applicant will protect and preserve natural processes. Drainage on the property is controlled with culverts. There is a building envelope for a modest single family residence that meets setbacks. The property includes the old Deer Creek Road right-of-way, which was realigned and part of an exchange agreement. Access is off Deer Creek Road; and the driveway has been improved.

PUBLIC COMMENT:

- Eric Remais expressed concern that a plat note could be changed.
- A neighboring property owner asked why the applicant only has a 25ft setback.
- Adjacent property owners said water floods over the road in the spring. FEMA should consider it wetlands; and any activity on the applicant property would affect their property.

Applicant’s attorney Keith Roark related history of old Deer Creek Road, and suggested Plat Note #3 was unnecessary. All plats, and plat notes, are subject to amendment. Trent Stumph said the parcel was already a functioning natural habitat. The riparian management plan was designed to protect and preserve it as is, and a larger setback isn’t required. The elevation of the proposed building envelope is about 6ft higher than the majority of the parcel. No structures will be permitted outside the building envelope. The applicant is amenable to a conservation easement when the application is complete.

The BCC agreed with staff that the new application mitigated previous problems.

Bowman moved, seconded by Schoen, to approve an application for Rod Rinker for a plat amendment to eliminate plat note #4 and add a new building envelope on Lot 1A Block 1, Zinc Spur Sub, with conditions and plat notes so enumerated today. Motion carried unanimously.

- **Plat creating Jewel of the Crown Subdivision.** Public hearing and consideration of an application by Rod Rinker to plat Tax Lot 8110 to create Lot 1, Block 1, Jewel of the Crown Subdivision. The proposed platted lot is 43.2 acres in size and includes two building envelopes. The property is zoned Rural Remote District (RR-40) with areas of Riparian and Wetlands Overlay and is located within Section 1, T2S, R20E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin and County Senior Planner Kathy Grotto; Victor Hofstetter; Dana Hofstetter; Marianne Hofstetter; Ed Cutter; Don McGrath; Aline Ramos; and Ingeborg del Real.

Grotto read posted notice.

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

If the plat is approved with residential development rights on it, the number of lots accessed by Hofstetter Lane will increase to more than four. A condition of approval is that the travel width and surface of the road be improved to meet County standards. The road needs to be widened and straightened out as well. The BCC may want to discuss requiring a fisherman’s access easement.

Parcels of 40 acres or more that are sold for agricultural purposes only must go through the platting process if they are proposed for residential use. The 43-acre property is zoned A-40, and is accessed off Highway 20 from Hofstetter Road. The applicant proposes two building envelopes, both of which meet the riparian Silver Creek setback and wetlands setback. Only one primary residence would be allowed. There are several easements on the property.

The BCC discussed water rights and agricultural use on the property.

PUBLIC COMMENT:

- Adjacent property owner is concerned about two building envelopes, and the proximity of one building envelope to the river, which is a waterfowl nesting habitat and a pathway for elk, deer, etc.
- Sheet freezing causes flooding on the property.
- County Ordinance 42-1 states no firearm can be discharged within 1,000 feet of a residence without the residents’ permission. Neighborhood hunters claimed they would have to get permission from the property owner to hunt on their own property.
- The entire southeast border of this parcel impacts the Hofstetter homestead.
- The intent of the road was for agricultural access. Neighbors don't want a wider road.
- Neighbors requested trees and other landscaping along southern boundary for visual buffer.
- Neighbors requested that all vehicles on the lot, including cars and farm equipment, be garaged.
- 35ft building height maximum be from current existing natural site elevation.

Neighbors asked the BCC to walk the property before making a decision.

Rinker accepts condition of approval to improve the road. He will comply with neighbors’ requests for setbacks and visual buffers off Hofstetter Lane.

The BCC suggested neighbors work together to mitigate impacts. Blaine County Land Use standards in agricultural zones give agricultural operations precedence over residential use.

Staff suggested formation of a landowners association to maintain the road.

Schoen moved, seconded by Bowman, to approve the application of Rod Rinker to create a single lot plat Lot 1 Block 1 Jewel of the Crown Subdivision, with conditions noted in the staff report, plat notes and additions to plat notes, based upon the Finding that it complies with the Comprehensive Plan and has no negative impact on delivery of services or potable water supply in the County. Motion carried unanimously.

BLAINE SOIL CONSERVATION DISTRICT FY 2013 FUNDING CONSIDERATION

The BCC supported the Blaine Soil Conservation District's annual funding request of \$13,600, the same as last year. Schoen will update the Soil Conservation District's funding request letter.

ADJOURN

At the hour of 4:09 p.m., the BCC finding no more business before them adjourned.

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