

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

Fourth Day

Tuesday, June 14, 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; Chief Deputy Clerk Leslie Londos; Chief Deputy Assessor Martha Heuston; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Andy Kerstetter.

Chairman Greenberg called the meeting to order at 9:04 a.m.

PUBLIC COMMENT - NONE

BOARD OF EQUALIZATION I.C. 63-501a – No new business

ROAD AND BRIDGE BID OPENING

The BCC opened one bid from Walker Sand and Gravel for 1,650 tons of $\frac{3}{8}$ " chips for \$11.60/ton for a total of \$19,140. A 5% bid bond deposit of \$957 is enclosed.

The BCC discussed using a different chip size on multimodal roads.

McCleary moved, seconded by Schoen, to direct Road and Bridge Department to evaluate the bid from Walker Sand and Gravel for $\frac{3}{8}$ " chips and report back to the BCC with their analysis. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims – Chief Deputy Clerk Leslie Londos

Deputy Clerk Leslie Londos presented claims.

The BCC asked Land Use to present a more detailed report on hours of the Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger.

Schoen moved, seconded by McCleary, to approve Blaine County claims dated June 8, 2016. Motion carried unanimously.

County Administrator – Derek Voss

• **4-H Robotics Wi-Fi**

The 4-H Robotics program needs internet and Wi-Fi access for their summer robotics group, which has too many participants to fit in the McBride Building. Blaine County's IT department suggested the best solution is to move the Old County Courthouse meeting room's public Wi-Fi access to the County Annex for the 4-week robotics program. The BCC asked IT to give them a price for public Wi-Fi access in both buildings.

• **Blaine Manor – Idaho Department of Environmental Quality (DEQ) Update**

Also Present: Blaine County Assessor Valdi Pace; Chief Deputy Assessor Martha Heuston.

The County has given DEQ contractual authorization to access the Blaine Manor site to test and remediate environmental contamination. DEQ will begin work soon.

HAILEY'S PROPOSAL FOR BLAINE MANOR PROPERTY

Also Present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Hailey City Attorney Fritz Haemmerle; Hailey City Administrator Heather Dawson; Hailey Police Chief Jeff Gunter; Wood River Fire Protection District (WRFPD) Assistant Chief of Fire and Emergency Services Craig Aberbach; Hailey City Councilwoman Martha Burke; Hailey City Attorney Ned Williamson; WRFPD volunteer firefighter / Hailey Fire Inspector Christian Ervin; WRFRD Commissioners Melanie Nevins and Seth Martin; Hailey Engineer Dannie Edelman; Linda Haavik; Alpine Investment Group principal John Sofro; and Blaine County Grants Manager Michele Johnson.

The Hailey Fire Department and Wood River Fire Protection District have been working to consolidate services, and need a centralized site with adequate space for equipment and emergency responders. Shared resources would improve fire and ambulance response, and save money. The Blaine Manor property would meet their needs.

PUBLIC COMMENTS:

- Hailey City Attorney Ned Williamson related the history of ownership of Blaine Manor property. He asked the County to consider leasing the property to Hailey and/or the Wood River Fire District. Having an interest in land would help facilitate consolidation.

- Hailey City Administrator Heather Dawson said Hailey had previously purchased land in Woodside for a potential joint fire station, but a bond failed because Wood River Rural did not deem the site appropriate.
- Hailey Mayor Fritz Haemmerle said the City of Hailey deeded the Blaine Manor property to the County in 1958 for a hospital; and asked the County to return the favor in 2016 for a consolidated fire station.
- Wood River Fire Protection District Commissioner Seth Martin requested BCC consider this joint proposal for essential services. He said consolidation is the only way for future sustainability.
- Hailey firefighter Dannie Edelman said firefighters from both departments have been cross training. They have to figure out which station houses the vehicle to serve that particular emergency and scramble to meet there. Firefighters need a single central facility to efficiently protect the community.
- Hailey City Councilwoman Martha Burke said the base charge for a municipality is to provide public health, safety and welfare. This is the time to consider public benefit in meeting the needs of the city and county.
- Hailey resident Linda Haavik lives across from a fire station, and sees how inefficient the current system is. She has promoted consolidation for years. She encouraged the BCC to consider keeping Blaine Manor in public hands.

Commissioner McCleary said a cash contribution for Blaine Manor is important to the County. Haemmerle said Hailey's consolidation proposal could involve cash, if the County indicated it was interested in considering the proposal. Williamson said the County could have a contingency that the property reverts back to the County if Hailey doesn't acquire financing.

WOOD RIVER VALLEY IRRIGATION DISTRICT #45, PETITION for DIVISION, CONTINUED

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; petitioners' attorney Tom Arkoosh and representative Wendy Pabich; Triangle Irrigation District representative Pepin Corso-Harris; District #45 representatives Jim Super and James White; Matt Thornton; Elizabeth Stevenson; and John F. Stevenson.

Blaine County received some submittals shortly before the previous meeting on May 23, 2016, which was duly noticed; and County Attorney Graves requested a continuation to allow time to review the documentation. Since then, Mr. Arkoosh, attorney for the petitioners, submitted a response, and there is additional information from James White for District #45.

Petitioners' attorney Tom Arkoosh said public comment at the May 23rd noticed public hearing opposing partition mostly concerned constitutional issues in the initial Wood River Valley #45 petition. State Statute does not allow the opportunity to stop the petition if all statutory requirements are met.

PUBLIC COMMENT:

- James White, an objector at the previous meeting, said papers filed by the District's Attorney and himself were filed before the petition was heard and were not late.

County Attorney Graves confirmed that documents submitted by Andrew Waldera and Mr. White prior to the noticed hearing were not late, but came in at such a time as to necessitate a continuance of the hearing. The motivation of the petitioners is irrelevant. District Court ruled it is the wet (irrigated) acreage that is under consideration. Graves opined that the petition process is a quasi-judicial proceeding, but the standard of evaluation set for the BCC is very slanted in favor of the petitioner. The BCC is basically required to make certain Findings if it appears that the statutory requirements have been met. Graves said the BCC has followed due process in its irrigation district-related proceedings, and statutory requirements have been met. Graves clarified that the majority of the acreage must be agricultural in nature, including the Walker Sand & Gravel parcel.

Schoen moved, seconded by McCleary, that, finding that holders of a majority of the acreage with delivered water rights properly signed and approved the petition submitted to the Board of County Commissioners and the Clerk of the Board and that the holders of a majority of the acreage with delivered water rights are also holders of title to the water rights appurtenant to those lands and that the lands subject to petition are of an agricultural character, I move to direct the County Attorney to draft an Order Partitioning the District according to the boundaries submitted by the petitioners, fixing the boundaries of the new district for the purposes of election, and also note in the motion that this BCC is ready to hear from the remaining district their proposal for partition of the remaining district. In discussion, Commissioner Schoen said, "Many of you are my friends and neighbors. I really regret having to make that motion now for the second time because it had always been my hope that the members of the original irrigation district would be able to work out the issues that confronted them. An irrigation district is really formed for one purpose, and that's for the efficient delivery of water to lands within the district that are irrigated by the water delivered by the district. What we've seen, unfortunately, is a dysfunctional district with insinuation, recrimination, and conflict, and an inability to resolve the issues confronting the district Board, the equitable and efficient delivery of water throughout the original district, and so it's been partitioned once, and now it's being partitioned a second time. I think that's truly unfortunate. It's a small community. It is true that those affected by these partitions will continue to share the resources of the original district. It's just that those resources will be managed and administered in a different fashion after the legislation. So, it's regrettable. I do hope that, now, with this

new partition, that some measure of harmony will be found and that people will be able to get along and that the water will be delivered appropriately and that no more money will be spent on legal fees and more money will be spent for purposes for which irrigation districts are formed.” **Motion carried unanimously.**

Graves will prepare a proposed Order for BCC review at an upcoming BCC meeting.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **May 3, 2016 Regular Meeting**
- **May 17, 2016 Regular Meeting**

McCleary moved, seconded by Schoen, to approve minutes of May 3, 2016 and May 17, 2016. Motion carried unanimously.

CONSENT CALENDAR

- **Junior College Residency forms:**
 - College of Southern Idaho, Fall 2016 term, for Megan Jones.
 - College of Southern Idaho, Fall 2016-Spring 2017 term, for Fabio Aguirre Quispe, Gustavo Guillen, Kennedy Howard, Victoria Linderman, Susan Sebold, and Tyler Wolfley.
- **New Beverage License** for The Gardens LLC dba Taylor'd Events.
- **Catering License** for Wood River Land Trust River Fest for July 4, 2016 at Draper Preserve.
- **Beverage License Renewals** for Mountain View Grocery, Dang's Thai Cuisine, Wonderful House, JC Perfect Roast Chicken & Pasta, Village Market, Grill at Knob Hill, and Lefty's Bar and Grill.

DEMOCRAT GULCH ROAD, Discussion and Consideration

Also Present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Road and Bridge Manager Steve Thompson; County Administrative Specialist Andrea Walton; County Code Compliance Officer Kristine Hilt; BLM Shoshone Field Office Outdoor Recreation Planner John Kurtz; Brian Barsotti; Chris Kastner; Jeff K. Jones; James Jeff Jones; Karin Lyttle; Chuck Christopher; Bret Hall; Chip Deffé; and Andy Harding.

Chairman Greenberg said Democrat Gulch Road was closed after the Beaver Creek Fire. He related the recent history of the County's move to reopen the road, and neighbors' concerns about vehicular traffic on the road. A number of letters have been received from people who don't want the road closed to vehicular traffic. The County maintains the road to where the creek runs through it.

PUBLIC COMMENT:

- Chairman Greenberg read a letter from Deer Creek Ranch Manager Bill Murphy, indicating that the Ranch owner has not reviewed the situation and Deer Creek Ranch has not made any comment regarding road closure or trail development; nor will anyone from the Ranch be able to attend today's meeting.
- Letter from Jeff Jones asked the County to not discriminate against the sick and elderly by closing Democrat Gulch Road to vehicular traffic.
- Brian Barsotti, attorney for Sweet Potato Ranch, previously met with BLM Outdoor Recreation Planner John Kurtz to discuss closing the road to vehicular traffic and offering the County some easements. Barsotti said the trail ends at Sweet Potato Ranch and goes through Deer Creek Ranch.
- Sweet Potato Ranch caretaker Justin Sheffield said if the road is opened to vehicular traffic going 30mph, non-vehicular users "are done."
- James Jeff Jones said public money is for construction and maintenance of roads open to the public. He didn't know how to curb motorcycle and off-road vehicles damage on private land.
- Chris Kastner is a self-confessed "trespasser" bike rider, and thinks it's great to not have vehicles on the road. He suggested the road be closed to cars, but open to ORVs for people who need motorized vehicle access. He would like to see public access while protecting landowners' private property.
- Andy Harding supported not having the road open to motorized vehicles, which he feels cause the most damage. He's also a "trespasser" who's hiked and biked the area for years, and is frequently not aware of what's public and private property. He suggested signage might help.
- Karin Lyttle thinks the road should stay open to vehicles. She didn't want to see 99% of users restricted because of what 1% is doing.
- Chuck Christopher said if the road past where it's maintained by the County is gated by the private landowner, the County hasn't gained anything but a road that doesn't access anywhere.
- Chip Deffé favors no vehicle traffic. He thinks road maintenance money should be spent on other roads in the County that go places and are more useful to more people.

Commissioners McCleary and Schoen consider maximum public benefit the most important component. Democrat Gulch Road was closed due to post-fire safety concerns, but the road should now be reopened to traditional access.

Chairman Greenberg said he was troubled that the road ends on BLM land. Part of the road goes over Sweet Potato Ranch. He thinks the landowner and BLM can work together with other landowners and members of the community to see what they can develop that works for everyone.

Schoen moved, seconded by McCleary, to direct Blaine County Road and Bridge staff to reopen Democrat Gulch Road to its traditional public access at the earliest opportunity. In discussion, County Road and Bridge Manager Steve Thompson said the road could be open by the end of the day. **Motion carried unanimously.**

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW

Also present: Friedman Memorial Airport Manager Rick Baird and Contracts/Finance Administrator Lisa Emerick.

The BCC and Airport Manager Rick Baird discussed likely topics at tonight's meeting.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Septic Security Ordinance 2016-05 Title 7, Building Regulations (Sewer),**

Also Present: Blaine County Building Official Jeff Giese; County Deputy Land Use Administrator Kathy Grotto; Zoning Specialist Nancy Cooley; County Code Compliance Officer Kristine Hilt; and South Central Public Health District Environmental Health Specialist Bob Erickson.

County Building Official Jeff Giese said the Septic Surety Bond was never included in the 2011 ordinance that approved the 2009 Building Code. Ordinance 2016-05 will add it back into the County Code.

PUBLIC COMMENT:

- South Central Public Health District Environmental Health Specialist Bob Erickson is in favor of ordinance.

Schoen moved, seconded by McCleary, to approve in concept Blaine County Ordinance No. 2016-05, an ordinance amending Blaine County Code Title 7 Building Regulations, Chapter 1, Section 4 Additional Requirements, requiring a surety in the amount of \$1,000 to be paid at the time of building permit relating to alternative on-site septic systems. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Local Public Agency's Certificate of Completion of Right-of-Way Activities – Adams Gulch Bridge**
- **Exhibit A to HDR Task Order 3**

Voss explained that there are two separate agreements, but they both refer to Adams Gulch Bridge and only one was on the agenda.

Schoen moved to amend the agenda under Contracts, Grants and Agreements to add to the item entitled Local Public Agency's Certificate of Completion of Right-of-Way Activities, adding, as part of that, Exhibit A and Attachment A. Motion withdrawn.

Schoen moved, seconded by McCleary, to amend today's Tuesday, June 14 County Commissioner Agenda to include an Exhibit A Task Order 3 and an Attachment A relating to the completion of the Adams Gulch Bridge project. In Discussion, Attachment A is Scope of Work Task Order, Real Estate Services for Adams Gulch Road, Big Wood River Bridge, Blaine County. Project #A012409. The reason for amending the agenda is this second document that has just been proposed to be added to the agenda relates to the same project as the first document, the Certificate of Completion, and was inadvertently left off today's agenda. It was an oversight. **Motion carried unanimously.**

Local Public Agency's Certificate of Completion of Right-of-Way Activities – Adams Gulch Bridge Record #635924

The Certificate of Completion of Right of Way Activities is necessary for the project.

Schoen moved, seconded by McCleary, to approve the Local Public Agency Certificate of Completion of Right-of-Way Activities document between Blaine County and the Idaho Transportation Department, relating to the Adams Gulch Bridge project #A012409. Motion carried unanimously.

Exhibit A to HDR Task Order 3 Record #636021

The Task Order identifies increased cost related to additional services provided by HDR Engineering, a consultant contracted by the County and approved by the State, for acquisition of rights-of-way for the Adams Gulch Bridge. Exhibit A relates to acquisition of rights-of-way for the Adams Gulch Bridge

Schoen moved, seconded by McCleary, to approve Attachment A Scope of Work Task Order 3 for additional services by HDR, related to the Adams Gulch Bridge project. Value of the additional work is \$2,625.76. Project #A012409. Motion carried unanimously.

PUBLIC COMMENT:

- Martin Flannes asked if one of these contracts was related to a BCC Executive Session several weeks ago that had to do with acquiring land for the Adams Gulch Bridge. County Administrator Voss said the County negotiated for two properties adjacent to the Adams Gulch Bridge. One was donated to the County for an easement and one was acquired for right-of-way by the County.

- **Blaine County Security Agreement with Edward and Karen Gilhuly** Record #635731

Also present: County Code Compliance Officer Kristine Hilt.

This security agreement requires the property have a previously-approved Stream Alteration Permit and a recently-approved Plat Amendment. The final plat is contingent upon this Security Agreement being signed and executed by the County Commissioners for a mitigation plan for riparian restoration and revegetation. The Security Agreement amount is based on an estimate received from Webb Landscaping. The applicant has five years to complete the project, but Land Use hopes to inspect the property sooner than that. There are separate permits for excavation and fill that have not yet been approved.

Schoen moved, seconded by McCleary, to approve the Security Agreement between Blaine County and Edward and Karen Gilhuly for a revegetation of disturbed riparian areas. The security amount is \$13,593. In discussion, the Security Agreement is for complete performance of these improvements. **Motion carried unanimously.**

- **MOU with City of Hailey for Cooperative Road Maintenance for Snow Removal** Record #635886

This agreement is to ensure cooperative road maintenance with the City of Hailey.

McCleary moved, seconded by Schoen, to approve a Memorandum of Understanding between Blaine County and the City of Hailey for a Cooperative Road Maintenance Agreement, whereby each entity will snow plow specific roads. Motion carried unanimously.

- **MOU with City of Hailey for Cooperative Road Maintenance for Chip Seal** Record #635887

McCleary moved, seconded by Schoen, to approve a Memorandum of Understanding between Blaine County and the City of Hailey for a Cooperative Road Maintenance Chip Seal Agreement. The MOU provides guidelines for all cooperative work and scheduling between the County and the City. Motion carried unanimously.

- **3rd Amendment to Addendum A to the Service Level Agreement for Electronic Transaction and Access to BC Assessor** Record #635825

This allows the Assessor's office use of services for electronic transactions and access.

- **Schoen moved, seconded by McCleary, to approve the 3rd Amendment to Addendum A to the Service Level Agreement for Electronic Transaction and Access to BC Assessor through Access Idaho. Associated transaction fee is adjusted upwards to 3% plus \$2.00 as of July 11, 2016. Motion carried unanimously.**..... Record #635825

- **Cox Business Commercial Services Agreement** Record #635940

This agreement provides internet services to the McBride Building to support University of Idaho.

Schoen moved, seconded by McCleary, to approve the Cox Business Commercial Services agreement for internet service to the McBride Building for \$102.99 per month for 12 months. Motion carried unanimously.

- **ES&S Sales Order Agreement** Not recorded

County Clerk JoLynn Drage said the BCC had previously approved purchase of the ExpressVote system and this is the follow-up contract.

Schoen moved, seconded by McCleary, to approve the ES&S Sales Order Agreement between Blaine County and ES&S Election Systems and Software for election systems equipment. The sales order amount is \$58,162.50. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Findings to be signed: Morada Farms Subdivision**

Also present: Blaine County Deputy Land Use Administrator Kathy Grotto.

County Deputy Land Use Administrator Kathy Grotto said Condition #13 related to the paving of Morada Lane. The BCC had asked staff to determine how best to ensure meeting the requirement for Morada Lane to be paved at their stated threshold of four lots. County Attorney Tim Graves; County Land Use Administrator Tom Bergin and Grotto discussed options, and decided to recommend a phased subdivision, in which the first phase would be four of the Light Industrial Lots and the two residential lots; and the second phase would be the final four Light Industrial lots, which would be recorded after Morada Lane is paved. Staff sent this Condition to the applicant, and have not received a reply.

Condition #22 refers to the berm. Neighbor Dick Fosbury suggested the BCC's Findings restrict mature height of 8 to 12ft. The BCC did not want to be specific for landscaping.

Schoen moved, seconded by McCleary, to approve the Findings of Fact, Conclusions of Law and Decision for the application of John Majors and Diane Crist, creating the Morada Farms Subdivision. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Wood River Electrical Plan - Redundant Transmission Line Project Update – Schoen

Also present: County Zoning Specialist Nancy Cooley.

The Idaho Public Utilities Commission (IPUC) is looking for community support for Idaho Power’s proposal to bring a second aboveground transmission line from the north Hailey substation to the hospital, and redundant power, above or below ground, from the hospital into the City of Ketchum. County Attorney Tim Graves and Commissioner Schoen met with representatives from Ketchum and Sun Valley, Idaho Power and the IPUC to discuss the redundant line proposal, alternatives and funding possibilities. The Community Advisory Committee, which met in years past, advised that the transmission line from the hospital north to the Ketchum substation should be underground, due to visual impacts. Idaho Power said undergrounding would cost as much as \$14 million, which, under Idaho law, must be paid by the community. Idaho Power is considering alternative options and will host a public meeting in August.

NACo Western Interstate Region Conference – Schoen

- A central theme of the conference was public lands management. Schoen joined a field trip to watch the natural gas fracking process on BLM land south of Jackson Hole, WY. The natural gas is piped to Salt Lake City. The theme of this field trip was how to extract natural resources responsibly from public lands.
- Other topics included transfer of federal lands to states. Senior representatives of federal agencies attended the conference.

Sawtooth Vision 20/20 Workshop – McCleary

- Workshop attendees reviewed plan objectives and action items, and will update the plan.
- Travel management, climate change, salmon recovery were heavily discussed; predator issues were very controversial.

Idaho Association of Commissioners and Clerks (IACC) Annual Conference – Schoen and Drage

- Schoen submitted a resolution to create a new chapter in Idaho Code that would give County Commissioners the authority to grant a property tax exemption for workforce housing under the administration of the local housing authority. The resolution was defeated at IACC.
- There was a lot of discussion about public defenders, but no clear direction. Blaine County’s public defense system works well, but needs better reporting from the public defenders.

Blaine County Housing Authority ARCH Developed Property on Buttercup Road – Greenberg

The BCC has received numerous complaints from surrounding landowners that the house’s gray and white color doesn’t match surrounding brown Agave Place houses. Some letters are from people who’ve never wanted community housing in the area. Schoen said he talked to Blaine County Housing Authority Executive Director David Patrie and ARCH Executive Director Michelle Griffith, who were defensive about the color. The BCC discussed whether the house should be repainted. Greenberg said neighbors always wanted the house hidden, and will not be happy as long as they can see the house. McCleary said neighbors didn’t want the project and the color scheme is just the latest complaint. The BCC agreed that ARCH and BCHA committed to make the house blend with Agave Place, and didn’t do that, undermining the community housing program and putting the BCC in a difficult position.

REAPPOINTMENT TO COUNTY SEAT ON BLAINE COUNTY HOUSING AUTHORITY BOARD

Also Present: Suzanne Miller.

Suzanne Miller previously resigned from the Blaine County Housing Authority for job reasons, and no one has replaced her. Miller is no longer working in that job and can return to complete her term on the BCHA.

Schoen moved, seconded by McCleary, to reappoint Suzanne Schuck Miller to the vacant county seat on the Blaine County Housing Authority for the conclusion of the current term. Motion carried unanimously.

ADJOURN

At the hour of 3:55 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Jacob Greenberg
Chairman