

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE MARCH 2015 SESSION**

Third Day

Tuesday, March 17, 2015

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, and Commissioner Lawrence Schoen; County Clerk JoLynn Drage; and Recording Secretary Sunny Grant.

Commissioner McCleary was absent until 9:10 a.m.

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

PUBLIC COMMENT - NONE

LAND, WATER AND WILDLIFE LEVY ADVISORY BOARD APPOINTMENT

The BCC interviewed Allison Marks last week, and is pleased to appoint her to the Land, Water and Wildlife Levy Advisory Board.

Schoen moved, seconded by Greenberg, to appoint Allison Marks to a vacancy on the Levy Advisory Board to replace Barb Acker. Motion carried 2/0.

ROAD MASTER AWARDS

Also present: Blaine County Operations Director Char Nelson and Administrative Assistant Andrea Walton; Road and Bridge Manager Tom Duffy; Local Highway Technical Assistance Council T2Center Manager Laila Kral; Road and Bridge crew members Kyle Broadie, Glenn Moore, Travis Estes, Bill Kyes, Doug Swaner, Alex Alberdi, Steve Thompson, Greg Peterson, Jeff Harshbarger, Matt Dilworth, and Barry Pond.

Nelson commended the Blaine County Road and Bridge crew on their level of professionalism and skill. Almost all Blaine County Road and Bridge crew members are Road Scholar and Road Master certified.

LHTAC T2Center Manager Laila Kral said the Road Scholar and Road Master programs encompass 10 classes, 80 hours of course work and take about four years to complete. The Road Master Program is more technical and requires an 80% score to pass.

Commissioner McCleary arrived at 9:10.

Kral presented Road Scholar certificates to Blaine County Road and Bridge Equipment Operators Kyle Broadie and Matt Dilworth. Kral presented a Road Master certificate to Kyle Broadie.

Road and Bridge crew member comments:

- Kyle Broadie said the classes provided opportunity to learn more about their jobs, including problems and solutions from other Idaho road crews.
- Greg Peterson said the classes taught safety.
- Matt Dilworth agreed that they get a lot of practical learning when discussing problems with crew members of other road districts, including out of classes.
- Barry Pond said he'd wanted to take the LHTAC classes for years, and thanked Road and Bridge Manager Tom Duffy for his focus on education.

Kral said it's helpful when road crews throughout the county do things the same way and use the same techniques. Local Roads Improvement Program (LRIP) and federal aid grant applications have a scoring component for departments that have participated in the LHTAC programs.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Operations Director - Char Nelson

Blaine County Road and Bridge Foremen Greg Peterson and Doug Swaner said crews are working to improve 33 miles of substandard roads for which the County currently doesn't receive fuel tax allotment.

Treasurer - John David Davidson

- Continues to learn Treasurer's office processes.
- The public administration case should wrap up soon, now that the Treasurer has an official death certificate.
- Department training is ongoing. The entire office was out of town for training last week, and learned the importance of communicating closed days with the public. Future notification will include social media and the County website. Davidson said the entire department isn't usually out of the office, but asked the BCC if it was appropriate to notify title companies by email that the office would be closed; or if email notification should be to a more broad range of the public. The County Clerk suggested a display ad; McCleary suggested a temporary employee.
- Continue to improve Treasurer's record keeping and processes to use electronic mediums to conserve paper and facilitate retrieval of information.

- Treasurer suggests eliminating the use of Quicken software, which is not designed for this kind of application and appears to be a duplicate effort. Computer Arts has a built-in reconciliation program.
- A 10-month bond for \$20,000 at 2.05% interest was called. The bond was reinvested at 2% for a similar maturity date.
- The County needs to address credit card transaction transition to EMV IC encryption chip by October 2015. After October, liability cost for credit card fraud will be on the collector who is using the old point-of-sale swipe-and-signature system. This affects most County departments, and will be a topic for a future Leadership Team and/or BCC meeting.
- An older Idaho law stipulates that government entities can't use companies outside Idaho that do a job that can be done by an Idaho company. The Treasurer uses an out-of-state company for printing. This affects all Idaho counties, and there is current legislation to change the statute.

Operations – Weeds - Char Nelson

- Submitted Blaine County Bio-Control Release 2014 report. Bio-Control is partnership program between Blaine County, the Southern Idaho Bug Crew and the U.S. Forest Service.
- Attended Fish Creek Mutual Pipeline and Canal Board meeting. County will pay about \$1,500 fee for use of the Pipeline. Nelson visited the site with Fish Creek Board members and Road and Bridge Foreman Greg Peterson to identify water access point and shut-off valve for gravel pit.
- Road and Bridge crew has traffic counters on several County roads throughout spring.
- Received a claim on Friday for reimbursement from attorneys representing a private claim for water damage that they say occurred from flooding off a county road in October-November 2013. ICRMP has denied claim. The flooding probably came from a private subdivision above the residence and not the county road.

CONSENT CALENDAR

- **Resolution 2015-14 Friedman Memorial Airport authorizing execution of application of Federal Assistance** Record #625280

McCleary moved, seconded by Greenberg, to approve the consent Calendar for March 17, 2015. (Commissioner Schoen was out of the room). **Motion carried 2/0.**

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Hailey Chamber of Commerce Meeting – Greenberg

Updated the Chamber on Safe Haven and the Road and Bridge levy.

Blaine County School District “Forward Planning” Meeting – Greenberg

Worksession to brainstorm on topics like where the School District will be in five years and what the emphasis should be in the meantime.

South Central Public Health (SCPH) Board Meeting – McCleary

The Health District Board is undergoing a somewhat controversial new budgeting process. Several Health District Board members feel strongly that discretionary funds in the budget should be aligned to the Board’s strategic plan and programs the Board supports. The SCPH budget presented to the counties this year should be more in line with the Board’s recommendations, including an evaluation of the SCPH director and setting specific goals for the director.

2016 St. Luke’s Community Health Needs Assessment – McCleary and Schoen

St. Luke’s is doing a 2016 Community Health Needs Assessment for 2016. The Assessment is required every three years to maintain non-profit status, and identifies needs and strategies on how the hospital will address those needs. The previous assessment named Blaine County’s biggest health need as drug and alcohol abuse. Other community needs are substance abuse and addiction treatment, family planning, early childhood development, childhood poverty, and workforce development for the disabled.

Deer Creek Restoration Project Update – McCleary

The 5B Restoration Coalition comprises three subcommittees on Recreation, Ecological Restoration and Public Outreach. The Ecological Restoration subcommittee is focused on Deer Creek drainage for future projects. The Forest Service has pre-Beaver Creek Fire data on Deer Creek and now post-fire data, and is applying for grants for projects in Deer Creek.

The Idaho Conservation League, a member of the 5B Restoration Coalition, plans to submit a joint application with the Forest Service for some Land, Water and Wildlife levy funding.

Hikers in the Deer Creek area say there’s dramatic difference in restoration of the public area that the Forest Service seeded and private land that was not seeded.

Blaine County Regional Transportation Committee – McCleary

Recent discussions:

- The Transportation Committee voted to send letters to Idaho legislators Michelle Stennett, Steve Miller and Donna Pence advocating for additional transportation funding, and encouraged its members to send their own letters.
- A subcommittee is looking at Highway 75 safety issues in the Galena Summit area, where pedestrians cross the highway, to see if they should recommend ITD do a safety audit.

- If vehicle lanes should be narrowed over Galena Summit to allow for a bike lane, in line with the Bicycle-Pedestrian Master Plan.

May is Mental Health Awareness Month Update - McCleary

The Senior Connection, St. Luke's, the School District, Health and Welfare, etc. are coordinating events to promote mental health awareness.

Blaine County Community Bike and Pedestrian Master Plan – McCleary

The working group is looking at different ways for each jurisdiction to implement projects.

Climate and Water Conservation Workshop – Schoen and McCleary

Group from Oregon State University has created a model of the impacts of climate change on the Big Wood River Basin to predict the impacts of climate change on ground and surface water availability. Latest predictions are that there may be up to a 7°F average temperature change in the Wood River Valley; along with changed patterns of precipitation, less snowpack and drought. Schoen participated in the modeling.

Smiley Creek Parking Area – Schoen and McCleary

Due to decreased snowpack in the Wood River drainage, winter traffic to the Stanley basin has grown dramatically. McCleary and Schoen have discussed the Smiley Creek parking area with Sawtooth National Recreation Area Deputy Area Ranger Barbara Garcia and will keep the BCC updated.

Drought Declaration – Greenberg and Schoen

Schoen has already discussed drought declaration with local farmers. Drought declaration allows farmers to move water around without going through a lengthy Idaho Department of Water Resources transfer process. It's a little early, but he will discuss drought declaration this year with District 37 Watermaster Kevin Lakey.

Region IV Development Association - Schoen

Region IV Development passed four resolutions relating to four different programs:

- Economic Development Administration Planning Grant.
- Economic Development Administration Revolving Loan Fund Work Plan.
- A request for proposals for public transportation grant possibilities for Magic Valley public transportation.
- Designation in the Economic Development Administration Investing in Manufacturing Communities Partnership, which would make food processors and distributors in the region eligible for support from 30 different federal agencies.

Southern Idaho Solid Waste District Special Meeting – Schoen

- Presentation on converting landfill methane to electricity generation. This meeting focused on the mechanics; a later meeting will discuss finances.
- The Board gave the go-ahead to the firm that was awarded a design-build contract for a shop addition. The Board still needs to review some final changes to the addition.
- Still have issue with the downwind landowner who wants to be paid to remove litter but doesn't want to sign an agreement for the arrangement

Veterans Tribute Project – Schoen

The group has begun meeting again now that County offices are back in the Old County Courthouse. The Blaine County Historical Museum, a 501(c)3 non-profit corporation, has agreed to cover liability of any committee member should someone be injured by a structure on Courthouse grounds during planning or post-planning of the project. Once the project is completed, the County will maintain the tribute and assume liability for it.

Bellevue City Council Meeting - Schoen

Schoen and several members of the Friedman Memorial Airport Authority Board, along with Friedman Memorial Airport Manager Rick Baird, gave an update on airport projects 1 through 7, including approach path and elevation.

Craters of the Moon Name Change – BCC

The only real change would be the logo change from National Monument to National Park on the sign; and visibility and potential tourism that comes with National Park status. Schoen suggested a joint BCC-Butte County Commissioners meeting to discuss potential impacts on both counties.

Correspondence

- The Idaho Conservation League and Wilderness Society would like to sponsor a group of women to visit Washington D.C. to discuss Boulder-White Clouds national monument status. McCleary would like to go. There would be no cost to Blaine County.
- The individual who wants all Nordic ski trails to be dog-friendly is now distributing his own rules and calling them new Blaine County Recreation District rules.
- School District no longer needs a one-acre site at Eagle Creek for a school bus turnaround that was

originally requested in proposed CIEDRA legislation in 2004, and this provision will be dropped from the SNRA+ legislation.

PRESENTATION OF FY-2014 INDEPENDENT BLAINE COUNTY AUDIT

Also present: Blaine County Clerk JoLynn Drage and Chief Deputy Clerk Leslie Londos; Blaine County Treasurer John David Davidson and Chief Deputy Treasurer Gail Peterson; Blaine County Assessor Valdi Pace; and *Idaho Mountain Express* reporter Greg Moore.

Curtis Stoker, CPA, said the Independent Auditor's Report gives Blaine County's 2014 Financial Statements a clean opinion, with no exceptions. The Internal Control over Financial Reporting and Compliance with Laws and Regulations required by Government Accounting Office Principles also received a clean opinion. The independent auditor did not have suggestions for improvement, so there was no Management Letter. The audit was done in accordance with generally accepted accounting principles and, specifically, Government Accounting Principles. The audit will soon be available on the County's website.

EXECUTIVE SESSION - Idaho Code 67-2345 1(d) Indigent - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

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

OPEN SESSION RESUMED

Schoen moved, seconded by McCleary, to deny Case #2015-07 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried unanimously.

Schoen moved, seconded by McCleary, to approve Case #2015-04 Medical Indigent Application for Assistance, with a \$25.00 month reimbursement, based on staff recommendation. Motion carried unanimously.

BLAINE COUNTY PUBLIC SAFETY FACILITY REFINANCE, Discussion and Consideration

Also present: Blaine County Treasurer John David Davidson; and Blaine County Sheriff Gene Ramsey.

Michael Keith of Piper Jaffray is waiting for the final draft of the County's independent audit to compile all necessary paperwork for the refinance.

LAND USE and BUILDING SERVICES HEARINGS

- **East Fork of the Big Wood River Stream Alteration:** A public hearing on and consideration of a stream alteration permit application by John Maine to reopen a natural channel which has been blocked by a manually placed rock "dam" on the East Fork of the Big Wood River. The rocks, approximately 2-3 cubic yards, can be manually removed during low water and disposed of in an upland area. The rock dam is located partially on Lot 12, Block A, East Fork Sub. #3 and Lot 13, Block A, East Fork Sub. #3; 301 Canyon Rd. and 217 Canyon Rd. respectively.

This item has been postponed by the applicant until further notice.

- **ARCH COMMUNITY HOUSING REQUEST FOR COUNTY-OWNED PARCELS**
Parcels B and C, Valley Club West Nine PUD, located at the north end of Buttercup Road

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Senior Planner Kathy Grotto; County Planning Assistant Michele Johnson; County Treasurer John David Davidson and Chief Deputy Treasurer Gail Peterson; ARCH Community Housing Trust board member John Flattery and Executive Director Michelle Griffith; Valley Club General Manager Barry Bevers; Valley Club Homeowners Association President Brent Robinson and members Karl Nichols and Carol Pintler; Village Green president Jack Bariteau; Village Green and Agave Place Manager Kathy Pruet; Mike Willard; and *Idaho Mountain Express* reporter Greg Moore.

Grotto said this was not a land use application before the BCC, so notice was not required; but Land Use mailed courtesy notices on March 9 to properties within 300 feet of the subject parcels, and to all property owners within Valley Club West Nine PUD subdivision. The residential area of Valley Club West Nine is now called Village Green.

Griffith stated that the 12 residential units called Agave Place that are adjacent to the bike path at the north end of Buttercup Road were originally designated as community housing to enable higher density in the Valley Club West Nine PUD. ARCH was previously unable to obtain or purchase the Agave Place units to keep them as community housing units when the property went through foreclosure. Community housing deed restrictions no longer exist on any of the 12 Agave Place units.

The original PUD requested 48 single family residential lots on 26.8 acres; 12 community housing units on 2.5 acres (which did not happen as a result of the bankruptcy); and a parcel for a future fire station with two housing units on .7 acres. Griffith asked the BCC to consider a minor amendment of what was originally contemplated in the PUD request.

ARCH asked the BCC to find that community housing is a public use, and an acceptable public use for these County-owned properties. Blaine County isn't permitted to lease County-owned property; but can donate land to another political entity such as Idaho Housing & Finance Association or the Blaine County Housing Authority. ARCH would like to place a community housing unit on each of these two lots.

Blaine County's Comprehensive Plan emphasizes the need for community housing. The PUD repeatedly mentions Agave Place lots are for public use, including potentially a fire station and housing for emergency personnel. The Blaine County Recreation District (BCRD) has submitted a letter saying community housing can coexist with the bike path. A letter from the Wood River Fire Chief says they no longer contemplate a firehouse here. Valley Club West Nine PUD 2005 public hearings Findings of Fact say if a firehouse doesn't go in, two community housing units can go there.

PUBLIC COMMENT:

- Valley Club General Manager Barry Bevers said the developer was able to get the 12 community housing units removed from the subdivision. He didn't think community housing should be considered a new condition retroactively. The two parcels were intended for a firehouse and open space, and should remain open space and recreation. Bevers said Valley Club legal counsel said there's no method that could be pursued that could convey this property. Bevers added that he wasn't sure of domestic and irrigation water or septic capability for additional units.
- Village Green president and eventual developer Jack Bariteau, who inherited the Village Green property after bankruptcy, said hardly anyone, including him, received notice of today's meeting. Bariteau said the development was inherited by the lender, which also was seized by the FDIC. The community housing requirement was extinguished by waiver and foreclosure. Bariteau said adjacent property owners would like to know ARCH's vision for the property. Bariteau said there is no domestic water supply, septic capacity or ability to drill a well for the lots, and no access to Village Green water rights. Agave Place gets irrigation water from Hiawatha Canal.
- Valley Club Homeowners Association President Brent Robinson said he heard about today's meeting indirectly, and was sure homeowners did not receive notice. Robinson expressed concern about what goes in here and how it would tie in with the general appearance of the area. The Village Green gets water through an agreement with the Valley Club HOA. He does not think they have sufficient water or the ability to extend water to these units.
- Buttercup Road resident Mike Willard said there is no water and no plan.
- Village Green and Agave Place Manager Kathy Pruett asked the County to send her notice in the future so she can pass it on. Pruett said the PUD didn't include any irrigation infrastructure to Agave Place. Valley Club finally got permission from Idaho Department of Water Resources (IDWR) to divert water from the irrigation canal for Agave Place. The county told them they could not drill a well.

Griffith said it was premature to present a vision for the property until they know if the County will consider community housing as a public use. If that happens, any Land Use application will follow County Land Use process and be properly noticed.

Griffith said the PUD and Findings of Fact state that domestic water appears to be available and in sufficient quantity to meet foreseeable demands for 55 units plus a fire station or two more units. The PUD required 12 community housing units in order to allow many Valley Club homeowners to have their homes today.

Graves confirmed that this was not a land use application under the Local Land Use Planning Act (LLUPA), and did not require notice.

Graves said the County could hold a competitive public bidding auction to lease the property for up to 30 years; or the County can transfer County property to another political subdivision in Idaho, which it has done to Idaho Housing and Finance Association (IHFA) in the past.

Graves advised the BCC to not take any action on the request at this time. The plat notes and all zoning and subdivision issues must first be reviewed by the County Land Use administrator, together with Findings of Fact, minutes, etc., and, if appropriate, result in a Land Use application, appeal, etc. The BCC's Guiding Principles for disposing of county property will be an extremely important component of making a decision on these lots at that time.

Part of every land use application includes adequate amenities, including water; but the County is not a water regulatory body and has no authority to determine if someone can drill a well.

EXECUTIVE SESSION – Idaho Code 67-2345 1(f) Potential Litigation: Engl v. Blaine County Appeal
Schoen moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 67-2345 1(f), to discuss with legal counsel the legal ramifications of and legal options for

pending litigation. Schoen (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 3:45 p.m., with no more business before them, McCleary moved to adjourn, seconded by Greenberg. Motion passed unanimously.

Attest: _____ Approved _____
JoLynn Drage County Clerk Jacob Greenberg Chairman