

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

**Fourth Day**

**Tuesday, May 14, 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, Commissioner Jacob Greenberg; County Administrator Derek Voss; County Clerk JoLynn Drage; Operations Director Char Nelson; and Recording Secretary Sunny Grant.

Commissioner McCleary was absent from today's meeting.

Chairman Schoen called the meeting to order at 9:03 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

**Cases #2013-44, #2013-46, #2013-47, #2013-48, and #2013-49.**

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

**Greenberg moved, seconded by Schoen, to convene in Executive Session pursuant to Idaho Code 67-2345 1(d) to consider indigent medical applications. Greenberg (aye), and Schoen (aye). Motion carried 2/0.**

**OPEN SESSION RESUMED**

**Greenberg moved, seconded by Schoen, to deny Application for Assistance in Case #2013-44, based on staff recommendation. Motion carried 2/0.**

**Greenberg moved, seconded by Schoen, to deny Application for Assistance in Case #2013-46, based on staff recommendation. Motion carried 2/0.**

**Greenberg moved, seconded by Schoen, to approve Application for Assistance Case #2013-47, with a stipulation of repayment of \$25.00 per month as soon as applicant is able, based on staff recommendation. Motion carried 2/0.**

**Greenberg moved, seconded by Schoen, to approve Application for Assistance Case #2013-48, with a stipulation of repayment of \$25.00 per month as soon as applicant is able, based on staff recommendation. Motion carried 2/0.**

**Greenberg moved, seconded by Schoen, to approve Application for Assistance Case #2013-49, with a stipulation of repayment of \$25.00 per month with reimbursement review in six months, based on staff recommendation. Motion carried 2/0.**

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**Greenberg moved, seconded by Schoen, to approve claims dated May 9, 2013. Motion carried 2/0.**

**Operations Director – Char Nelson by Chairman Schoen**

- Old County Courthouse renovations proposals are due this week. The project contractor will be chosen next week.
- Security streetlight on Walnut will be installed this week.
- Final inspection on Deer Creek Bridge was last week. Final payment is forthcoming.
- The Annex cooling system has a glitch, probably in the software.
- An evacuation plan and emergency drill for the Annex is planned, in cooperation with the Hailey Fire Department.
- Hailey Chamber of Commerce "Wake Up Hailey" was hosted by Outreach Coordinator Bronwyn Nickel of the Weed and Recycling departments.
- A TV has been installed at the Recycle Center for site education tours.
- Adams Gulch Bridge Open House invitations have been sent to Adams Gulch residents.

**County Administrator – Derek Voss**

- Canceled Leadership Team meeting so department heads can work on FY2014 budget.
- A rancher is requesting to graze his cattle on county-owned property that surrounds the transfer station at Carey. There have been issues in the past that resulted in fencing being damaged and the loss of a calf. A formal lease that includes a hold-harmless clause for the County has been

prepared for submittal to the rancher. SISWD will no longer provide water for grazing livestock. The Transfer Station site has been re-fenced at a cost of \$12,000.

**Treasurer's Report** – Assessor Valdi Pace and Chief Deputy Treasurer Gail Peterson.

- Quit Claim of County Property – Elkhorn Village Condominium Association

The County would like to quitclaim property taken by tax deed to the Sun Valley-Elkhorn Association (SVEA). SVEA wants their attorney to look at the tax deed; but doesn't mind accepting it if there are no tax implications. Staff requested the Quit Claim Deed be postponed until details have been finalized.

Commissioner Greenberg and Land Use staff will address other tax deeded property issues and report back.

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

- **Bareilles-Blaine County Security Agreement** ..... Record #609905
- **Trout Unlimited-Blaine County Security Agreement** ..... Record #

Also present: Blaine County Land Use Administrator Tom Bergin.

**Greenberg moved, seconded by Schoen, to approve security agreement between Blaine County and Bareilles, as presented; and security agreement between Blaine County and Trout Unlimited, as presented. Motion carried 2/0.**

- **Idaho Botanical Garden Lunaria Grant Acceptance** ..... Record #609207

Also present: County Grant Administrator Michele Johnson.

Blaine County Weeds Department was awarded \$1,000 to improve lawn and plantings in front of the County's McBride Building. The work will be done in collaboration with The Community School, the Environmental Resource Center and a local botanist.

**Greenberg moved, seconded by Schoen, to accept Idaho Botanical Lunaria Garden grant for \$1,000. Motion carried 2/0.**

**CONSENT CALENDAR**

- **Beverage License Renewal for Mountain View Grocery**

**Greenberg moved, seconded by Schoen, to approve the Consent Calendar for May 14, 2013. Motion carried 2/0.**

**BOARD REPORTS, DISCUSSION and CONSIDERATION**

**BLM Sage Grouse Cooperating Agency Conference Call** – Schoen

In a conference call, cooperating agencies, including other counties, discussed the schedule for release for components of the Draft Environmental Impact Statement for the Sage Grouse Management Plan. The first parts of the DEIS are being sent out now, with public comment to follow. The DEIS is still scheduled for publication later this year.

**Peace Officers Memorial Day - May 15** – Schoen

This week is "Police Week". Flags will be at half staff on May 15 in honor of Peace Officers Memorial Day.

**Ohio Gulch Recreation Area Motocross Track** – Schoen

The County is a little behind schedule in grading the road and creating a parking area. The inert materials pit is being fenced and a new road is being built up to the motocross area. The project is supposed to be completed by December 2015.

**Veterans Memorial** – Schoen

The Veterans Memorial project on the northeast corner of the Old County Courthouse grounds is temporarily on hold.

**APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES**

- **Board of County Commissioners Minutes for April 30, 2013**

**Greenberg moved, seconded by Schoen, to approve the County Commissioners Minutes of April 30, 2013, as amended. Motion carried 2/0.**

**AMEND AGENDA**

**Greenberg moved, seconded by Schoen, to amend today's agenda to move the afternoon's Executive Session (Idaho Code 67-2345 1(f) Pending Litigation and 1(j) Risk Management) to 10:45 a.m., and add an additional Executive Session (Idaho Code 67-2345 1(d) Indigent) at 3:30 p.m., if needed. Motion carried 2/0.**

**SKILLED NURSING CARE TRANSITION PLANNING**

Also present: Blaine Manor Administrator Gail Goglia; Blaine Manor Finance Director Stephanie Jaskowski; Director of Nursing Margaret Gartner; Blaine Manor representatives Marsha Riemann,

Linda Haavik, Ursula Hulbert, and Lois Jean Heagle; Safe Haven representative David Hennessy; St. Luke's Wood River Medical Center representative John Gaeddert; Croy Canyon Ranch Foundation Executive Director Kathleen Eder; Mickey Garcia; and *Idaho Mountain Express* reporter Kate Wutz.

The Blaine Manor Transition Team (including Commissioner Greenberg and County Administrator Voss) is working on a list of tasks.

**PUBLIC COMMENT:**

- Safe Haven has received final site plan and landscape plan approval from Bellevue P&Z. Plans have been submitted to the state for their review. Financing is waiting for an archeological survey, which was done this week.
- Blaine County needs to work with Safe Haven to ensure Blaine Manor staff is aware of employment opportunities at Safe Haven.

It is important to disseminate information effectively to the public on all aspects of the transition. Human resources information is particularly sensitive. The transition team meets every other Monday and updates the BCC on Tuesday. Voss suggested the BCC personally update the public on current Blaine Manor transition issues and concerns. The BCC reiterated that the residents of Blaine Manor and the staff that serve them are their main priority.

**BALLOT COUNTING DEVICE LOGIC AND ACCURACY TEST**

(Elections office, Old Blaine County Courthouse)

All processes were accurate and approved.

**EXECUTIVE SESSION Idaho Code 67-2345 1(f) Pending Litigation and 1(j) Risk Management**

**At 1:07 p.m., Greenberg moved, seconded by Schoen, to go into Executive Session for Pending Litigation, pursuant to Idaho Code §67-2345 1(f), to discuss with legal counsel the legal ramifications of and legal options for pending litigation; and Risk Management, pursuant to Idaho Code §67-2345 1(j), to discuss with the County's Risk Manager the adjustment of a pending claim or prevention of a claim imminently likely to be filed. Greenberg (aye), and Schoen (aye). Motion carried 2/0.**

**OPEN SESSION RESUMED**

**BREAK**

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

• **Barrie Stream Alteration Permit Discussion**

Also present: Blaine County Land Use Administrator Tom Bergin, County Senior Planner Kathy Grotto, and Code Compliance Specialist Diane Shay;

The applicant received a Blaine County Stream Alteration Permit, but did work beyond the scope of the permit.

Blaine County Senior Planner Kathy Grotto said removal of the woody debris logjam was part of the application, but the County SAP was only for streambank armoring. The IDWR permit and County approval did not include removal of the woody debris. The Findings are clear that removal of the woody debris logjam was not part of the IDWR's approval or the County SAP. The BCC made a usual condition that the project had to be in compliance with IDWR approval.

Blaine County Code Compliance Specialist Diane Shay contacted the applicant and applicant's representative Stephanie Eisenbarth. Eisenbarth did not know the work had been done, and contacted her clients. The County has not yet received a response from Idaho Department of Water Resources Stream Protection Plan State Coordinator Aaron Golart.

The applicant can be fined each day they are in violation of the permit until it is remedied. The BCC directed staff to invite the applicant to return to the BCC and explain their rationale to the County and IDWR for reevaluation.

• **Short Plat Referral to Planning & Zoning Commission**

Land Use has received a proposal for two lots on the 200-acre Little Wood River Ranch. The BCC makes decisions on platting, but County Code allows the BCC to push the application to P&Z for recommendation if they choose to do so. The proposal could cause issues with sensitive wetlands and floodplain; and particularly roads.

• **Comprehensive Plan Update**

Land Use Administrator Bergin, Senior Planner Grotto and County Administrator Voss met to discuss the process to update the County's Comprehensive Plan.

**FINDINGS OF FACT: Hornocker Stream Alteration Permit**

**Greenberg moved, seconded by Schoen, to approve the Findings of Fact, Conclusions of Law**

and Decision on the Hornocker Stream Alteration Permit, as amended. Motion carried 2/0.

**AMEND AGENDA**

Greenberg moved, seconded by Schoen, to amend today’s agenda to add Resolution 2013-23 regarding acceptance of Friedman Memorial Airport Federal Grant at 3:30 p.m. or earlier. Motion carried 2/0.

**LAND, WATER AND WILDLIFE LEVY PROGRAM MATERIALS UPDATES**

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Land, Water and Wildlife Levy Advisory Board (LAB) Coordinator Clare Swanger; LAB members Lili Simpson, Tom Page, Ben Sinnamon, and Alan Reynolds; Wood River Land Trust Executive Director Scott Boettger; and The Nature Conservancy Watershed Program Manager Trish Klahr.

**Program Guide**

The BCC reviewed the latest version of the Program Guide, and made additional revisions. The BCC again discussed public access, and decided to include language: “LWW program will give consideration to projects that provide outdoor recreation and public access.”

When the BCC gives a project conceptual approval, the LAB and applicant do due diligence, including an appraisal, then return the project to the BCC for final approval.

**COMMENTS BY LAB MEMBERS, NON-GOVERNMENTAL ORGANIZATION REPRESENTATIVES AND THE BCC:**

- There has been some mention of the County acquiring water rights.
- LAB members felt the LAB’s ability to initiate projects could expand opportunities. There are all kinds of projects that could potentially fit the LAB’s criteria. Neither the County nor the LAB has resources to acquire or manage land or to hold conservation easements; but landowners may be more willing to come forward directly to the LAB. Non-governmental organizations can be invited to step in and facilitate a project’s application and management.

**Project Initiation Document**

The BCC decided to eliminate this document. LAB-initiated projects will have to meet the same criteria for approval as any other projects.

**Pre-Application Document**

The BCC reviewed and made minor revisions to the Pre-Application Document.

**Full Application Document**

The BCC reviewed and made minor revisions to the Full Application Document.

**Project Evaluation Checklist**

The BCC began review of the Project Evaluation Checklist, and will continue review at an upcoming BCC meeting.

**Greenberg moved, seconded by Schoen, to approve the Land, Water and Wildlife Levy Program Guide, Pre-Application Guide, and Full Application Guide, as amended in today’s meeting. Motion carried 2/0.**

The BCC directed staff to give them a redline version of the most recent changes for final approval; and prepare a resolution approving the amended Land, Water and Wildlife Levy program documents.

**RESOLUTION 2013-23 FRIEDMAN MEMORIAL AIRPORT ..... Record #609316**

**Greenberg moved, seconded by Schoen, to pass Resolution 2013-23 of Blaine County as co-sponsor of the Friedman Memorial Airport, authorizing the execution of the application for \$10,000 in federal assistance to develop a phasing and funding plan to implement airport improvements necessary to bring the airport’s runway safety area into compliance with C3 design standards. Motion carried 2/0.**

**ADJOURN**

At the hour of 3:54 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved: \_\_\_\_\_  
 JoLynn Drage Lawrence Schoen  
 County Clerk Chairman