

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

Second Day

Tuesday, November 10, 2015

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Vice-Chair Angenie McCleary, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; Human Resources Generalist Henry Brown; and Recording Secretary Sunny Grant.

Chairman Greenberg was absent from today's meeting.

Vice-Chair McCleary called the meeting to order at 9:00 a.m.

PUBLIC COMMENT - NONE

CANVASS OF VOTES - NOVEMBER 3, 2015 ELECTION

County Clerk Jolynn Drage thanked all election workers.

Election officials couldn't get ballot tabulators to work in Sun Valley City Hall, so election judges used an old style ballot box, and ballots were run through the tabulator in the County Clerk's office.

Schoen read votes into the record.

OFFICIAL ELECTION CANVASS:

Bellevue Alderman				
	Mahoney	Mulick	Peterson	Plott
Precinct				
013 - Bellevue	100	106	74	42
013 - Absentee / Early	17	15	8	15
City Total	117	121	82	57

Precinct	Carey City Council (Four Year Term)			Carey City Council (Two Year Term)
	Hoopes	Versis	Olsen	Durtschi
014 - Carey	37	50	31	61
014 - Absentee / Early	1	2	1	2
City Total	38	52	32	63

Precinct	Hailey Mayor	Hailey Council Seat 3	Hailey Council Seat 4
	Haemmerle	Teevin	Cooley
007 - NW Hailey	34	32	32
007 - Absentee / Early	6	5	5
008 - NE Hailey	20	24	24
008 - Absentee / Early	9	11	10
009 - SW Hailey	22	27	26
009 - Absentee / Early	6	10	10
010 - NW Woodside	17	18	19
010 - Absentee / Early	4	6	6
011 - SE Woodside	17	19	18
011 - Absentee / Early	10	10	10
City Total	145	162	160

Precinct	Ketchum City Council			
	David	Garcia	Morrow	Slanetz
003 - North Ketchum	92	22	59	97
003 - Absentee / Early	28	8	19	23
004 - South Ketchum	132	32	86	145
004 - Absentee / Early	12	3	7	15
City Total	264	65	171	280

Precinct	Sun Valley Mayor			Sun Valley City Council		
	Barovetto	Beelaert	Hendricks	Conard	Griffith	Provonsha
002 - Sun Valley	74	24	193	167	196	107
002 - Absentee / Early	27	3	75	55	73	41
City Total	101	27	268	222	269	148

Precinct	Wood River Fire Protection District Commissioner Sub District 1		Wood River Fire Protection District Commissioner Sub District 2	
	Martin	Frehling	Luray	Nevins
005 - Quigley	12	5	4	11
005 - Absentee / Early	9	4	5	8
006 - Deer Creek	13	6	9	9
006 - Absentee / Early	3	6	5	5
012 - Poverty Flat	11	11	13	10
012 - Absentee / Early	4	2	1	5
015 - Gannett / Picabo	1	2	2	1
015 - Absentee / Early	0	3	1	2
City Total	53	39	40	51

Precinct	Total Number of Registered Voters at Cutoff	Early Voting Election Day Registrations	Election Day Registrants From Polls	Total Number of Registered Voters	Early Voting / Absentee Ballots Cast	Ballots Cast at Polls	Total Number of Ballots Cast	Percent of Registered Voters that Voted
002 - Sun Valley	916	3	25	944	105	292	397	42.06%
003 - N Ketchum	966	4	10	980	41	145	186	18.98%
004 - S Ketchum	1104	0	15	1119	20	208	228	20.38%
005 - Quigley	926	0	1	927	13	17	30	3.24%
006 - Deer Creek	470	3	3	476	10	20	30	6.30%
007 - NW Hailey	772	0	0	772	6	36	42	5.44%
008 - NE Hailey	768	1	0	769	11	25	36	4.68%
009 - SW Hailey	669	1	0	670	11	29	40	5.97%
010 - NW Woodside	560	1	3	564	6	19	25	4.43%
011 - SE Woodside	733	1	1	735	10	22	32	4.35%
012 - Poverty Flat	414	2	2	418	6	23	29	6.94%
013 - Bellevue	975	0	8	983	20	127	147	14.95%
014 - Carey	468	1	5	474	2	65	67	14.14%
015 - Gannett / Picabo	417	0	0	417	3	3	6	1.44%
County Total	10158	17	73	10248	264	1031	1295	12.64%

Galena Ground Water District CFS	CFS YES	Petition CFS	Total Yes CFS	CFS NO	Total CFS
CFS	38.664	19.54	58.204	0.73	58.934

Galena Ground Water District Ballots	Yes Ballots	No Ballots	Total Ballots
Ballots	91	3	94

Galena GWD Directors	McMahon	Nichols	McMahan
Votes	68	64	68
CFS	28.86	32.77	29.72

Precinct	Total Number of Ballots Mailed	Total Number of Ballots Returned	Petitions
Galena GWD	295	94	1

Schoen moved, seconded by McCleary, to approve canvass of votes for November 3, 2015 election, as read into the record. Motion carried 2/0.

- **Order following Canvassing of Votes from November 3, 2015 election to Form Galena Ground Water District** Record #631178

Election for organization of the Galena Ground Water District was done by mail.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Sun Valley Water/Sewer District General Manager Pat McMahon; and Idaho Mountain Express reporter Tony Evans.

County Attorney Tim Graves said landowners holding more than two-thirds of water rights in the proposed Galena Ground Water District approved organization. The BCC is therefore required to enter an Order to Form the Galena Ground Water District, declaring that a map of the approved ground water district is available in the Clerk's office, and declaring election of the ground water district directors. The Order also outlines costs of the organization process, and authorizes the chairman to sign the Order.

Public Comment: None.

Schoen moved, seconded by McCleary, to order the formation of the Galena Ground Water District following the successful November 3, 2015 election, and authorize the Vice Chair to sign the Order. The Galena Ground Water District is hereby formed and there is a map of the ground water district in the office of County Clerk. The ground water district directors, determined by the vote, are Patrick McMahon (northern division), Karl Nichols (middle division) and Judd B. McMahan (southern division). The County Clerk shall total costs of organizing the district and assess against members of the newly-formed Galena Ground Water District, pursuant to Idaho Code 42-5203 (4). Motion carried 2/0.

The BCC thanked organizers of the two new ground water districts in Blaine County for their work and efforts to conserve and protect the Big Wood Basin's water resources.

TAX CANCELLATION REQUESTS, CONTINUED FROM NOVEMBER 3

- **Upper Big Wood River Grange**
- **Blaine County Housing Authority**

Also present: Blaine County Treasurer John David Davidson; and Chief Deputy Assessor Martha Heuston.

The Treasurer confirmed correct levy rates for the two properties, which are in Hailey's Urban Renewal Area. The BCC reviewed and approved the tax cancellation requests.

Schoen moved, seconded by McCleary, to cancel taxes on Parcel #RPH0000002001B for \$2,406.84, Upper Big Wood River Grange property that is exempt from property taxation under Idaho Code. Motion carried 2/0.

Schoen moved, seconded by McCleary, to cancel taxes on Parcel #RPK4N180180670 for \$4,945.59, Blaine County Housing Authority property that is exempt from property taxation under Idaho Code. Motion carried 2/0.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims - Schar Boyd

Boyd presented claims dated November 4, 2015, election worker claims dated November 5, 2015, and late claims emailed to the County Commissioners on November 9, 2015.

Schoen moved, seconded by McCleary, to approve claims dated November 4 and November 5, including claims for election workers; and late claims submitted to the BCC by email on November 9: City of Hailey Water and Sewer bills totaling \$ 4140.68 for 7 locations; Jail Programs Claims for Jodi Brown \$480.00, Greg Greenfield \$ 840.00, Narda Pitkethly \$1318.00, and Eric Thomas \$480.00; and Carrier Corporation \$2,543.25. Motion carried 2/0.

County Administrator - Derek Voss

- The Recycle Center paid \$1,600 to replace a 20-year old damaged scale.
- The Blaine County Recycle Center processed 4.5 million pounds of material in FY2015. The Center's Annual Report will be analyzed and submitted to the BCC at a later date.
- Schoen, County staff and stakeholders are working to develop a framework for Recycling community education and outreach, to include the Southern Idaho Solid Waste District.

POTENTIAL LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL (LHTAC) FUNDING FOR REPLACEMENT SIGNS, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Road and Bridge Manager Tom Duffy; and County Operations Administrative Assistant Andrea Walton.

The Blaine County Regional Transportation Committee prioritizes and coordinates transportation-related requests received from local jurisdictions and organizations each year.

Road and Bridge is eligible for two LHTAC grants in FY2016:

- Local Rural Highway Improvement Program (LHRIP) to replace all road signs with reflective signs, per federal mandate, for up to \$30,000, no match required.
- Local Highway Safety Improvement Program (LHSIP) for any project on Gannett Road that meets criteria for improvements recommended by the safety audit recently reviewed by the BCC. Road and Bridge suggests the funds be used for a dynamic messaging sign.

Duffy said grant matches compete with the department’s funding for equipment replacement and annual required road maintenance expense. Road and Bridge isn’t sure it can afford the \$120,000 grant match required for the Adams Gulch Bridge. Voss and Drage concurred.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Musser Bros. Contract for Auction of Real Property** Record #631395 with Addendum
Originally recorded without addendum Record #631131

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves.

Graves said the proposed contract with Musser Bros. is to conduct an online public auction of the former Blaine Manor property. Blaine County will pay \$10,000 upfront for marketing costs, which will begin immediately. Auction close is scheduled for December 15. If the BCC accepts the high bid, the buyer will pay Musser Bros. a 5% fee. If the BCC rejects the high bid, Blaine County will pay Musser Bros. 1% of the high bid to cover Musser Bros.’ expenses. Any additional fees must be approved by the BCC.

Graves will prepare a legal notice for the online auction, pursuant to Idaho Code §31-808, which governs the sale of county property.

Voss said the auction information will clearly state that the County does not know of any environmental hazards on the property, but the building is old and the property has not been tested, so there are potential hazards.

Schoen moved, seconded by McCleary, to approve the contract for auction of real property between Blaine County and Musser Bros., Inc. for auction of the Blaine Manor property. Terms of this contract were the subject of today’s discussion; fees to be paid by Blaine County include \$10,000 for marketing of the property and anything over and above will be discussed prior to approval; and a 1% sale fee if no sale is approved by the Blaine County Commission, subject to an addendum, if any is required, disclosing potential for hazards at the property. Motion carried 2/0.

- **Withdrawal letter of ITD Community Choices Grant for ADA Curbs and Ramps at the intersection of East Fork Road**

Blaine County applied for this grant on behalf of and in cooperation with Mountain Rides to install ADA curbs and ramp at the East Fork intersection; but Mountain Rides didn’t budget for excess costs over the grant, and will not go forward with the project. Mountain Rides has not accepted or spent any money on the project, and asked Blaine County to withdraw from the grant funding.

Schoen moved, seconded by McCleary, to withdraw the County’s request to ITD for funding of ADA-compliant curbs and ramps at the intersection of East Fork / Greenhorn Road and Highway 75. Motion carried 2/0.

- **FY2016 Annual Operating Plan for Challenge Cost Share Snowmobile Grooming Program with Blaine County, State of Idaho, Forest Service, US Department of Agriculture and Sawtooth National Forest** Record #631526
- **Sawtooth Snowmobile Club Agreement** Record #631132

Also present: Blaine County Commissioners’ Assistant Jenny Lovell.

The State of Idaho requires Blaine County to groom snowmobile trails. The Sawtooth Snowmobile Club provides this service for Blaine County on both Forest Service and BLM trails, paid for with snowmobile registration fees, contributions and in-kind volunteers.

Schoen moved, seconded by McCleary, to approve the FY2016 Annual Operating Plan between Blaine County and the U.S. Forest Service for Challenge Cost Share Snowmobile Trail Grooming in the Sawtooth National Forest. Motion carried 2/0.

Schoen moved, seconded by McCleary, to approve the Agreement between Blaine County and the Sawtooth Snowmobile Club to groom snowmobile trails on National Forest and BLM lands within Blaine County, under the challenge cost share grant program, and funded by registration fees. Motion carried 2/0.

- **Blaine County/Intermountain Facility Agreement** Record #631133

This agreement has been in place for several years, and the rate is minimally increased.

Schoen moved, seconded by McCleary, to approve contract between Blaine County and Intermountain Facility for holding, evaluating, rehabilitating and providing care and treatment for mentally ill and gravely disabled persons, pursuant to Idaho Code and, as noted, payment by Blaine County is dependent on patient's ability to pay. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Blaine County Regional Transportation Meeting – McCleary

- The Bicycle-Pedestrian Subcommittee is going to review the one-year update to the Master Plan.
- Idaho Transportation Department (ITD) is going to study results of safety improvements made at Timmerman Junction several years ago to see if it should consider additional improvements. ITD has no funding for additional improvements; and both ITD and Sheriff Ramsey think some proposed improvements may prove to be more dangerous.
- Reviewed Forest Service parking issues north of Ketchum and potential public transportation to Galena Lodge.

Sawtooth Vision 20/20 Steering Committee Meeting – McCleary

The Steering Committee is preparing a 10-year-review of the Sawtooth Vision 20/20 Strategic Plan for the Sawtooth National Recreation Area, which is now included in the Boulder-White Clouds Wilderness.

Boulder-White Clouds Wilderness – McCleary

The BCC received an email from the Forest Service requesting a Blaine County representative be on their Boulder-White Cloud Wilderness planning effort. Schoen supported McCleary for the position.

Cooperative Weed Management Area (CWMA) – Schoen

The CWMA fall meeting reported on activities throughout the year.

Idaho Fish and Game – Schoen

Idaho Department of Fish and Game's Quarterly meeting will host public comment sessions in Blaine County in late November. Local public comment will no doubt include conservation; and Schoen requested a separate meeting to discuss species conservation, particularly the Wood River Wolf Project. Idaho applied for federal funds for non-lethal deterrence programming, but was denied, probably because funds awarded in the past haven't been spent.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

• June 16 and June 23, 2015 Regular Meetings

Schoen moved, seconded by McCleary, to approve Blaine County Commissioner minutes of June 16 and June 23, 2015, as amended. Motion carried 2/0.

EXECUTIVE SESSION - Idaho Code 74-206 1(a), 1(b), and 1(d)

Schoen moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 1(a), 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; Idaho Code 74-206 1(b) to evaluate a candidate for the Blaine County Housing Authority; and 1(d) to consider indigent medical applications that are exempt from disclosure. Roll call: McCleary (aye); and Schoen (aye). Motion carried 2/0.

Present for I.C. 74-206 1(d) were: Blaine County Indigent Services Director Brooke Baird and Assistant Amy Rivkin.

OPEN SESSION RESUMED

Schoen moved, seconded by McCleary, to approve Case #2015-65 Medical Indigent Application for Assistance, with a \$25/month reimbursement, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by McCleary, to accept cancellation of hearing and final determination of denial in Application for Assistance #2015-101. Motion carried 2/0.

LAND USE and BUILDING SERVICES HEARINGS

- **Mountain Overlay District Permit** - A public hearing and consideration of an application by Beverly Hay to approve emergency site alterations that were constructed in 2013 after the Beaver Creek fire. The property is located within the Mountain Overlay District (MOD) and the Residential/Agricultural District (R-5). The property is 5.4 acres in size and the address is 195 Greenhorn Road.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; applicant's representatives Brian Yeager, Gary Slette, Jim Zarubica, and Steph Eisenbarth; and Aaron DeChevrieux.

Shay read notice, which she said was the same for all three applications.

Schoen moved, seconded by McCleary, that notice is adequate. Motion carried 2/0.

Disclosures:

- As noted in the Staff Report, Schoen and McCleary had visited the site and were involved in the previous Emergency Site Alteration Permit process.
- McCleary drove by the site yesterday to see its current condition.

Applicant's representative Brian Yeager said everyone present was very familiar with the project. He said the western debris flow channel is included in this application, although most focus has been on the eastern debris flow channel. Both channels were approved as part of the original Emergency application; and are indicated on Exhibit A-1 of the current Mountain Overlay District application.

The applicant is asking that the portion of the two channels in the Mountain Overlay District be allowed to remain closed, as they exist today. The applicant would prefer they not be required to revisit the application in the future. They will continue to do weed abatement, as needed. Yeager said the landowner and current eastern neighbor feel the current alterations are necessary to protect their properties from future emergency events.

Public Comment: None.

Schoen and McCleary said they expected some modification would be made to site alterations made during an emergency situation; but they understood the desire to keep in place structures that diverted debris flows around the property to protect it in the future. The landowner does not plan to do any landscaping that would mitigate the visual impact of the site alterations. McCleary said the conditions had been met. The Emergency Site Alteration permit did not include any stipulation that an area would be restored to pre-emergency conditions. Schoen and McCleary supported the condition that noxious weeds would be monitored and treated, but didn't think it was necessary to require staff to monitor the site in the future.

The property caretaker has been spreading native seeds; and the channels would eventually heal and revegetate naturally. The BCC revised Condition 1 to state, "Applicant will continue to monitor and treat noxious weeds in disturbed areas within the Mountain Overlay District, as necessary."

Schoen moved, seconded by McCleary, to approve the application by Beverly Hay for Mountain Overlay District Site Alteration Permit, reclaiming portions of the yard, approving mitigation, and protecting the residence from possible future debris flows, finding that the application does comply with criteria of the Mountain Overlay District Site Alteration Permit under Title 9, Chapter 21 of the Mountain Overlay District, with the condition as articulated. Motion carried 2/0.

- **Mountain Overlay District Permit** - A public hearing and consideration of an application by Elise Lufkin to approve emergency site alterations that were constructed in 2013 after the Beaver Creek fire. The property is located within the Mountain Overlay District (MOD), the Residential/Agricultural District (R-5), the Rural Residential District (R-10) and the Rural Remote District (RR-40). The property is 77.24 acres in size and the address is 505 Starweather Road.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; applicant's representatives Brian Yeager and Jim Zarubica.

Shay read notice.

Schoen moved, seconded by McCleary, that notice was adequate. Motion carried 2/0.

Disclosures:

- McCleary said she was part of a prior Mountain Overlay Site Alteration process on this property and had visited the site at that time, as stated in the Staff Report.

There are no new materials.

Applicant's representative Jim Zarubica said a trench was dug during the storm after the Beaver Creek fire and improvements put in place that adequately protected the structure. The channel was subsequently reshaped and some minor riprap added to the broad swale area. The area was revegetated, and will be watered and carefully maintained to encourage native species to overtake invasive species. The BCC commended the landowner on her rehabilitation efforts.

Public Comment: None.

The BCC revised Condition 1 to state, "Applicant will continue to monitor and treat noxious weeds in disturbed areas within the Mountain Overlay District, as necessary."

Schoen moved, seconded by McCleary, to approve application by Elise Lufkin for Mountain Overlay District Site Alteration Permit, restoring slopes surrounding the property, constructing a swale to divert future debris flows, based upon a Finding that the application complies with criteria of Title 9, Chapter 21 of the Mountain Overlay District with one condition, as amended. Motion carried 2/0.

- **Mountain Overlay District Permit** - A public hearing and consideration of an application by Thomas and Maureen Longe to approve emergency site alterations that were constructed in 2013 after the Beaver Creek fire. The property is located within the Mountain Overlay District (MOD), the Residential/Agricultural District (R-5) and the Rural Residential District (R-10). The property is 3.7 acres in size and the address is 171 Greenhorn Road.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; applicant's representatives Brian Yeager and Jim Zarubica.

Shay read notice.

Schoen moved, seconded by McCleary, that notice was adequate. In discussion, McCleary said she saw posted notice on the property a couple weeks ago, but did not see it when she drove by yesterday. The legal requirement is that the property be posted seven days prior to the hearing. County Attorney Graves said the statutory requirement was that notice be posted on the property, which it was. He was not aware of any statutory requirement or case law that deals with notice being removed or disappearing before the hearing. Shay reiterated that notice was sent to surrounding landowners. **Motion carried 2/0.**

Disclosures:

- McCleary was on the site several times during the prior Emergency Site Alteration Permit application process; and was on the site yesterday.
- Schoen visited the site several times during the Beaver Creek fire, and throughout the Emergency Site Alteration Permit process.

There are no new materials.

Applicants' representative Jim Zarubica said storm debris flowed down the hill and mounded up just outside the applicants' door, then diverted around their house. After the storms, Longe applied for a categorical exclusion that allowed them to restore their lawn and improve landscaping around the house. An Emergency Site Alteration Permit allowed them to spread topsoil, recontour and revegetate. Schoen suggested the applicant may want to research native vegetation that would bind the soil and prevent additional erosion from threatening their home.

The BCC revised Condition 1 to state, "Applicant will continue to monitor and treat noxious weeds in disturbed areas within the Mountain Overlay District, as necessary."

Schoen moved, seconded by McCleary, to approve application by the Longe family for a Mountain Overlay District Site Alteration Permit to reclaim portions of the yard and provide mitigation to protect structures from possible future debris flows, finding that the application complies with certain criteria of Title 9, Chapter 21 of the Mountain Overlay District, with one condition as amended. Motion carried 2/0.

ADJOURN

At the hour of 2:36 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Angenie McCleary
Vice-Chair