

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

First Day

Tuesday, November 3, 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, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; Human Resources Generalist Henry Brown; and Recording Secretary Sunny Grant.

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

PUBLIC COMMENT - NONE

BOARD OF EQUALIZATION – Idaho Code 63-105A (7)

There were no Board of Equalization hearings today.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Land Use - Tom Bergin

Also present: Blaine County Planning Assistant Michele Johnson.

- Building Permit Report for FY2015
- 2015 building permit revenue is up a bit over 2014, and continues to be active.

County Administrator - Derek Voss

County Projects Update

- Individual Commissioners are working on projects of interest.
- Blaine County Code needs a lot of housekeeping, and rewrite is a major project.
- Staff will continue to evaluate radon mitigation in the Old County Courthouse and Judicial Building.
- Revised draft of Bicycle-Pedestrian Master Plan was sent to landowners who were concerned about proposed trails near or on their private property.
- Counties have to report to the state how they use the state-generated fuel tax. The State may consider raising the fuel tax again.
- Right-of-Way Management Plan, which will integrate with County Code and the Road and Bridge Work Plan, is close to being finalized.

TAX CANCELLATION REQUESTS

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Assessor Valdi Pace; Chief Deputy Assessor Martha Heuston; and County Treasurer John David Davidson.

• **2014 - Occupant: Syringa Mountain School Parcel RPH04750420380**

Also present: Syringa Mountain School Board Chairman Greg Bloomfield and Business Manager Sandy Kelly.

Syringa Mountain School declared occupancy in 2014, but did not apply for the Exemption for Property Used for School or Educational Purpose in 2014. The School did apply for the Exemption in 2015; and requested credit for the first half of 2014 taxes, which were already paid. The 2014 first quarter taxes have been distributed to the taxing districts, so the County cannot refund them; but the County can cancel the second half 2014 taxes (which were not paid at the Assessor's suggestion) and the late fee.

PUBLIC COMMENT:

- Syringa Mountain School Board Chairman Greg Bloomfield asked the BCC to forgive the \$6,000, which he said was a lot of money to a school that relied on private funds and volunteers.

Commissioners agreed with the Assessor that the school acted in good faith.

Schoen moved, seconded by McCleary, to forgive the second half of 2014 property taxes for Parcel RPH04750420380, due and owing, plus late charges and interest, in amount of \$6,999.64. Motion carried unanimously.

• **Cottages Development of Sun Valley LLC**

County Assessor Valdi Pace asked the BCC to disregard this request for cancellation. The property changed ownership, and there are no taxes to cancel.

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

Staff is waiting for Urban Renewal Area increment values, and the value of the parcels might change. They will be on a future BCC agenda.

• **Robert W Jones and Nancy K Camp, Parcel #RPC03700010030**

The property is in Carey. Staff noticed that their Homeowners Exemption has been incorrect for the last couple years. The homeowners are requesting cancellation of their taxes and refund of the overpayment of prior taxes.

Schoen moved, seconded by McCleary, to cancel taxes and credit homeowners of Parcel RPC03700010030 in the amount of \$597.50. Motion carried unanimously.

• **Jane Frazier DeWitte Buchanan, Parcel #RP005690000170**

The homeowner applied for a Homeowners Exemption for occupancy value, but the Exemption was not applied appropriately.

Schoen moved, seconded by McCleary, to cancel taxes and credit the homeowner of Parcel #RP005690000170 in the amount of \$628.98. Motion carried unanimously.

HENNEFER SETTLEMENT AGREEMENT, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves and County Legal Assistant Tammy Wilson; and Dennis Hennefer.

This 465-acre parcel has been in property dispute between Blaine County and the Hennefer family for decades. The County and the Hennefer family have tried several times to resolve the dispute, but actual ownership of the property is confusing, with murky deeds and legal descriptions. Court records of prior litigation were lost in a fire.

This 2015 Settlement Agreement calls for parties to execute mutual quitclaim deeds. The Hennefer family will transfer interest of approximately 173 acres, which includes the Carey Transfer Station, access to the transfer station and surrounding buffer area, to Blaine County. Blaine County will quit claim the remaining approximately 292 acres of grazing land to the Hennefer family.

The BCC commended staff on spending considerable time to research and draft a legal agreement that will finally resolve land ownership for both parties.

Schoen moved, seconded by McCleary, to approve the Settlement Agreement regarding exchange of property between Blaine County and the Hennefer family; and to authorize the Blaine County Commission Chairman to sign the quitclaim deed that is in accordance with the Settlement Agreement. Motion carried unanimously.

Settlement Agreement	<u>Record #630929</u>
Quitclaim Deed Blaine County to Hennefer	<u>Record #630891</u>
Quitclaim Deed Hennefer to Blaine County	<u>Record #630892</u>

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Public Access across Peregrine Ranch – McCleary

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

Residents of Deer Creek showed Commissioner McCleary old maps from 1882 and 1915, and Google maps from 1992, 1998, 2003 and 2013 that suggest two public rights-of-way exist across the Peregrine Ranch property. Commissioners considered the possibility of a right-of-way in 2002, at which time landowner Harry Rinker and local residents agreed, but no official County action was taken. Apparently, access is no longer available.

Blaine County Attorney Tim Graves suggested Rinker and local neighbors work together to devise a plan for non-motorized public access on the old east-west right-of-way that links Deer Creek with the bike path. This could be done through a validation process or road dedication.

Community Food Assessment Update – McCleary

The Hunger Coalition and other participants in the Food Assessment are meeting to develop a plan on how to use the Assessment information.

South Central Public Health Board Meeting – McCleary

The South Central Public Health Board expressed support for Healthy Idaho Plan, which is the current version of Medicaid Expansion and discussed the following:

- The Stop Tuition Hikes ballot initiative is gathering signatures for the November 2016 election. The initiative would increase the cigarette tax, with 10% of the tax revenue used for education on tobacco cessation and related issues, and the rest would lower tuition for secondary education and college.
- The Annual Strategic Plan would set goals and provide an evaluation for the director.
- A schedule for the Blaine County Public Health office in Bellevue. McCleary continues to advocate for a Licensed Practical Nurse in the office.

The BCC encouraged the Public Health Board to consider the Parents and Teachers home nursing program in Blaine County.

Idaho Association of Counties District 4 Meeting – Commissioners

- IAC supports the Healthy Idaho plan. Greenberg suggested IAC’s Legislative Team Policy Analyst let counties know they can encourage Legislators to act on Healthy Idaho, even though it’s an election year.
- Discussed statewide Emergency Medical Services’ inability to buy drugs from hospitals until a program is in place to track the narcotics.
- Greenberg encouraged other counties to consider contributing to fund Blaine County Commissioner Schoen’s attendance at National Association of Counties (NACo) meetings. Schoen will follow up with IAC’s Executive Director.

Southern Idaho Solid Waste District (SISWD) Regular Board Meeting – Schoen

SISWD is working with Idaho Power on a feasibility study to convert landfill gas to energy. Some of the early landfill cells are beginning to peak in methane production. SISWD will inform member counties about the project, along with financial statements and projections.

Idaho National Laboratory (INL) Citizens Advisory Board Meeting – Schoen

The INL Citizens Advisory Board (local member is Harry Griffith) acts as a citizens oversight and works with different divisions of INL to disseminate information to the public. INL is a designated “Superfund” remediation disposal facility. The Department of Energy is making slow progress toward removing mixed and liquid waste materials from INL, as required by the Idaho Settlement Agreement of 1995, and shipping it to New Mexico.

Information Required on Final Plats – Greenberg

Benchmark Associates engineers and surveyors asked the BCC to consider what zoning information should be required on final plats. The information sometimes changes and old information could be misleading to a buyer.

St. Luke’s Supports Idaho Power’s Redundant Power Lines – Greenberg

Greenberg received a letter from St. Luke’s supporting Idaho Power’s redundant power lines plan.

COUNTY ANNUAL JUVENILE JUSTICE REPORT TO THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

Also present: Blaine County Chief Probation Officer Teresa Espedal; and Idaho Department of Juvenile Corrections District 5 Liaison Renee Waite.

County Chief Probation Officer Teresa Espedal said the Idaho Department of Juvenile Corrections requests this annual report from Idaho Counties depicting how funds are spent. The Probation Department is required to review the report with the BCC and privately with Juvenile Judge Mark Ingram. Espedal said the general report doesn’t reflect the real number of juveniles that Probation serves, including those in diversion programs.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

Also present: Blaine County Land Use Administrator Tom Bergin.

- **Independent Contractor Agreement with John Haavik** Record #630932

This is an ongoing relationship. The contract is the same as last year, except for an increased mileage rate.

McCleary moved, seconded by Schoen, to approve the FY2016 contract between Blaine County and John P. Haavik, for contract building inspector services in the amount of \$45/hour and mileage reimbursement of 57½¢ per mile. Motion carried unanimously.

- **Equitable Sharing Agreement and Certification** Record #

Voss said the Agreement is a standard agreement between Blaine County and the departments of Justice and the Treasury. Voss said these funds are held separately from other County funds.

Schoen moved, seconded by McCleary, to approve the Equitable Sharing Agreement and Certification between Blaine County, and federal departments of Justice and Treasury, related to the use of federally-forfeited cash, property and proceeds, on behalf of the Sheriff’s Department. Motion carried unanimously.

- **APCO Expectations Software Maintenance Warranty** Record #630940

Also present: Blaine County Emergency Communications Director Robin Stellers.

Emergency Communications supervisors and trainers use APCO Expectations software for daily observation reports.

Schoen moved, seconded by McCleary, to approve Smart Horizons’ APCO Expectations Software Maintenance Warranty for \$145 annually. Motion carried unanimously.

- **Emergency Communications Network Code Red Renewal Agreement** Record #631239

Also present: Blaine County Emergency Communications Director Robin Stellers.

This is the County’s first renewal of Code Red, Blaine County’s community alert system. Voss said ECN’s renewal process was to issue an amendment to the original agreement.

Schoen moved, seconded by McCleary, to approve the Renewal Agreement between Blaine County and Emergency Communications Network for Code Red emergency alert system and weather warning in the amount of \$5,500 annually. Motion carried unanimously.

- **Client Coverage Acknowledgement and Compensation Disclosure Statement and Business Associate Agreement** Record #631934
Gallagher is responsible for finding the best healthcare value for Blaine County, and receives a percentage of the annual premium. This is a standard disclaimer agreement and outlines responsibilities in protecting health information. Voss said the rates are good, and Gallagher shares the commission with Wood River Insurance.

Schoen moved, seconded by McCleary, to approve the two agreements between Blaine County and Arthur J. Gallagher and Co. relating to insurance coverage: the Client Coverage Acknowledgement and Compensation Disclosure Statement and the Business Associate Agreement. The cost is by commission, as specified in the Client Coverage Acknowledgment and Compensation Disclosure Statement. One rate is for health / vision coverage, and the other for life / accidental death / dismemberment. Motion carried unanimously

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW

Also present: Friedman Memorial Airport Manager Rick Baird.

The BCC reviewed the Friedman Memorial Airport Master Plan Update, Chapter D Existing Airport Site Alternatives.

The Friedman Memorial Airport Authority (FMAA) is forming a Noise Abatement Committee. The BCC would like to see all impacts on the community addressed, not just noise, to include those impacts caused by airport development itself.

Airport Manager Rick Baird said aircraft that meet weight limitations with wingspans over 100 feet will develop an operational procedure.

The BCC questioned language in the Alternative Summary that “The Analysis recognizes that expansion will only be considered for facilities that are deemed necessary.” The BCC will present alternative language that the FMAA is charged with operating the airport “safely and efficiently.”

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- July 15, 2015 Budget Hearing
- July 20, 2015 Budget Hearing
- August 17, 2015 Special Meeting

Schoen moved, seconded by McCleary, to approve minutes of July 15 and July 20 Budget Hearings and August 17 Special Meeting, as amended. Motion carried unanimously.

CONSENT CALENDAR

- **Junior College Residency form** for Yeny Paitan for College of Southern Idaho Spring 2015 and Fall 2015-Spring 2016 terms.

McCleary moved, seconded by Schoen to approve the Consent Calendar for November 3, 2015. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Comprehensive Plan - Agriculture Chapter**, CONTINUED Public hearing and consideration of proposed amendments to Title 8, Ch. 1, Comprehensive Plan. The proposed Agriculture chapter would replace Section 1, Agriculture, of the current Plan. Agriculture is a required element of a comprehensive plan per I.C. Section 67-6508. The chapter was recommended for approval by the P&Z Commission on August 13, 2015.

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; County Comprehensive Plan Update Consultant Lisa Horowitz; Comprehensive Plan Steering Committee members Dick Fosbury and Len Harlig.

The item was continued to today, so there is no new notice.

Grotto reviewed the latest revisions. Comments from the BCC and Steering Committee members:

- Dick Fosbury wanted to keep history in the Comprehensive Plan. Agriculture is still a dominant part of the landscape, but not particularly central to the economy.
- Len Harlig said agricultural land and open spaces are a major lure for visitors and second homeowners and therefore is an economic driver.
- Schoen said the declining aquifer and water use should be a major topic.
- Harlig was concerned about legal problems where residential and agricultural uses are adjacent, including cluster development, because there can be conflict.

Schoen moved, seconded by McCleary, to continue the Comprehensive Plan - Agriculture Chapter public hearing to November 17, 2015. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

• **Fee waiver request from Blaine County Road & Bridge**

Also present: Blaine County Land Use Administrator Tom Bergin; and County Code Compliance Specialist Diane Shay.

Blaine County Road and Bridge applied for a stream alteration permit based on the discovery that some work was done in Wilson Creek without a permit. Road and Bridge requested the BCC waive the application fee.

Schoen moved, seconded by McCleary, to waive the application fee for Blaine County Road and Bridge for a stream alteration permit for projects on a culvert on Punkin Center Road on Wilson Creek. Motion carried unanimously.

EXECUTIVE SESSION - Idaho Code 74-206 1(f) - Pending litigation with Wright Brothers.

Also present: Blaine County Operations Administrative Assistant Andrea Walton.

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 74-206 1(f), to discuss with legal counsel the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Schoen (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 3:33 p.m., with no more business before them, the County Commissioners adjourned.

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