

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE NOVEMBER 2012 SESSION**

First Day

Tuesday, November 6, 2012

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Angenie McCleary, Commissioner Lawrence Schoen; Commissioner Jacob Greenberg; County Administrator Derek Voss; and Recording Secretary Sunny Grant.

Chairman McCleary called the meeting to order at 9:06 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

- **Case #12-09-141, Case #12-09-142**

Present were: Blaine County Indigent Services Manager Brooke Roberson.

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

OPEN SESSION RESUMED

Schoen moved, seconded by Greenberg, to deny Application for Assistance Case #12-09-141, based on staff recommendation. Motion carried unanimously.

Schoen moved, seconded by Greenberg, to deny Application for Assistance Case #12-09-142, based on staff recommendation. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Sheriff's Office – Gene Ramsey

- 48 inmates in jail this morning, 28 are Idaho Department of Corrections (IDOC) inmates, four are from Jerome.
- All public agencies in Blaine County have been granted narrow banding by the Federal Communications Commission. Blaine County's portables aren't narrow-bandable and Idaho would like to get life-expectancy out of them before getting new radios. Idaho will most likely be granted an extension to 2024.
- Jail programs grant has expired, but there is still money available that can be used for this year's program.

County Administrator – Derek Voss

Also present: Blaine County Human Resources Generalist Susan Potucek.

- Idaho Independent Insurance Agency (III-A), a self-funded health insurance program which represents cities of Hailey and Ketchum, is experiencing financial and management difficulties.
- Final selection interviews for County Engineer are next week. The BCC reviewed the engineer interview process and made suggestions.
- Voss submitted a revised Skilled Nursing Care RFP worksheet with evaluation criteria, risk factors; and a list of questions from the BCC for each entity. The set of questions for each entity will be emailed to them. The process and list of questions will be on the County's website and available to the public.

CONTRACTS, GRANTS AND AGREEMENTS DISCUSSION AND CONSIDERATION

- **Everbridge Service Agreement** Record #
- **Amended Motorola Solutions Services Agreement** Record #604029

Also present: Blaine County Emergency Communications Director Robin Stellers.

There are no changes to the Everbridge contract renewal. People continue to sign up for the Everbridge community alert and employee notification systems.

The Motorola Services Agreement adjustment reflects the reduced cost of site maintenance.

- **Spalding-Blaine County Security Agreement** Record #602917

Also present: Blaine County Land Use Zoning Specialist Nancy Cooley.

Spalding was approved for a Floodplain Conditional Use Permit to fill a pond, with the condition that the property be revegetated with riparian plantings. This is a bond for 150% of the estimated cost of revegetation.

- **FY 2011 Juvenile Accountability Block Grant (JABG) Project Award** Record #

Blaine County Chief Probation Officer Teresa Espedal.

The annual JABG grant covers a portion of the salary of the Diversion Officer, who diverts juveniles from the formal court system. The grant match is covered by the County's payment of the officer's salary and benefits.

- **Contract for Services with Blaine County Housing Authority** Record #602908
Also present: Blaine County Housing Authority Executive Director David Patrie.

The Housing Authority acts as the County's housing department. This Agreement renewal is basically the same as last year. The County's quarterly payment schedule to the Housing Authority is mutually acceptable.

- **Independent Contractor Agreement with Keith Sivertson** Record #602835
The only change in the renewal agreement is that it is made with the Blaine County Commissioners acting as the Blaine County Ambulance District.

Schoen moved, seconded by Greenberg, to approve the Everbridge Service Agreement, the Amended Motorola Services Agreement, the Spalding-Blaine County Security Agreement, the FY 2011 Juvenile Accountability Block Grant (JABG) Project Award, the Contract for Services with Blaine County Housing Authority, the Independent Contractor Agreement with Keith Sivertson, and JABG Grant Award, and authorize Chairman to sign. Motion carried unanimously.

- **Clima-Tech HVAC System Preventative Maintenance and Inspection for Annex**

This is the annual renewal for ongoing maintenance of the Annex HVAC system. The system has issues, but Clima-Tech actively maintains the equipment. BCC decided to hold the contract, and requested a more specific description of the inspections and preventative maintenance.

CONSENT CALENDAR

- **Resolution 2012-57 Solid Waste Budget Adjustment** Record #602834

Greenberg moved, seconded by Schoen, to approve the Consent Calendar for November 6, 2012. Motion carried unanimously.

BOARD OF EQUALIZATION – I.C. 63-105A (7)

- **Property Tax Exemption/Cancellation Casualty Loss per Idaho Code 63-602X. Parcel RP01N19018105J – Randall & Lynne French**

Schoen moved, seconded by Greenberg, to meet as the Board of Equalization, pursuant to Idaho Code 63-105A (7). Motion passed unanimously.

Also present Blaine County Treasurer Vicki Sisiam; and Chief Deputy Treasurer Gail Peterson.

The French house was partially destroyed by fire in April, 2012. The value of the home was pro-rated and cancellation for loss was \$156,762, which resulted in a tax reduction of \$1,111.90.

Schoen moved, seconded by Greenberg, to cancel a portion of the value on Parcel RP01N19018105J in the amount of \$156,762 for the calendar year 2012. Motion carried unanimously.

Schoen moved, seconded by Greenberg, to reconvene as the Board of Blaine County Commissioners.

Schoen moved, seconded by Greenberg, to cancel taxes for Parcel RP01N19018105J in the amount of \$1,111.90 for the year 2012, due to casualty loss at the site. Motion carried unanimously.

BOARD REPORTS, DISCUSSION and CONSIDERATION

NACo – Schoen

Schoen is Blaine County's representative to the National Association of Counties (NACo). He asked for BCC input on a NACo Environment, Energy and Land Use Steering Committee survey.

Southern Idaho Solid Waste District – Schoen

The SISWD Board is preparing new county leases (SISWD leases of county-owned transfer station sites) and new waste disposal agreements (agreements under which member counties participate in the regional solid waste district). Twin Falls may want to own one of its transfer station sites and lease to the SISWD, or the SISWD may retain ownership. Twin Falls is a late comer to the SISWD, but is the biggest contributor. If Twin Falls leaves the SISWD, it could affect SISWD finances.

Idaho Association of Counties Legislative Committee – Schoen

The IAC discussed personal property tax and what would replace it. Personal property taxes provide major funding for some local taxing entities, such as library districts, cemetery districts, etc.

A legislator from Eastern Idaho may be supporting a change to the Local Land Use Planning Act

(LLUPA) whereby counties could not regulate any activity that is already under federal or state regulation. This would potentially impact the counties' stream protection programs, Confined Animal Feeding Operations (CAFOs), wildlife corridors and overlay districts, etc.

Other IAC Legislative Committee discussions were:

- Consideration of a different structure for the Oil and Gas Commission membership (currently the Land Board).
- Presentation from a lawyer for alternative transportation system funding that could relieve the burden on state and local funding. The concept is creative, and complex, and is basically an LID with incremental values that would fund new road construction.
- IAC Resolution for repeal of 31-1605, which allows judicial review of County Commissioners' decisions. The Power County Prosecutor sued the Power County Commissioners seeking an overturn of the Commissioners' budget for the Prosecutor's office. The Judge ruled in the Prosecutor's favor.

Blaine County Regional Transportation Committee Meeting – McCleary and Greenberg

- No city representation at the meeting due to several conflicts, so there was no quorum to vote.
- The cities previously submitted their transportation priorities for grant opportunities. The priorities will be preliminarily ranked and then formally voted on by the BCRTC prior to grant application deadlines. The BCRTC lends regional support to projects, which is very positive on grant applications. The County's transportation priorities are as presented in the Blaine County Transportation Plan.
- ITD has money budgeted for safety-related projects, some of which may be available to alleviate wildlife concerns on Highway 75. ITD and the Sheriff are talking about a reduced speed limit at night. The Sheriff is looking into an illuminated sign with a lowered speed limit.

Regional Mental Health Meeting – McCleary

McCleary attended the Regional Mental Health Meeting.

Cox Communications Open House – McCleary

Cox would like to discuss the need for more infrastructure with local jurisdictions.

County Treasurer Office Holiday Schedule – McCleary

County offices are usually open four days a week, and closed on Friday. The Treasurer's office must be open on Friday before Christmas. The Treasurer is requesting department compensatory time off on the Monday before Christmas in 2012. The BCC said the entire County must have the same work schedule. If a particular department has to work on Fridays or special days (i.e., Elections must be open on certain Fridays prior to an election), the department must work it out internally.

AIRPORT PROJECT UPDATE AND DISCUSSION

Also present: Friedman Memorial Airport Manager Rick Baird; and *Idaho Mountain Express* reporter Kate Wutz.

Friedman Memorial Airport Authority (FMAA) Meeting Preparation

Friedman Memorial Airport Manager Rick Baird summarized the seven alternatives in the 90-day technical analysis:

- Alternative 1 shift runway and highway east
- Alternative 2 shift runway east and highway west
- Alternative 3 shift runway west
- Alternative 4 shift runway south and rotate it

Alternatives 1-4 are very expensive and have significant impact on the surrounding area and the environment. Acting on one of these alternatives would likely not meet the December 2015 runway safety area deadline.

- Alternative 5 shift runway 13-31 south into Flying Hat Ranch and shift taxiway west
- Alternative 6 involves no expansion of the Friedman Airport footprint
- Alternative 7 moves the highway east within its existing right-of-way, moving parking and hangars and acquiring some land from the Flying Hat Ranch.

The FAA commissioned the 90-day technical analysis in response to Blaine County's desire to pursue a dual path forward—keep Friedman viable while planning an eventual replacement airport. The FAA wants to know how the alternatives relate to Blaine County's decision to pursue a dual path forward and restarting the Environmental Impact Statement process.

At this time, it is almost definite that there will not be a replacement airport in the next five years. The FMAA must update its Airport Layout Plan to at least achieve C-III runway safety area standards at Friedman. The community must at least consider short-term improvements to allow the airport to serve the community's air service needs. There may be some potential for the purchase and resale or development of land, and/or cost-sharing with ITD in any expansion process.

In the meantime, the FMAA must devise a policy to begin to accumulate capital to pay both for

improvements at the existing site and a replacement airport.

BOARD PROJECTS AND LIAISON ASSIGNMENTS DISCUSSION

The BCC will individually review Board projects and liaison assignments in the next couple months. The BCC will discuss interests and responsibilities in a meeting in January.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **October 16, 2012 Regular Tuesday Meeting**
- **October 22, 2012 Special Monday Meeting**

Schoen moved, seconded by Greenberg, to approve the Board of Commissioner minutes of the October 16, 2012 Regular Tuesday meeting and October 22, 2012 Special Monday meeting, as amended. Motion carried unanimously.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- A public hearing and consideration of the **Animal Shelter of the Wood River Valley** (ASWRV) to rezone (reclassify) their property from Resource Conservation District (RC-160) to Rural Residential (R-10) and Residential/Agricultural (R-5). Portions of the subject property are within Blaine County's Mountain Overlay District. The 17 acre parcel is located on Croy Creek Rd., approximately 1 mile west of Hailey next to the existing Animal Shelter. On October 4, 2012 the Planning & Zoning Commission recommended approval of the rezone application.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; Code Compliance Specialist Diane Shay; John Gaedert; Wood River Animal Shelter Executive Director JoAnne Dixon, Shelter representative Linda Haavik and Shelter advocate/volunteer Sheila Liermann.

Cooley read posted notice.

Greenberg moved, seconded by Schoen, that notice was adequate. Motion carried unanimously.

The Animal Shelter acquired property from the BLM through the Federal Land Policy and Management Act. The land automatically reverted to RC-160 zoning (property owned by public entity). The Animal Shelter is now requesting it be rezoned back to R-5 and R-10 zoning. The existing animal shelter inadvertently encroaches onto the BLM land and the shelter has always intended to expand the animal shelter. The application received a Finding of Compliance with the Comprehensive Plan and other criteria and a Recommendation of Approval from the P&Z Commission.

A text amendment to the Zoning Code was approved in 2009 to allow a Conditional Use Permit for the Animal Shelter in the R-5 and R-10. The BLM granted a land patent to the Animal Shelter in 2011, changing ownership of the parcel from public to private, without any stipulations or conditions attached. The proposed R-5 and R-10 zoning is consistent with zoning on adjacent and surrounding privately-owned land. The zoning should reflect the appropriate use of the land regardless of ownership or boundaries.

PUBLIC COMMENT: NONE

The BCC commended the Animal Shelter on their long-term planning.

Greenberg moved, seconded by Schoen, to approve the application of the Animal Shelter of the Wood River Valley, Vorberg Gulch Rezone, based on the Finding that it complies with the Comprehensive Plan, has no adverse impact on delivery of services within Blaine County or on the potable water sources of Blaine County, and meets criteria of the Blaine County Code. In discussion, the BCC agreed to accept the P&Z Commission's Findings as their own. Motion carried unanimously.

LAND USE AND BUILDING SERVICES DISCUSSIONS AND CONSIDERATION

- **Contracts for independent contractors**

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

The contracts are not yet ready to be presented to the BCC for signature. They will be on a future agenda.

- **Fee waiver request for CUP from Smiley Creek Fire**

The BCC set a minimum \$75 permit fee several years ago. All fees per application over and above this minimum may be waived. The Conditional Use Permit is good for five years.

Schoen moved, seconded by Greenberg, to waive P&Z Commissioner permanent application fee to Smiley Creek Fire Station, except for the minimum \$75 fee required by Blaine County. Motion carried unanimously.

- **P&Z Commission applicants**

Land Use has advertised for a soon-to-be-vacant P&Z Commissioner seat for four weeks, and has two potential applicants. There are three Commissioner terms expiring in January, 2013. Land Use is checking to see if the Commissioners with expiring terms want to be reappointed.

Bergin asked if the BCC wanted to consider a five-member Commission in the future. Finding good Commissioners is difficult; and equally difficult to find applicants from Blaine County's smaller cities and county area. BCC agreed that it's good to have seven members, as long as there is a quorum.

FINDINGS OF FACT

- **Costanzo Plat Amendment**

McCleary moved, seconded by Greenberg, to approve the Findings of Fact, Conclusions of Law and Decision in the application of James Costanzo for a plat amendment to expand the building envelope by six feet on the eastern side of Lot 92, Valley Club Subdivision. Schoen abstained. Motion carried 2/0.

LAND USE AND BUILDING SERVICES HEARINGS

- **Double R Ranch Stream Alteration Permit, continued:** Public hearing on and consideration of an application by Nick Purdy for a Stream Alteration Permit on Silver Creek, to bifurcate the main channel and create a side channel/meander similar in dimension to the main channel. The project site is the Double R Ranch, located within Section 30, T1S, R20E, BM, Blaine County.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin, Blaine County Senior Planner Kathy Grotto, and Code Compliance Specialist Diane Shay; Applicant Nick Purdy, applicant's representative Steph Eisenbarth, Nature Conservancy Silver Creek Preserve Dayna Gross; Blaine County Levy Advisory Board (LAB) consultant Clare Swanger; and Paul Boucek.

This item is continued from October 30, 2012. No new notice was necessary.

New materials received include new public comment by email; a new revegetation plan and a map overview of Silver Creek and Loving Creek area applications. There is still no response to the applicant's permit request from Idaho Department of Water Resources. Grotto checked the area where the meander is proposed. She could see the creek was very swift, but didn't actually check to see erosion. Staff has included language for a draft condition requiring a bond or financial security for the revegetation.

The BCC has no disclosures.

The intent of the project is to enhance the Silver Creek channel in the project area. The prior project resulted in an unnaturally straight stretch of water that is moving too fast. Fast-moving water causes "downcutting," where the erosive forces of the flowing water move base material downstream and thereby deepen the channel. When sediment moves too fast and vegetation can't take hold, there is nothing to support insects or fish. This project will widen the main channel and add a meander to slow water flow through the main channel.

Applicant Nick Purdy said this reach is heavily fished. Access is good, even for fishermen with limited mobility and those in wheelchairs. This should serve to improve fishability and access in the area.

Greenberg hesitates to interfere with a stream without real evidence that there is undercutting. It is important that a project preserve the nature of the whole ecosystem. A letter from Silver Creek Preserve Manager Dayna Gross indicates that prior projects were done to mitigate years of impacts caused by farming and ranching. These mitigation measures seem to be resulting in ongoing adaptive management.

Schoen said Stream Alteration Permits purposes include: to protect and enhance important environmental features; protect life and property inherently subject to natural hazards and flooding; protect, preserve and enhance fish, wildlife habitat and recreation resources, etc.

McCleary said most SAPs she had considered were to alleviate flooding. This project is to enhance recreation, which is in the local public interests and is one of the purposes of an SAP. The project does need to have IDWR approval. Grotto is unaware of any IDWR design issues and thinks the project just suffers from IDWR backlog.

PUBLIC COMMENT:

Paul Boucek said habitat would be destroyed any time Silver Creek is invaded. 22 projects in 12 years have deteriorated Silver Creek. It won't be improved by more stream alteration.

Silver Creek Preserve Manager Dayna Gross said a lot of work has been done to repair Silver Creek; some has been effective and some will need more repair. The Nature Conservancy data shows good fish, insect and vegetation habitat and can disprove misinformation that is being presented.

The BCC acknowledged the applicant's revegetation schematic and narrative, and that existing

materials will be reused and augmented.

Schoen moved, seconded by Greenberg, to approve the application submitted by Nick Purdy and the Double R Ranch for a Stream Alteration Permit on Silver Creek, based on Findings that it meets the requirements of a Stream Alteration Permit in Blaine County, conditioned upon approval by the Idaho Department of Water Resources and other federal and state agencies, and subject to their conditions; and a reasonable financial security submitted to the Blaine County Land Use office prior to commencement of the work to guarantee completion and success. In discussion, the BCC and Land Use Administrator set a security bond amount of \$3,000. The bond will be released when revegetation and staking are complete to staff's satisfaction. Greenberg abstained. Motion carried 2/0.

ADJOURN

At the hour of 3:35 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____
JoLynn Drage Angenie McCleary
County Clerk Chairman