

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE NOVEMBER 2011 SESSION**

**Second Day**

**Tuesday, November 8, 2011**

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

Chairman McCleary called the meeting to order at 9:04 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 #12-11-005**

Present were: Assistant County Welfare Director Connie Kacalek.

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

**OPEN SESSION RESUMED**

**Bowman moved, seconded by Schoen, to approve Case #12-11-005, based on staff recommendation. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS AND DISCUSSION**

**County Administrator – Derek Voss**

- The renewal Contract for Services with the Animal Shelter of the Wood River Valley is unchanged from last year. The BCC would like to see quarterly reports, as called for in the contract.
- The Independent Contractor Agreement with Medical Director Keith Sivertson is a renewal contract, and remains unchanged from last year.
- The Cooperative Law Enforcement Agreement between the Blaine County Sheriff's Office/ USDA/Sawtooth National Forest is the same as last year, except for amounts. The Administrator will review Exhibit A and submit it to the BCC before recording the contract.
- The 2011 Emergency Management Program (EMP) Grant accepts a grant award for EMP software, which is crucial to the emergency communications system.
- Sustain Blaine is producing a City Economic Profile on municipalities in Blaine County, and will do one for Blaine County as well.
- Received the Calls for Service data from Emergency Communications team. This will be used to develop a service model prior to Blaine County's mediation date before the E911 Commission.
- When staff completes the annual renewal contracts and agreements, they will review them again, looking for unrealized obligations.

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**Bowman moved, seconded by Schoen, to approve claims dated November 2, 2011 and November 8, 2011. Motion carried unanimously.**

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Oct-2011

**FUND 01**

**AGAINST GENERAL FUND**

Blaine County Employees	Salaries October 6	\$ 251,624.06	
Blaine County Employees	Salaries October 20	\$ 267,071.57	
Total October FICA		\$ 37,430.40	
Total October Benefits		\$ 143,364.37	
Total October Bills		<u>\$ 194,934.59</u>	
Combined Total October Expense			\$ 894,424.99

**FUND 02**

**AGAINST ROAD & BRIDGE**

Blaine County Employees	Salaries October 6	\$ 21,899.53	
Blaine County Employees	Salaries October 20	\$ 22,779.40	
Total October FICA		\$ 3,110.65	
Total October Benefits		\$ 14,014.70	
Total October Bills		<u>\$ 5,316.62</u>	
Combined Total October Expense			\$ 67,120.90

<b>FUND 03</b>	<b>AGAINST ELECTION CONSOLIDATION</b>		
Blaine County Employees	Salaries October 6	\$ 1,708.66	
Blaine County Employees	Salaries October 20	\$ 1,719.16	
	Total October FICA	\$ 260.22	
	Total October Benefits	\$ 740.29	
	Total October Bills	<u>\$ 2,409.90</u>	
	Combined Total October Expense		\$ 6,838.23
<b>FUND 06</b>	<b>AGAINST DISTRICT COURT</b>		
Blaine County Employees	Salaries October 6	\$ 1,892.31	
Blaine County Employees	Salaries October 20	\$ 1,274.00	
	Total October FICA	\$ 242.22	
	Total October Benefits	\$ 855.96	
	Total October Bills	<u>\$ 1,401.53</u>	
	Combined Total October Expense		\$ 5,666.02
<b>FUND 16</b>	<b>AGAINST CHARITY &amp; INDIGENT</b>		
Blaine County Employees	Salaries October 6	\$ 3,453.89	
Blaine County Employees	Salaries October 20	\$ 3,571.20	
	Total October FICA	\$ 532.13	
	Total October Benefits	\$ 1,782.26	
	Total October Bills	<u>\$ 29,472.24</u>	
	Combined Total October Expense		\$ 38,811.72
<b>FUND 20</b>	<b>AGAINST REVALUATION</b>		
Blaine County Employees	Salaries October 6	\$ 9,804.93	
Blaine County Employees	Salaries October 20	\$ 9,974.33	
	Total October FICA	\$ 1,327.23	
	Total October Benefits	\$ 7,404.88	
	Total October Bills	<u>\$ 690.00</u>	
	Combined Total October Expense		\$ 29,201.37
<b>FUND 23</b>	<b>AGAINST SOLID WASTE</b>		
Blaine County Employees	Salaries October 6	\$ 4,536.00	
Blaine County Employees	Salaries October 20	\$ 4,220.61	
	Total October FICA	\$ 661.40	
	Total October Benefits	\$ 1,796.48	
	Total October Bills	<u>\$ 397,475.30</u>	
	Combined Total October Expense		\$ 408,689.79
<b>FUND 27</b>	<b>AGAINST NOXIOUS WEEDS</b>		
Blaine County Employees	Salaries October 6	\$ 6,022.36	
Blaine County Employees	Salaries October 20	\$ 4,657.40	
	Total October FICA	\$ 760.56	
	Total October Benefits	\$ 3,040.83	
	Total October Bills	<u>\$ 9.92</u>	
	Combined Total October Expense		\$ 14,491.07
<b>FUND 04</b>	<b>AGAINST AMBULANCE</b>		
	Total October Bills	\$ 162,475.49	\$ 162,475.49
<b>FUND 07</b>	<b>AGAINST COUNTY FAIR</b>		
	Total October Bills	\$ -	\$ -
<b>FUND 11</b>	<b>AGAINST PUBLIC HEALTH</b>		
	Total October Bills	\$ 20,555.67	\$ 20,555.67
<b>FUND 12</b>	<b>AGAINST HISTORICAL SOC. &amp; MUSEUM</b>		
	Total October Bills	\$ -	\$ -
<b>FUND 17</b>	<b>AGAINST JR. COLLEGE TUITION</b>		
	Total October Bills	\$ -	\$ -
<b>FUND 31</b>	<b>AGAINST PSF BOND REDEMPTION</b>		
	Total October Bills	\$ -	\$ -
<b>FUND 35</b>	<b>AGAINST NURSING HOME</b>		
	Total October Bills	\$ 467,652.50	\$ 467,652.50

<b>FUND 37</b>	<b>AGAINST SNOWMOBILE</b>		
Total October Bills		\$ -	\$ -
<b>FUND 38</b>	<b>AGAINST WATERWAYS</b>		
Blaine County Employees	Salaries October 6	\$ 369.40	
Blaine County Employees	Salaries October 20	\$ 107.84	
Total October FICA		\$ 36.50	
Total October Benefits		\$ 51.20	
Total October Bills		\$ -	
	Combined Total October Expense		\$ 564.94
<b>FUND 46</b>	<b>AGAINST E-911 EMERGENCY COMM</b>		
Blaine County Employees	Salaries October 6	\$ 4,282.40	
Blaine County Employees	Salaries October 20	\$ 4,372.80	
Total October FICA		\$ 639.67	
Total October Benefits		\$ 1,432.38	
Total October Bills		\$ 73,070.26	
	Combined Total October Expense		\$ 83,797.51
<b>FUND 51</b>	<b>AGAINST LAND WATER &amp; WILDLIFE LEVY</b>		
Total October Bills		\$ -	\$ -
<b>FUND 81</b>	<b>AGAINST LIABILITY INSURANCE</b>		
Total October Bills		\$ -	\$ -
	<b>TOTAL ALL FUNDS</b>		<b><u>\$2,200,290.20</u></b>

**Clerk's Report – JoLynn Drage**

- Today is General Election Day 2011.

**Operations – Char Nelson**

- ITD provided tar-removing solvent free of charge for local drivers to use to clean road construction tar off their cars. Drivers can file a tort claim with the state if they wish. State Representative Wendy Jaquet and State Senator Michelle Stennett are in contact with ITD regarding the issue.
- McKinstry did an audit of all county buildings. The audit can be used to develop a Capital Improvement Plan. An engineering study, which will produce construction documents for all aspects of the Old County Courthouse, including historical review, still needs to be done. Nelson will confirm that the study specifically includes construction plans that can be used in a bidding process and for future seismic retrofit of the Old County Courthouse. The construction work could be done all at once with a performance contract or bond; or in phases in the coming fiscal years.
- There are a number of improvements that need to be done on County buildings: County Courthouse roof and seismic retrofit, Annex HVAC, prosecutor's office reconfiguration, Carey Road and Bridge shop, the Weed Department, Blaine Manor repairs, and heating system at the Recycling Center.

**CONSENT CALENDAR**

- **New Beverage License for Thai Cuisine**
- **Contract for Services with the Animal Shelter of the Wood River Valley** ..... Record #592026
- **Independent Contractor Agreement with Keith Sivertson** ..... Record #591977
- **Cooperative Law Enforcement Agreement between the Blaine County Sheriff's Office/USDA/Sawtooth National Forest** ..... Record #595028
- **2011 Emergency Management Program Grant EMW-2011-EP-00082** ..... Record #591975
- **Commercial Electronics Master Post Warranty Services Agreement** ..... Record #595090

Schoen moved, seconded by Bowman, to approve the Consent Calendar for November 8, 2011. Motion carried unanimously.

**BOARD REPORTS, DISCUSSION and CONSIDERATION**

**O'Gara Water Rights Transfer – Schoen**

The transfer application is for existing water rights. The owner wants to expand the established place of use on about 2,000 acres to about 3,300 acres. The watermaster and IDWR have concerns about using a water right in two separate places in a given irrigation season, which is not permissible. IDWR is closely monitoring the situation.

**Upper Big Wood River Basin Groundwater Measurement District Formation – Schoen**

The steering committee met a couple weeks ago. The District now has a hydrologist, treasurer, and advisory committee. The Groundwater Measurement District will govern 737 wells and about 800cfs annual flow. The District's funding will come from a flat assessment, topped by a pro-rated assessment.

### **Washington Department of Fish and Wildlife – Schoen**

Washington is developing a wolf recovery plan. Schoen recently testified at a Washington Fish and Wildlife meeting about experiences in Blaine County with Wood River Wolf Project in Blaine County.

### **Idaho Energy Plan Draft – Schoen**

Comment period has been extended to November 18.

### **Ambulance District Update – Bowman**

There is inadequate funding in the FY2012 budget for defibrillators, which are recommended by the County Medical Director and a necessary part of emergency services. The BCC is okay with funding the defibrillators out of the reserve.

### **Behavioral Health Interagency Cooperative meeting – McCleary**

The Interagency Cooperative continues to look at how substance and mental health services could be put into a regional structure. Counties are concerned that the state will require them to provide services without giving them the resources to do so.

### **Regional Mental Health meeting – McCleary**

Currently, Health and Welfare will only serve federally and statute-mandated adult mental health populations, including pregnant women, suicidals, IV drug users and court-mandated cases.

### **Blaine County Regional Transportation Committee meeting (BCRTC) – McCleary**

The BCRTC confirmed prioritization of road projects in Blaine County and its cities; and received updates from the County, cities and Mountain Rides. Air transportation in Blaine County will be a main topic at an upcoming BCRTC meeting.

## **AIRPORT PROJECT UPDATE AND DISCUSSION**

Also present: Blaine County Pilots Association President Jim Perkins.

- There is an upcoming meeting with Idaho District 25 legislators, representatives of Fly Sun Valley Alliance, staff of the Boise Airport and various state officials. Main topics will be the economic benefits of the Boise airport and a local Sun Valley airport, MRGs and how to fund them.
- BCC discussed a job description for an FMAA Communications position.
- Sustain Blaine will host a meeting on air service and the airport project for local businesses. The BCC would prefer the meeting be open to the public.
- The BCC wants to see a Comprehensive Business Plan for the airport that is grounded in a strategic framework. A business plan not only provides an outline for the FMAA to make informed decisions, but provides an overview to understand the context within which decisions are made.

### **PUBLIC COMMENT:**

Perkins is glad the business community is being engaged. It is important to consider where FMAA-community meetings are located. Better education of all issues, including economic and employment benefits of the airport, and its safety record, might soften some of the emotional reaction in Bellevue.

## **BOARD OF COUNTY COMMISSIONERS BOARD PROJECTS UPDATE AND DISCUSSION**

Also present: Blaine County Operations Director Char Nelson, Land Use Administrator Tom Bergin, and Human Resources Generalist Susan Potucek.

The BCC reviewed and updated its Comprehensive Project List, item by item.

## **BALLOT COUNTING DEVICE LOGIC AND ACCURACY TESTING**

(conducted in the County Clerk's Office, Old County Courthouse). All testing was successful.

### **BREAK**

## **LAND USE AND BUILDING SERVICES DISCUSSION AND CONSIDERATION**

### **• Magic Reservoir Letter of Map Amendment (LOMA)**

Also present: Blaine County Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley, County Planner Kathy Grotto, County Engineer Jim Koonce; and local surveyor/engineer Brian Yeager.

FEMA's new 2010 floodplain around Magic Reservoir has caused FEMA to require several homeowners to purchase flood insurance. The County's Land Use Department, with the help of the County Engineer and a local surveyor/engineer, is trying to resolve the issue by submitting a Letter of Map Amendment on Magic Reservoir. The \$6,500 cost is unbudgeted, but Land Use has a \$10,000 Planning Projects line item that could be used.

Yeager previously received verbal support from FEMA to survey the reservoir, establish a base flood elevation (BFE), and survey the BFE around the perimeter. That will be submitted to FEMA for a LOMA application(s). FEMA probably won't contribute any financial support to the application; nor are their representatives able to guarantee a favorable outcome to the application.

- **BLM Willowood Survey Dispute**

Also present: Blaine County Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley, County Planner Kathy Grotto; County Engineer Jim Koonce; and local surveyor/engineer Brian Yeager.

BLM owns the parcel adjacent to Willowood subdivision, but didn't review boundaries when Willowood was recorded in 1950. None of the local surveyors found the chiseled stone monument marking one Willowood boundary, so they followed established procedures to locate it where they thought it was in 1970. In 2010, BLM resurveyed the area and found the original stone. This changes the south boundary of the section that includes Willowood, but does not nullify the work of the original surveyors within the interior of the sections, including Willowood.

The BLM is legally bound to follow the *Manual of Surveying Instructions*. The interior corners were left to the local surveyors, who did their job in good faith, and the landowners accepted the survey. They have bona fide rights to their property, and that cannot be reversed by any survey 42 years after the fact.

- **Sun Valley Area City Impact meeting request**

The City of Sun Valley has requested a future meeting with the County Commissioners to discuss their Area of City Impact.

### **LAND USE AND BUILDING SERVICES HEARINGS**

- **Loving Creek Ranch Stream Alteration Permit Application:** Public hearing and consideration of an application by **Ward W. Woods** for a **stream alteration permit** to restore stream channel and banks and enhance riparian and fishery habitat on a section of **Loving Creek**. Project includes: bank construction and riparian planting, channel and floodplain excavation and salvage, fingerbar construction and pointbar shaping, starting from the outlet of the irrigation diversion pond and downstream for approximately 4,000 feet. Project site is **Loving Creek Ranch**, 18433 US Hwy 20, Lot 1, Worthington Subdivision and FR NW, SW & SE, TL 7433, in S24, T1S, R19E, BM, Blaine County. The property is zoned Agricultural A-40 with areas of Wetlands Overlay and Riparian Setback districts.

Also present: Blaine County Land Use Administrator Tom Bergin, County Planner Kathy Grotto, County engineer Jim Koonce; *Idaho Mountain Express* reporter Kate Wutz; applicant's representatives Keith Jones, Gary Decker and Jim Gregory.

Grotto read posting notice.

**Bowman moved, seconded by Schoen, that notice was adequate.** In discussion, Bergin said no notice was required, but the County did notice the hearing. **Motion carried unanimously.**

#### **DISCLOSURES:**

Bowman was contacted by Mr. Woods, who expressed concern about the project. Bowman said he couldn't talk to him, and directed him to call the County Administrator.

Schoen is a neighbor and has done work with their representative, but has no personal interest in the outcome of this project. He can make an impartial decision.

The owners of Loving Creek Ranch have applied to do a restoration and habitat enhancement project, starting at Loving Creek Pond and running downriver about 4,000 feet. There are three main discussion topics:

- Applicant is proposing a temporary clear water diversion ditch in a certain part of the stream in order to mitigate turbidity and sedimentation during the construction period.
- The application did not include a "No adverse statement", although its requirement was mentioned to the applicant.
- The Joint Application Permit was submitted but no approvals have yet been granted. Approvals are a condition of approval.

The water quality coming into the project area is good and productive. The temperature is reasonably cool. The riparian vegetation is great, and good gravel is available in the stream. The stream itself is very wide, and is almost totally shallow riffles, overgrown with aquatic vegetation. There are very few pools.

Temperature data collected since the beginning of the year shows warmer temperatures in the summer, especially at the top of the project. Project goals are to:

- bring the temperature down, through channel shaping and improved shade
- restore a stable system with complex habitat diversity; and
- restore channel dimension, pattern and profile.

Most of the stream water will be diverted around the project and fish will be removed during construction work. Construction will stir up sediment, so dirty water will be pumped into the field. The current side channel is natural, but is wider than it should be and will be reduced so most of the water will flow down the main channel. The upstream width will be reduced by excavating around the outside of the meanders, creating a pool, with an outlet on the downstream end, creating another good aquatic

habitat. An extensive revegetation plan, including transplanting salvaged vegetation, will replant all disturbed areas that don't have good riparian vegetation.

Monitoring is up to the owners, who will notify the County when there will be equipment in the stream channel.

PUBLIC COMMENT – NONE

**Schoen moved, seconded by Bowman, to approve the permit application for a stream alteration permit on Loving Creek, based on Findings by the BCC that it meets standards of evaluation of Blaine County Code, with conditions as outlined by staff and the BCC at today's hearing.** In discussion, McCleary clarified that Condition of Approval #6 has been removed; and added a condition about temperature monitoring with reports submitted to the County at 2½ and 5 years. **Motion carried unanimously.**

**LAND WATER AND WILDLIFE LEVY**

- **Flat Top Document Review:** Public hearing and consideration of a draft Grant Agreement between Blaine County and The Nature Conservancy, followed by discussion and consideration of a draft Escrow/Closing Instructions agreement.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin; Land Water and Wildlife Levy Advisory Board (LAB) Chairman Alan Reynolds, LAB consultant Clare Swanger, LAB Board member Ben Sinnamon, LAB independent attorney John Seiller; and The Nature Conservancy Watershed Program Manager Trish Klahr.

The purpose of the Grant Agreement is to define terms of the transaction between Blaine County and The Nature Conservancy (TNC). The BCC discussed Seiller's concerns:

- Clarify the relationship between the Grant Agreement and Conservation Easement, which are documents in perpetuity.
- The Grant Agreement will include the legal description, and a draft of the Conservation Easement.
- The Conservation Easement will include the legal description in a recital that refers to the Grant Agreement. The recital will also state that Blaine County records the document as a matter of policy and recording is for administration purposes only;
- Specific performance is the preferred remedy if TNC breaches on the Conservation Easement.
- Seiller will draft a summary of the baseline report and due diligence materials.
- Concern about who owns the mineral rights. Mineral rights are not severed from the Flat Top Ranch, but the prohibition on subdivision rights also prohibits the selling of mineral rights separate from the property.
- The easement has no commercial value, so will not be sold.
- Termination clause. If the documentation doesn't meet LAB or BCC approval for funding, the agreement expires and there is no further force or effect.

Seiller explained that Blaine County is buying a contractual interest in the conservation easement; and The Nature Conservancy owns an interest in real property.

Seiller and the LAB will redraft areas of concern in the documents, and present revised drafts to the BCC ASAP.

**APPROVAL OF BCC MEETING MINUTES**

- **October 25, 2011 Regular Tuesday Meeting**
- **November 1, 2011 Regular Tuesday Meeting**

**Schoen moved, seconded by Bowman, to approve Regular BCC Meeting minutes of October 25, 2011 and November 1, 2011, as amended. Motion carried unanimously.**

**ADJOURN**

At the hour of 4:08 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
 JoLynn Drage Angenie McCleary  
 County Clerk Chairman