

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE OCTOBER 2014 SESSION**

Second Day

Tuesday, October 14, 2014

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 Angenie McCleary; and Recording Secretary Sunny Grant.

Commissioner Greenberg was absent from today's meeting except for the discussion on Blaine County Roads Rights-of-Way.

Chairman Schoen called the meeting to order at 9:03 a.m.

PUBLIC COMMENT – NONE

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims – Schar Boyd

Deputy Auditor Schar Boyd presented claims.

McCleary moved, seconded by Schoen, to approve claims dated October 9, 2014 as presented by staff. Motion carried 2/0.

Operations – Char Nelson

- Andrea Walton will join Blaine County as Administrative Assistant of Operations.
- Road crews are grading roads in north and south areas of the County
- Land Use sent a right-of-way encroachment notice to a landowner on Mecham Lane. The landowner made assurances to neighboring landowners and the County that encroachments would be removed if the County allowed him to realign the road, but there was no written agreement. None of these assurances have been fulfilled, and the owner has not responded to communications from Land Use. Is there a process to abandon the old right-of-way that will now be agricultural? Blaine County Land Use Administrator Tom Bergin said the road was never platted so it doesn't need to be vacated, but should probably be abandoned.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Renewal No. 3 to MOU between State of Idaho Military Division and Blaine County**

Record # _____

This contract for communications facilities and services is basically the same, with an increased cost.

McCleary moved, seconded by Schoen, to approve Renewal #3 to MOU between State of Idaho Military Division and Blaine County, Idaho for the development of a shared P25 Compliant Radio System with repeater radio sites located at Ketchum, Baldy, Picabo and Dollar Mountain. Motion carried 2/0.

- **ECS Managed Services Agreement**

Record #622552

McCleary moved, seconded by Schoen, to approve a labor-only managed services agreement between Blaine County and ECS Managed Services for labor to do maintenance and repair on the touchscreen security systems at the Blaine County Public Safety Facility, not to exceed \$28,900, plus any applicable taxes. Motion carried 2/0.

- **State Criminal Alien Assistance Program (SCAAP)**

Record # _____

This award agreement provides salary funds for County corrections officers.

McCleary moved, seconded by Schoen, to approve an agreement between Blaine County and State Criminal Alien Assistance Program to accept an award for FY2014 and transfer funds for \$10,876 for salaries for corrections officers. Motion carried 2/0.

- **CHC Agreement for Inmate Healthcare Services**

Record #622289

McCleary moved, seconded by Schoen, to approve CHC Agreement for Inmate Healthcare Services at Blaine County Public Safety Facility in the amount of \$254,845.48, payable in monthly installments. Motion carried 2/0.

- **BHC Intermountain Hospital Facility Agreement**

Record #622050

McCleary moved, seconded by Schoen, to approve an agreement between Blaine County and BHC Intermountain Hospital, which operates and maintains a private facility to hold, evaluate, rehabilitate and provide care and treatment for mentally ill and gravely disabled people, at a cost of \$900 per day per patient to the County if Blaine County uses the agreement. Motion carried 2/0.

- **Independent Contractor Agreement with Jeff Loomis** Record #622063
McCleary moved, seconded by Schoen, to approve an Independent Contractor Agreement with Jeff Loomis for County engineer services, in the amount of \$95 hour for an anticipated 600 hours per year. The contract provides for reimbursement for gas and mileage for contractor's use of his personal vehicle. Motion carried 2/0.

- **4 Points LLC Independent Contractor Agreement** Record #622128
Bergin said most expenses for survey consultation are covered by applicants.
McCleary moved, seconded by Schoen, to approve an Independent Contractor Agreement between Blaine County and 4 Points LLC for surveying in the amount of \$95/hour, as needed. Motion carried 2/0.

- **Silberstein Legal Counsel Engagement Letter** Record #622384
Also present: Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger; and Blaine County Land Use Administrator Tom Bergin.
The Land Water and Wildlife Levy Advisory Board (LAB) requested legal counsel on valuation and potential issues related to the Rock Creek application.
McCleary moved, seconded by Schoen, to approve a letter of engagement for legal services between Blaine County and William Silberstein for advice on specific Land, Water and Wildlife questions regarding Rock Creek, at different hourly rates for various services. Motion carried 2/0.

- **Contract for Services with The Hunger Coalition** Record #
- **Contract for Services with Blaine County Community Drug Coalition** Record #622066
- **Contract for Services with Blaine County School District #61** Record #622261
- **Contract for Services with St. Luke's Center for Community Health** Record #622551
- **Contract for Services with Crisis Hotline** Record #621987
- **Contract for Services with South Central Community Action Partnership** Record #622260
- **Contract for Services with The Advocates** Record #622102
- **Contract for Services with Blaine County Housing Authority** Record #622116
- **Contract for Services with Sun Valley Economic Development** Record #622053
- **Contract for Services with Defenders of Wildlife** Record #
- **Contract for Services with Region IV Development** Record #622185
- **Contract for Services with Blaine County Historical Museum** Record #622062
- **Contract for Services with Blaine Soil Conservation District** Record #622144
- **Contract for Services with the Senior Connection** Record #623196
- **Contract for Services with National Alliance on Mental Illness** Record #622082

The BCC previously discussed services provided by each non-profit entity during their budget hearings.
McCleary moved, seconded by Schoen, to approve contracts for services between Blaine County and The Hunger Coalition for \$5,000; Blaine County Community Drug Coalition for \$2,700; Blaine County School District for \$15,000; St. Luke's Center for Community Health for Mental Health Services for \$9,000; The Crisis Hotline for \$3,600; South Central Community Action Partnership for \$2,700; The Advocates for \$3,600; Blaine County Housing Authority for \$70,000; Sun Valley Economic Development for \$18,000; Defenders of Wildlife for \$3,600; Region IV Development for \$2,424; Blaine County Historical Museum for \$25,600; Blaine Soil Conservation District for \$14,000; Senior Connection for \$30,000; and National Alliance on Mental Illness for \$9,000. Motion carried 2/0.

- **Lease Agreement with Webb Landscaping** Record #622101
McCleary moved, seconded by Schoen, to approve a Lease Agreement between Blaine County and Webb Landscaping for county-owned property at 162 Glendale Road for \$1,800 annually. The agreement specifies terms of the lease, lessee and lessor. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

SVED Annual Economic Summit – Schoen and McCleary

All three BCC attended the third Annual Economic Summit. McCleary was a panelist. The BCC agreed that one benefit of the summit is the opportunity for local jurisdictions and community leaders and citizens to get together to talk about economic development issues and work together on the issues.

National Monument Trip to Washington, DC – Schoen

Federal officials appreciated Idaho community leaders coming to DC. The administration is committed to a public engagement process. There is a chance the Central Idaho Economic Development and Recreation Act (CIEDRA) will be reintroduced, resulting in concurrent processes—National Monument status and CIEDRA—in Washington, D.C. to protect the Boulder-White Clouds Mountains.

Local Emergency Planning Committee (LEPC) – Greenberg

Also present: Blaine County Disaster Services Coordinator Chuck Turner.

Schoen commented on the cooperative nature of the LEPC website. Turner said the website would serve as a hub for basic emergency information. Each jurisdiction would post information on the hub with links to additional information on their own website.

BLAINE COUNTY FAIR BOARD REPORT AND PROJECTS UPDATE, Discussion and Consideration

Also present: Fair Board president Kyle Green and vice president Morgan Drage.

The 2014 Blaine County Fair was very successful, in spite of rainy weather. The market animal sale sold 78 animals and brought in over \$140,000, more than in the last few years.

The Board is now working with an architect to get construction quotes to build restrooms for the fairgrounds, and hopes to break ground in the spring.

OLD COUNTY COURTHOUSE CONSTRUCTION UPDATE, Discussion and Consideration

Also present: Blaine County Courthouse renovation project Architect Steve Trout (by phone); Kreizenbeck Constructors Courthouse Project Superintendent Robert Wheeler; and Blaine County Planning Assistant Michele Johnson.

Change Orders – There were no new change orders.

Update

- The architect forwarded information on the OCC roof heat tape controllers to the Commissioners.
- The exterior of the Old County Courthouse needs to be painted. Staff recommends the BCC put the exterior paint job on the County's Capital Improvement Project list for when money is available.
- Construction crews are working on structural blocking and will install new plywood sheeting.
- Roofers are expected to install the ice shield next week, which will dry-in the building, allowing crews to start on the interior.
- Idaho Counties Risk Management Program (ICRMP) will fully cover storm damages to the carpet. ICRMP's contract does not cover the asbestos abatement to the tile.
- The wet asbestos tile on the third floor of the OCC is not hazardous as long as it is not disturbed.
- Kreizenbeck is having trouble finding qualified personnel this time of year, so crews currently on the job will be working more hours.

EXECUTIVE SESSION – Idaho Code 67-2345 1(b) Personnel

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 67-2345 1(b) Personnel, to interview a candidate for the Blaine County Housing Authority. McCleary (aye), and Schoen (aye). Motion carried 2/0.

BREAK

EXECUTIVE SESSION – §67-2345 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

There were no indigent cases to be addressed in Executive Session today.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Adopt Ordinance # 2014-04** Record #621986

McCleary moved, seconded by Schoen, to adopt Ordinance 2014-04 amending Blaine County Code, Title 9, Zoning Regulations, Chapter 14, General Commercial District (C), Section 9-14-3 Permitted Uses, by adding a new subsection (J) Self Storage Facilities. Motion carried 2/0.

APPOINTMENTS

- **Planning and Zoning Commissioner**

P&Z Commissioner Chip Bailey is up for reappointment to the P&Z. Bailey has been a Commissioner since 2012. He understand the County's Comprehensive Plan and ordinances, and continues to be enthusiastic and engaged, and is willing to continue to serve.

McCleary moved, seconded by Schoen, to reappoint Chip Bailey to the Blaine County Planning and Zoning Commission for a three-year term. Motion carried 2/0.

- **Blaine County Housing Authority Board member**

The BCC interviewed Erin Kelso, Ketchum's nominee to replace Carter Ramsay on the Blaine County Housing Authority. Kelso lives in community housing, and is eager to contribute to the BCHA.

McCleary moved, seconded by Schoen, to appoint Erin Kelso as Ketchum's representative to fulfill Carter Ramsay's term. Motion carried 2/0.

WOOD RIVER CLIMATE ADAPTATION PLAN (CAP) PRESENTATION, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Zoning Specialist Nancy Cooley; US Forest Service Climate Change Coordinator Carol Brown; Wood River Land Trust Senior Conservation Coordinator Keri York; Idaho Conservation League Central Idaho Outreach Associate Betsy Mizell; Sawtooth National Forest Ketchum District Ranger Kurt Nelson; Blaine County Recreation District Executive Director Jim Keating; Wood River Land Trust Project Coordinator Patti Lousen; The Nature Conservancy Silver Creek Preserve Manager Sunny Healey; Trout Unlimited Idaho Director Mark

Davidson; Chip Deffé; and *Idaho Mountain Express* reporters Tony Evans and Greg Moore.

The local economy is particularly dependent upon natural resources. Everyone depends on clean water and clean air, and nearby recreation, which collectively are referred to as “Ecosystem Services”. A group of community individuals has been talking about vulnerability and adaptation planning in response to climate change and how it will impact local budgets and infrastructure. The fire season now starts earlier and lasts longer. Fires are increasing in frequency and severity. The snowpack is reduced, affecting water quality and tourism base.

Temperatures in Blaine County are predicted to increase 3 to 11 degrees in the next 50 years. To begin to address climate change, the University of Oregon developed a climate change model for the Wood River Valley. US Geological Services has initiated a groundwater study. Blaine County and its jurisdictions are evaluating energy use and conservation. Local groups are planning to implement projects that will make Blaine County more resilient. Sun Valley Economic Development has compiled stats on impacts of fires, mudslides, flooding, etc.

Climate Solutions University helps about six communities a year create adaptation plans. CSU has tentatively accepted Blaine County’s application for 2015 if the steering committee can get local funding commitments. The program is a 12-month virtual curriculum that engages the community. The Coalition Steering Committee proposes hiring a part-time coordinator to collect data and write a vulnerability assessment and adaptation plan specific to the Wood River Valley. The Forest Service has committed to be the lead agency and Carol Brown will oversee the project.

PUBLIC COMMENT:

- Wood River Land Trust Coordinator Keri York asked if studies that weren’t complete in the next year could be incorporated into the Coalition’s information going forward.
- Patti Lousen suggested the project include West and East Magic.

The Coalition asked Blaine County for access to GIS data and \$5,000 funding. With six contributors at \$5,000 each, the Coalition can hire a part-time employee.

The BCC supported the project and tentatively agreed to contribute \$5,000 if other funding partners also contribute. Data will be valuable for the County’s Comprehensive Plan.

**BLAINE COUNTY ROADS RIGHTS OF WAY –
HULEN MEADOWS SUBDIVISION ISSUES, Discussion and Consideration**

Also present: Commissioner Jacob Greenberg (by phone); Blaine County Administrator Derek Voss (by phone); Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Operations Director Char Nelson; Blaine County Road and Bridge Manager Tom Duffy; Hulen Meadows HOA Board President Donna Finegan; Hulen Meadows residents Jim Jaquet, Jima Rice, Barbara Browning, Alex Sundali, Will Bailey, Laurie Laudenslager; John Sofro, Peggy Dean, Richard Yerkes, Mark Longley, and Sarah Michael; and *Idaho Mountain Express* reporter Tony Evans;

Roads in Hulen Meadows Subdivision are dedicated County rights-of-way. The County has absolute authority for what happens in a dedicated right-of-way. Blaine County has the responsibility to enforce the right-of-way for the benefit of citizens of Blaine County, including residents of Hulen Meadows.

Blaine County grants encroachment permits to allow persons and organizations to conduct work within the County’s right-of-way for private improvements such as driveways. Encroachment permits are granted conditionally, and can include mandatory conditions such as the need for drainage culverts and devices within the right-of-way. The encroachment permit holder must agree to the conditions and is typically legally responsible for the cost of improvements. In this case, the County granted an encroachment permit to the Hulen Meadows Homeowners Association to put in a water line. The Hulen Meadows HOA, acting on behalf of the residents of Hulen Meadows subdivision, is responsible to see that conditions of the permit are met and paid for by the HOA collectively or by individual homeowners.

Blaine County has not always enforced right-of-way encroachments that didn’t impact County operations, drainage, health-safety, etc. The County doesn’t want to be heavy-handed, but has to keep in mind Road and Bridge operational needs and safety, as well as welfare and safety of all residents.

The BCC previously asked County Land Use Administrator Tom Bergin to research if some properties in Hulen Meadows had not complied with the conditions of building or encroachment permits they received. Land Use subsequently first-drafted a letter for BCC approval to send to the Hulen Meadows HOA and non-compliant individual homeowners.

HULEN MEADOWS OWNERS’ COMMENTS/QUESTIONS AND STAFF REPONSES:

- Hulen Meadows resident Jima Rice asked for an explanation of this meeting. Graves explained that the Hulen Meadows HOA applied for and received an encroachment permit and is bound by terms of the permit, which includes culverts under private driveways. Some Hulen Meadows homeowners questioned the County’s right to do anything in the area of their driveways and charge them for it. The HOA is responsible for the cost of complying with the encroachment permit, and has authority to assess homeowners for those costs, but the HOA asked the BCC to send letters to

individual homeowners.

- Barbara Browning said everyone is aware of drainage problems and she understands the necessity of enforcing the ROW . This seems an opportune time since water lines are being installed. She asked if the County would be enforcing ROW in all County subdivisions.
- Alex Sundali asked about the County's Right-of-Way Management Plan. The County last amended its ordinance regarding drainage in 1995. She asked why homeowners on only one side of the street have to pay for drainage culverts under their driveways. Sundali said the County's plan is haphazard and she has to pay for it. She asked if culverts actually fix drainage problems, and if a culvert on one side of the street could fix drainage problems. Sundali said she paved her driveway in 1998 and didn't have any record that the County required her to have a culvert. She said she received no warning of a special assessment for a culvert until she got the bill.

Nelson said Road and Bridge sent out notices a year ago asking residents to remove ROW encroachments. Some residents did. At the HOA's request, the County held off demanding encroachments be removed until the water line was put in.

- Will Bailey's landscape architect Rob King told him that culverts without dry wells can create a low spot that doesn't drain. Bailey suggested the County and/or the HOA study road drainage to determine where culverts are actually needed. He is putting in two large drywells and will remove ROW encroachments, including two 30-year-old trees that he inherited.
- John Sofro owns two properties in Hulen Meadows, both of which are landscaped right to the road. In 20 years of living in Hulen Meadows, he has not had a drainage problem, nor does most of Hulen Meadows. He thinks requiring every home to implement this plan seems wasteful and may not solve a problem that doesn't exist, and in some cases make it worse. He suggested Hulen Meadows try to solve its real drainage issues and the HOA should pay for it. Sofro added that ROW "improvements" may dramatically reduce Hulen Meadows property values.
- Marc Longley said there should be an engineering study to prove that removing landscaping in the ROW will improve snow removal and alleviate ice on the roadways.
- HOA President Donna Finnegan said the HOA's engineer, J-U-B Engineers, wrote Blaine County in June 2014 with concerns about storm water that will be collected by new storm swales and culverts. J-U-B's letter said they were "confident the County was aware of these concerns and would deal with any flooding or freezing issues created by the project, should this arise".

Blaine County Road and Bridge Manager Tom Duffy has been working with a contractor on six areas that J-U-B said should be handled with alternative means.

- Sarah Michael said she would have recommended the HOA appeal the County Road and Bridge culvert project had she known more about it. She is glad the County is moving forward on a countywide ROW management plan. Michael added that the County should check building permit applications for drainage issues and warn people about ROW landscaping. She asked if the County would require other utilities like Cox Cable or Idaho Power to replace culverts and drainages on the other side of the street.
- Hulen Meadows Board member Jim Jaquet has lived in Hulen Meadows since 1977. In 30+ years, the culvert under their driveway has never filled with water, although their property is on the downside of the roadway. Water comes across the road and drains into the drainage swale. He commended the County for installing a culvert under Hulen Way to divert flood waters down to the river. He is skeptical that all driveways need culverts.
- Rice added that Hulen Meadows roads are not crowned and don't drain well. She was disappointed that the County's ROW management plan wasn't available for public input.
- Laurie Laudenslager lives on the southeast side of Hulen Way where the water drains toward the river. They have drainage issues due to landscaping that has been put in.

When an application involves a County road, applicants are invited to review the ROW with Duffy.

Duffy said a good percentage of Hulen Meadows roadways meet County standards and present no issues. A lot of individual permits issued have been executed to standards and improved the situation. But a large number of Hulen Meadows homeowners complain about drainage problems, including problems caused by their neighbors' non-compliance.

Duffy said this project will save money in the long run. Drainage issues result in expensive road repair and maintenance, so compliance with right-of-way permits saves taxpayers money. Drainage swales divert water away from landscaping. When roads are icy, Road and Bridge gets requests for sanding and scraping, resulting in expensive deterioration to County roads.

Blaine County Administrator Derek Voss said the County does not have authority to act on behalf of an HOA to issue enforcement letters to individual property owners regarding conditions of an existing encroachment permit. He suggested the HOA consider assessing all homeowners.

Greenberg supported the County writing a letter to the HOA, but didn't think the County should intervene between the HOA and individual homeowners.

McCleary said the BCC initiated a management plan a year ago, but Hulen Meadows homeowners asked the County to slow down on encroachment issues until the water line was put in. McCleary didn't think it was haphazard to wait to begin to address encroachments along with installation of the water line. Even with a management plan, the County has limited tools and money to deal with ROW issues. Bergin said Land Use now makes more effort to discuss access permits issues and to follow up.

McCleary supported sending an enforcement letter to HOA.

Schoen said there are all kinds of reasons to not do something, but the BCC wanted to begin to chip away at its ROW encroachment problem. Draining water downhill is standard practice, and culverts are a good way to do that. Culverts are typically installed, even in areas where they have not been needed, in the event they become necessary. This project benefits everyone in Hulen Meadows, and everyone should bear the cost. Schoen said it would be cost-prohibitive for the County to study each individual property. Eventually, the roads will be rebuilt and properly crowned to County standards.

Duffy said a lot of contractors do not request inspections, as the Code requires; and utilities frequently don't bury cables as deep as they're supposed to, so Road and Bridge has to follow up.

Schoen noted that enforcement issues are frequently not addressed unless a citizen complains to a public official. He suggested someone who sees work being done without a posted permit contact the County.

The BCC said the Hulen Meadows Homeowners Association is responsible for the encroachment permit. It is their responsibility to enforce the permit and finance compliance.

ADJOURN

At the hour of 4:00 p.m., with no more business before them, McCleary moved to adjourn, seconded by Schoen. Motion passed 2/0.

Attest: _____
JoLynn Drage
County Clerk

Approved _____
Lawrence Schoen
Chairman