

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE OCTOBER 2013 SESSION**

**Second Day**

**Monday, October 7, 2013**

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

Commissioner McCleary was absent from the meeting until 2:20 p.m.

**PUBLIC COMMENT - NONE**

**COUNTY DEPARTMENT REPORTS, Discussion and Consideration**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**Greenberg moved, seconded by Schoen, to approve Claims dated October 2, 2013. Motion carried 2/0.**

ajv092013	<b>Sep-2013</b>		
<b>FUND 01</b>	<b>AGAINST GENERAL FUND</b>		
Blaine County Employees	Salaries September 5	\$ 316,750.51	
Blaine County Employees	Salaries September 19	\$ 273,177.61	
Total September FICA		\$ 42,985.39	
Total September Benefits		\$ 159,255.92	
Total September Bills		\$ 485,558.79	
Combined Total September Expense			\$1,277,728.22
<b>FUND 02</b>	<b>AGAINST ROAD &amp; BRIDGE</b>		
Blaine County Employees	Salaries September 5	\$ 23,698.30	
Blaine County Employees	Salaries September 19	\$ 30,215.50	
Total September FICA		\$ 3,881.86	
Total September Benefits		\$ 15,613.70	
Total September Bills		\$ 108,035.60	
Combined Total September Expense			\$ 181,444.96
<b>FUND 03</b>	<b>AGAINST ELECTION CONSOLIDATION</b>		
Blaine County Employees	Salaries September 5	\$ 1,243.20	
Blaine County Employees	Salaries September 19	\$ 1,243.20	
Total September FICA		\$ 188.18	
Total September Benefits		\$ 830.14	
Total September Bills		\$ 541.48	
Combined Total September Expense			\$ 4,046.20
<b>FUND 04</b>	<b>AGAINST AMBULANCE</b>		
Total September Bills		\$ 173,451.59	\$ 173,451.59
<b>FUND 06</b>	<b>AGAINST DISTRICT COURT</b>		
Blaine County Employees	Salaries September 5	\$ 1,950.75	
Blaine County Employees	Salaries September 19	\$ 1,950.75	
Total September FICA		\$ 298.48	
Total September Benefits		\$ 990.32	
Total September Bills		\$ 20,503.23	
Combined Total September Expense			\$ 25,693.53
<b>FUND 07</b>	<b>AGAINST COUNTY FAIR</b>		
Total September Bills		\$ 12,820.00	\$ 12,820.00
<b>FUND 11</b>	<b>AGAINST PUBLIC HEALTH</b>		
Total September Bills		\$ 20,051.00	\$ 20,051.00
<b>FUND 12</b>	<b>AGAINST HISTORICAL SOC. &amp; MUSEUM</b>		
Total September Bills		\$ 12,550.00	\$ 12,550.00
<b>FUND 16</b>	<b>AGAINST CHARITY &amp; INDIGENT</b>		
Blaine County Employees	Salaries September 5	\$ 1,803.20	
Blaine County Employees	Salaries September 19	\$ 1,803.20	
Total September FICA		\$ 221.26	
Total September Benefits		\$ 1,166.96	
Total September Bills		\$ 58,957.48	
Combined Total September Expense			\$ 63,952.10

<b>FUND 17</b>	<b>AGAINST JR. COLLEGE TUITION</b>		
Total September Bills		\$ -	\$ -
<b>FUND 20</b>	<b>AGAINST REVALUATION</b>		
Blaine County Employees	Salaries September 5	\$ 11,955.57	
Blaine County Employees	Salaries September 19	\$ 10,232.74	
Total September FICA		\$ 1,553.42	
Total September Benefits		\$ 7,585.38	
Total September Bills		\$ 2,651.52	
Combined Total September Expense			\$ 33,978.63
<b>FUND 22</b>	<b>AGAINST RECYCLE CENTER</b>		
Blaine County Employees	Salaries September 5	\$ 4,730.70	
Blaine County Employees	Salaries September 19	\$ 3,923.04	
Total September FICA		\$ 662.03	
Total September Benefits		\$ 2,625.66	
Total September Bills		\$ 4,590.85	
Combined Total September Expense			\$ 16,532.28
<b>FUND 23</b>	<b>AGAINST SOLID WASTE</b>		
Total September Bills		\$ 8,651.90	\$ 8,651.90
<b>FUND 27</b>	<b>AGAINST NOXIOUS WEEDS</b>		
Blaine County Employees	Salaries September 5	\$ 5,139.20	
Blaine County Employees	Salaries September 19	\$ 5,546.18	
Total September FICA		\$ 733.99	
Total September Benefits		\$ 3,758.63	
Total September Bills		\$ 6,614.00	
Combined Total September Expense			\$ 21,792.00
<b>FUND 30</b>	<b>AGAINST CAPITAL IMPROVEMENT FUND</b>		
Total September Bills		\$ 54,585.85	\$ 54,585.85
<b>FUND 31</b>	<b>AGAINST PSF BOND REDEMPTION</b>		
Total September Bills		\$ -	\$ -
<b>FUND 35</b>	<b>AGAINST NURSING HOME</b>		
Total September Bills		\$ 5,781.54	\$ 5,781.54
<b>FUND 37</b>	<b>AGAINST SNOWMOBILE</b>		
Total September Bills		\$ 33.45	\$ 33.45
<b>FUND 38</b>	<b>AGAINST WATERWAYS</b>		
Blaine County Employees	Salaries September 5	\$ -	
Blaine County Employees	Salaries September 19	\$ -	
Total September FICA		\$ -	
Total September Benefits		\$ -	
Total September Bills		\$ 4,562.73	
Combined Total September Expense			\$ 4,562.73
<b>FUND 46</b>	<b>AGAINST E-911 EMERGENCY COMM</b>		
Blaine County Employees	Salaries September 5	\$ 4,546.40	
Blaine County Employees	Salaries September 19	\$ 4,546.40	
Total September FICA		\$ 636.22	
Total September Benefits		\$ 2,760.28	
Total September Bills		\$ 12,831.39	
Combined Total September Expense			\$ 25,320.69
<b>FUND 51</b>	<b>AGAINST LAND WATER &amp; WILDLIFE LEVY</b>		
Total September Bills		\$ 10,770.74	\$ 10,770.74
<b>FUND 81</b>	<b>AGAINST LIABILITY INSURANCE</b>		
Total September Bills		\$ 1,240.00	\$ 1,240.00
	<b>TOTAL ALL FUNDS</b>		<b>\$1,954,987.41</b>

### **CONTRACTS, GRANTS & AGREEMENTS, Discussion and Consideration**

- **FY 2014 Public Defender Contract with Cheri Hicks** ..... Record #613673
- **FY 2014 Public Defender Contract with Dan Dolan** ..... Record #613674

The BCC questioned the amount each attorney is paid. Schoen noted the defendant may have legal needs beyond the month the attorney is public defender. Voss said Blaine County public defenders are unhappy that they aren't getting their requested 8% increase. The Idaho Legislature and Idaho Association of Counties are investigating the most effective management for public defenders.

**Greenberg moved, seconded by Schoen, to approve FY2014 public defender contracts with Cheri Hicks and Dan Dolan. Motion carried 2/0.**

- EMS Agreement with Wood River Fire Protection District ..... Record #613745  
This is a renewal. Nothing has changed since last year.

**Greenberg moved, seconded by Schoen, to approve the EMS Agreement with Wood River Fire Protection District. Motion carried 2/0.**

- **DataTel Communications Maintenance Agreement for InterTel Axxess 256 Phone System** ..... Record #614066
- **DataTel Communications Maintenance Agreement for Mitel CS5200 Phone System** ..... Record #614065

Voss commended County IT Manager Clay Landon on his careful contract management. These renewal contracts are identical to last year, except the 256 Phone System contract has a 2% increase and the CS5200 Phone System contract has a 1% increase.

**Greenberg moved, seconded by Schoen, to approve Datatel Maintenance Agreements for the Axxess 256 and Mitel CS5200 phone systems for FY2014. Motion carried 2/0.**

- **Computer Arts, Inc. Master Agreement Software and Support License Addendums A, B, and C** ..... Record #613802

The contract is the same as last year.

**Greenberg moved, seconded by Schoen, to approve the Computer Arts Master Agreement Software and Support License Addendums A, B and C for FY2014. Motion carried 2/0.**

- **Radio IP Software, Inc. Support Contract** ..... Record #614318

The BCC wanted more information on the Radio IP Software contract. Blaine County IT Manager Clay Landon was out of the office, so the BCC postponed approval until the next BCC meeting.

- **Memorandum of Understanding between Blaine County and PC Recyclers of Idaho** ..... Record #614470

Recycling of electronic equipment at the Recycle Center has been problematic in the past, but the relationship with PC Recyclers is working well. The BCC would like an update from the Recycle Center, including what PC Recyclers does with the e recyclables they collect.

**Greenberg moved, seconded by Schoen, to approve the MOU with PC Recyclers for Blaine County e waste management for FY2014. Motion carried 2/0.**

- **Blaine County Janitorial Agreement with Warren and Tina Sturgeon** ..... Record #613806

The contract for cleaning the Annex is unchanged from previous years.

**Schoen moved, seconded by Greenberg, to approve the contract with Warren and Tina Sturgeon for FY2014. Motion carried 2/0.**

- **Blaine County Janitorial Agreement with Allstar Properties** ..... Record #613925

Allstar Properties cleans the Public Safety Facility.

**Greenberg moved, seconded by Schoen, to approve the contract with Allstar Properties. Motion carried 2/0.**

- **Contract for Services Agreement between Lamar Waters and Blaine County** . Record #613803

There are no changes from previous years.

**Greenberg moved, seconded by Schoen, to approve the Contract for Services Agreement between Lamar Waters and Blaine County for oversight of Blaine County Waterways Program.**

Discussion: Waters does a remarkable job with the Waterways program in seeking grants and maximizing resources. **Motion carried 2/0.**

- **Independent Contractor Agreement with John Haavik** ..... Record #613710

Haavik fills in as building inspector when staff is unavailable.

**Greenberg moved, seconded by Schoen, to approve Independent Contractor Agreement with John Haavik to assist with building inspection services. Motion carried 2/0.**

- **Memorandum of Understanding for Blaine County Cooperative Weed Management Area (CWMA)** ..... Record #

This is a productive relationship to accomplish shared objectives.

**Greenberg moved, seconded by Schoen, to approve the MOU for Blaine County's participation in the Cooperative Weed Management Area for 2014. Motion carried 2/0.**

- **CHC Agreement for Inmate Healthcare Services** ..... Record #613799

This is a long-standing agreement that is unchanged from last year. Schoen does quarterly jail inspections. The usual complaint is about food or medications. Jail administration is satisfied with this firm. Voss commended Blaine County jail administrator Jay Davis for good management.

**Greenberg moved, seconded by Schoen, to approve the Correctional Healthcare Companies Agreement for inmate healthcare services for FY2014. Motion carried 2/0.**

**CONSENT CALENDAR**

- **Resolution 2013-51 Ketchum Police Department Budget Adjustment** ..... Record #613773
- **Resolution 2013-52 Solid Waste Budget Adjustment** ..... Record #613774
- **Blaine County Comprehensive Plan Steering Committee By-Laws**

**Greenberg moved, seconded by Schoen, to approve the Consent Calendar for October 7, 2013. Motion carried 2/0.**

**BOARD REPORTS, Discussion and Consideration**

**Region IV Development Association, Quarterly Meeting – Schoen**

Schoen is now chairman of Region IV Development Association. This meeting addressed the status of rural growth in Idaho. The State’s Broadband Coordinator (who is also Executive Director of Idaho Rural Development) presented a thorough overview of issues and challenges facing rural communities in developing broadband infrastructure. Broadband may in the future serve a particularly important need in rural communities by providing telemedicine, due to shortage of doctors.

**Shutdown of Federal Offices – Schoen**

The Federal shutdown continues to affect regional and local interactions with federal agencies.

**USGS Groundwater Modeling Technical Advisory Committee (GMTAC) Tour – Schoen**

Schoen participated in a USGS GMTAC field tour. Discussion during this portion of the tour centered on groundwater issues in the Silver Creek area.

**Veterans Tribute Project– Greenberg**

Greenberg is hearing questions about the status of the project.

**BREAK**

**LAND, WATER & WILDLIFE LEVY PROGRAM, Discussion and Consideration**

• **Loving Creek Funding Application**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Trout Unlimited Idaho Water Project Director Mark Davidson; and Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger.

Commissioner Greenberg visited the site last week with Swanger, Davidson and ranch managers.

This levy request is for \$13,900—50% of the cost to construct a fish ladder and bypass channel to improve fish management on Loving Creek and the Loving Creek Ranch. The BCC gave the project conceptual approval last spring, and the Levy Advisory Board unanimously recommended the project on September 19. The LAB has finalized a grant agreement and Trout Unlimited (TU) drafted a cohesive monitoring plan for the project.

Trout Unlimited Water Project Director Mark Davidson said TU would get LWW payments when they submit the implementation report, middle and final reports.

The Resolution approves funding for the project; the Grant Agreement approves terms and conditions.

**Greenberg moved, seconded by Schoen, to approve Resolution 2013-53, a resolution of the Blaine County Board of Commissioners approving, pursuant to established procedures and criteria of the Land, Water and Wildlife Levy Program, the disbursal of Land, Water and Wildlife Levy funds for the Loving Creek Ranch Fish Passage Project. Motion carried 2/0.**

.....Resolution 2013-53 Record #613940

**Greenberg moved, seconded by Schoen, to approve the Grant Agreement between Blaine County and Trout Unlimited for the Loving Creek stream restoration project.** Discussion: The Grant Agreement includes Exhibit E, the Monitoring and Reporting Plan, which is the guideline for the disbursal of funds in three payments as specified in the Grant Agreement. **Motion carried 2/0.**

Davidson thanked the Land, Water and Wildlife Levy Advisory Board and the County Commissioners for their support. The BCC thanked the Levy Advisory Board for their professionalism.

**LAND USE & BUILDING SERVICES, Discussion and Consideration**

**Mountain Overlay District Townsend Gulch Violation**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; Code Compliance Specialist Diane Shay; Greenhorn homeowner Ron Jolliffe; and Steve Woods.

A Townsend Gulch homeowner was cited for a violation of the Mountain Overlay District. Two trial dates have been continued, and a pre-trial date is scheduled for today. The lower portion of the road up the slope with hairpin turns is not really visible from Highway 75, but the road was intended to continue up the slope, which would have been visible from the highway. It is visible from other reference roads. The best way to resolve the violation is to eliminate the road and revegetate the hillside, with a security bond to be sure the revegetation takes.

Graves said a criminal citation has been filed. A jury trial is scheduled for this week, but attorneys are considering a Deferred Sentencing Agreement, in which the defendant pleads guilty and is given a period of time to “reclaim” the property. The defendant pays a fine, reseeds the property to make it look like it was before, and completes a security agreement to insure the revegetation takes. If the defendant meets all requirements of the Settlement Agreement within the allotted period of time, the case is dismissed. If the conditions of Deferred Sentencing aren’t met, the defendant is sentenced before the magistrate judge.

Neighbors are apparently misinformed that a “settlement” involves permanent use of the road, and need to be informed of the actual terms of the settlement agreement. The prosecutor’s office will discuss the Settlement Agreement with Land Use to determine what, if any, impacts there may be on the neighbors and will inform Land Use of neighbors’ right to appeal.

The BCC has received calls from neighbors and takes the violation seriously. In addition to the visual impact, weeds are likely to proliferate on the disturbed area. The BCC wants to be sure the violation is completely resolved to the satisfaction of Land Use and impacted neighbors.

#### **Disposition of County-Owned Land – Greenberg**

- A couple of larger open space parcels in Twin Creeks were never transferred to the Elkhorn homeowners association. The County will Quit Claim the parcels to Elkhorn.
- Voss and Bergin will negotiate sale of a County-owned parcel by the Elkhorn Lift.
- Some parcels in Elkhorn are driveways and will be transferred to the adjacent owners.

#### **Gimlet Property awaiting Stream Alteration Permit – Land Use Zoning Specialist Nancy Cooley.**

A property in Gimlet has flooded and is awaiting state agency permitting. The property owner asked that the application be placed on the agenda in anticipation of the permit. The Code does not allow notice to be posted until the permit is valid. Land Use will notify the landowner that the BCC does not want to move ahead of the permit process.

#### **Commissioner McCleary joined the meeting by phone at 2:20 p.m.**

#### **Mountain Overlay District Emergency Site Alteration Permit Appeals Process**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin and Code Compliance Specialist Diane Shay; Blaine County Disaster Services Coordinator Chuck Turner; Greenhorn resident Ron Jolliffe; Steve Woods; and Greenhorn resident Michael Dechevrioux.

The BCC is considering amending Ordinance 2013-02 to allow for modifications or reconsideration of Mountain Overlay District Emergency Site Alteration Permits already issued. An emergency site or stream alteration permit is issued to allow a landowner to protect property in an emergency. Permanent restoration is made after the emergency and its effects abate.

Staff feels Ordinance 2013-02 allowing Emergency Mountain Overlay District Site Alteration Permits should be amended to allow for reconsideration and modifications and that BCC review and approval should be included in the process. Evaluation by the County Engineer should be part of the administrative approval process. Reconsideration can allow additional information to be submitted by neighbors, staff, another engineer, etc.

#### **Considerations:**

- Should there be an interim permit between the emergency permit and final permit?
- Should review happen automatically or only at request of other interested party?
- Notice should be to surrounding landowners and perhaps a display ad, but not in the legal section.
- There are differences between a flooding emergency and hillside debris flow emergency. A flood event is fairly short-lived; whereas burn areas may cause long-term and changing hillside concerns. Modification permits should allow for flexibility in changing situations.
- Who makes the decision that a completed alteration should be modified? If a neighbor requests a modification, who pays for it? Who decides what the appropriate permanent condition is?
- Should the permit require that the site be returned to its natural state?
- Even if a best decision is made with the guidance of an engineer, a tree could fall over or a boulder roll down the hill and completely change site dynamics.

Graves suggested a site visit could consist of staff and one Commissioner who make a recommendation to the BCC. A follow-up meeting of the BCC can allow for public comment before a final determination is made, which could include conditions of approval and follow-up review. If additional work is needed, it requires a second site alteration permit.

#### **PUBLIC COMMENT:**

- Steve Woods referred to one recent Emergency Mountain Overlay District Site Alteration Permit (EMODSAP). Woods said more material was moved than was intended in the permit and that additional alterations were done that should have required a second permit.
- Greenhorn resident Ron Jolliffe submitted photos of excavation work done on a neighbor’s property. Jolliffe is very concerned that his home and his family are in danger as a result.

Staff wants to see amendments to the Emergency Mountain Overlay District Site Alteration Permit ordinance. If County staff, engineer and one commissioner examine site alterations and feel the work was not done to permit specifications, or that modifications are necessary, the BCC is responsible for making the decision, and attaching conditions. The permit holder is required to pay for whatever modifications the permit requires based on the BCC's decision. The process can be as flexible or rigid as the BCC determines. The permit holder must understand the terms of the permit, which requires County staff review that the site alteration work is done in compliance with the permit.

Blaine County's jurisdiction is in the Mountain Overlay, hillsides, and riparian setback areas. Flat areas could involve a homeowners association. Floodplains are the jurisdiction of state and federal agencies.

Staff will draft an amending ordinance. They will also visit the site in question and make a recommendation for reconsideration of a neighbor's emergency site alteration.

### **BEAVER CREEK FIRE RECOVERY UPDATES**

#### **• US Army Corp of Engineers Advanced Measures Program and Recovery Task Force**

Also present: Blaine County Land Use Administrator Tom Bergin, Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger; Blaine County Disaster Services Coordinator Chuck Turner; Sheriff Gene Ramsey; County Engineer Jeff Loomis; and *Idaho Mountain Express* reporter Greg Moore.

The Federal Government shutdown has caused federal agencies' work to be halted for the moment. The Army Corps of Engineers (ACE) has funding from the previous fiscal year and continues to work on their Advanced Measures program. The ACE, along with County staff, County engineer, and County Road and Bridge Manager identified areas that are most prone to flooding now and in the future. The ACE will submit a report and recommended treatments.

The ACE met with other County staff in areas of concern throughout the county; and with an engineer working with the Greenhorn homeowners association. The ACE will submit a report with general recommendations for waterways protection, plus anything they want to include in their Advanced Measures program.

Shay said staff took the ACE to sites that had already applied for emergency SAPs, but the ACE is more attuned to flooding issues than debris flow concerns. There are areas in Greenhorn where channels have relocated, some more than once. The ACE may try to help clean out the Clarendon ponds which have an enormous amount of silt and sediment.

The Advanced Measures program addresses risk to a community, so the ACE looked at ways to reduce risk, including the bridge above the hospital and the Deer Creek ponds which act as a catchment to protect the Big Wood River downstream.

### **Reseeding**

McCleary is still trying to secure funding for reseeded of the burn area, especially by native seed, which is more valuable to wildlife but considerably more expensive than the standard stabilization seed. The Land, Water and Wildlife Levy Program may be a source of funding. The Nature Conservancy and Idaho Conservation League were hesitant to consider the LAB program without a County match.

Clare Swanger said the LWW LAB would consider seeding applications.

### **EXECUTIVE SESSION – §67-2345 1(c) Property Acquisition, and 1(f) Pending Litigation**

**Greenberg moved, seconded by McCleary, to go into executive session to discuss acquiring an interest in real property which is not owned by a public agency, pursuant to §67-2345 1(c), and to discuss with legal counsel the legal ramifications of and legal options for pending litigation with respect to Consolidated Emergency Communications disputes resolution and also Blaine Manor/Safe Haven transfer of facilities license, pursuant to Idaho Code §67-2345 1(f). Roll call: Chairman Schoen (aye), Vice-Chairman McCleary (aye), and Commissioner Greenberg (aye).**

### **OPEN SESSION RESUMED**

### **ADJOURN**

At the hour of 4:00 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage  
County Clerk  
Lawrence Schoen  
Chairman