

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

Third Day

Tuesday, September 17, 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; Operations Director Char Nelson; and Recording Secretary Sunny Grant.

Commissioner McCleary was absent from the meeting from 9:45 a.m. till noon.
Chairman Schoen called the meeting to order at 9:01 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

Present were: Blaine County Indigent Services Manager Brooke Roberson and Indigent Services Assistant Amy Rivkin.

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

OPEN SESSION RESUMED

McCleary moved, seconded by Greenberg, to deny Application for Assistance Case #2013-75, based on staff recommendation. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Operations Director – Char Nelson

- Met with ITD representative and hydrologist at Adams Gulch bridge site. Final design will begin when report on bridge location is received.
- Met with Schoen, Blaine County Carey Road and Bridge shop manager and Carey city planner to reroute a proposed Carey bikepath along the river and across county property located along and in the riverbed.
- Attended Ketchum City Council meeting last night with Commissioner McCleary, who presented Blaine County's potential road and bridge override levy options to the City of Ketchum.
- County will interview potential construction managers for the Old County Courthouse retrofit project scheduled for 2014.
- Will meet with Forest Service representatives to review Resource Advisory Committee (RAC) grant and the Warm Springs Road project.

County Administrator – Derek Voss

- Annual County contracts and agreements are in review and will be presented to the Commissioners in the next few weeks.
- The Annex upstairs is being reconfigured to accommodate the Prosecuting Attorney's office needs.
- The Annex was originally designed to have a full second floor, which is likely one reason for the Annex's HVAC problems. Closing in the second floor could provide the County with needed space in the future. Staff is researching this possibility.

Human Resources – Susan Potucek

- The County has allocated funds for a spot bonus program to recognize team members who do exceptional work. Sheriff Gene Ramsey and Susan Potucek suggested creating and purchasing a Blaine County Challenge Coin. The Blaine County Challenge Coin would be awarded to an exceptional person for their service to the Blaine County community. The BCC liked the idea of the challenge coin and will think about the concept.

BOARD REPORTS, DISCUSSION and CONSIDERATION

Wood River Valley Studio Tour – Greenberg

Also present: Wood River Valley Studio Tour President Suzanne Hazlett and Treasurer Brooke Bonner.

The Wood River Valley Studio Tour is a two-day, valley-wide tour to present local artists in their work studios. The Tour, during shoulder season, would support local artists throughout Blaine County, and bring local and out-of-town guests to all cities in Blaine County. The tour this year presents 56 artists: 19 in Bellevue, 16 in Hailey, 16 in Ketchum and five in Sun Valley. There is a database of over 200 professional artists in the Wood River Valley, and more artists have committed to participating in future Tours. The tour has an artist education series specifically focused on helping artists market their art to create revenue.

The Tour has support from the Sun Valley Center for the Arts, *Sun Valley Magazine*, the Idaho Bureau of Tourism, and Sun Valley Company, which has expressed interest in partnering with future tours. Ketchum has been voted one of the Top Small-Town ArtPlaces in the country. The Tour has a budget of \$37,000, most of which is covered by in-kind contributions. Wood River Fine Arts will underwrite the Tour's Saturday reception.

The Tour requested \$5,000 from Blaine County for advertising. The BCC said the County typically does not support events, and the FY2014 budget was already set, and did not support the additional request. They agreed the event was an exciting idea and look forward to seeing it grow.

Local Emergency Planning Committee (LEPC) – Greenberg

The seismology team who did a recent seismic study in the Wood River Valley informed LEPC about how to coordinate efforts in the event of an earthquake. They indicated location of fault lines and where most activity would likely occur; and presented brochures on what to do in an earthquake.

Snake River Juvenile Detention Center Joint Powers meeting – McCleary

- The meeting was held a month early, so no Detention Center statistics were available.
- Detention Center staff is considering adding an after-school restorative program for at-risk youth and is looking for a grant for the program.

Ketchum City Council meeting- McCleary

- McCleary and County Operations Director Char Nelson attended a Ketchum City Council meeting to present options for a proposed Blaine County levy to fund the County's Road and Bridge department. Ketchum Council seemed to favor a two-year override levy of about 1%. One Councilmember suggested the County use levy money for capital improvement projects instead of maintenance, which should be an ongoing budget item. McCleary explained that the state may increase the gas tax; and, if not, the County will likely consider another temporary levy or perhaps a permanent levy. Ketchum preferred that the levy be next May.

Commissioner McCleary left the morning meeting at 9:45 a.m.

CONTRACTS, GRANTS AND AGREEMENTS DISCUSSION AND CONSIDERATION

- **Contract for Services with Sustain Blaine** [Record #613252](#)
- **Idaho Department of Commerce Rural Idaho Economic Development Professional Memorandum of Understanding** [Record #615244](#)

Voss said the Contract for Services with Sustain Blaine and MOU with the Idaho Department of Commerce Rural Idaho Economic Development are okay in content once small errors are corrected.

Greenberg moved, seconded by Schoen, to approve the Contract for Services with Sustain Blaine. Motion carried 2/0.

Greenberg moved, seconded by Schoen, to approve the Idaho Department of Commerce Rural Idaho Economic Development Professional Memorandum of Understanding. Motion carried 2/0.

SKILLED NURSING CARE TRANSITION PLANNING

Also present: Blaine Manor Interim Director Stephanie Jaskowski.

Voss said negotiations were progressing very well. Jaskowski and Safe Haven Administrator Jeri Herrera are successfully working through personnel and human resources issues. The focus right now is on patients' needs. Greenberg regularly visits Blaine Manor, and will continue checking in after the October 1 transition to Safe Haven.

Jaskowski said she and Herrera are working well together and Herrera has alleviated most staff concerns. There is a shortage of Certified Nursing Assistant (CNA) staff in the community, including St. Luke's, but Blaine Manor is working to get students into a CSI CNA class.

The auditor will do a field audit the end of October, and Medicare Cost Reports need to be submitted to Centers for Medicare on a Change of Ownership within 45 days of transition.

The Safe Haven Bell Mountain facility foundation and slabs are in place on the three pods.

WOOD RIVER IRRIGATION DISTRICT #45 PARTITION PETITION

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; John F. Stevenson; Raymond Goettsch; Pepin Corso-Harris; Jim Super; Brett Stevenson.

This is the second of two statutorily-mandated public hearings on a petition for partition of Wood River Irrigation District #45. On August 6, 2013, the petition was presented to the BCC, which scheduled a public hearing to consider the petition on September 17, 2013. Today's hearing was noticed according to I.C. 43-1319.

Blaine County Recording Secretary Sunny Grant read notice.

Greenberg moved, seconded by Schoen, that notice was adequate. Motion carried 2/0.

The petition was withdrawn by letter of notice on September 6, 2013.

The parties are discussing a possible resolution to the issues that precipitated filing of the petition. Since notice had already been given and published, the County Clerk, County Attorney and Board of Commissioners Chairman decided to hold this public hearing as noticed. For now, the matter is closed; however, the parties can file a new petition if they can't resolve their differences.

Greenberg moved, seconded by Schoen, to recognize withdrawal of a petition by virtue of a letter dated September 6, 2013. No further action need be taken, and the matter should be considered closed. Motion carried 2/0.

PUBLIC COMMENT:

- John Stevenson, Hillside Ranch, said they have been in good faith negotiations to draft a Memorandum of Understanding of how a district would work.

Idaho Department of Water Resources (IDWR) reviewed the petition and accompanying documents and responded by letter dated September 10 that they had no specific position or comments regarding it. IDWR believes that management and governance of irrigation district water is best left to water patrons or water users.

LAND USE AND BUILDING SERVICES DISCUSSIONS AND CONSIDERATION

Also present: Blaine County Senior Planner Kathy Grotto.

- **Findings of Fact:**
 - **Lake Creek Meadows Plat Amendment**

The BCC amended the Findings of Fact to reflect their decision during the hearing that there should be no excavation within the riparian setback.

Greenberg moved, seconded by Schoen, to approve the Findings of Fact, Conclusions of Law and Decision, as amended, regarding application of Lake Creek Meadows LLC plat amendment to relocate the building envelope to Block 14 Lake Creek Meadows Subdivision #2. Motion carried 2/0.

- **Little Wood River Ranch Subdivision**

Grotto noted that roads appear on the 1884 survey as county roads. The BCC decided to delay approving the Findings until Grotto can determine if the roads are to be dedicated as public roads or public road easements.

- **Comprehensive Plan Update**

The Comprehensive Plan Steering Committee has decided to move forward with three main components: Transportation, Recreation and Population and Housing. Individual Steering Committee members will liaise with groups working on each component.

BREAK

STATUS OF THE IDAHO EMERGENCY COMMUNICATIONS 25 CENT GRANT UPDATE

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Emergency Communications Director Robin Stellers; Blaine County Disaster Services Coordinator Chuck Turner; County Communications GIS Analyst Chris Corwin; Idaho Emergency Communications Commission Idaho E911 Program Coordinator Eddie Goldsmith; Tajkowski Group USA technical planner Sean Tajkowski; Jim Kuehn; and *Idaho Mountain Express* reporter Greg Moore.

Legislators put a 2014 sunset clause on the 25 Cent Grant program when they passed it; and stipulated that counties could choose to participate or not. Legislators recently voted to remove the 2014 sunset clause, so the 25 Cent Grant program will continue.

Phase II 911 enables Dispatch to locate cell phone callers. The primary goal of the 25 Cent Grant program is to get all Idaho counties to have Phase II 911 by 2014. The next step is to get all Idaho counties using Next Generation 911. Since 2011, the 25 Cent Grant program has awarded millions in grants, almost all of which were to smaller counties that needed the money to stay on par with the rest of the state. There are only five counties currently not participating in the grant fee, including Blaine County. If they can be brought into the program, the 25 Cent Grant program will have about \$6 million to bring Idaho into Next Generation 911.

The Emergency Communications Commission (ECC) will coordinate Idaho's NextGen 911 Plan, but the counties will determine how the Plan is implemented. Every county participating in the 25 Cent Grant program will get \$2,000 to cover their representative's travel, lodging and per diem to attend two-day planning meetings.

If the counties decide to implement NextGen 911 by region, the regions will have to develop and agree to a governance model. If not regionally, a statewide network will be developed, with funds collected by an agency such as the ECC. All of Idaho will be Phase II E911 by the end of 2013, which routes calls by street address through the Network System Automatic Control (NSAC) database. NextGen 911 calls are routed by GPS.

Blaine County's dispatch system needs about \$250,000 to upgrade to the desired level. The system is NextGen capable, but software and hardware have never been upgraded and practically the whole system needs to be upgraded to be usable in a NextGen environment. The recording system is an excellent one, but needs to be NextGen ready in order to record text/video.

Goldsmith said an Enhanced 911 (E911) phone system in the Cloud can operate 96 positions. When Idaho converts to NextGen, it could purchase two systems, put them in the Cloud, and everyone can use the same two. When Idaho moves to NextGen, all monthly recurring network fees and maintenance costs go away. Blaine County can put its recording system in the Cloud, and have control of it, but allow anyone to use it.

The BCC said it sounded like the 25 Cent Grant program would fund bringing Blaine County's system up to date with NextGen upgrades. Goldsmith said Idaho County and Blaine County have the greatest need and are the #1 priority in the state, but rules require that a county must participate in the program for 12 months prior to being eligible for grants. Grant awards are each November.

Schoen was concerned about security. Goldsmith said the state had to begin planning the system to include provision for built-in cyber security. The program could be statewide, but Idaho is a tough state due to its terrain, regional independence (regions could be defined by anything, including population base), and Idaho's independent tough guy attitude.

PUBLIC COMMENT:

Sean Tajkowski said Cloud services have been around for awhile and are commonly used. The most important consideration is infrastructure. There is always going to be new technology and software, which will work as long as the infrastructure can handle the IP. He agreed that NextGen type networks were the way to go.

Blaine County Emergency Communications Director Robin Stellers supported the 25 Cent Grant program for short- and long-term improvements. Goldsmith said Blaine County could opt out of the program if the BCC decided it didn't work for them.

U.S. FOREST SERVICE BURN AREA EMERGENCY RESPONSE (BAER) TEAM REPORT and BEAVER CREEK FIRE RECOVERY UPDATES

Also present: Blaine County Disaster Services Coordinator Chuck Turner; County Emergency Communications Director Robin Stellers; County Communications GIS Analyst Chris Corwin; County Operations Director Char Nelson; Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger; U.S. Forest Service Burn Area Emergency Response (BAER) Team Coordinator Sharon LeBrecque and Ketchum District Ranger Kurt Nelson; and *Idaho Mountain Express* reporter Greg Moore.

• **BAER Team Update**

The BAER Team's report shows over 17,000 acres of water repellent soil subject to slope runoff and debris flows. Trails and roads have been inventoried. One hundred eighteen miles of trails are affected, which will need to be monitored for debris flow and some will need substantial reconstruction. The BAER Team suggests an extensive treatment package, including closing trails indefinitely and closing roads temporarily where flash flooding potential exists, aerial mulching 1,500 acres and seeding 12,000 acres with a base seed mix.

The area has taken a big hit with the 2007 Castle Rock Fire and this year's Elk Complex, McCan and Beaver Creek fires and subsequent run-off of native plants and seeds. The Forest Service will try to get an improved seed mix with native species, although it is ten times more expensive. McCleary contacted non-profits in the community to see if they would subsidize some of the cost of the native plant seeds, at least in smaller target areas. LeBrecque and Kurt Nelson will meet with BAER Engineering and Fire staff to discuss a rehabilitation plan to be sure treatments get approved and are implemented correctly. Fall is the ideal time to reseed in places where it will germinate and stay in place.

The United States Geological Survey (USGS) has begun debris flow modeling in downstream areas.

Idaho Fish and Game is concerned about winter feeding range for deer, elk and sage grouse habitat, and the effect of sediment flow into the river on fish.

Greenhorn homeowners are very concerned about sediment coming down and potential for flooding in the valley floor. The BAER team has identified risks and concerns of private landowners, who can follow up with Natural Resources Conservation Service (NRCS). A NRCS team is in Blaine County implementing the Emergency Watershed Protection Program. The NRCS will evaluate private properties and suggest appropriate treatments to the County.

Blaine County Land Use has had three requests for Emergency Site Alteration and Stream alteration Permits. Commissioners visit each site prior to making a recommendation to Land Use.

- **Silver Jackets Update**

McCleary and other County representatives attended a Silver Jackets meeting. Silver Jackets is a consortium of federal and state agencies focused on flood hazard risk management solutions. The Silver Jackets meeting offered an overview of what help is available to Blaine County and its residents. Nelson noted that flow modeling and stream gauges could be very beneficial.

LAND USE AND BUILDING SERVICES DISCUSSIONS AND CONSIDERATION

- **Emergency Site Alteration Permit process**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin; Code Compliance Specialist Diane Shay; County Engineer Jeff Loomis; and *Idaho Mountain Express* reporter Greg Moore.

The BCC adopted Emergency Ordinance 2013-02 to create an emergency site alteration permitting process to facilitate post-fire property protection efforts. The BCC and Land Use staff need to set permitting policy for landowners who've already done emergency work. The BCC and Land Use staff visited sites recently to better understand what alterations have been done and the permitting process.

Bergin said landowners who had done emergency site alterations were in violation of the Mountain Overlay District. Some landowners had since done additional alterations, and some will want to do additional site work. All landowners who have done emergency work will need to follow through with a Stream and/or Site Alteration Permit application to legitimize their emergency work.

The BCC agreed that landowners need to do the work necessary to be prepared for flooding and debris slides and not keep doing stopgap measures on a temporary basis. The BCC discussed if landowners who had done emergency work should get an Emergency Stream and/or Emergency Site Alteration Permit now, and then get a regular SAP later. Some emergency work may not qualify for a regular Site Alteration Permit; and the County didn't want to lose track of emergency work done now if a permanent SAP is not done until next year.

Bergin agreed that most emergency work, which was done with BCC approval, should remain in place until next summer, at least. An Emergency SAP requires staff and the County Engineer, and a County Commissioner to evaluate the work done to be sure it is minimally invasive and not permanently scarring; and that neighboring properties will not be affected. Land Use or the County Engineer may require emergency work already done to be modified. It will be several years before the burn area is stabilized, and precipitation events could cause concern for some time.

The BCC discussed requiring an Emergency SAP \$1,000 deposit requirement in a time of stress and potential financial hardship. Bergin said the application fee for a MOD Site Alteration is \$500. Security deposits make sure alterations or construction are done as approved. No one who's actually done work has objected to the deposit.

Code Compliance Specialist Diane Shay said there are many different Emergency Site Alteration Permit scenarios, including homeowners who have to deal with Forest Service-constructed firebreaks. Bergin said they may decide to consider restoration projects as Categorical Exclusions.

The BCC directed Land Use to require those landowners who did emergency work to get an Emergency Site/Stream Alteration Permit to cover work already done. The Emergency Ordinance requires landowners to apply for a regular SAP within six months, but the BCC should be prepared to extend the emergency permit. County Attorney Tim Graves confirmed that all stream or site alteration work done must apply for a permanent SAP to correct any violations and to be sure any future work complies with Land Use zoning and policies.

- **Property Values as Affected by the Beaver Creek Fire**

Also present: Blaine County Assessor Valdi Pace; Chief Deputy Assessor Martha Heuston; and County Appraiser Jim Williams.

A couple of Greenhorn landowners questioned how property values are affected by the impacts of the Beaver Creek Fire. Blaine County Assessor Valdi Pace said she had explained the casualty loss process to the one landowner who lost their property in the Beaver Creek Fire. The homeowner receives a pro-rated value from the date of the fire, and tax cancellation on that value from the date of the fire to the end of the year. The value of the home is deducted from the total assessed property value.

Pace explained that land values are based on market and have never been adjusted. The Boise County Assessor said there had been no reduction in the value of the land after a recent neighborhood fire. Another Idaho County Assessor concurred. Pace emailed the International Association of Assessing Officers, and has not yet received a response. Idaho Statute sets value according to market value and casualty loss; so the Assessor will not change value unless and until there is an obvious market impact.

EXECUTIVE SESSION

McCleary moved to go into Executive Session, seconded by Greenberg, to consider hiring a public officer, employee, staff member or individual agent, and to evaluate the respective qualities of individuals to fill the public vacancy, pursuant to Idaho Code §67-2345 1(a); and to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, pursuant to Idaho Code §67-2345 1(b); and to conduct deliberations to acquire 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, pursuant to Idaho Code §67-2345 1(f). Roll call: McCleary (aye), Greenberg (aye), and Schoen (aye). Motion carried unanimously.

OPEN SESSION RESUMED

ADJOURN

At the hour of 4:13 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____
JoLynn Drage Lawrence Schoen
County Clerk Chairman