

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

First Day

Tuesday, September 2, 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, Vice-Chairman Jacob Greenberg, Commissioner Angenie McCleary; County Administrator Derek Voss; County Clerk JoLynn Drage; Operations Director Char Nelson; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Greg Moore.

Chairman Schoen called the meeting to order at 9:02 a.m.

PUBLIC COMMENT – NONE

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

McCleary moved, seconded by Greenberg, to convene as the Board of Equalization. Motion carried unanimously.

There was no BOE business.

McCleary moved, seconded by Greenberg, to reconvene as the Board of Blaine County Commissioners. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Operations Director – Char Nelson

Also present: Blaine County Land Use Administrator Tom Bergin.

- **Gravel Pit Update:** work on the reclamation of Molyneux gravel pit is on schedule.
- **Adams Gulch Right-of-Way Appraisal:** Three properties are impacted by the bridge and one area must be purchased. The appraisal on the property to be purchased is complete. Negotiators will meet with the residents and make an offer.
- The State wants to install a tower on the County Annex building to provide a link to Boise for Idaho State Police and Idaho State Court. The Idaho Military Division will present a Memorandum of Understanding to the BCC and apply for a permit from Hailey; the State will pay for the upgrade.
- Syringa has a tower on BLM land by the Carey transfer station. They would like to run a fiber optic line along the Southern Idaho Solid Waste District access road that traverses County property. County Land Use department will provide an application for a Categorical Exclusion from Mountain Overlay District site alteration permit requirements.

County Administrator – Derek Voss

• **County Projects Update**

Also present: *Mountain Express* reporter Greg Moore.

- Safe Haven intends to vacate the Blaine Manor building by the end of the year. The BCC can begin to discuss how to dispose of the Blaine Manor building.
- McCleary is working with Health and Welfare to find a new local designated examiner.
- The Coroner has a competent chief deputy. Schoen will work with the Coroner to plan for his eventual retirement; and discuss capital investments for the Coroner department.
- Prepare for a future Road and Bridge levy.
- Courthouse roof repair is underway.
- Consider potential shared fuel depot with Mountain Rides and the School District. Greenberg will follow up.
- Voss and Potucek will do an organizational review of County departments and staffing.
- Transfer of County properties to Elkhorn is in process.
- Voss and Outreach Coordinator Bronwyn Nickel are formulating an annual budget report to publish for the community. Greenberg suggested the report include a sample department request to show the County's comprehensive process to develop a precise fiscal year budget.
- The Regional Transportation Committee will review the Bicycle/Pedestrian Master Plan and pass a resolution of support in October. Other local jurisdictions are asked to support the Master Plan by resolution as well.
- The Wildlife Committee will discuss detection systems to warn motorists of animals near the highway.
- Voss is drafting a Right-of-Way Management Plan to include public awareness and enforcement.
- Sun Valley Area of City Impact was adopted by the BCC. A former Sun Valley Councilmember requested a County MOU with Sun Valley that would require the County to provide notice to the city of potential impacts to Sun Valley's ACI.
- South Gateway-Meadows Plan, Quail Creek financial status, and sewer/water availability projects are on hold.
- Ohio Gulch BLM Recreation and Public Purposes plan and Transferable Development Rights are ongoing.
- Updates on Beaver Creek fire recovery and flood mitigation are less frequent, but continue.
- Strategic planning and preparation continue for potential changes at the Public Health District.

CONSENT CALENDAR

- **New beverage license for Rico’s Pizzeria.**
- **Resolution 2014-33 authorizing adjustment of the Blaine County Road and Bridge Budget to reflect receipt of unscheduled revenue Record #620999**
- **Resolution 2014-34 authorizing adjustment of the Blaine County Weeds Budget to reflect receipt of unscheduled revenue Record #621000**

McCleary moved, seconded by Greenberg, to approve the Consent Calendar for September 2, 2014. Motion passed unanimously.

OLD COUNTY COURTHOUSE CONSTRUCTION UPDATE, Discussion and Consideration

Change Orders – None at this time

Requests for Information

- Old chimney stacks were not completely removed. Engineer will determine if the remaining void needs to be filled.
- Waiting on RFI for roof system.

Asbestos management plan

Public safety is the top priority. The building has been tested and is safe. Material around the ductwork is intact, so asbestos is intact and not hazardous. Nelson is checking with the State on an air quality plan to insure the building remains safe. Asbestos training for technicians is available.

The ceiling can be replaced with acoustic tiles, which provide better access and are easier to install, or sheetrock, provided augmented horizontal joists will support the additional weight. Prices are about the same. The BCC chose sheetrock for the historic building.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

South Central Public Health District Board Meeting – McCleary

- Focus of discussion was on whether the Public Health Board wants to take on the responsibility of a regional behavioral health board. McCleary made it clear that Blaine County does not want to be the public partner.
- South Central Public Health District lost a Health and Welfare Title X contract for family planning since SCPHD didn’t have a physician assistant in place and couldn’t meet the terms of the contract. The BCC expressed dismay that SCPHD didn’t do what was necessary to keep the Title X contract in force.

Countywide Crop Loss Disaster Declaration Update – Schoen

The US Department of Agriculture Farm Service Agency has initiated an assessment to see if Blaine County is eligible for disaster declaration, which would offer low interest loans to farmers.

Boulder-White Clouds National Monument Proposal Update – McCleary

Local conservation organizations encourage local jurisdictions to send a representative to Washington, D.C. to lobby for Boulder-White Clouds National Monument designation. McCleary identified potential funding sources still available in the Blaine County FY2014 budget and said outside agencies may be able to provide funding as well, if there are no legal complications. The travel date must be in the same fiscal year as the budget funding the trip. McCleary and Schoen will further research funding and possible trip.

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 Director Brooke Baird.

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 Medical Indigent Applications for Assistance Cases #2014-42 and 2014-50, based on staff recommendation. Motion carried unanimously.

Greenberg moved, seconded by McCleary, to accept cancellation of hearing and final determination of denial in Application for Assistance #2014-40. Motion carried unanimously.

Greenberg moved, seconded by McCleary, to accept cancellation of hearing and final determination of denial in Application for Assistance #2014-28. Motion carried unanimously.

AIRPORT PROJECTS, Update and Discussion

Also present: Friedman Memorial Airport Manager Rick Baird.

The Friedman Memorial Airport Authority (FMAA) meeting tonight will focus on Project 3, the terminal project, which is out to bid. The FMAA will likely consider having a special meeting to select a responsive low bidder. Project 4, the Airport Operations Building, is out to bid now. Project 5, Runway Safety Area, is underway. The FMAA will review scope of work for Project 6, final phase of the Runway Safety Area implementation.

BLAINE COUNTY AMBULANCE DISTRICT

PUBLIC HEARING: to approve Blaine County Ambulance District FY2015 Final Budget

Greenberg moved, seconded by McCleary, to convene as the Blaine County Ambulance District. Motion carried unanimously.

Also present: Wood River Fire Protection District Chief Bart Lassman; Ketchum Fire Chief Mike Elle; and Carey Fire Chief Richard Kimball.

Notice of today’s public hearing was published in the *Idaho Mountain Express* on August 20, 2014

There are no changes from the tentative budget.

PUBLIC COMMENT:

Chiefs Elle and Lassman thanked the BCC for their support. The current budget is not sustainable. Ketchum experiences multiple calls with complex medical situations and inadequate staffing. Calls come in two or three at the same time and all ambulances are out. The hospital has so many interfacility transfers that Ketchum and Wood River Fire Protection District are having to do some of them, which takes personnel and equipment out of the area. Well-trained responders are lured away by higher pay opportunities.

The new ambulance is the best vehicle the District has ever received.

Carey has seven on-call EMS responders and is losing two. Carey needs more radios for EMS and fire responders.

McCleary moved, seconded by Greenberg, to approve Blaine County Ambulance District FY2015 Final Budget commencing on October 1, 2014 and ending on September 30, 2015. Motion passed unanimously.

Transfer of Ambulance from Ketchum Rural Fire District to Carey Rural Fire District, Discussion and Consideration

The Blaine County Ambulance District just purchased a new ambulance for use by the Ketchum Rural Fire District. Carey would like the old 1997 ambulance, which works well but is not reliable for long-distance interfacility transfers.

Greenberg moved, seconded by McCleary, to transfer Blaine County Ambulance District ambulance from use by the Ketchum Rural Fire District to use by Carey Quick Response. Motion carried unanimously.

PUBLIC HEARING: RESOLUTION 2014-32, Approving Blaine County Ambulance District FY2015 Final Budget Record #620995

McCleary moved, seconded by Greenberg, to reconvene as the Blaine County Commissioners. Motion carried unanimously.

McCleary moved, seconded by Greenberg, to approve Resolution 2014-32, Approving Blaine County Ambulance District FY2015 Final Budget in the amount of \$2,441,025. Motion carried unanimously.

PUBLIC HEARING: RESOLUTION 2014-31, Approving Blaine County FY2015 Final Budget Record #620994

Also present: Blaine County Chief Deputy Clerk Leslie Londos; County Human Resources Generalist Susan Potucek; and County Chief Deputy Assessor Martha Heuston.

Notice of today’s public hearing was published in the *Idaho Mountain Express* on August 20, 2014

The final budget is lower than the tentative budget.

PUBLIC COMMENT – NONE

The BCC thanked all department heads and elected officials for presenting their initial budget requests in alignment with the BCC’s strategic objectives; and further reducing their budgets upon BCC request.

Commissioner Greenberg said the FY2015 budget cycle initiated an organizational review and future plan to set the cost of government in balance with revenues prior to budget deliberations. County departments and outside agencies will be asked to tighten their budgets in the future with more than just temporary reductions. The BCC commended department heads, elected officials, employees and outside agencies for providing the high level of service demanded by Blaine County residents with limited resources.

McCleary moved, seconded by Greenberg, to approve Resolution 2014-31, approving the Blaine County FY2015 Final Budget in the amount of \$25,521,625. Motion carried unanimously.

BREAK

WOOD RIVER VALLEY IRRIGATION DISTRICT 45, PETITION for DIVISION, Public Hearing, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Wood River Valley Irrigation District 45 Director Gary Frugard; WRVID45 Secretary/Treasurer Jim White; Pepin Corso-Harris; Michael Harris; Jan Super; Ralph Lapham; Raymond Goettsch; Grace Eakin; Wendy Pabich; Judy Grigsby; and *Mountain Express* reporter Greg Moore.

Upon presentation of a petition proposing partition of an irrigation district, the Blaine County Commissioners must go through a process required by Idaho Statute. A public hearing was noticed for June 17, 2014 and the petition was formally presented to the County Commissioners. At that meeting, the BCC set a formal hearing of the petition for August 5, 2014. At that meeting, the BCC was presented with a voluminous set of records without adequate time to read and understand them, so the August 5 public hearing was continued to today, September 2, 2014, to give petitioners time to respond.

The petitioners' response was received a week ago. A letter from petitioners attorney Arkoosh was received on August 28, 2014 in response to materials received from James White in opposition to the petition. White submitted a response to Arkoosh on August 29, 2014. Blaine County counsel determined that the BCC can consider materials received after the August 27th close of public comment period.

Today's meeting is continued from August 5, and no further notice is required. Agenda notice for today is adequate. Commissioner McCleary was not present for the August 5 public hearing.

Blaine County Chief Deputy Prosecuting Attorney Tim Graves said the petitioners' attorney submitted a letter last week asking that Blaine County Commission Vice Chairman Greenberg recuse himself from the discussion for conflict of interest. Graves said Greenberg disclosed on August 5 that he does not have a financial stake of any kind in this petition or in the outcome of the petition, and no conflict of interest. A claim that Commissioner Greenberg may be biased was also dealt with at the previous hearing. Commissioner Greenberg reiterated that he could hear the matter fairly and impartially.

ADDITIONAL DISCLOSURES:

- McCleary knows people on the list of petitioners, and probably on the other side as well; but she has no financial stake in the matter and feels she can be fair and equitable
- Schoen knows people on both sides, but has no stake in the issue.

PUBLIC COMMENT:

- Gary Frugard, Director of District 45, said attorneys for petitioners and District 45 were not present at today's meeting so as to allow the BCC to deliberate and make a decision.
- Mike Harris, representing the petitioners, asked that the BCC make a decision today.

Graves said counties have very little involvement in irrigation district matters. Irrigation districts, by their very nature, are quasi public and municipal bodies. The county oversees aspects of District elections, but not much else. State Statute, enacted several years ago at the behest of persons within this irrigation district, gives Blaine County very limited powers to review and consider the Petition to Partition. The Statute has conflicting terms and provisions that don't offer much guidance in considering a petition for partition; but the general intent of Idaho Statute 43-1321 is clear. If a majority of landowners/water users within the irrigation district seek partition of their land, which must be primarily agriculture and which must be watered by the irrigation district, seek a partition from that irrigation district, i.e., splitting of that district into two separate irrigation districts, and if it *appears* to the Board of County Commissioners that statutory requirements have been met, the BCC must order partition of the irrigation district. Any issues between the two resulting irrigation districts must be worked out by those two districts or in court. Graves suggested the BCC determine if statutory requirements have been met, and if so, order partition of Irrigation District #45.

The BCC agreed that they are sworn to uphold Statutes of the Laws of Idaho and the United States.

Schoen moved, seconded by McCleary, that the Blaine County Board of Commissioners orders the Partition of Wood River Valley Irrigation District #45 into a New Irrigation District and the Remaining Irrigation District, based on Findings that the Petition for Partition complies with statutory requirements, and furthermore orders division of the districts into those separate divisions as shown on the map in the original petition, as also directed by Idaho Statute, and directs the Chief Deputy Prosecuting Attorney to draft written Findings which reflect the Blaine County Commissioners decision at this meeting. Motion carried unanimously.

