

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

**Second Day**

**Tuesday, September 9, 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; and Recording Secretary Sunny Grant.

Chairman Schoen called the meeting to order at 9:01 a.m.

**PUBLIC COMMENT - NONE**

**AMEND AGENDA**

**McCleary moved, seconded by Greenberg, to add items to today's September 9, 2014 agenda: to discuss a Blaine County policy on open positions within the County; add GreatAmerica Transfer and Assumption Agreement for Blaine Manor copier under Contracts, Grants and Agreements; and discuss sending a letter to the Farm Services Agency requesting disaster declaration for Blaine County due to crop failure. Motion passed unanimously.**

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

Boyd confirmed that the BCC had received additional claims by email.

**McCleary moved, seconded by Greenberg, to approve claims dated September 4, 2014, and additional claims: Idaho Power for \$142.16; GreatAmerica \$376 for four months rent on a Blaine Manor copier; and the following invoices for providing Jail Programs in August: Narda Pitkethly \$1,080; Jodi Brown \$360.00; Eric Thomas \$600; and Greg Greenfield for \$660. Motion carried unanimously.**

**Sheriff's Office – Gene Ramsey**

- Jail revenue derived from out-of-county inmates exceeded budget by over \$50,000.
- Sheriff is in contact with ITD over the bridge reconstruction project south of Ketchum and the possibility of striping three lanes until the new four-lane bridge project is started in about 2016. The bridge carries roughly 18,000 commuter trips a day. The Blaine County Recreation District is working with ITD on how to handle bike traffic during Wood River Trails construction.
- The Sheriff's office proposed allowing jail personnel to get their meals through the jail commissary. The Sheriff would like to allow jail staffers to have access to commissary meals while on duty. The BCC supported the concept. The Sheriff will discuss the policy with County counsel and other counties to avoid any legal issues or tax consequences.

**CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration**

- **Agreement for Pathology Services between Blaine County and Ada County . Record #**  
This long-standing Agreement is basically unchanged and works well for Blaine County.  
**McCleary moved, seconded by Greenberg, to approve the Agreement for Pathology Services between Blaine County and Ada County for FY2015. Motion carried unanimously.**

- **ESRI Enterprise License Agreement ..... Record #**

Also Present: Joel Hall

The updated agreement includes some substantial changes, but is a good agreement representing a long-standing relationship.

**Greenberg moved, seconded by McCleary, to approve the ESRI Enterprise License Agreement for \$25,000 per year for FY2015. Contract will not be executed until October 1, 2014.**

- **Idaho HAVA Voting Systems Grant Program ..... Record #**

**Greenberg moved, seconded by McCleary, to approve the Idaho HAVA (Help America Vote Act 2002) Voting Systems Grant Application and Agreement. Motion passed unanimously.**

- **GreatAmerica Transfer and Assumption Agreement for Blaine Manor copier .....Not Recorded**

Blaine County agreed to assume equipment from Blaine Manor. The copier has been put in the Elections office and will be paid for by the Consolidated Elections Fund.

**McCleary moved, seconded by Greenberg, to approve Transfer and Assumption Agreement between GreatAmerica Financial Services and Blaine County for a lease agreement for a copier for \$94/month. The copier will be used in the Consolidated Election department. Motion carried unanimously.**

**Board of County Commissioners Reports, Discussion and Consideration**

**NACo Conference Call regarding federal payments legislation – Schoen**

Recent National Association of Counties (NACo) conference call included discussion of proposed bills concerning Payment in Lieu of Taxes (PILT), Secure Rural School (SRS) and US Department of Agriculture Land and Water Conservation Fund. New provisions in federal bill(s) bring in new county partners that can support PILT and SRS funding. The bills offer assistance with infrastructure in counties that produce carbon-based and renewable energy.

**Fish and Game – Schoen**

F&G is proposing to acquire a perpetual public access easement on sections of private property along Silver Creek. The landowner, Picabo Land and Livestock, will receive state property in exchange for public access. Idaho Code requires County Commissioners be notified whenever F&G proposes a land acquisition.

**Community Advisory Committee – Schoen**

Idaho Power proposes to reactivate the Community Advisory Committee to reconsider redundant power transmission lines and potential alternatives. Schoen was on the CAC and redundant transmission line project Steering Committee, but will determine whether to participate on the reconvened CAC since the Blaine County Commissioners may hear the Conditional Use Permit for redundant lines.

**Solid Waste Removal Fee Waiver – Schoen**

The Blaine County Treasurer asked the BCC to look at fees charged for solid waste removal at West and East Magic and Smiley Creek. The County subsidizes the fees, but much of the waste in these areas is generated by tourists and the area must be kept clean and safe. Schoen is reviewing the fees with Southern Idaho Solid Waste District and the Treasurer and will report back to the BCC.

**Letter of Disaster Declaration – Farm Service Agency – Schoen**

Twin Falls and Jerome counties have both been issued crop loss disaster emergency declarations by the US Department of Agriculture Secretary, due to heavy rain. The BCC supports a letter to the Farm Service Agency, which will make the request for such a declaration for Blaine County to the US Department of Agriculture.

**Workshop for Community Mobility Institute Team – McCleary**

Individuals from local jurisdictions and Mountain Rides plan to attend a community mobility workshop in Boise. The group could eventually form a community mobility team. The BCC supported Land Use staff and/or a commissioner attending the workshop, especially if grant funds are available.

**5B Restoration Coalition – McCleary**

This group of stakeholders, formerly called “Afterburn”, is creating a post fire recovery document to present at Sustain Blaine’s Resiliency Conference.

**South Central Public Health Title X Family Planning Contract Update – McCleary**

Health and Welfare has to replace a federal contract to serve the needs of seven counties in our Health and Welfare District. South Central Public Health, which formerly held the contract, has declined to sign it. St. Luke’s Foundation may be able to fulfill the contract.

**Blaine County Regional Transportation Committee – McCleary**

Two primary topics are lane configuration on the Highway 75 hospital bridge and countywide support of the Blaine County Community Bicycle/Pedestrian Master Plan. The BCC will consider a resolution supporting the Bike/Ped Master Plan at a future meeting.

**US Army Corps of Engineers Flood Mitigation Grant Opportunities – McCleary**

Commissioner McCleary and Blaine County Grant Administrator Michele Johnson met with the US ACE to understand flood mitigation grant opportunities for Blaine County.

**Andrus Conference on Women and Leadership – McCleary**

McCleary and County Operations Director Char Nelson will attend this conference.

**RESOLUTION 2014-35, SETTING FY2015 PROPERTY TAX LEVIES ..... Record #621175**

Also Present: Blaine County Clerk JoLynn Drage.

Public Comment - none

**McCleary moved, seconded by Greenberg, to pass Resolution 2014-35, a resolution of Blaine County to set 2014 tax levies per \$1 market value. Motion carried unanimously.**

**SAFE HAVEN TRANSITION UPDATES**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Safe Haven Healthcare CEO Scott Burpee; Safe Haven Administrator in Training Ursula Hulbert; St. Luke’s Wood River Medical Center Director of Physical Services Stacey Doby; St. Luke’s Wood River Medical Center Representative John Gaeddert; Linda Haavik; Tom Rhinevault; Carol Taglio; and Shae Taglio-Aicher.

Safe Haven will meet with State Health and Welfare in October to schedule a final inspection of their new Bell Mountain facility. The inspection should happen within 60 days. Safe Haven plans to hold a grand opening before moving patients in, in keeping with HIPPA confidentiality rules. All patients will be moved from the old Blaine Manor building into the Bell Mountain facility in one day.

Bell Mountain construction was delayed for a month when the financing bank withdrew for internal reasons, but construction is now on schedule. Landscaping starts this week. Adjacent roads will be paved now that heavy construction equipment is out of the way. Bellevue City annexation and permits are moving ahead.

The physicians' Blaine Manor contract with St. Luke's, which dated back to when Blaine Manor was next to the medical clinic, is being restructured to "batch" patients to one doctor. The contract will allow physicians extenders—physician assistants and nurse practitioners—to do routine care under supervision of an M.D. Federal regulations allow monthly recertification visits to be done by a physician extender every other month.

The general public has wandered through the facility in recent months, but must be curtailed due to construction site risks. There will be Open to the Public tours before the patients move in.

Bell Mountain will have 32 skilled nursing units and 16 assisted living units when it opens in December. Blaine Manor currently has 19 skilled nursing patients, all of whom plan to move into Bell Mountain. Most Blaine Manor staff intend to move into the new facility. Health and Welfare is working with Safe Haven to develop an efficient staff model. Safe Haven's recent evaluation surveys are open records available to the public in the Blaine Manor building and on Health and Welfare's website.

#### **Agreement between Blaine County and Safe Haven:**

Safe Haven's lease on Blaine Manor ends in September, 2014. After that, Safe Haven is allowed to remain on Blaine Manor property for a period of up to two months at a monthly rent of \$2,000/month, provided the Bell Mountain facility has achieved substantial completion and will receive a Certificate of Occupancy within the next 60 days. After the two-month October-November period, the Agreement sets rent on Blaine Manor at \$10,000 month. Graves said it appears that Safe Haven has been diligent in complying with the spirit of the contract.

Voss suggested the BCC not propose any modifications to the Agreement, but could make some additional concessions. Greenberg suggested the BCC keep the Agreement in effect as is, and retain the opportunity to collect \$2,000 rent if Safe Haven isn't out of Blaine Manor in November or December. Schoen and McCleary suggested Safe Haven pay \$2,000 monthly rent for October and November for the Blaine Manor building. McCleary stated the December rent should be \$10,000, as suggested by the contract. The BCC will revisit the transition in late November

According to the Agreement, Safe Haven is to provide a written plan detailing the manner and time of vacation of the Blaine Manor property within 30 days of providing notice to the County of its intent to vacate the real property.

#### **DISPOSITION OF BLAINE MANOR PROPERTY, Discussion and Consideration**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Linda Haavik; Tom Rhinevault; and Marty Flannes.

The BCC directed the County Administrator to issue a Request for Proposals to get an appraisal on the Blaine Manor property.

#### **PUBLIC COMMENT**

Tom Rhinevault asked if the BCC had given any thought to repurposing the building. The BCC felt the County did not need the building, but could use the revenue from the sale of the property. The building is a liability, and the land may be worth more with or without the building.

#### **BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration**

##### **Capital Crimes Defense Fund**

The CCDF is looking for nominations for a Board member. The BCC supported current Board member Dave McGraw, who is willing to run again.

##### **South Central Public Health Title X Family Planning Contract Update - McCleary**

The SCPHD Board unanimously agreed to provide bus passes for Blaine County individuals who need to get to their Women, Infants and Children (WIC) appointments. The SCPHD Director acknowledges this decision of the BCC, but questions if providing bus passes is equally fair to other Idaho counties in the District, even though other counties don't have public transit. McCleary will discuss the fairness issue with fellow county commissioners at the upcoming Idaho Association of Counties meeting.

##### **Open Employment Positions within Blaine County**

The BCC has approved the FY2015 budget, including staff positions. There are currently five open positions in Blaine County. The BCC discussed removing vacated positions and agreed that the County

Administrator and Human Resources should look at optimal staffing structure within the County, including the needs of each department, to insure adequate staffing levels. Open positions are an opportunity to ask the department to consider alternative ways to fill the position. The BCC made it clear that a department that didn't fill a position in this interim period was not necessarily removing that position forever. The BCC will not delay hiring necessary positions while optimal staffing is being reviewed in the coming months. Some positions could potentially be cross-trained inter-departmentally. Department heads and employees are encouraged to think outside their position and department and consider potential career enhancement or opportunity.

### **OLD COUNTY COURTHOUSE RENOVATION PROJECT UPDATE, Discussion and Consideration**

Also present: Kreizenbeck Constructors Project Manager Graham Estep and Project Supervisor Robert Wheeler.

All demolition is completed. Masonry was repaired and ledgers are being installed to support the existing building's roof structure. Trusses for the northeast dormer are scheduled to go in next week. The old sheeting is being repaired so the new sheeting can be installed on top of it.

#### **Proposal Requests:**

- PR1. Landfill tipping fees have been waived. The BCC agreed to deduct these disposal fees from the Wright Brothers bid package.
- PR2. The BCC agreed to leave \$1,808 in the contract to install baseboard heaters and electrical connections.
- PR3. The BCC agreed to leave in retooling of the mortar in some specific areas on the exterior of the building for \$3,475.
- PR4. The BCC decided that the pediment over the southeast window on the south elevation has been missing for some time and does not need to be replaced.
- PR6. The BCC agreed to remove coffered ceiling elements in Commissioner chambers for a credit of \$4,059.
- PR\_. During the abatement process, Wright Brothers was able to remove some ductwork that was originally contracted to Portland Heating, resulting in a demolition credit of \$769.

**Greenberg moved, seconded by McCleary, to approve change orders as discussed and authorize the chairman to sign the documents. Motion carried unanimously.**

### **BREAK**

### **LAND USE AND BUILDING SERVICES HEARINGS, Discussion and Consideration**

- **Lot 5 and 6A Rivers Edge Ranch Subdivision Plat Amendment**

Also present: Blaine County Land Use Administrator Tom Bergin and Blaine County Senior Planner Kathy Grotto.

The applicant is shifting a lot line between two lots and eliminating some lot lines that created some parcels that will also be eliminated. A minor plat amendment can be approved by the BCC without a public hearing, so notice was sent to adjacent property owners. No comment was received.

The BCC is reviewing a draft Findings of Fact and Decision approving the plat amendment based on standard conditions of approval and addition of one plat note stating there are potential wetlands present on the site, which could affect future building development.

PUBLIC COMMENT - NONE

**Greenberg moved, seconded by McCleary, to find that this notice is in compliance with Blaine County Code 10-4-7 D.1 and approve this plat amendment application subject to conditions, based on considering the information presented by Land Use department staff and the recommendation of the Land Use Administrator and addition of the plat note. Motion carried unanimously.**

- **Life Springs Subdivision Short Plat, Findings, Decision and Conclusions of Law**

Also present: Deborah Vignes, representing Life Springs.

In a previous hearing, the BCC questioned the City of Hailey's recommendation for a sidewalk. At this time, a sidewalk on the north side of the street wouldn't go anywhere and there is an existing sidewalk on the south side. There is curb and gutter on the north side, so a sidewalk could be added in the future with a Conditional Use Permit or rezone application.

**Greenberg moved, seconded by McCleary, to approve the Findings of Fact, Conclusions of Law and Decision regarding application of Life Church Wood River to subdivide Tax Lot 8232, adjacent to the City of Hailey, into two lots. McCleary abstained because she wasn't present for the prior discussion. Motion carried 2/0.**

- **Comprehensive Plan Update - Countywide Build-out Study Report**

Also present: Blaine County GIS Program Manager Joel Hall; County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; and Blaine County Comprehensive Plan Update

consultant Lisa Horowitz.

It is important to know if the County has enough resources and infrastructure to support build-out. Current County zoning would allow a total of 59,152 residential units on the County's developable acres.

County developable property does not include land in cities and exempt properties (federal lands, church properties, etc.). Blaine County is approximately 80% public land. 80,264 acres are in conservation easement areas. "Build-out parcels" with potential development (about 18% of the total acreage in Blaine County) are subject to decreased developability based on slope, floodplain, and conservation easements, resulting in a Blaine County build-out potential number of 9,416 units.

**APPOINTMENTS - Land, Water and Wildlife Program, Levy Advisory Board Members**

**McCleary moved, seconded by Greenberg, to reappoint Jim Phillips, Wendy Pabich, and Tom Page to the Land, Water and Wildlife Levy Advisory Board for a term of three years each, ending in September, 2017.** In discussion, the BCC thanked all Levy Advisory Board members, as well as County Land Use staff and LAB Coordinator Clare Swanger for providing a productive environment for the LAB. Blaine County appreciates the LAB's service and dedication. **Motion carried unanimously.**

Land Use staff will advertise to fill the one vacant LAB position.

**FINDINGS and ORDER PARTITIONING WOOD RIVER VALLEY IRRIGATION DISTRICT #45, Discussion and Consideration**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; and County Clerk JoLynn Drage.

Graves presented the BCC with an Order Partitioning and Dividing Wood River Irrigation District #45. The BCC will order partition; and order a division of the newly partitioned land into three districts. The BCC will subsequently issue an Order dividing what remains of District #45 into three divisions of approximately equal size. Graves is waiting for a recommendation from members of the remaining irrigation district on how they would like to see it divided.

**Greenberg moved, seconded by McCleary, to approve the Order of Partitioning and Dividing Irrigation District #45, as amended. Motion carried unanimously.**

**PUBLIC DEFENDER SERVICES, Discussion and Consideration**

Also present: Blaine County Administrator Derek Voss; County Clerk JoLynn Drage; Public Defenders Cheri Hicks, Dan Dolan, Keith Roark, Andy Parnes, and Doug Werth.

The BCC wants to insure that Blaine County's agreement with its public defenders is in compliance with Idaho law, which requires annual public defense reporting. The public defenders were concerned that reporting requirements violated attorney-client privilege. The agreement was modified to indicate that the public defenders are to report the number of cases, both open and closed, and general description of the crime and type of work on open cases. No names are to be disclosed.

The defenders requested their public defender set fees be increased to be in line with the County Prosecutor and to cover attorney expenses. The public defender must get Court approval for additional investigative expenses. The agreement will be revised to compensate the defenders for any work done above the base contract price.

The County will refine the FY2015 public defender contract by October 1 to include the specific Idaho Statute language for reporting; and require the public defenders to report no less than annually or semi-annually.

The BCC appointed Commissioner Greenberg as liaison to the public defenders.

**EXECUTIVE SESSION – §67-2345 1(b) Personnel Evaluation of a Public Employee**

**Greenberg moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 67-2345 1(b) to consider the evaluation a public officer, employee, staff member or individual agent.** (Commissioner McCleary was absent from the meeting when the motion was made, but joined Executive Session when she returned to the meeting.) **Roll call: Greenberg (aye), and Schoen (aye). Motion carried 2/0.**

**ADJOURN**

**At the hour of 4:30 p.m., with no more business before them, McCleary moved to adjourn, seconded by Greenberg. Motion passed unanimously.**

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