

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE JUNE 2019 SESSION**

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**Seventh Day**

**Tuesday, June 18, 2019**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, and Commissioner Dick Fosbury; County Administrator Derek Voss; County Administrative Services Manager Mandy Pomeroy; and Recording Secretary Sunny Grant. County Clerk JoLynn Drage was present for part of the morning session.

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

**PUBLIC COMMENT:**

- Kiki Tidwell encouraged the BCC to look for market solutions to affordable housing; for instance, a cash stipend if a homeowner rented their home long-term.

**BOARD OF EQUALIZATION** - I.C. 63-501A

There were no BOE issues to address.

**TAX CANCELLATION**

Also present: Blaine County Treasurer John David Davidson; County Assessor Jim Williams; and Tammy Robison.

- **Randi McEntee** - 111 Garnet St., Ketchum, ID - RPK4N18018029A - Homestead I.C. 63-602G  
Tammy Robison said the Homeowners Exemption was inadvertently removed.

**McCleary moved, seconded by Fosbury, to cancel taxes in the amount of \$673.52 to Randi McEntee, parcel RPK4N18018029A due to a mistake in the Homeowners Exemption being removed. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS**

**Treasurer's Report** - John David Davidson

- Treasurer's Office is busy processing property tax payments this week.
- Transition to Positive Pay is going well.

**Assessor's Report** - Jim Williams

- Assessment notices have been mailed out. They are receiving typical call volume regarding assessed valuation.
- Assessor is working with Idaho Association of Counties and County Attorney to determine how to increase DMV application fees to cover actual County administration expenses.

**Administrative Services** - Mandy Pomeroy

• **Employee Recognition**

Also present: Blaine County Disaster Services Coordinator Chris Corwin; County Information Technology Manager Clay Landon; Senior I.T. Specialist Ben Parker; I.T. Specialist Jon Eaton; and Legal Secretary Lori Burks.

▫ **I.T. Specialist Jon Eaton**

Lori Burks was helping County Prosecutor Angela Nelson prepare for a trial during a stressful time, and having difficulty with a new computer. Burks and Nelson appreciated Eaton's helpful attitude.

▫ **Blaine County Sheriff's Captain Curtis Miller** and

▫ **St. Luke's Center for Community Health Manager Erin Pfaeffle**

▫ **Sheriff's Patrol Deputy Dina Mitma**

Also present: St. Luke's Center for Community Health Manager Erin Pfaeffle; Blaine County Sheriff's Captain Curtis Miller; County Administrative Services Specialist Esmeralda Palomera:

Mandy Pomeroy thanked Captain Miller and Erin Pfaeffle for their community leadership in mental health issues; and for leading a workshop to help County employees notice signs of emotional distress in a co-worker or friend. Pfaeffle and County co-workers especially appreciated Captain Miller telling his personal story; and his concern as a law enforcement officer in caring for individuals in traumatic situations.

Deputy Sheriff Fruehling thanked Captain Miller for representing leadership and concern for his co-workers and people he meets as a Sheriff's deputy.

Greenberg said our Sheriff's personnel really try to acknowledge that people may need help and aren't just "bad guys".

The BCC also recognized Sheriff's Patrol Deputy Dina Mitma who works nights, but came in during the day to help with the workshop on Workplace Safety issues and the Stop the Bleed.

**County Administrator - Derek Voss**

Also present: Blaine County Chief Deputy Sheriff Will Fruehling.

- Sheriff Harkins agreed to renew agreement with City of Ketchum for law enforcement services. The contract includes provision of a \$100,000 trust account to cover unforeseen liabilities that might arise. In the 10-year history of the law enforcement agreement, there have been no incidents. Voss suggested the County retain \$100,000 for unforeseen liabilities and \$50,000 for actual liabilities. The Clerk’s office can evaluate actual liabilities for personnel in the event the agreement is terminated; and refund excess funds to Ketchum if there are any. Voss suggested this be written into the contract.  
McCleary said the Ketchum Mayor would prefer to have no more than \$100,000 in the trust account. He would prefer contract language to cover potential termination of the contract.  
Fruehling said the City of Ketchum recently budgeted money in FY20 to purchase a patrol vehicle. Keeping the patrol vehicle fleet up to date is necessary for patrol officer safety.
- Wrapping up development of a Request for Proposal for the first Communications Computer-Aided Dispatch (CAD) and Records Management System (RMS) system.
- Funding the Transportation Plan update will cost about \$30,000, so the County is looking for a grant.
- Appointed a transition team to handle the snowmobile trail maintenance program for Road and Bridge.
- Voss has notified Road and Bridge and Idaho Power that they are both interested in land around the Road and Bridge Glendale shop. Fosbury asked if Idaho Power had looked at Billy Mann’s suggested site in Ohio Gulch.
- Facilities team has been at the Fairgrounds digging trench and laying pipe and installing over 100 sprinkler heads and pump for irrigation.
- Additional trees have been planted in the Picabo greenway.

**Public Defense Commission Response Letter – Justin McCarthy**

Also present: Blaine County Grants and Procurement Specialist Lyn Drewien.

Blaine County was previously approved for the base Public Defense Commission (PDC) grant of \$58,392, which covers investigators, first appearances, interpreters, etc. Drewien submitted a follow-up request to the PDC for additional grant funds to supplement the cost of opening an in-house public defense department. Remodeling the Courthouse basement will provide a confidential, secure place to provide good public defense.

**CONTRACTS, GRANTS AND AGREEMENTS**

**• Request to Accept - Idaho Community Development Grant (ICDG) - Senior Connection Renovation Project**

Also present: Blaine County Grants and Procurement Specialist Lyn Drewien.

This request is to accept an award of a pass-through grant for \$142,750 to remodel the entry and dining room of the Senior Connection.

**McCleary moved, seconded by Fosbury, to approve an Idaho Community Development Block Grant in the amount of \$142,760 for a Senior Center remodel and upgrade project from Idaho Department of Commerce. Motion carried unanimously.**

**• Independent Contractor Agreement with Claudia Taylor Walsworth .....Record #661138**

Also present: County Land Use and Building Services Deputy Director Kathy Grotto.

This is second small contract with Walsworth to help Land Use draft the Special Site section. Lisa Horowitz is considerably under budget, so this should fit into the budget with no problem.

**McCleary moved, seconded by Fosbury, to approve the Independent Contractor Agreement between Blaine County and Claudia Taylor Walsworth for tasks related to the Special Site section of the Comprehensive Plan in the amount of \$25 hour, not to exceed \$1,250. Motion carried unanimously.**

**• Request to Apply - Idaho Water Resource Board (IWRB) Grant - Hospital Bridge**

Also present: County Certified Floodplain Manager Kristine Hilt; County Grants and Procurement Specialist Lyn Drewien; County Disaster Services Coordinator Chris Corwin; and Environmental Consultant Stephanie Eisenbarth.

The County is applying to IWRB for \$50,000 in pass-through funds for the Hospital Bridge flood mitigation project. Trout Unlimited (TU) has committed to securing funding of \$382,454 to complete the project. Hilt cautioned the County that award of the grant might entail maintenance responsibilities for the County. Corwin said the County had already done a pass-through grant for TU from FEMA, and TU agreed to be responsible for maintenance and other issues related to the project. Voss said the County should be careful in all agreements to do with flooding and water; and suggested Hilt and County Engineer Jeff Loomis be included in the review process, along with the County Attorney.

Fosbury agreed this kind of project required careful attention, and suggested the Flood Control District be contacted about monitoring and performance follow-up. Hilt agreed the Flood Control District should probably play a more active follow-up role. Fosbury said all parties need to be clear about their roles. Greenberg suggested the BCC approve the application and draft a Memorandum of Understanding.

**Fosbury moved, seconded by McCleary, that Blaine County apply for the Idaho Water Resource**

**Board grant in the amount of \$50,000 to partially fund the Big Wood Hospital Bridge Flood Mitigation Project. Motion carried unanimously.**

**• Request to Apply - Idaho Water Resource Board (IWRB) Grant - Fisherman's Access**

Also present: County Certified Floodplain Manager Kristine Hilt; County Grants and Procurement Specialist Lyn Drewien; County Disaster Services Coordinator Chris Corwin; and Environmental Consultant Stephanie Eisenbarth.

County-owned Fisherman's Access easement was damaged by the 2017 flood. An Emergency Stream Alteration Permit permitted emergency work and now requires a permanent SAP solution. This is the current iteration of a Blaine County application for \$100,000 from the Idaho Water Resource Board (IWRB) to do the follow-up permanent solution work. The Flood Control District is committed to contributing \$50,000 in funding the reach-wide project. The County will contribute \$100,000 plus \$10,000 administrative in-kind, and property owner Christine Berry will contribute about \$3,400 in-kind materials, bringing the total to a little over \$263,000.

The County wants to move forward on the project, even if doesn't receive grant funding. Drewien will make sure all anticipated grant funds and potential grant-related County costs are compiled in grant applications, and submitted for inclusion in the upcoming budget.

Hilt said the County is the grant applicant, and partially funding the project as well. She said it's unknown how flood water will settle, and this reach of the river is likely to change, causing the design to change as well. She cautioned that the County will likely be responsible for ongoing maintenance, including removing sediment.

Corwin said this is a large reach, which is a small part of the project that goes from bridge to bridge; and IWRB is open to design changes when advisable. Hilt said local consultants and Biota are suggesting innovative new projects that are yet unproven. She felt it was premature to be planning big projects before getting results of the Cardno study, which is producing useful "large picture" data and trends, and suggesting priorities.

Corwin said the application award date is July 26. The County has to start the permitting process by October 1 if we get the grant, but that can probably be extended. The BCC decided to apply for the grant, but think about the larger context of what the community wants to do with the river.

**McCleary moved, seconded by Fosbury, that Blaine County apply for an Idaho Water Resource Board grant for the Broadford Road Fisherman Access Project in the amount of \$263,498. Blaine County would be providing cash match of \$100,000 plus \$10,000 in-kind; the Flood Control District has committed \$50,000 match; and a local landowner would contribute \$3,498.00 of match, for a total of \$163,498. Motion carried unanimously.**

**CONSENT CALENDAR**

- **Beverage License Renewals** for Nourish Me; The Sawtooth Club; and Hailey Chevron.

**McCleary moved, seconded by Fosbury, to approve the Consent Calendar for June 18, 2019. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS**

The BCC reported on issues and committees they were involved in:

- **Mountain Rides grant support letters** – BCC will write letters in support of grant applications.
- **Idaho Association of Commissioners and Clerks Conference** – Fosbury made presentation to change State Code language that eliminates parcels five acres or larger from Local Improvement Districts, which would affect a local LID to underground Idaho Power lines.
- **Meeting with Mountain Rides about The Meadows service** – McCleary
- **Women's Healthcare Fest Meeting** – McCleary
- **Crisis Response System Focus Group Meeting** – McCleary
- **Visit Sun Valley/Fly Sun Valley Alliance strategic planning session** – Greenberg
- **Correspondence and Other**
  - Starweather Fire Mitigation Project – McCleary
  - Government Efficiency Working Group – McCleary suggested be put on BCC agenda to develop comments.

**FRIEDMAN MEMORIAL AIRPORT AUTHORITY JOINT POWERS AGREEMENT (JPA)**

The JPA expires in December 2020. The FMAA wants to discuss potential revisions to the document between Blaine County and the City of Hailey, the two sponsors of Friedman Memorial Airport. One potential discussion is the number of members on the FMAA.

**BLM WOOD RIVER VALLEY RECREATION AND ACCESS PROPOSAL**  
**Noon Workshop held in the County Annex Conference Room**

— Minutes to come —

**BREAK**

**LAND USE and BUILDING SERVICES HEARINGS**

- **Pole Creek Stream Alteration, Floodplain Conditional Use Permit, and Lot 1, Block 1, Henslee Ranch Sub. Plat Amendment:** CONTINUATION FROM MAY 7, 2019) of public hearing and consideration of

applications by Rolf and Nancy Engh of 300 Pole Creek Rd. The property lies within the Sawtooth National Recreation Area (SNRA) approximately 1.5 miles northeast of Smiley Creek. It is zoned Rural Remote (RR-40) with Mountain Overlay, Floodplain Overlay, and Riparian Setback Districts.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; County Certified Building Official Jeff Giese; applicant Rolf Engh and applicants' representatives David Patrie, Garth McClure, Fritz Haemmerle, and Trent Stumph; US Forest Service Private Lands Administrator Sharon Barnes, USFS Sawtooth National Recreation Area Ranger Kirk Flannigan; Sawtooth National Recreation Area Landscape Architect Matt Phillips; and John Kelley.

Hilt read public notice.

**McCleary moved, seconded by Fosbury, that notice for this hearing was adequate. Motion carried unanimously.**

**Disclosures** not already on the record:

- Greenberg met with Land Use Administrator Bergin and USFS Sawtooth National Recreation Area Ranger Kirk Flannigan to get the Forest Service position on the application. The FS didn't want to say anything until they could present their position to the whole BCC, applicant and public.

**New Materials:**

- Since the last hearing on May 7, staff received an additional comment that has been forwarded to the BCC, applicant's representative, and added to the online record.
- Additional materials submitted with the one-page memorandum submitted to the BCC last Thursday, including a GIS-generated map that shows the existing building envelope geo-referenced to the plat map; and a copy of page 2 of the Sept. 2000 preliminary plat that was not recorded and/or adopted as part of the recordation, but did focus on the location of the building envelope.
- Letter dated April 7, 2000, from the Realtor who represented the Hensley family that discussed several things, including details and comments in the last paragraph, some of which are likely to be discussed in today's hearing.
- Contour data from original 2000 preliminary plat, made available to the applicant and the BCC.

The BCC discussed this meeting's main Issues:

- The existing pole barn is outside the building envelope. The applicant has proposed a non-habitable building envelope to encompass the barn.
- There is one remaining yurt, which the owner would like to keep during construction of the residence. The applicant said there will be no need for a yurt or the privies once the residence is built.
- The application is to remove the habitable building envelope from the MOD.
- Stream Alteration Floodplain Conditional Use Permit.
- The Forest Service mentions an East gate access. Engh applied for an application to use that access, the only part of access for much of his property, and was denied.

This is a Plat Amendment application to take an existing building envelope out of the Mountain Overlay District and put it in another area that is not encumbered by any County overlay district. The intent of the Mountain Overlay District in Title 9 is to direct development of land outside of the MOD. Only when no sufficient available area for site alteration exists outside the Mountain Overlay can a site alteration occur within the MOD.

Dave Patrie said the applicant team stands by their statement that nothing in the Comprehensive Plan or Title 9 Zoning Code supports keeping the existing building envelope within the Mountain Overlay District. Lot 2 shows a "non-habitable building envelope" (which is not the subject of this application), that is incorrect. Plat Note 4D on the recorded document says, "building envelopes on Lot 2 can contain a residential structure on one or the other, but not both."

There is a Plat Note on the existing recorded plat that links a building permit application to Forest Service approval, but County Attorney Graves said the County cannot give away its authority to the Forest Service.

**Public Comment:**

- John Kelley said there is a lot of history on this property, and a lot of values being protected. The current owner had a Purchase Agreement to buy the property before it was platted. The current bench site is fairly level and has scenic value; and he thinks this site makes more sense than moving it out of the MOD into a location where the house is more visible.
- Kirk Flannigan said SNRA area rangers have worked with the landowner since 2000 to look at both building envelopes and proposals for them; and he would continue to try to work with the landowner. Flannigan said the building envelope on the northeast side is in the riparian easement and they have to consider how working with critical habitat issues would affect a private residence in that area. Flannigan said there were visual considerations with the existing building envelope and the proposed new building envelope.
- A former area ranger said they would consider Special Use Permit access on the northeast side, but there was no need for a bridge at that point. The applicant, Forest Service representatives and Land Use staff discussed bridge history, a proposed modern bridge one-third mile from an existing bridge, and the fact that the proposed bridge

was not big enough to serve multiple emergency services purposes. A footbridge and sheep bridge, going back to 2000, were replaced by the Enghs without any authorization; and a replacement bridge has been delivered to the site, and sits there.

Land Use calculated that one acre on the north of the building envelope is out of the Mountain Overlay, and another two acres is in the buffer. If land in the buffer is less than 25% slope, a Categorical Exclusion can be applied for.

Fosbury asked the applicant team and Environmental Consultant and Forest Service representative to walk the site and discuss the actual easement, which conveys a specific right. He asked the applicant to determine how much of the existing building envelope is buildable within the 1.2 acres. The Enghs are willing to provide Forest Service access for management of riparian resources, as necessary, including further defining the current easement.

Plat Note #7 states any new utilities shall be installed underground, location subject to approval by the US Forest Service. The applicant would likely underground utilities under the existing roads indicated on the map, and the Forest Service would probably approve that.

- Fosbury didn't have a problem with moving the building envelope.
- Greenberg suggested the applicant work with the Forest Service, which was responsible for guiding the landowner in providing "fits within the character of the neighborhood". Greenberg said BLM and Forest Service people had always been available to come to BCC meetings and he felt they would be willing to work with the applicant.
- McCleary was also concerned about the standard that required preservation of natural features, natural habitat and other significant areas of wildlife importance.

**Fosbury moved, seconded by McCleary, to continue to a date uncertain, until we hear back from the applicant as to their agreement with the U.S. Forest Service. Motion carried unanimously.**

- **278 Teal Drive - Plat Amendment:** Public hearing and consideration of an application by Stephen and Lynne Heidel to amend Lot 45, Starweather Subdivision. The 2.52-acre property is zoned Planned Residential Development District (R-2) with Elk Winter Range and Wellhead Protection Overlay. .

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; and applicant's representative Bruce Smith.

Grotto read public notice.

**McCleary moved, seconded by Fosbury, that notice for this hearing was adequate. Motion carried unanimously.**

**No disclosures.**

**No new materials.**

Bruce Smith said the existing building is not within the building envelope. The applicant would like to relocate the building envelope to encompass the existing residence and a proposed detached garage. They are not close to the floodplain, but there is a drainage channel where water will occasionally run.

Public Comment: None.

Standard wildlife plat notes will apply.

**Fosbury moved, seconded by McCleary, to approve this subdivision application by Steven and Lynne Heidel to amend Lot 45 Starweather Subdivision building envelope, finding the application complies with applicable criteria set forth under Title 10, Subdivision Regulations, and applicable criteria of Title 9, Zoning Regulations, subject to seven Conditions of Approval, and, in particular, modifying plat notes that are listed on the Staff Report, and adding the standard wildlife Plat Notes A through C, as noted. Motion carried unanimously.**

- **85 East Fork Road - Plat Amendment:** Public hearing and consideration of an application by Jacques and Danette Lalanne to amend Lot 4, East Fork Ranches #2 Subdivision. The 3.35-acre property is zoned Low Density Residential (R-1) and Rural Remote (RR-40) Districts with areas of Mountain Overlay District, Avalanche Overlay District, Elk Winter Range and Wellhead Protection.

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; applicant Jacques Lalanne and representatives Bruce Smith and Steve Cook.

Grotto read notice

**McCleary moved, seconded by Fosbury, that notice was adequate. Motion carried unanimously.**

Bruce Smith stated that an old preliminary plat from the 70s has what appears to be an arbitrary avalanche line about where the building envelope is. There is no surveyor stamp, and markings on the plat are not identifiable and don't seem to be accurate. He said the building envelope is not actually in

the blue avalanche zone. He re-studied this area and created a valid avalanche line. The applicant requests enlarging the existing building envelope to encompass the existing house, garage and Accessory Dwelling Unit, and proposes a new building envelope to encompass a new outbuilding/storage building. The proposed new envelope and revised envelope are outside the Mountain Overlay District (MOD) 25% slope; a small portion of the existing building envelope is in the MOD buffer. There is another outbuilding on the lot, with access, as well as an accessory dwelling unit on the lot with a narrow driveway.

The applicant team worked with County Road and Bridge Manager Steve Thompson and Ketchum Assistant Fire Chief Tom Ancona to be sure they complied with all fire and road and bridge requirements. Fosbury expressed concern over all the accesses off East Fork Road, but said the design should work fine.

Public Comment: None.

Standard wildlife plat notes will apply.

**Fosbury moved, seconded by McCleary, to approve the subdivision application by Jacques and Danette Lalanne to amend Lot 4, East Fork Ranches #2 Subdivision, finding the application complies with applicable criteria set forth under Title 10 Subdivision Regulations, and applicable criteria of Title 9 Zoning Regulations, subject to the Conditions of Approval listed as Conditions 1 through 8, with the addition of Plat Note A The plat notes from Original Plat shall be added or referenced; Plat Note B Domestic well water shall be limited to use on maximum half acre irrigation; and Plat Note C Full list of standard wildlife plat notes shall replace the wildlife-related statements listed as Note 7 on the original plat. Motion carried unanimously.**

**APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES**

**• June 4, 2019 Regular Meeting**

**Fosbury moved, seconded by McCleary, to approve Blaine County Commissioners meeting of Tuesday June 4, as amended. Motion carried unanimously.**

**• June 7, 2019 Emergency Meeting**

**Fosbury moved, seconded by McCleary, to approve minutes for the Special Meeting of the Board of County Commissioners of Blaine County on June 7, 2019, as amended. Motion carried 2/0. McCleary abstained since she was not present at the meeting.**

**LAND USE and BUILDING SERVICES**

**• Fee waiver request: Rotarun Mountain Overlay District Categorical Exclusion**

Rotarun applied for and received a categorical exclusion for removing avalanche debris on County-owned property. Land Use recommends the BCC waive the fee for the lessor, Sun Valley Ski Education Foundation.

**Fosbury moved, seconded by McCleary, to approve the request for refund by Rotarun Ski Club for the Mountain Overlay Categorical Exclusion Permit fee in the amount of \$175.00, as it is consistent with Resolution 2018-41 Land Use Fee Schedule, finding that it's in the public interest to do so. Motion carried unanimously.**

**EXECUTIVE SESSION – §74-206 (1)(f) Potential Litigation**

**McCleary moved, seconded by Fosbury, to go into Executive Session I.C. 74-206 (1)(f) consideration of Sage vs. Blaine County Sheriff's Office, Blaine County, Idaho; and also executive session I.C. 74-206(1)(b) to consider evaluation of a public employee. Roll Call: Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.**

**ADJOURN**

**At the hour of 5:15 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage County Clerk Jacob Greenberg Chairman