

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE JANUARY, 2021 SESSION**

**Third Day**

**Tuesday, January 12, 2021**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Dick Fosbury, Vice-Chair Angenie McCleary, and Commissioner Jacob Greenberg; County Administrator Derek Voss; Chief Deputy Prosecuting Attorney Tim Graves; Deputy Prosecuting Attorney Amanda Greer; County Administrative Services Manager Mandy Pomeroy; Administrative Services Support Specialist Kay Draper; Grants and Procurement Specialist Stephen McDougall Graham; IT Specialists Ben Parker and Jon Eaton; Land Use and Building Services Director Tom Bergin; County Engineer Jeff Loomis; Treasurer John David Davidson; Assessor Jim Williams; Emergency Communications Director Robin Stellers; Road and Bridge Manager Steve Thompson; Recording Secretary Sunny Grant; Jim Speck; Steve Crosser. County Clerk JoLynn Drage was present for part of the morning session.

Due to the continuing COVID-19 pandemic, many participants in this meeting were by webconference or teleconference.

Commissioner Fosbury called the meeting to order at 9:00 a.m.

**PUBLIC COMMENT**

- David Patrie, on behalf of Sun Valley Economic Development (SVED), encouraged Blaine County to set aside a sum of money from the CARES Act to help support local businesses. SVED helped Hailey set up a program, and can help the County as well.
  - *Greenberg agreed that Blaine County may need some way to stimulate recovery in its economic environment.*
  - *McCleary thanked SVED for their offer of assistance if the County chooses to pursue a grant program through CARES Act funding.*
- Patrie, on behalf of Sun Valley Economic Development, asked the BCC to reconsider the Property Tax Exemption, with input from SVED, to incentivize economic development.
- Kiki Tidwell said there are members of the public who would like to comment on the Idaho Power transmission lines later in today's meeting. She said Idaho Power's presentation time could take over an hour, and requested the BCC be cognizant of how long the public has to wait before being able to offer input.

Tidwell is aware of physical distancing requirements in the BCC Meeting Room, and asked if more than about 10 people could be physically present in the meeting room for today's hearing. She asked if the BCC had seen the webinar on how to accommodate people in a public meeting during COVID.

  - Fosbury attended that webinar, but said the BCC is required to follow COVID restrictions mandated by the City of Hailey.
- Tidwell asked the BCC to ask Idaho Power for an accurate number they would receive in interest and fees for the redundancy power lines project.

**EXECUTIVE SESSION – §74-206 (1)(d) INDIGENT** - Consideration of records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code

Also present: Blaine County Services Manager Brooke Baird and County Indigent Services Assistant Hayleigh Simpson.

**Greenberg moved, seconded by McCleary, that the BCC convene in Executive Session, pursuant to Idaho Code 74-206 (1)(d), to consider indigent medical records that are exempt from disclosure. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.**

**OPEN SESSION RESUMED**

**INDIGENT CONSIDERATIONS - Board of County Commissioners Action**

**Greenberg moved, seconded by McCleary, to deny Request #s 2020-1104-2 and 2020-1108-1, finding that indigency has not been established. Motion carried unanimously.**

**Greenberg moved, seconded by McCleary, to deny Request #2020-1071-1, as applicant was approved for Medicaid effective 4/1/2020. Motion passed unanimously.**

**Greenberg moved, seconded by McCleary, to excuse all liens associated with Request #0805-035, and write off the remaining balance of \$8,179.20 associated with that account. Motion passed unanimously.**

**COUNTY DEPARTMENT REPORTS**

**Claims - Gretchen Stinnett**

**McCleary moved, seconded by Greenberg, to approve claims dated January 6, 2021. Motion passed unanimously.**

**Administrative Services - Mandy Pomeroy**

**• Request for additional Information Technology Staffing Resources**

Also present: Blaine County Information Technology Director Clay Landon.

Landon said the Idaho Supreme Court required the County to remove all Windows 7 computers that touch their system, so IT has replaced 116 computers in 2020 and 2021, with 60+ computers still to replace. IT also has to manage security patches for all computers and wireless points. Landon said IT is overwhelmed with replacing and managing security patches and ongoing maintenance, and requests a part-time temporary person to help with PC refresh.

**Clerk - JoLynn Drage**

Drage and the Clerk-Recorder-Auditor team members thanked the BCC for their extraordinary efforts to keep every single County employee whole during the COVID 2020 year. Employees were granted paid administrative leave with no cap; were allowed an additional 80 hours of emergency COVID leave; and can bank holiday hours, which basically gives every employee an additional two and one-half weeks of vacation to use as they choose.

- *Greenberg said the BCC is pretty compassionate toward all residents, and works a lot of hours to do their job well.*
- *The BCC said they are all blessed to live and work in this location and this community. It is important to keep the County organization functioning at a level that meets public expectations.*

**County Administrator - Derek Voss**

Information Technology staff have partnered with Blaine County 911 Emergency Communications team to rebuild the 911 Dispatch Center, followed by a new redundant system and data systems, including computer-aided dispatching that work with all emergency system agencies in the County.

**CONTRACTS, GRANTS AND AGREEMENTS**

- **AIA (A101 and A201) Documents for Phase 2 of 302 South First Avenue Building Project ..... Record # 6**

Also present: Blaine County Facilities Manager Pat Boyle.

This is a bid for Phase II of the garage and ADU project behind the McBride Building. Boyle asked the BCC to approve the contract, but it can't be signed today because the contractor's insurance company has been sold. The contract is over budget by \$44,600, which the BCC approved paying out of Contingency.

**Greenberg moved, seconded by McCleary, to approve contract between Blaine County and Elevation Builders for completion of the general storage building and Accessory Dwelling Unit in the amount of \$120,600, and in accordance with AIA 101 and AIA 201 documents, dated January 5, 2021, with liquidated damages in the amount of \$250/day, and to authorize the Chair to sign, pending completion and presentation of performance bond by the contractor. Funds to come from Contingency. Motion passed unanimously.**

**CONSENT CALENDAR**

- **New Beverage License for Fairfield Inn & Suites in Hailey.**
- **Junior College Certificate of Residency forms:** College of Southern Idaho, Fall 2020 - Spring 2021: Sarah Diaz; Mackenzie (Miles) Ellison; Stephanie Enrico; and Claudia Gil Salinas.

**McCleary moved, seconded by Greenberg, to approve the Commissioners' Consent Calendar for January 12, 2021. Motion passed unanimously.**

**COVID-19 UPDATES**

**Adaptive Planning Committee** – The Committee is planning a Townhall Meeting focused on vaccination schedules and efficacy. Greenberg hopes a mobile unit can be dispatched to schools to inoculate teachers.

**Blaine County COVID-19 Risk Level Plan** – Current case numbers are still low, but are going up a couple weeks after the holidays.

**BCC PROJECTS AND PRIORITIES UPDATE**

Also present: Blaine County Land Use and Building Services Director Tom Bergin; and Outreach and Education Specialist Stephanie Carlson.

The BCC reviewed Land Use projects and priorities.

- McCleary suggested County lighting regulations be evaluated, especially in areas in the Dark Sky Reserve.
- Fosbury said the Carey-Picabo Chamber of Commerce is interested in a Dark Sky Overlay.
- The BCC considered potential housing in the McHannville area.

**BCC BOARD LIAISON ASSIGNMENTS**

Administrative Services Manager Mandy Pomeroy will distribute the Liaison Assignments list to the Board of Commissioners, so the newly-elected officers can arrange their assignments.

## **UNIVERSITY OF IDAHO EXTENSION OFFICE QUARTERLY UPDATE**

Also present: University of Idaho Blaine County Extension Educator Grant Loomis, Extension Administrative Assistant Sarah Busdon; and 4-H Youth Development Educator Chandra Vaughn

Sarah Busdon presented the Extension's Quarterly Update:

- Busdon interacts with the public, the Senior Center, and walk-ins on an appointment basis.
- 4-H held several outdoor programs this past year. Blaine County 4-H partnered with other neighboring counties to hold their first Team Leadership Training Camp.
- Annie's Project offers a 6-week class on risk management for women in agriculture. Women of all ages met with professionals, developed connections, and learned from each other.
- Extension will be doing a program on soil health and improving farmer practices.
- Aleah Schweitzer receives funding from Idaho Department of Health and Welfare to coordinate the Farm to Early Care and Education program with local farms and distributors, and continue curriculum development for 5B Resilience Gardens Seasonal Family Cooking Kits.

## **BOARD of COUNTY COMMISSIONERS REPORTS**

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

**Idaho Public Safety Communication Commission** – Greenberg said they are working with Verizon to get incoming new residents' cell phone bills to reflect their Blaine County address, so their phone bill will include the franchise fee that supports public safety.

**Request for Proposal for Energy Resilience** is being drafted. Sun Valley Company has been asked to participate, and a comprehensive map is being developed.

**Office of Sustainability – Blaine County / City of Ketchum** – Greenberg said Ketchum supports the Sustainability position. The BCC will review the job description of the Office of Sustainability.

## **Break**

## **LAND USE and BUILDING SERVICES HEARINGS**

- **Idaho Power 138kV Transmission Line. Public hearing and consideration of an application by Idaho Power Co. for a Public Utility Facility Conditional Use Permit to construct, maintain, and operate a 138-kV, overhead and underground, redundant transmission line from the Wood River Substation to the City of Ketchum. In order to maintain the existing power pole heights, the applicant is proposing to bury the existing distribution lines and build the transmission line overhead to a proposed underground transition structure to be located near Owl Rock Road, where the line will continue underground to Elkhorn Rd.**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County legal consultant for Idaho Power Ron Williams; Blaine County energy consultant Brad Mullins; Land Use and Building Services Director Tom Bergin; Land Use Planner Allison Kennedy; Administrative Services Manager Mandy Pomeroy; Outreach and Education Specialist Stephanie Carlson; Grants and Procurement Specialist Stephen McDougall Graham; IP Corporate Attorney Pat Harrington; IP Project Manager Tom Barber; IP Senior Regulatory Analyst Mark Annis; IP Business and Community Development Advisor Dan Olmstead; IP Local Area (Blaine County) Energy Advisor Amber Larna; IP Accounting and Reporting Director Bruce MacMahon; IP Senior Manager Transportation and Distribution Projects Eric Hackett; IP attorney Donovan Walker; Cox Communications Vice President Government Affairs Curt Stamp, Cox Market Representative Guy Cherp and Cox Corporate Counsel Michael Stull; Edison Electric Institute State Energy & Regulatory Policy Director Alison Williams; Cindy Mann; Laura Midgley; Michelle Pabarcus; Julie Cord; John Lewis; Alan Richardson; Karen De Saint Phalle; John Dondero; Jane H Mason; The Nature Conservancy Idaho Director of Operations Nancy Mendelsohn; Wood River Land Trust Lands Program Manager Keri York; Joe Kendall; Matt Youdall; Jim Burdick; Sun Valley Economic Development Executive Director Harry Griffith; M Ruzicka; Steve Rose; Kirk Mason; and David Doman.

Bergin read public notice. He said application materials were posted on three onsite locations and the Blaine County website, and in compliance with Hailey's ACI Agreement. Bergin said State Code suggests a newspaper ad when more than 200 landowners must be notified about a land use issue; but Blaine County Code 9-25-4 requires that a newspaper ad be published 15 days prior. The newspaper ad was placed January 6, 2021, six days prior to the hearing. This 15-day newspaper notice was not satisfied prior to this hearing, so a decision cannot be made in today's hearing.

**Greenberg moved, seconded by McCleary, that notice is adequate, provided the meeting is continued to a later date. Motion passed unanimously.**

## **Disclosures:**

- McCleary received several emails, and forwarded all to Land Use to be entered into the record. She said she didn't believe she was biased in any way on this matter because of the emails.
- Greenberg said all emails he received were forwarded to Land Use and included in the exhibits.
- Fosbury received a similar number of emails that were forwarded to Land Use and included in the record. He feels they will not bias his decision.

Kennedy said the Owl Rock Road segment being considered in today's application was previously discussed in 2018 by the P&Z Commission.

Idaho Power Corporate Attorney Pat Harrington said IP feels this proposed Owl Rock Road option is a positive compromise to meet the County's desire for aesthetic construction standards and the Idaho Public Utilities Commission's requirements for Idaho Power expenditures and customer charges.

Harrington described the proposal Owl Rock route on a map. The existing distribution line would be buried for approximately eight miles from the Wood River Substation to Owl Rock Road. Idaho Power would place new transmission poles and lines in similar locations along the same eight-mile stretch once the distribution line is underground. Both lines will go underground at a transition structure at Owl Rock Road and continue for 1.4 miles to the north to Elkhorn Road, where the line is already designed to go underground to the Ketchum Substation just within the Sun Valley city limits.

Harrington showed a map and plan and profile drawings of the newly-proposed route and pole locations for the transmission line. There will be a total 165 poles. Harrington showed drawings of the proposed double-circuit and single-circuit distribution lines and poles and TA (stacked) and TR (triangular) transmission structures. The TR structure is shorter and will be used for most poles on the route. TA structures are like the first eight or 10 poles that already come from the Hailey substation to Buttercup Road, and will have a circuit added to them. TA structures are used again at East Fork Road and at Owl Rock Road at the end of the overhead line. Poles east of the Hailey Airport area have to be limited height, single-circuit.

The transition structure at Owl Rock Road will be tucked back off of Highway 75, behind trees and vegetation. The transition structure is two poles, one H-shaped, to withstand stress as it takes the circuits underground. The Gardner family had the site reviewed for topography and vegetation.

Idaho Power estimates the project at \$9.8 million: \$5.7 million for the eight miles of distribution burial, and \$4.1 million for the 1.4 miles of transmission burial, which is more difficult terrain to underground the line to Owl Rock Road. This expense can be paid with 3% customer surcharge funding on Idaho Power bills in Blaine County, spread over 20 years at approximately \$3.57 for residential accounts, \$8.43 non-residential, and \$3.77 for unmetered customers.

If BCC approves this proposal, Idaho Power will present it to IPUC for approval.

Idaho Power has provided an alternate plan and profile that shows Cox attachments that are currently on the distribution poles that will be buried under this proposal. Nineteen out of 165 new overhead transmission poles would be 4½-5ft taller, and two poles 10ft taller, to carry Cox Communications. Or Idaho Power could bury the Cox Communication and Idaho Power communication lines in the distribution trench.

IP designs a proposed route both overhead and underground, and then calculates the difference in expense. Operation and maintenance are paid for the ratepayers.

McCleary said some emails received asked if the County could appeal the PUD decision to consider the redundant lines a necessity. Blaine County legal consultant Ron Williams said the appeal period is long-since expired. County Attorney Tim Graves said the County did not participate when the PUD was considering the Certificate of Public Need or appeal the decision to support the Certificate of Public Need because the County was at that time considering the Conditional Use Permit application. Blaine County citizens who actively participated in the PUC Certificate of Public Need proceedings did not appeal, either. The PUC strongly encouraged the County to not reopen the case because they would not reconsider.

**Public Comment:**

- Cindy Mann was on County P&Z during the river setback ordinance and hillside protection ordinance and is upset with IPUC and Idaho Power's ability to bulldoze their way into Blaine County's scenic corridor. Even knowing the extra expense of undergrounding, she is not pleased to see the BCC roll over and say, "You guys win." The Conditional Use Permit has been issued to IP, and she doesn't understand why it's not being adhered to.
- Kiki Tidwell agrees with that. The BCC needs to go before the PUC and say this is not our bill. Tidwell said a footnote in the County Staff Report says, "The County has not been given meaningful opportunity to appear before the IPUC to discuss conflict ... and County zoning, as required." Idaho Power knows that the BCC, not the PUC, has authority to approve the funding. It is not the residents' responsibility to pay for undergrounding costs. Paying over \$13.5 million interest and fees to Idaho Power ... for a line that is not needed. There are non-wire solutions. Major power outages have been when there was no power to the Hailey substation.
  - *Harrington said Idaho Power is a utility, and is required to earn a high rate of return on investment.*
- Cox Communications Market Representative Guy Cherp said Cox had a very productive meeting with Idaho Power and staff to work through details. He said their previously-stated position, related by local attorney Ed Lawson, was that Idaho Power's current proposal does not have space for Cox on their poles. Cox provided a revised cost estimate for undergrounding their facilities on Idaho Power's current proposal, and asked the BCC to consider that the PUC and County consider Cox's request as part of the total cost of this project. Cox acknowledges that IP has provided an alternative, for the first time, to raise the height of 19 poles to accommodate Cox lines, which means the County would not have to increase the cost of undergrounding Cox wires along the right-of-way.

- Julie Cord, representing the Owl Rock Road landowner, said they have a handshake agreement to underground the power lines behind the trailer park on Owl Rock. They still need to discuss the transition structure and its location.
- Laura Midgley agreed with Cindy Mann's comments. The BCC needs to continue to explore a holistic solution for all interested parties, including Cox; and track the Energy RFP that could explore modern energy alternatives good for 50 years.
- Michelle Pabarcus supported Tidwell's comments and encouraged the BCC to find a way forward that meets the ideals set forth in Blaine County's planning, including the Comprehensive Plan. She said the Department of Homeland Security has warned the BCC to be prepared for blackouts, and Blaine County needs a reliable source of back-up power.
- Kiki Tidwell asked if power poles in the hospital area, and LifeFlight helicopter operations, were considered.

Harrington said IP previously discussed placing the new transmission poles within the right-of-way on the west side of Highway 75 or moving them off the right-of-way to the stock drive sheep trail. The County preferred the stock drive trail, but the real estate situation is complicated. Idaho Power requested flexibility to work out the route. Fosbury said the County could perhaps facilitate an easement for the poles, and the BCC asked staff to keep them informed of negotiations.

Public Comment:

- Pabarcus said the sheep easement is for sheep. Their property north of East Fork junction will lose value as a result of the power lines, but it would cost over \$2 million to bury the lines there, which is an unfair burden for one property owner.

Greenberg said the community as a whole clearly wants Idaho Power to discuss back-up power alternatives to the redundant lines. Harrington said Idaho Power worked with Ketchum Energy Advisory Council and Idaho National Laboratory to produce a report in late 2016 that determined that alternative energy sources and options in place of the transmission line could cost far in excess of the transmission line and were not as capable of providing power; and sometimes only backup for one or two days, vs. the backup transmission lines taking the entire load and serving for as long as necessary.

Greenberg said some residents have suggested the County just tell Idaho Power to underground the line, according to the Conditional Use Permit, and expect Idaho Power to pay for it. Attorney Graves said Idaho Code 67-6528 allows state agencies to preempt local zoning in areas considered of "statewide importance", such as ITD building a highway where local zoning doesn't allow it. The "Cost Causers Pay" provision says the County must pay for undergrounding if County Land Use demands it. Efforts to have local representatives amend State Statute in the Legislature have failed. A two-year levy override would be a huge financial hit for taxpayers, and a permanent levy did not have enough support to pass. The BCC also considered franchise fees and Local Improvement District.

Greenberg presented all options the BCC had considered in the last year, and reasons why they were not feasible. He said it is not possible to bond for the financing because the County does not own the power poles and it isn't a Blaine County project. Fosbury added that the County cannot use its Reserve funds because it needs the cash flow, particularly in the months in-between property tax revenue. Blaine County consultant Brad Mullins worked with Ron Williams on funding options, and didn't find anything feasible.

Attorney Graves suggested any public input or questions should be sent to the County for consideration by Blaine County consultants Ron Williams and Brad Mullins before the next Idaho Power meeting.

**McCleary moved, seconded by Greenberg, to continue this public hearing of Idaho Power 138kV Transmission Line to a date uncertain. Motion passed unanimously.**

### **LAND USE and BUILDING SERVICES**

#### **• Findings of Fact: Sluder Ranch Short Plat Subdivision**

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Land Use Planner Allison Kennedy.

**Greenberg moved, seconded by McCleary, to approve the Findings of Fact, Conclusions of Law and Decision regarding the application of Coby and Renae Sluder for a short plat subdivision for the Sluder Ranch Subdivision. Motion passed unanimously.**

**Greenberg moved, seconded by McCleary, to convene as the Blaine County Ambulance Board. Motion passed unanimously.**

### **BLAINE COUNTY AMBULANCE DISTRICT**

#### **Consideration of providing matching funds for Wood River Rural Fire and Rescue Stryker Cot**

Also present: Wood River Fire and Rescue Chief Ron Bateman; Sun Valley Fire Chief Taan Robrahn; Ketchum Rural Fire District Chief / Sun Valley Fire Department Assistant Chief Rich Bauer; and Carey Rural Fire Chief Richard Kimball.



Wood River Fire and Rescue Chief Ron Bateman said emergency staff have used a demo Stryker cot in several instances and felt it saved staff injuries in loading patients. The pandemic hit at the time the demo was to be returned to Stryker, so they kept it; and wrote a grant for a second \$40,000 cot to be added to the cost of a new \$200,000 ambulance.

Bateman said the Ambulance District owns the three cots currently installed in WRFR ambulances. Ketchum owns three ambulances with cots. Carey has multiple ambulances with a single cot. Two new ambulances are on their way, one to Ketchum and one to WRFR, both without cots. Bateman said there is some confusion over ambulances and cots. Bateman suggested the Ambulance District pay the balance of the Stryker cot and install it in an ambulance going to Carey. The BCC supported cots in all ambulances; and providing additional funding as needed.

Carey Rural Fire Chief Richard Kimball said Carey has a cot in their first ambulance. He said it costs \$1,800 to remove a cot and move it to a different ambulance.

**Greenberg moved, seconded by McCleary, to approve an amount not to exceed \$20,000 out of Ambulance Reserve, to be used for supplementing a \$25,000 grant to Wood River Fire and Rescue for the purchase of a Stryker cot and powerlift system. Motion passed unanimously.**

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

**EXECUTIVE SESSION – §74-206 (1)(a) Personnel Consideration of County Administrator Applications. Greenberg moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code (1)(a) Consideration of County Administrator Applications. Roll call: Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.**

**ADJOURN**

**At the hour of 4:10 p.m., with no more business before them, the County Commissioners adjourned.**

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