

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

**First Day**

**Tuesday, February 2, 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; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Administrator Derek Voss; County Administrative Services Manager Mandy Pomeroy; Administrative Services Support Specialist Kay Draper; Outreach and Education Specialist Stephanie Carlson; Recording Secretary Sunny Grant; Jim Phillips; and Idaho Mountain Express reporter Gretel Kauffman. Virtual Meeting Specialist Stephen McDougall Graham was present for the morning session. County Clerk JoLynn Drage and Chief Deputy County Clerk Leslie Londos were 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 9:01 a.m.

**PUBLIC COMMENT:**

- Sarah Michael reported that Idaho Fish and Game said they will proceed with a proposal on wolf trapping in Idaho Units 48-49, which encompass Blaine County. Trapping has not been previously allowed in this area. Michael asked the Blaine County Commissioners to reiterate their constituents' position against wolf trapping, due primarily to the prevalence of recreation in the area, which the economy depends on; as well as submit a newspaper editorial expressing their disappointment in the trapping proposal, and invite the public to reiterate their wolf trapping comments to F&G, the Blaine County Recreation District and the federal government.
  - *McCleary, too, was disappointed that the F&G Commission chose to forward the proposal for wolf trapping for Units 48-49. She supports the BCC writing another letter to F&G and contacting BCRD.*
  - *The BCC agreed to have at least one BCC Commissioner present in person at the upcoming F&G meeting.*
  - *Fosbury received almost 50 comments from residents in the two districts opposed to trapping in the two districts.*
- Richard Gouley asked the BCC to reconsider the language in the County's Comprehensive Plan Update regarding Lee's Gulch Road validation since the BCC's decision on the validation is currently in Court.
  - *Fosbury suggested written comment is most helpful to the BCC.*

**BOARD OF EQUALIZATION - Idaho Code 63-501A**

No Board of Equalization issues to address.

**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: Greenberg (aye), McCleary (aye), and Fosbury (aye). Motion carried unanimously.**

**OPEN SESSION RESUMED**

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

**McCleary moved, seconded by Greenberg, to deny Requests 2020-1105-1 and 2020-1111-1, finding that indigency has not been established. Motion carried unanimously.**

**McCleary moved, seconded by Greenberg, to approve and cancel the hearing on Request 2020-1097-1, with reimbursement of \$25.00 month. Motion passed unanimously.**

**McCleary moved, seconded by Greenberg, to approve Request 2020-1020-1, with reimbursement of \$75 month. Motion passed unanimously.**

**McCleary moved, seconded by Greenberg, to approve Request 2020-1101-1, with reimbursement of \$250.00 month. Motion passed unanimously.**

**McCleary moved, seconded by Greenberg, to approve Request 2020-0119-1, with reimbursement of \$25 month. Motion passed unanimously.**

**McCleary moved, seconded by Greenberg, to approve Request 2020-1036-2, with reimbursement of \$25.00 per month. Motion passed unanimously.**

**TAX CANCELLATION**

- **Boardman Aviation, LLC - PP1P00000U0003** - Unregistered Aircraft - I.C. 21-114

Blaine County Treasurer John David Davidson and Chief Deputy Treasurer Morgan Drage; and Blaine County Assessor Jim Williams.

Airplane owners in Idaho can register their aircraft with the Idaho Department of Aeronautics for \$600. The Assessor’s office gets an annual report from the Department of Aeronautics of registered aircraft, letting the Assessor know which aircraft haven’t been registered. Blaine County Assessor Williams said the list in recent years has included planes that are already registered, those that are not air-worthy, etc. Blaine County valued this plane and added it on their list, only to find out the owner had already registered the aircraft with the State. The County now needs to cancel taxes assessed on the subject aircraft.

The head of the Department of Aeronautics agreed that the state needs to work with counties to get the list functional for everyone.

**Greenberg moved, seconded by McCleary, to cancel taxes in the amount of \$92,338.40 for Boardman Aviation, LLC, Parcel PP1P00000U0003, as the aircraft was registered with the State. Motion passed unanimously.**

**COUNTY DEPARTMENT REPORTS**

**Administrator**

- Road and Bridge is removing debris and avalanches from roadways, particularly out Warm Springs.
- Road and Bridge continues to work at night and weekends on the Canal Bridge.
- Use of the County’s electric vehicle charge station is beginning to increase in the last month.

**CONTRACTS, GRANTS AND AGREEMENTS**

- **Lease Agreement with Webb Landscaping**

This is the FY2021 lease renewal with Webb Landscaping for a portion of County-owned property on West Glendale Road that Webb leases for employee parking. Fosbury suggested the County be more specific on the terms of the lease in the future.

**Greenberg moved, seconded by McCleary, to approve the Lease Agreement between Blaine County and Webb Landscaping for land on the northeast corner of the County property between Glendale Road and Glendale Canal for a term of 12 months, commencing October 1, 2020, in the amount of \$1,800. Motion passed unanimously.**

- **Idaho Community Development Block Grant – Senior Connection** (approval to proceed with application preparation).

This Community Development Block Grant is for radon mitigation, mold mitigation, air filtration, etc. at the Senior Center. CDB grants are only available through the local government. The BCC approved grant application and acting as a pass-through for the grant funds.

- **FY21 Recreational Boating Safety, Idaho Department of Parks and Recreation - Sheriff's Dept - Approval for Annual Reimbursement Submission**

Also present: Blaine County Sheriff Patrol Sergeant Joshua Pritchard.

This is an annual renewal of Blaine County Waterways Pubic Safety Education program and enforcement for the boating pubic. The County’s 50% match is funded by boat registration fees.

**Greenberg moved, seconded by McCleary, to approve Agreement between Idaho Department of Parks and Recreation and Blaine County for FY2021 Recreation Boating Safety Grant, in an amount not to exceed \$10,589, with matching amount to come from boating registration fees. Motion passed unanimously.**

- **Memorandum of Agreement to Support The Leveraging Evidence to Activate Parents Project (LEAP)**

Also present: Blaine County Chief Probation Officer Teresa Espedal.

The Blaine County Probation Department previously worked with Oregon Social Learning Center. The Oregon research center acquires grants for projects focused on youth and family to train probation officers to be practitioners in providing strategies to deal with children struggling with substance abuse.

**Greenberg moved, seconded by McCleary, to approve the Memorandum of Agreement between Blaine County and the Oregon Social Learning Center to engage in the Project LEAP leveraging evidence to activate parents projects. The County Probation Office will be reimbursed by OSLC, based on its participation within the allotted timeframe March 2021 through December 2024. Motion passed unanimously.**

**CONSENT CALENDAR**

- **Resolution 2021-05 Forfeited Cafeteria Funds Transfer** ..... Record #678889
- **Resolution 2021-06 IT Budget Adjustment** ..... Record #788990
- **Resolution 2021-07 General Budget Adjustment** ..... Record #678891

**McCleary moved, seconded by Greenberg, to approve Commissioners’ Consent Calendar for February 2, 2021. Motion passed unanimously.**

## **COVID-19 UPDATES**

- **Innovation and Testing Task Force** – Greenberg.
- **Adaptive Planning Committee** – There will be a townhall meeting next week with Dr. Kerns to talk about what to expect pre- and post-vaccine. The Adaptive Planning Committee will remind the community about the importance to continue safe practices and limiting group gatherings, even after being vaccinated.
- **Emergency Medical Services Health Emergency Operations Center** – Greenberg.
- **Blaine County COVID-19 Risk Level Plan** – Fosbury said Blaine County is still at critical level.

## **Board Reports**

- McCleary said the **Sun Valley Ski Education Foundation** would like to hold a **Nordic ski race** in March, probably in the Lake Creek area. County Ordinance restricts outdoor gatherings during COVID to 50 people, unless the organizer submits a plan. The event will be limited to 50 competitors, and there will be no spectators, but volunteers and organizers will exceed 50 people, so they will submit a plan. The race may be on federally-managed land, which is outside County jurisdiction.
- **Blaine County COVID Policy** – Pomeroy and McCleary discussed revising the Employee Emergency Sick Leave eligibility to encourage self-quarantine if an employee has direct contact with an infected individual, without requiring a healthcare provider's confirmation. Fosbury said vaccines are available for adults, but not youth, so the virus will remain in the community for awhile.

## **AUDIT PRESENTATION**

Also present: County Clerk JoLynn Drage; Blaine County Treasurer John David Davidson; Chief Deputy Treasurer Morgan Drage; and Independent Auditor Curtis Stoker, CPA.

Curtis Stoker said his independent auditor's report gave Blaine County a "clean opinion" on its financial statements, with no qualifications on the opinion.

The auditor's report for governmental entities also gave the County a clean opinion on its internal controls, as well as the County's compliance with laws and regulations, with no instances of non-compliance.

The audit will be available on the Blaine County website.

### **Public Comment:**

- Kiki Tidwell asked if the auditor's report could be made available before presentation to the BCC so the public can follow along and ask questions.
  - *Budget Officer JoLynn Drage said the auditor doesn't release the audit until it is accepted by the BCC. Once it is accepted by the BCC, it will be published on the County's website.*
  - *Auditor Curtis Stoker confirmed that, once the BCC accepts the audit, it is bound and copied and can be available to the public. Stoker said the County audit must be done to governmental auditing standards, which many people may not understand; but he is obligated and willing to help anyone with any questions they may have.*

The Budget Officer discussed the Auditor's Management letter with the BCC:

- The BCC may want to discuss the County Sheriff's special account, which, at the Sheriff's request, has long been kept separate from County accounting.
- Grants Reconciliation – The BCC denied the Clerk/Auditor's request to include the Grants Manager position in the Clerk's department. County Clerk Drage will work with the Grants Manager whenever he needs information.

Auditor Stoker said the County has the requirement to keep track of its federal funds, including grant funds, and fixed assets. Stoker added the County's Computer Arts software can be erratic; Drage said she is searching for new software, and may make a change.

**FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW** - Airport Manager Chris Pomeroy  
Friedman Airport Manager Chris Pomeroy reviewed tonight's FMAA meeting agenda with the BCC.

## **BREAK**

Virtual Meeting Specialist Jenny Lovell was present for the afternoon session.

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

- **Comprehensive Plan - Chapter 8, Land Use.** Continuation (from January 19, 2021) of public hearing and consideration of proposed amendments to Title 8, Comprehensive Plan. The Hailey & Bellevue Canyons subarea draft, a part of the Land Use chapter, is complete and presented for hearing.

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; Blaine County Comprehensive Plan Consultant Lisa Horowitz; and Richard Gouley.

Grotto said this discussion was continued from January 19, 2021, so notice was by agenda.

Grotto reviewed the revised draft with the BCC, page by page. Topics of discussion included:

- The BCC discussed a public comment from Lili Simpson regarding wildlife habitat.
- References to the Lee's Gulch Road area were deleted, since the road validation is being appealed in Court.
- Maintenance of roads that access public lands.
- Desired Outcomes: Geothermal potential.

McCleary suggested the BCC get input from Sun Valley Institute on agriculture and food production to include in Desired Outcomes in this chapter.

**Public Comment:**

- Richard Gouley, Lee's Gulch Road resident, said he is unaware of any County maintenance done on Lee's Gulch Road for 20 years. He has added gravel and done necessary maintenance on the road.
  - The BCC said the Lee's Gulch Road validation has been appealed in Court, so the BCC is not allowed to have communication with the landowner.
- Kiki Tidwell said the Tidwell Idaho Foundation submitted an application to lease three Buttercup parcels for an affordable housing development/community solar and microgrid demonstration project, but Idaho Power does not appear to have any interest in a community solar project on that property at this time. Idaho Department of Lands auctioned a lease for a 20-year communications site for a cell phone tower on the Buttercup property in Dec 2020, which Tidwell Idaho Foundation opposes on the grounds that it has had an application in for the same parcels since June 2019. A cell tower will impact the scenic view corridor, hillside ordinance, etc.

Grotto said this sub-area will be included in the final review and public hearing of Chapter 8 Land Use.

**LAND USE and BUILDING SERVICES**

• **Findings of Fact: Ross-Hogg Short Plat Subdivision**

**McCleary moved, seconded by Greenberg, to approve Findings of Fact, Conclusions of Law and Decision regarding an application of Brian Ross to divide Lot 2C, Hogg Subdivision, into two lots. Motion passed unanimously.**

• **P&Z Discussion: Disposition of County-owned property**

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

Marks reviewed miscellaneous County-owned properties, most of which have no practical County use, with the BCC. A few "odd lots" have no access, and many are undevelopable, so the BCC discussed the individual properties and uses.

The County has to first auction the properties. If no response, or the BCC chooses to not accept any bids, the BCC can then dispose of the property however they see fit.

• **P&Z Discussion: Consideration of initiating amendment to Outdoor Lighting Ordinance**

Also present: Blaine County Land Use and Building Services Director Tom Bergin; and Code Compliance Specialist Kristine Hilt.

Hilt said the County's outdoor lighting ordinance is almost 10 years old, and should be updated with new graphics, consideration of the Dark Sky Reserve, and inclusion of LED lighting and kelvin units.

- Blue LED lights are harmful to the environment, humans and retinas.
- Holiday lighting is sometimes left on year-round. Holiday-lit trees light up the entire hill in one area in Lake Creek. The ordinance allows holiday lighting from December 1 to March 1. Ketchum requires private holiday lighting be turned off at the close of business hours or after 10:30 pm.

McCleary suggested Land Use talk to County Attorney Tim Graves about grandfathered lighting. Fosbury suggested the ordinance be drafted for community-wide use.

**McCleary moved, seconded by Greenberg, to initiate amendment to the Blaine County Outdoor Lighting Ordinance. Motion passed unanimously.**

• **P&Z Discussion: Consideration of initiating amendment to Floodplain Ordinance**

Also present: Blaine County Land Use and Building Services Director Tom Bergin; and Blaine County Floodplain Manager Kristine Hilt.

The County's Floodplain Ordinance was amended early 2019, but FEMA continually proposes new regulations.

Hilt said Blaine County's ordinance needs to better define the term "Administrator" which should refer to the Land Use Administrator, but sometimes refers to the FEMA administrator.

FEMA requires all new residential construction equipment and mechanical systems be at least 2ft above Base Flood Elevation in order for Blaine County to retain its Community Rating System (CRS) Class 7 rating. The County currently requires mechanics be at least 2ft above or in a watertight enclosure.

The BCC asked Hilt to prepare an informational memo so they can discuss the proposed floodplain ordinance amendments in an upcoming meeting.

**EXECUTIVE SESSION** – §74-206 (1)(a) Personnel; and (1)(f) Potential Litigation

Greenberg moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(a), to consider hiring a staff member, and to evaluate the respective qualities of individuals to fill the vacancy or need; and (1)(f), to discuss with legal counsel the legal ramifications of and legal options for pending litigation, Flying Heart Ranch. Greenberg (aye), McCleary (aye) and Fosbury (aye). Motion carried unanimously.

**ADJOURN**

At the hour of 4:30 p.m., with no more business before them, the County Commissioners adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_

JoLynn Drage  
County Clerk

Dick Fosbury  
Chairman