

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

Second Day

Tuesday, February 19, 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. *Idaho Mountain Express* reporter Mark Dee and intern Brittany Shipley were present for parts of the meeting.

Commissioner Greenberg was absent until 9:45 a.m.

Vice-Chairman McCleary called the meeting to order at 9:00 a.m.

PUBLIC COMMENT – None

EXECUTIVE SESSION – §74-206 (1)(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

Present were: Blaine County Services Manager Brooke Baird and Indigent Services Assistant Hayleigh Simpson.

Fosbury moved, seconded by McCleary, to go into Executive Session, under Idaho Code 74-206 (1)(d) for indigent discussion. Fosbury (aye), and McCleary (aye). Motion carried 2/0.

OPEN SESSION RESUMED

INDIGENT MEDICAL APPLICATIONS - Board of County Commissioners Action

Fosbury moved, seconded by McCleary, to approve Case #2018-71, with reimbursement in the amount of \$50 per month, following satisfaction of prior case. Motion carried 2/0.

Fosbury moved, seconded by McCleary to deny Cases #2018-63 and #2019-04 because indigency has not been established. Motion carried 2/0.

Fosbury moved, seconded by McCleary, to deny Cases #2018-35, #2018-37, #2018-77, and #2018-81, because the applicant was approved for Medicaid commencing May 1, 2018. Motion carried 2/0.

Fosbury moved, seconded by McCleary, to convene as Blaine County Ambulance District Board of Directors. Motion carried 2/0.

BLAINE COUNTY AMBULANCE DISTRICT

• Request to cancel ambulance bill

There were no representatives of ambulance providers present.

A Ketchum Fire Department rescue team was unable to locate the patient the night of the incident. Another team was mobilized the next morning, but they didn't arrive until after the patient had been extricated by helicopter. The patient's representative didn't feel they should be billed for ambulance services that were not productive.

Fosbury moved, seconded by McCleary, to cancel the customer invoice for Blaine County Ambulance Ketchum Fire Department incident #KFD-18-691 in the amount of \$5,520. Motion carried 2/0.

Fosbury moved, seconded by McCleary, to reconvene as the Blaine County Board of Commissioners. Motion carried 2/0.

COUNTY DEPARTMENT REPORTS

Treasurer's Report - John David Davidson

• Additional Funds Application for State Pool Account

The Treasurer asked the BCC to approve an additional account in the state pool for Land, Water and Wildlife Levy funds.

Fosbury moved, seconded by McCleary, to set up an additional fund with the Local Government Investment Pool to be managed by the Blaine County Treasurer, effective immediately. Motion carried 2/0.

Assessor's Report - Jim Williams

- The Assessor office is shifting people around for increased efficiency. Some staff are taking on more supervisory roles, in addition to training three new employees; others are receiving updated training in field reappraisals.
- The County Assessor is responsible for reappraising 20% of county properties each year. About 71% are now complete, which is a little behind, mostly due to heavy snow and winter conditions.
- State Tax Commission requires the Treasurer to submit statistical studies to ensure properties are appraised correctly and fairly.
- The County's Driver License - Motor Vehicle public space is being remodeled to be more secure.

CONTRACTS, GRANTS AND AGREEMENTS

- **Sun Valley Board of Realtors and Multiple Listing Service License Agreement** Record #658522
Also present: Blaine County Assessor Jim Williams.

Blaine County has an agreement with the Sun Valley Board of Realtors (SVBR) since 2008. SVBR provides the County with sales information, and the Sawtooth Board has access to County property data for their listing forms. This Agreement is for three years, with automatic renewal. The County can cancel any time.

Fosbury moved, seconded by McCleary, to approve the license agreement between the Sun Valley Board of Realtors and Multiple Listing Service, and Blaine County and the Blaine County Assessor, with a three-year term that is renewable, as stated in the agreement. Motion carried 2/0.

- **Memorandum of Understanding between Blaine County, Idaho and Sawtooth City Homeowners Association** Record #

Also present: Blaine County Administrative Services Specialist Esmeralda Palomera.

This MOU was previously presented to the BCC. It now includes the number of speed bumps approved and a map of where the bumps are implemented.

Fosbury moved, seconded by McCleary, to approve the Memorandum of Understanding between Blaine County and Sawtooth City Association for the speed bump implementation for 2019. Motion carried 2/0.

Chairman Greenberg arrived at 9:45 a.m. and took over as Chairman.

- **Independent Contractor Agreement with Claudia Taylor Walsworth**

Also present: Blaine County Land Use Administrator Tom Bergin; and County Land Use and Building Services Deputy Director Kathy Grotto.

This Agreement would have historian Walsworth research historical and archeological sites in Blaine County, as required by State Code, for the Comprehensive Plan.

McCleary moved, seconded by Fosbury, to approve Independent Contractor Agreement between Blaine County and Claudia Taylor Walsworth for tasks related to the Special Site section of the Comprehensive Plan, as depicted in the Scope of Work, Exhibit A, in the amount of \$25 per hour, and reimbursement for the Idaho State Historic Preservation Office data, not to exceed a total of \$3,700. Motion carried unanimously.

- **Blaine County Security Agreement with Morada Farms Subdivision**

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; and Paul Kenny.

Commissioner Fosbury recused himself from this discussion, since he is a neighbor.

The BCC discussed this Security Agreement in a previous meeting. This is the same standard security agreement for unfinished infrastructure as reviewed previously, but the \$82,462.50 funds will be withheld when closing occurs and deposited with Blaine County, and held by Blaine County until the Security Agreement is released.

McCleary moved, seconded by Greenberg, to approve a Blaine County Security Agreement between Blaine County and Morada Farms Subdivision (John Majors and Diane Crist) and Blaine County Title, Inc. in the amount of \$82,462.50. Fosbury recused himself. Motion carried 2/0.

- **Eccles Window Rock Ranch Stream Alteration Permit**
Blaine County Security Agreement Record #

Also present: Blaine County Land Use Administrator Tom Bergin; County Engineer Jeff Loomis; applicant's representative Evan Robertson; and Marc Reinemann.

McCleary moved, seconded by Fosbury, to approve a Blaine County Security Agreement for the Eccles Window Rock Ranch Stream Alteration Permit between Blaine County and Eccles Window Rock Ranch in the amount of \$1,500.00 Motion carried unanimously.

- **Bradburn Stream Alteration Permit - Blaine County Security Agreement**Record #

Also present: Blaine County Land Use Administrator Tom Bergin; and County Land Use and Building Services Deputy Director Kathy Grotto.

McCleary moved, seconded by Fosbury, to approve the Blaine County Security Agreement for the Bradburn Stream Alteration Permit between Blaine County and Jill Bradburn in the amount of \$4,000. Motion carried unanimously.

- **Kucher Stream Alteration Permit - Blaine County Security Agreement** Record #

Also present: Blaine County Land Use Administrator Tom Bergin; and County Land Use and Building Services Deputy Director Kathy Grotto.

Fosbury moved, seconded by McCleary, to approve the Kucher Stream Alteration Permit Security Agreement in the amount of \$1,000 for the security for the revegetation. Motion carried unanimously.

- **Schabacker Stream Alteration Permit - Blaine County Security Agreement**Record #

Fosbury moved, seconded by McCleary, to approve the Schabacker Riparian Landscape Security Agreement for Revegetation \$1,000. Motion carried unanimously.

COUNTY PROJECTS UPDATE

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; and intern Brittany Shipley.

Chairman Greenberg said each project needs to be treated like a job, with goal, sponsor, staff, financial resources, and timeline to completion. He thought each project could be a workshop-type discussion, with input from other stakeholders. County Administrator Voss thought a Project Charter form, approved by the BCC, would provide a good framework for each project. County Clerk JoLynn Drage asked the BCC to propose project costs and include them in the budget process.

WOOD RIVER WOLF PROJECT UPDATE

Also present: Wood River Wolf Project (WRWP) Steering Committee members Brian Bean and Larry Schoen.

Wolves were everywhere in Blaine County in the 2018 grazing season, and in surrounding counties as well; and wolf packs and their pups are expected to be everywhere in the 2019 grazing season. Brian Bean said one main WRWP goal is to obtain funding for band kits for all sheep bands, in and out of the WRWP area. He will present more information to the BCC prior to FY2020 budget process.

REGION IV DEVELOPMENT ASSOCIATION UPDATE

Also present: President Carleen Herring; and intern Brittany Shipley.

The new Region IV Development Board of Directors will include Commissioner Greenberg and perhaps Ketchum and Bellevue mayors, if they accept. President Herring wants to have more meetings with the Board of Directors. Region IV workforce development and workforce housing is a main concern.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **125/126 Lower Broadford Rd. - Modification to Stream Alteration Permit. Public hearing** and consideration of an application by Eccles Window Rock Ranch, LLC to modify a Stream Alteration Permit issued December 4, 2018 for work to be conducted within the Big Wood River, by extending the deadline for work to be completed from March 31, 2019 to December 31, 2019. This project is located at 125 and 126 Lower Broadford Rd and 11020 State Hwy 75.

Also present: Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; applicant’s representative Evan Robertson; and Marc Reinemann.

Hilt read public notice

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

Disclosures: McCleary and Greenberg were onsite for Emergency Stream Alteration Permit proceedings.

The applicant would like to extend the permit to December 31, 2019 to complete the work approved by the BCC for last year. The permit deadline is March 31, 2019, according to Blaine County Code. Applicant’s representative Evan Robertson said they couldn’t apply for the follow-up permit until December 2018, and then couldn’t get contractors to do the job in mid-winter freezing conditions. They need to get the work done before spawning season and spring run-off.

Public comment: None

McCleary moved, seconded by Fosbury, to approve an application by Eccles Window Rock Ranch LLC to modify a Stream Alteration Permit issued December 4, 2018 for work to be conducted within the Big Wood River by extending the deadline for work to be completed from March 31, 2019 to December 31, 2019, pursuant to Section 9-17-9C4B of the Blaine County Code.

Motion carried unanimously.

LAND USE and BUILDING SERVICES

Also present: Blaine County Land Use Administrator Tom Bergin; County Engineer Jeff Loomis; County Certified Floodplain Manager Kristine Hilt; and County Planner Allison Marks.

• **Emergency Stream Alteration Permit Training**

County Certified Floodplain Manager Kristine Hilt presented the process to issue Emergency Stream Alteration Permits in the upcoming spring season, which is likely to include emergency flood situations. Commissioners will take an ESAP packet onsite when responding to an emergency. Land Use staff will take photos, video, and minutes of the onsite meeting. A quorum of County Commissioners can approve, suggest an amendment or deny an application.

Hilt reminded the BCC that the applicant must submit a \$1,500 deposit with the Emergency Site Alteration Permit, and have written or verbal Idaho Department of Water Resources and Army Corps of Engineers approval before doing any work. Applicants must be reminded that anything they do will have long-term impacts on their neighbors. The \$1,500 deposit will be applied to the applicant's Security Agreement to follow up on the emergency work.

• **Blaine County Snow Load**

County Building Services reported that the Chocolate Gulch Snotel site reports snowload at 50psi. There are local avalanches, two of which have hit homes.

• **Idaho Power Company Transmission Line Update**

Blaine County Land Use Administrator Tom Bergin reported that two appeals have been filed against the Planning & Zoning Commission's decision on Idaho Power Transmission Line.

COUNTY DEPARTMENT REPORTS, CONTINUED

• **Road and Bridge - Steve Thompson**
▪ **Propose: Federal Lands Access Program Grant**

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

Road and Bridge would like to improve about four miles of Trail Creek Road, much of which is on a steep grade on the side of a mountain. Any project on Trail Creek Road is going to cost millions, and the County is looking for federal funds, probably a Federal Lands Access Program (FLAP) grant. FLAP grant match is 7.34%. Commissioner McCleary wasn't sure what improvement work she would support on Trail Creek. County Engineer Jeff Loomis said a FLAP grant would give the federal government right to design and build the road to their standards.

Whether or not the County applies for a FLAP grant, the County should update its Transportation Plan with a corridor study of major collector roads, funded by a Local Highway Technical Assistance Council (LHTAC) grant. Blaine County Road and Bridge Manager Steve Thompson said Trail Creek is considered a major collector, with traffic counts of 400-500 cars a day, and should be considered a project within the next five years, in cooperation with the Lost River Highway District.

• **Discuss: Right-of-Way Encroachment in Picabo**

Picabo resident Diane James planted some trees, without a permit, in an easement on the north side of the County's 80ft right-of-way. At a BCC meeting on November 13, the BCC allowed the trees to remain in the right-of-way for the time being. James has requested time on an evening agenda to present their case to the BCC. Blaine County Recreation District (BCRD) has no interest in the right-of-way.

Commissioner Fosbury said the right-of-way was originally given 80ft in 1910 to allow for wagons to turn around in the road. He felt it should be left at 80ft to allow for future thoroughfare through Picabo.

Blaine County Land Use Administrator Tom Bergin said County Code was changed to allow storage buildings on the lot north of the right-of-way. There was no application process to require screening, so Picabo residents now have views of storage buildings instead of mountains.

County Administrator Derek Voss said the County should probably not accept an encroachment in the right-of-way without a permit; and the County would typically not approve beautification of the public right-of-way. He suggested the BCC, if it wants to allow the trees in this location, consider separating a portion of the property from the right-of-way.

The BCC will send a letter that they are not willing to entertain a public presentation regarding an encroachment in the public right-of-way; and Road and Bridge will issue a violation notice. If the trees are not removed in the spring and the ground returned to normal, the violator will be sent a letter from the County Attorney.

• **East Fork Road County Road and Bridge**

Private property owners have plowed East Fork Road past Triumph, but more houses have been built and the area has become a popular recreation area, and the road is not being adequately plowed. County Road and Bridge Manager Steve Thompson said the County receives state funding to maintain

the road, and suggested the County start plowing it. He's trying to locate an end-of-the-road turnaround for the plow truck.

County Administrator - Derek Voss

• **Sun Valley Water and Sewer Shared Engineering Costs South Gateway**

County Administrator Voss and Commissioner Greenberg met with Sun Valley Water and Sewer about water and sewer issues in the South Gateway area. SVW&S is planning for Ketchum and/or Sun Valley build-out and did not want to take on additional usage; but offered assistance to an engineering firm, paid by the County, to make a proper evaluation of the South Gateway. SVW&S may be willing to take on the job of managing the new facility.

ARCH REQUEST FOR ADDITIONAL BLAINE MANOR LAND

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Chief Deputy Clerk Leslie Londos; and ARCH Community Housing Trust Executive Director Michelle Griffith.

ARCH Community Housing Trust Executive Director Michelle Griffith said the previous request for low income housing tax credit funding for affordable senior housing on the former Blaine Manor site was denied, primarily because the development was too expensive per unit. ARCH needs to spread the cost of development over as many units as the parcel can accommodate (Hailey zoning will allow 54 units), remove the tuck-under parking, reduce the cost of construction and find one or more sources of gap funding.

County Attorney Tim Graves said a public auction of the former Baine Manor property resulted in no sale, so the BCC can dispose of it in any way that seems appropriate. The BCC directed County Attorney Graves to amend the August 2018 Letter of Intent to deed over the entire parcel of land to ARCH, aside from the 15 feet already given to the City of Hailey for Hailey Ice, subject to City of Hailey development approval, adequate funding, and any other conditions of the Letter of Intent.

BOARD of COUNTY COMMISSIONERS REPORTS

Salmon-Challis National Forest Evaluation Comment Letter – McCleary

Also present: Blaine County Engineer Jeff Loomis; County Planner Allison Marks; *Idaho Mountain Express* reporter Mark Dee.

Blaine County executed a formal agreement to act as a “cooperating agency” with the Salmon-Challis National Forest Plan Revision. The BCC told McCleary to write a support letter on the current step in the Plan Revision, which is the Wilderness Evaluation.

Other discussions:

- Auction of Indian Creek Endowment Land.
The BCC will send a letter in support of the sale of this land in Indian Creek. Sale proceeds will go to the Land Trust endowment fund. Greenberg will let ARCH know of the potential land opportunity.

Correspondence:

- Department of Environmental Quality Environmental Clean-Up Action at Triumph Mine Site.
- Letter from BLM about Special Permits in Croy Creek Trailhead and Trail System.
- Letter of Support for Mountain Rides Property in Bellevue.
- McCleary and Fosbury will send a letter supporting Medicaid expansion without barriers.
- City of Hailey is opposed to legislation that doesn't allow counties to have Land Use Codes. IAC isn't taking a position because different counties have differing opinions.

EXECUTIVE SESSION – §74-206 (1)(a) Personnel to discuss Personnel, to consider the evaluation of a public officer or individual agent - Interview for Land, Water and Wildlife Levy Advisory Board member,

McCleary moved, seconded by Fosbury, to go into executive session, pursuant to Idaho Code 74-206 (1)(a) to consider hiring of a public officer; in this case, considering a Land, Water and Wildlife Levy Advisory Board member. Roll call: Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 5:00 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
 JoLynn Drage County Clerk Jacob Greenberg Chairman