

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE FEBRUARY 2020 SESSION**

Fifth Day

Tuesday, February 25, 2020

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 (by phone for morning session and in person for afternoon session), and Commissioner Dick Fosbury; Recording Secretary Sunny Grant, and *Idaho Mountain Express* reporter Gretel Kauffman. County Clerk JoLynn Drage was present for part of the morning session; County Administrative Services Manager Mandy Pomeroy was present for the morning session.

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

PUBLIC COMMENT:

COUNTY DEPARTMENT REPORTS

Claims - Gretchen Stinnett

Fosbury moved, seconded by McCleary, to approve claims for February 19, 2020, as submitted. Motion carried unanimously.

Public Defender - Justin McCarthy

Also present: Deputy Public Defender Cheri Hicks; Legal Secretary Heidi Southward; and Administrative Assistant Esmeralda Palomera; Public Defense Commission Region II Coordinator Jared H. Ricks; and Carl Massaro;

Justin McCarthy presented a PowerPoint of Public Defender staff and highlighted what his office and staff do for indigent defendants.

The BCC especially thanked the Public Defender's office for explaining how the Commissioners could help defendants who contacted them personally. McCarthy added that his office is currently formulating a policy to best defend undocumented defendants.

County Clerk - JoLynn Drage

• **Resolution and Financing with Government Capital** Record #667399

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and County Emergency Communications Director Robin Stellers.

The County needs to update its Emergency Communications records management system and computer-aided dispatch software. The chosen software provider will accept \$150,000 down payment out of contingency and finance the remainder. This resolution authorized the BCC Chairman to sign a finance contract for the software. The County Attorney asked that a non-appropriations clause be added to the contract which obligates future County Commissioners to a financial commitment.

Fosbury moved, seconded by McCleary, to approve Resolution 2020-08, regarding a Lease-Purchase Agreement for the purpose of financing public safety software, and authorize the Commissioners to execute it, as presented. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

• **Letter of Intent - Removal of State Highway 75 Spur (Sun Valley Road) from Idaho Transportation Department to local jurisdictions**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Road and Bridge Manager Steve Thompson; and Sun Valley Mayor Peter Hendricks.

The City of Sun Valley would like to "own" the portion of Sun Valley Road within its city limits. Sun Valley Road is in the City of Ketchum from its intersection with Main Street/Highway 75 in Ketchum to Sun Valley city limits. Idaho Transportation Department must transfer Sun Valley Road to the County, which can then transfer the parts of the road in each city to the cities of Ketchum and Sun Valley. Sun Valley has an agreement with ITD for road maintenance, but Ketchum has not yet signed a road maintenance agreement with ITD.

Mayor Hendricks said he expects Sun Valley Council to give him permission to sign paperwork for the transfer of the Sun Valley portion to the road on March 10, and the transfer to take place in early May.

Fosbury moved, seconded by McCleary, to authorize and execute this Letter of Intent on removal of State Highway 75 Spur known as Trail Creek Road, with language to be amending, and make it clear that this will be done as soon as the City of Ketchum and ITD finish their negotiations, and once language is inserted to articulate that there will be two separate agreements. Motion carried unanimously.

- **Request to Renew Funding - FY20 Recreational Boating Safety Grant**

Also present: Sheriff's Patrol Deputy Josh Pritchard; and Blaine County Grants and Procurement Specialist Lyn Drewien.

This is a long-standing agreement. The amount funded this year is \$13,953. The County allocation is not to exceed \$9,302, with the County match of \$4,651.00, funded from the County's share of boat licensing fees. County Clerk JoLynn Drage said the County budgets for this grant, but doesn't know how much will be received until the award is made.

Fosbury moved, seconded by McCleary, to approve the Request to Apply for Idaho Parks and Recreational Boat Safety Grant in an amount not to exceed \$9,302, with County match of 50%. Motion carried unanimously.

- **Ron Williams - Retainer Agreement to assist with Idaho Power Transmission Line**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; and County Planner Allison Marks.

The BCC considered two different contracts submitted by Mr. Williams as consultant to the County in discussions on undergrounding Idaho Power redundant power lines. One agreement is a percentage of money he may be able to save the County and the other is a flat hourly rate. The BCC prefers the flat hourly rate. Williams will retain the services of Bradley Mullins, a consultant for energy and utilities cases.

County Attorney Graves explained that Williams has a level of expertise with the Idaho Public Utilities Commission that County attorneys do not have.

Fosbury moved, seconded by McCleary, to approve the Engagement Letter dated February 7, 2020, with Williams Bradbury, attorneys at law, and with an hourly rate for Mr. Williams of \$295 an hour, as stated in the proposal; and Mr. Mullins being compensated at \$280 an hour, as stated in the proposal. Motion carried unanimously.

Graves said BCC conversations with Mr. Williams, where a quorum of the BCC is present, need to be in general session and public record, even though he is the BCC's attorney.

BOARD of COUNTY COMMISSIONERS REPORTS

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

Regional Collaboration Working Group Meeting – McCleary

This group is drafting a model for local and regional sustainability.

Blaine County Complete Count Committee Meeting – McCleary

The committee proposed an April 1 proclamation and schedule of events at several locations around the county, including events where people can complete their census questionnaire.

Dark Sky Reserve Oversight Committee Meeting – McCleary

The committee will probably request funding in FY2021 for a part-time staff person. Jurisdictions should be maintaining an inventory of whether they are getting darker or lighter, and keep their ordinances up to date.

Idaho Power Transmission Lines Meeting – Greenberg

Also present: Blaine County Land Use Administrator Tom Bergin.

The BCC and Land Use continue to discuss what funding mechanisms to underground redundant power lines might be most equitable and realistically doable.

South Central Public Health District Meeting – McCleary

- Discussions focus on influenza and audit of local crisis centers.
- Women, Infants and Children (WIC) satellite station at Ketchum YMCA has seen regular participation; and now is going to open a mobile clinic at The Hunger Coalition.

Wildlife Friendly and Safe Community Resolution Meeting – McCleary

Draft of wildlife-friendly resolution for local jurisdictions and the County will be presented to city councils and the BCC in upcoming meetings.

Valley Wide Sustainability Position Meeting – BCC

- The County is considering designating or hiring a staff person to lead Community Sustainability on a part-time basis. Greenberg would like to see someone help County departments develop sustainable policies and strategies.
- McCleary didn't think the County could afford a full-time position in the FY2021 budget.

Planning & Zoning Priority Session Meeting - BCC

The BCC and County P&Z Commission had a joint meeting to align priorities.

- Greenberg said housing issues top his list.
- Hailey and Bellevue Areas of City Impact are a big topic until resolved.
- The updated County Comprehensive Plan needs to be completed.
- Airport Vicinity Overlay District needs to be defined.
- Community developers, landowners, construction companies, etc. need to be educated on the importance of riparian setbacks.
- Education on importance of septic system inspection.
- Update and complete a comprehensive Public Assemblies Ordinance.

BLAINE MANOR ENTITLEMENT APPLICATION TO CITY OF HAILEY

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; ARCH Community Housing Trust Executive Director Michelle Griffith; and Friedman Memorial Airport Manager Chris Pomeroy.

ARCH is preparing to present the Blaine Manor parcel community housing development to the City of Hailey. The parcel is still County owned, and ARCH needs authorization from the owner to apply for a Planned Unit Development.

Fosbury moved, seconded by McCleary, to authorize ARCH to make application on Lot 3, Block 1 Wertheimer Park Subdivision at 706 S. Main St., Hailey, for entitlement application to the City of Hailey for design review, Planned Unit Development, and subdivision, for their application. Motion carried unanimously.

BALLOT COUNTING DEVICE LOGIC AND ACCURACY TEST

(Elections office, Old Blaine County Courthouse)

All processes were accurate and approved.

BREAK

McCleary was present by phone until she arrived in person at 2:12 p.m.

LAND USE and BUILDING SERVICES HEARINGS

- **Plat Amendment, Lot 19, Thunder Meadows Subdivision.** Public hearing and consideration of an application by Stephen Dow and Peggy Halperin to amend the existing plat by relocating the building envelope. The property, located at 106 Thunder Road, is zoned Residential/Agricultural District (R-5), Wetland (WE) and Wildlife Overlay Districts (W).

Also present: Blaine County Land Use Administrator Tom Bergin; County Planner Allison Marks; applicant's representative Bruce Smith and environmental consultant Trent Stumph.

Marks read public notice.

Fosbury moved, seconded by McCleary, that notice is adequate and in compliance with applicable regulations. Motion carried unanimously.

Allison Marks corrected minor errors in the Staff Report.

Additional Materials: Land Use received a Mitigation Plan from Sawtooth Consulting that was submitted to County Engineer Jeff Loomis, and returned to Trent Stumph with comments.

Marks said County Land Use will receive a copy of the annual monitoring report for three years after Certificate of Occupancy is issued by Building Services.

Bruce Smith, representing the applicants, said they discovered the building envelope is within the pond. The pond is advantageous to wildlife, so the applicant would like to relocate the building envelope. Trent Stumph said he hadn't submitted site specific plans because he felt the system would work best if left to function naturally, and monitored to be sure the delineated wetland is successful. No disturbance is allowed in the natural zone. Commissioner Fosbury said there should be clear delineation where they cannot mow on the northwest side. He would like to see Plat Note #4 state that the 25ft wetland setback is to run beyond the end of the building envelope, all the way to the road. Fosbury said it should be clear that the wetland natural zone is not be mowed or trees cut, or disturbed by construction equipment, lawn or landscaping.

Commissioner McCleary arrived at 2:12 p.m.

Public Comment: None.

Since the area is meant to be left natural and undisturbed, there will be no bond.

Fosbury moved, seconded by McCleary, to approve Subdivision application by Stephen Dow and Peggy Halperin to relocate an existing building envelope on Lot 19 of Thunder Meadows Subdivision, finding the application does comply with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to Conditions of Approval 1 through 9 delineated in the Staff Report, and, as discussed, add Condition 10 to stake and delineate the 25ft wetlands setback prior to recordation of plat, and four plat note additions, as listed, and #4 regarding wetlands setback, as discussed and amended by staff, with regard to no disturbance of the wetlands setback. Motion carried unanimously.

- **Public Assembly - Summer's End - Draper Rendezvous.** Public hearing and consideration of an application by DrSwanMusic, LLC for a one day music festival and associated camping on Saturday, August 22, 2020. The music will take place at Lion's Park, 11 Croy Creek Rd, from 12 noon - 11 pm. The applicant expects approximately 700 attendees throughout the day and evening. General camping is proposed on the bench parcel located to the west of Lion's Park out Croy Creek Rd.

Also present: Blaine County Land Use Administrator Tom Bergin; County Planner Allison Marks; “DrSwanMusic” Luke Patrick Henry.

Lions Park venue is in Blaine County, owned by the City of Hailey. Marks said no public notice was required for public assembly. Notice was on the Agenda, and sent to landowners surrounding Hailey’s Lions Park. There was no response.

No motion to approve public notice is required.

Luke Patrick Henry said the Summer's End - Draper Rendezvous one-day music festival is in its second year. There will be 55 bands at multiple venues throughout the Valley for the week prior, with final day at Lions Park on August 22, from 11:00am to 11:00 pm, with 16 bands on two stages, and art and food vendors. Maximum attendance this year is 1,250 people.

Proposed camping at Hop Porter Park and Hailey city storage property (if the land is acquired) west of Lions Park is proposed from Friday late afternoon to Sunday noon. Henry hopes the Land Trust will allow campers to walk through Land Trust property. Land Use is reviewing potential camping restrictions.

Green or orange plastic construction fence will be around the park area and to protect the river from people walking from the camping area to Lions Park. DrSwanMusic wants to restrict walkers to a path; and plans may be revised depending on wet or dry conditions and fire season concerns. DrSwanMusic will provide water and reusable water bottles; and is working with vendors on providing biodegradable utensils and plates, and food waste bins.

Wristbands will identify underage attendees.

DrSwanMusic requests consideration or waivers for the following:

- Extend camping limitation of one 24-hour period to three days.
- Allow five RVs and a couple vendor tents at Lions Park.
- Waive Special Events permit fee of \$300.
 - The BCC reduced fee to minimum fee of \$75.
- Henry is meeting with High School W.A.T.E.R. Club on disposing of food waste.
- Amplified sound permit application with Hailey has been modified to 11:00am to 11:00pm.

Public Comment: None

McCleary moved, seconded by Fosbury, to approve the application by DrSwanMusic, LLC, for a public assembly license for Draper Preserve Rendezvous, finding the proposed application complies with provisions of Title 2 ,Chapter 2 Public Assembly, subject to Conditions in the Staff Report with two additional Conditions discussed in today’s hearing having to do with meeting with the Fire Chief before the event to consider the particular fire hazards at the time, and Condition 17 about environmental measures being taken as a condition for waiving part of the permit fee; and, in, addition, there are three waivers being made in this application in order for it to be approved: the first two waivers are in the staff report and the third waiver, discussed today, is a waiver to allow camping for three days instead of the maximum of 24 hours. Motion carried unanimously.

McCleary moved, seconded by Fosbury, that for DrSwanMusic LLC public assembly, the \$300 application fee would be reduced to \$75, due to environmental measures being taken in the event. Motion carried unanimously.

LAND USE and BUILDING SERVICES

• P&Z Discussion: Comprehensive Plan - Introduction only - Economic Development Chapter

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; Blaine County Comprehensive Plan Update Consultant Lisa Horowitz; and Land, Water and Wildlife Levy Program Board Member Lili Simpson.

Sun Valley Economic Development enlisted help from Boise State University students to provide Land Use with a beginning draft. Land Use Staff used much of the data, and enlisted the partnership of Sun Valley Economic Development, Visit Sun Valley, Ketchum Innovation Center (KIC) and the Valley Chamber to make the information user friendly.

Kathy Grotto said this chapter will be updated along with some slight edits to the Community Profile chapter, adopted previously.

Lisa Horowitz said Desired Outcomes for this chapter is split into two categories—those led by the County and those led by other groups or agencies. Horowitz reviewed the chapter with the BCC.

Public Comment:

- Lili Simpson said natural resources were a big economic consideration in Blaine County, including things like extraction of gravel; natural resources-oriented businesses such as stream alteration consultants and engineers; and local spending by people like Forest Service rangers based in Blaine County.

EXECUTIVE SESSION - Pending litigation Idaho Code 74-206(1)(f) - Tidwell v. Blaine County, and Blaine County v. Flying Heart

Fosbury moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(f), to consider pending litigation of Tidwell v. Blaine County and Tegan v. Blaine County. Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.

BCC RETURNED TO OPEN SESSION

CONTINUED US ARMY CORPS SECTION 206 - AQUATIC ECOSYSTEM RESTORATION REQUEST FOR ASSISTANCE (BULLION BRIDGE TO COLORADO GULCH BRIDGE REACH) UPDATE

Also present: Blaine County Land Use Administrator Tom Bergin; Hailey Public Works Director Brian Yeager; Wood River Land Trust Executive Director Scott Boettger and WRLT Deputy Director Amy Trujillo; and Big Wood River Flood Control District #9 Director Bryan Dilworth.

Brian Yeager said he represented the Hailey City Council and had to wait for their decision. His personal opinion is that it is expensive, and can't be used for Lions Park landfill remediation, which is the single most expensive component they were hoping to achieve. The landfill contamination extends through the majority of the gravel area. The other component of value is the recreational channel that goes around the perimeter that may prevent some of the floodwater from going into the Bellevue area. Cardno is requesting \$267,000 to do a feasibility study to see if it's even doable.

Bryan Dilworth said the majority of the Flood Control District supports funding the Cardno study for the first year (\$50,000 local match). He said ACE Sections 205 and 206 conflicted—206 is habitat-related and 205 is flood control. He suggested they try to do Section 205 from the Bullion Bridge north. His past experience with the Army Corps of Engineers was that it was less expensive to get a local contractor to do the work.

Wood River Land Trust Executive Director Scott Boettger agreed that it was a shock to find that funding couldn't be used to remove the dump remains. The Land Trust can't channelize the river until the waste dump in the park is removed. Yeager said Hailey and the Land Trust developed a Master Plan area with a pond with interconnecting channels.

Fosbury said Cardno's 2021 proposal included hydrology and hydraulics that he thinks will provide direction on what needs to happen within the channel and floodplain area that could guide mitigation of more frequent higher flooding. He thought they should seek other funding for the old dump, such as EPA or DEQ. He asked if ACE or FEMA is doing any new analysis or cross-sections that could provide data, and if the County has LiDAR data. He felt the study had potential benefit for Hailey and the County, but probably not for a couple years.

Greenberg said the County and Hailey could jointly search for funding. The dump impacts water quality and health/safety. He suggested they could take the Cardno study and all pitch in a reasonable amount and do the project with local construction resources.

McCleary said she'd been concerned for some time about the cost. It's questionable if the County has the extra money right now or for FY21 budget. Is the benefit worth the cost?

Fosbury agreed that they needed to review the cost-benefit. He said their in-kind contributions had to be closely documented.

Scott Boettger said the Wood River Land Trust expected to partner in the project, and saw it as increasing the value of the land they were acquiring. He agreed with going slowly; and was pleased that this project had brought local stakeholders together.

Yeager said they would look into EPA's Brownfields program.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

• November 5, and November 7, 2019

Greenberg moved, seconded by McCleary, to approve the Blaine County Commissioner minutes for regular meeting on November 5, 2019. Motion carried unanimously.

Greenberg moved, seconded by McCleary, to approve the Blaine County Commissioner minutes for special meeting on November 7, 2019, as amended. Motion carried unanimously.

• January 14, 2020

McCleary moved, seconded by Fosbury, to approve the minutes of the regular meeting of January 14, as amended. Motion carried unanimously.

• January 21, 2020

Greenberg moved, seconded by McCleary, to approve regular meeting minutes of January 21, 2020, as amended. Motion carried unanimously.

• November 19, 2019

Greenberg moved, seconded by Fosbury, , to approve regular minutes of November 19, 2019, as amended. Motion carried unanimously.

ADJOURN

At the hour of 5:21 p.m., with no more business before them, the County Commissioners adjourned.

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