

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

Fourth Day

Tuesday, March 16, 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; County Administrative Services Manager Mandy Pomeroy; Chief Deputy Prosecuting Attorney Tim Graves; Deputy Prosecuting Attorney Amanda Greer; Assessor Jim Williams, and Deputy Assessor Melissa Fry; Treasurer John David Davidson, and Chief Deputy Treasurer Morgan Drage; Public Defender Legal Secretary Heidi Southward; Land Use and Building Services Director Tom Bergin and Deputy Director Kathy Grotto; County Code Compliance Specialist Kristine Hilt; Land Use Zoning Specialist Nancy Cooley; County Engineer Jeff Loomis; Recording Secretary Sunny Grant; Carl Massaro; Kiki Tidwell; Sarah Michael; Lawrence Schoen; Caleb Spangenberg; and *Idaho Mountain Express* reporter Gretel Kauffman. County Clerk JoLynn Drage was present for part of the morning session; Virtual Meeting Specialist Stephen McDougall Graham was present for the morning session.

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

McCleary arrived at 9:05 a.m.

Commissioner Fosbury called the meeting to order at 9:01 a.m.

PUBLIC COMMENT:

- Kiki Tidwell said the Colorado snowstorm this past weekend made everyone aware that climate change is not only drought and wildfire, but also extreme moisture events that we need to prepare for. Blaine County is very much at risk with our power coming from other states. Two transmission lines above ground, within yards of each other, are not a resilient solution and will go down in the same weather event. Tidwell asked the County to use federal COVID recovery funds to build a resilient power structure.
 - *The County is searching for a Sustainability Manager, to tackle multiple climate change issues and alternative energy possibilities.*
 - *The BCC and Sun Valley Institute partners are preparing a Request for Proposals to study energy resiliency that will be given to the County's Sustainability Manager.*
- Carl Massaro said he bought heavy equipment to plow his side of East Fork Road, but there is still a solid fence on the other side of the roadway that acts like a wall and forces the snowplow into the center of the roadway, narrowing the plowed roadway. Massaro said the fence has been built three times since 1990, and each time, the fence gets moved more into the roadway.
 - *Chairman Fosbury will take a look at the current right-of-way with Road and Bridge Manager Steve Thompson; and see how the fence lines up with zoning and boundary lines.*

McCLEARY ARRIVED AT 9:05 A.M.

- Lili Simpson, County resident, said there was a herd of 100+ elk bedded down in the property behind their house, in basically their backyard. The elk were gone the next morning, so she followed their tracks up the hill. Simpson said she keeps seeing elk stacked from one end of Old Cutters to the other end. One morning, kids were chasing cow elk down the pavement. Another time, she saw a woman chasing the elk down the hill to get photos. Simpson said she has been telling the story of wildlife for years, and nothing is being done.
 - *McCleary said she met with a Task Force in Colorado interested in how Blaine County is dealing with conservation issues; and she hopes to meet again with them to talk about wildlife issues.*

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.

McCleary moved, seconded by Greenberg, 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

Greenberg moved, seconded by McCleary, to deny Request 2020-1106-1, finding that indigency has not been established. Motion carried unanimously.

Greenberg moved, seconded by McCleary, to approve and cancel the hearing on Request #2020-1102-1, with reimbursement in the amount of \$25 per month. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Public Defender - Justin McCarthy

Also present: Deputy Public Defender Cheri Hicks; and Blaine County Public Defender Legal Secretary Heidi Southward.

Deputy Public Defender Contract Position

The Public Defender is looking for a new full-time contract deputy, at \$6,800 month straight salary with no benefits. He suggested the position start as a contract position, then possibly transition to a full-time employee.

Greenberg said the public defender workload is real. The money is available. Blaine County is making a considerable investment in Treatment DUI and Drug Courts, and he wants to be sure they have adequate staff to handle Problem-Solving Court cases. The BCC hesitated to “hire” someone with grant funds, because they could lose the grant funding. County Administrator Voss felt the request was warranted. The BCC postponed a decision for a week.

Assessor's Report - Jim Williams

The Assessor’s office is finishing their annual residential analysis. Some median house values in Blaine County are increasing by 35%, due to high sales. The increases are in improvements, not land. People who’ve owned houses in the area for decades are now moving into them, and claiming Homeowners Exemption; which further reduces the supply of rentals.

Road and Bridge Update - Steve Thompson

- An accident on Stocker Creek Bridge knocked off a guardrail. ITD inspected the bridge for structural damage; and County Engineer Jeff Loomis and another local engineer designed bridge repair.
- Funding for the Kilpatrick Bridge is available to start pre-design in 2021. Money is budgeted to cover the grant match.
- West Glendale Bridge grant is underway.
- The BCC discussed getting projects shovel-ready and shovel-worthy to apply for grant opportunities.
- Thompson said a Road and Bridge 18-year-old truck engine died recently. They’ve put about \$45,000 in repairs on the truck in the last five years, and it’s just going to cost more. The BCC directed Thompson to start looking for a replacement truck, which he estimated at under \$120,000.
- The owner of a mining claim out Kelly Gulch wants to build a house there, and is asking if the road can be rebuilt. Thompson said the road gets a lot of recreational traffic and is on their list, but it won’t support fire equipment during the wet spring season. The road is on both private and BLM land.
- Thompson said Road and Bridge maintains some dead-end public access roads that are basically private driveways.

County Administrator - Derek Voss

Voss forwarded an updated FY20 Audit Spreadsheet for the Ambulance District to the BCC and Mandy Pomeroy for future review by the BCC.

CONTRACTS, GRANTS AND AGREEMENTS

• IDC Community Development Block Grant - CARES I (Senior Connection, Meals on Wheels Van) - Update

Blaine County Grants and Procurement Specialist Stephen McDougall Graham said the County’s application to the Idaho Department of Commerce, on behalf of the Senior Connection, for the purchase of a new Meals on Wheels delivery vehicle was successful. A formal agreement is forthcoming for BCC and Senior Connection review and acceptance.

• Picabo Livestock Company Security Agreement

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; and Trent Stumph.

This security agreement is for wetlands mitigation and infrastructure items remaining to be completed on the proposed subdivision previously approved by the BCC. The security agreement is 150% of the estimated cost, confirmed by Galena Engineers and Trent Stumph, in the amount of \$13,650,

Greenberg moved, seconded by McCleary, to approve the Security Agreement between Picabo Livestock Company and Blaine County, for work done in the Picabo Fly-In Subdivision, in the amount of \$13,650, as stated in the agreement. Motion passed unanimously.

CONSENT CALENDAR

- Resolution 2021-14 Probation Budget Adjustment Record # **680457**
- Resolution 2021-15 General Budget Adjustment Record # **680458**

Greenberg moved, seconded by McCleary, to approve the Commissioners’ Consent Calendar. Motion passed unanimously.

BLAINE COUNTY ANNUAL JUVENILE JUSTICE DATA UPDATE

Also present: Blaine County Chief Probation Officer Teresa Espedal; and Idaho Department of Juvenile Corrections District Liaison Renee Waite.

Juvenile Corrections District Liaison Renee Waite reviewed the Annual Juvenile Justice report with the BCC. Juvenile crime is up a bit in Blaine County, but arrests and detention admissions are down statewide. Law enforcement is trying to only arrest juveniles for serious crimes. Thirty-five charges were filed in Blaine County in FY2020; 93% of cases were diverted, and recidivism is less than 25%. Blaine County hasn't had a youth in custody in two years.

BREAK

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

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

BLAINE COUNTY AMBULANCE DISTRICT

• Ambulance Bill Dispute

Insurance paid part of the ambulance bill being appealed; and the ambulance patient is asking that the balance of the bill be waived. The ambulance patient's attorney's letter doesn't describe the ambulance services to the detail provided in the letter from WRFR Captain Paramedic Tom White to WRFR Chief Bateman and Commissioner Greenberg. Carey Rural Fire extricated the patients, but Wood River Fire and Rescue ambulances were called from Hailey to provide advanced life support services to transport the patients to LifeFlight. The BCC said the family received extrication and advance life support service, which are expensive to provide. Apparently, the family did not have adequate insurance to pay the whole ambulance bill. The BCC didn't feel Blaine County citizens should cover inadequate insurance.

Greenberg moved, seconded by McCleary, to deny the request by Gunn family, through their attorney Michael Justin, to waive the balance of the ambulance bill. Motion passed unanimously.

Greenberg moved, seconded by McCleary, to adjourn as the Ambulance District and reconvene as the Blaine County Commissioners. Motion passed unanimously.

LAND USE and BUILDING SERVICES HEARINGS

• 321 Broadford Rd; Plat Amendment. Public hearing and consideration of an application by John Burke to amend Lot 1, Block 1, Broadford Townsite subdivision, by modifying the building envelope.

Also present: Blaine County Land Use and Building Services Director Tom Bergin, Land Use Planner Allison Marks; applicant's representative Sean Flynn; and Stoney Burke.

Marks read public notice.

Greenberg moved, seconded by McCleary, that notice was adequate. Motion passed unanimously.

Additional materials: County engineer remarks were included in the BCC packets, and posted online. His comments were consistent with the staff report.

Applicant's representative Sean Flynn said the application is to revise the building envelope. The entire lot is now in the floodplain, but the existing building envelope was out of the floodplain when originally designated. A number of large, mature trees are in the existing building envelope, the ground contours start to fall off on the south side of the envelope, and Broadford Slough runs down around the building envelope. The proposed building envelope is in an open space, on slightly higher ground.

The applicant is also requesting a reduced 25ft setback from the delineated wetland area and Broadford Slough. Title 10 requires 75ft setback from wetlands and 100ft setback from Broadford Slough.

Fosbury said Plat Note 5 on Exhibit A-2 states Broadford Slough is to be maintained as a natural drainage channel. He said there are water rights on Broadford Slough, some of which is probably springfed and some fed by diversion above Star Bridge. Flynn said they could show the slough more accurately on the plat map, and he would check on water rights.

Marks said they could add a Plat Note or Condition of Approval that identifies the existing barn in the floodway. Flynn said Plat Note 7 refers to a domestic well.

Greenberg suggested the applicant be required to plant native trees and shrubs instead of "encourage".

Public Comment:

- Stony Burke said moving the building envelope was the right thing to do.

Greenberg moved, seconded by McCleary, to approve this application by John Burke to amend Lot 1 Block 1 Broadford Townsite Subdivision by modifying the building envelope, finding the application complies with the applicable criteria set forth under Title 10 Subdivision Regulations, and applicable criteria of Title 9 Zoning Regulations, subject to the conditions provided, as amended, for Condition 6, and the addition of delineation of the slough on the final plat. Motion passed unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

North Blaine County Fire/Sun Valley Fire – Greenberg

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; Sun Valley Administrative Assistant Trish Smith; Ketchum Rural Fire Protection District Commissioners Earl

Engelmann and Jed Gray.

Greenberg and County staff met with Sun Valley City Administrator Walt Femling and Fire Chief Taan Robrahn, and Ketchum Rural Fire Protection District Commissioner Earl Engelmann to discuss their vision to provide gap advanced paramedic ambulance service. They're looking for a Staffing For Adequate Fire and Emergency Response (SAFER) grant to provide additional paramedics; and will collect call data over a four-year-period to present emergency service recommendations to the Ambulance Board.

Rinker Rock Creek Ranch Update – Fosbury and McCleary attended a webinar on research being done on the ranch by the University of Idaho and Wood River Land Trust. The ranch also hosts recreation, and will be snowmobile-groomed in the future. Fosbury looks forward to future tours and education and outreach; and will suggest the cattle ranching operation meet with Wood River Wolf Project in the future. Noxious weeds are a problem; as are target shooting, vandalism, etc.

Idaho Public Safety Communication Commission – Greenberg said they're working on getting funding legislation, and grant funding for the backbone Internet for regional interoperability and connectivity. Idaho Regional Optic Network (IRON) is working to link entities who want to be linked regionally in NextGen.

South Central Behavioral Health Board Meeting – The SCBHB is meeting to decide how to use about \$30,000 it will receive in state funding for behavioral issues.

Bald Mountain Working Group Meeting – The 5B Restoration Coalition has created this subcommittee to address the beetle kill on Bald Mountain, hopefully to work in partnership with the Idaho Department of Lands, which will hold a timber sale during the restoration project.

LAND USE and BUILDING SERVICES HEARINGS, CONTINUED

- **101 Price Ln & 30 Noe Way; Plat Amendment. Public hearing and consideration of an application by Jack and Judy Downhill to amend Lot 1A & Lot 3, Au Da Urrutian Serua Subdivision, by shifting the lot line to reconfigure lots.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin, and Land Use Planner Allison Marks; applicant's representative Bruce Smith; Wendell Cayton; and Loretta Cayton.

Marks read public notice.

Greenberg moved, seconded by McCleary, that notice was adequate. Motion passed unanimously.

Marks said this application could have qualified as an Administrative Minor Plat Amendment, but she didn't notice it before she did the staff report, and sent out notice as a plat amendment.

Disclosures: None.

The applicant's representative Bruce Smith said the Downhills own both lots, which will be the exact same size, but in a different configuration that will work better for livestock grazing and movement. There are no changes in the building envelopes or roads.

Tom Bergin showed the BCC the lot line shift configuration. Lot 3A will be the new 20-acre lot; and Lot 1AA will be just shy of 38 acres. Both lots are non-conforming to the current A-40 lot size, but they aren't being reduced in size and aren't increasing in non-conformity. There is an existing house on Lot 1A. Lot 3 is not developed, and he didn't know if there was existing septic on the lot.

Public Comment:

- Wendell Cayton and his wife own four lots on the south side of the Downhill property, and they protest this application. Cayton, the president of the Property Owners Association, said taxes have not been paid on either Downhill property for two years; and the property isn't properly titled since Jack Downhill, a former California resident, has been deceased for two years, so the property should have gone through some form of probate. There are CC&Rs for the property back to 1996. The property has been in dispute for years, and the Association spent \$2,900 last year to try to get Downhill to comply with a number of issues on the property. Another neighbor said the property was divided in 1998, and they would like to see it left as is.
Cayton said the grazing land to the west and south is swamp grass, and not the best ground for cattle. He said the structure on Lot 1A is a shack, not a house. It's never been finished, and there is no one living in it.
- Loretta Cayton said the owners association represented owners of the seven neighboring lots.

Applicant's Rebuttal:

Bruce Smith said he received the title report, and informed Mrs. Downhill that Jack Downhill's name would have to be removed, and she said she's taken care of that. He told her taxes would have to be paid in full in order to record the plat. This lot line shift is mostly to facilitate closing gates. There is no change in building envelopes.

The BCC didn't think the issues raised have to do with the standards relating to the lot line shift.

Greenberg moved, seconded by McCleary, to approve application by Judy and Jack Downhill to amend Lot 1A and Lot 3, Au Da Urrutian Serua 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 conditions provided. Motion passed unanimously.

LAND USE and BUILDING SERVICES

• Findings of Fact: Lot 1, Bullion Creek Subdivision Plat Amendment

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

The BCC suggested a few revisions.

McCleary moved, seconded by Greenberg, to approve the Findings of Fact, Conclusions of Law and Decision regarding an application of Redgy and Tamara Christenson to amend Lot 1, Bullion Creek Subdivision, by adding a building envelope for a barn, as amended in the hearing today. Motion passed unanimously.

Discussion: Disposition of County-Owned Properties (CONTINUATION)

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

Marks recapped from the last meeting:

- West Magic parcel – Blaine County Waterways Director Lamar Waters would like to use the property for a two-garage boat wash station to remove invasive species before boats go into Magic Reservoir. Waters will meet with the County Administrator and South Central Public Health District about some kind of recycling system for the drain water. Fosbury suggested Waters talk to Idaho Fish & Game.
- Picabo – **Purdy property -**
- Picabo - Robert Street – This property was auctioned, but the BCC rejected all bids. The adjacent landowner is interested in learning more about this property.
 - *Fosbury said this property would be a challenge to develop, but he felt it had potential for a single-bedroom home. He suggested the property be transferred to Idaho Housing and Finance Association or another non-profit builder.*
- Carey – Waterford Estates – Fosbury suggested transferring this lot to IHFA.
- East Fork property – The new Blaine County Recreation District (BCRD) director is interested in the East Fork property, either for Idaho Transportation Department or BCRD.

Greenberg said they could consider selling the three properties and put the money into a fund to develop housing. Fosbury agreed that a fund was a good idea, but he would prefer to build houses sooner rather than later.

- Fosbury asked Marks to check into a County-owned tax lot property southeast of Gannett that appears to be in an irrigated field.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **January 28, 2021 Special Meeting**
- **February 4, 2021 Special Meeting**
- **February 16, 2021 Indigent Executive Session.**

McCleary moved, seconded by Greenberg, to approve Commissioner Special Meeting Minutes of January 28, 2021, as presented; Special Meeting Minutes of February 4, 2021, as presented, and Executive Session minutes of February 16, 2021, as amended. Motion passed unanimously.

EXECUTIVE SESSION – §74-206 (1)(b) - Evaluation, Dismissal or Disciplining of Employees.

McCleary moved, seconded by Greenberg, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Greenberg (aye), McCleary (aye) and Fosbury (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

Dick Fosbury
Chairman