

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

Third Day

Tuesday, April 9, 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 and *Idaho Mountain Express* reporter Mark Dee were present for part of the morning session.

Chairman Greenberg 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.

McCleary moved, seconded by Fosbury, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(d) to consider records that are exempt from disclosure, in this case Indigent Medical Records. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

INDIGENT MEDICAL APPLICATIONS

Fosbury moved, seconded by McCleary, to deny Case Nos. 2019-15 and 2019-19 because indigency has not been established. Motion carried unanimously.

Fosbury moved, seconded by McCleary, to deny Case No. 2019-22, finding that the applicant has discretionary income which will cover the cost of the provider's billings over a five-year period. Motion carried unanimously.

ROAD AND BRIDGE BID OPENING: Magnesium Chloride Materials

Also present: Blaine County Road and Bridge Manager Steve Thompson; and County Administrative Services Specialist Esmeralda Palomera.

The County received two bids:

- Ag Express, estimated quantity 1,000 tons of magnesium chloride road saver, unit price \$99.34, for a total of \$99,340. Three copies of bid and security check included.
- Road Solutions with dust guard at \$93.15 ton, price delivered to County Road and Bridge. There is no total; a bid bond received for \$4,667.50.

McCleary moved, seconded by Fosbury, to direct Road and Bridge staff to review bids for the magnesium chloride material and determine if the bids are in alignment with the Request for Proposal and come back to the BCC with a recommendation. Motion carried unanimously.

TAX CANCELLATIONS

Also present: Blaine County Treasurer John David Davidson and Blaine County Chief Deputy Treasurer Morgan Drage.

William & Susan Bentz - RPH0000064008A
515 N. 1st Ave., Hailey, ID - Hardship - I.C. §63-711

The Treasurer has been working with the Bentzes, who have endured several medical hardships the last couple years, to redeem their tax deed property within the 12-month redemption period, which ends in May. The Bentzes qualify for a Circuitbreaker discount. The Treasurer asked the BCC to consider the Bentzes a hardship case under Idaho Code §63-711, and cancel their past due 2017 and 2018 taxes. He asked the BCC to temporarily waive their future 2019 taxes to give the Bentzes more time to get their taxes paid up to date.

McCleary moved, seconded by Fosbury, to approve property tax waiver for William and Susan Bentz, Parcel RPH0000064008A, waiving taxes and late fees in the amount of \$2,094.30 for 2017 and 2018 and to waive a prepayment of taxes for 2019 in the amount of \$345.64, due to the BCC establishing a hardship. McCleary amended her motion to cancel past due \$2,094.30 taxes, and waive future \$345.64 2019 taxes. Fosbury seconded the amended motion. Amended motion carried unanimously.

Guy Pere - PP1P00000AC0GP
Unregistered Aircraft I.C. §21-114 - Tax Cancellation
These are taxes for an aircraft located in Alaska.

Fosbury moved, seconded by McCleary, to cancel taxes on Parcel PP1P00000AC0GP, an unregistered aircraft now located in Alaska, in the amount of \$862.68. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS

• Claims - Gretchen Stinnett

McCleary moved, seconded by Fosbury, to approve the claims dated April 3, 2019. Motion carried unanimously.

ajv032019		Mar-2019	
FUND 01	AGAINST GENERAL FUND		
Blaine County Employees	Salaries March 14	\$ 339,520.57	
Blaine County Employees	Salaries March 28	\$ 348,716.93	
County Portion March FICA		\$ 49,653.97	
County Portion March Benefits		\$ 219,031.74	
Total March Bills		<u>\$ 271,254.75</u>	
Combined Total March Expense			\$1,228,177.96
FUND 02	AGAINST ROAD & BRIDGE		
Blaine County Employees	Salaries March 14	\$ 37,268.32	
Blaine County Employees	Salaries March 28	\$ 34,666.05	
County Portion March FICA		\$ 5,141.25	
County Portion March Benefits		\$ 24,211.31	
Total March Bills		<u>\$ 105,236.32</u>	
Combined Total March Expense			\$ 206,523.25
FUND 03	AGAINST ELECTION CONSOLIDATION		
Blaine County Employees	Salaries March 14	\$ -	
Blaine County Employees	Salaries March 28	\$ -	
County Portion March FICA		\$ -	
County Portion March Benefits		\$ -	
Total March Bills		<u>\$ -</u>	
Combined Total March Expense			\$ -
FUND 04	AGAINST AMBULANCE		
Total March Bills		\$ 202,886.52	\$ 202,886.52
FUND 06	AGAINST DISTRICT COURT		
Blaine County Employees	Salaries March 14	\$ 2,139.23	
Blaine County Employees	Salaries March 28	\$ 2,139.23	
County Portion March FICA		\$ 327.30	
County Portion March Benefits		\$ 1,356.24	
Total March Bills		<u>\$ 18,927.83</u>	
Combined Total March Expense			\$ 24,889.83
FUND 07	AGAINST COUNTY FAIR		
Total March Bills		\$ 257.75	\$ 257.75
FUND 11	AGAINST PUBLIC HEALTH		
Total March Bills		\$ 21,974.75	\$ 21,974.75
FUND 12	AGAINST HISTORICAL SOC. & MUSEUM		
Total March Bills		\$ 14,000.00	\$ 14,000.00
FUND 16	AGAINST CHARITY & INDIGENT		
Blaine County Employees	Salaries March 14	\$ 2,696.10	
Blaine County Employees	Salaries March 28	\$ 2,696.10	
County Portion March FICA		\$ 370.70	
County Portion March Benefits		\$ 1,827.94	
Total March Bills		<u>\$ -</u>	
Combined Total March Expense			\$ 7,590.84
FUND 17	AGAINST JR. COLLEGE TUITION		
Total March Bills		\$ -	\$ -
FUND 19	AGAINST CONSOLIDATED EMERG. COMM.		
Blaine County Employees	Salaries March 14	\$ 32,426.18	
Blaine County Employees	Salaries March 28	\$ 29,610.40	
County Portion March FICA		\$ 4,636.53	
County Portion March Benefits		\$ 15,605.51	
Total March Bills		<u>\$ 3,254.85</u>	
Combined Total March Expense			\$ 85,533.47

FUND 20	AGAINST REVALUATION		
Blaine County Employees	Salaries March 14	\$ 11,566.25	
Blaine County Employees	Salaries March 28	\$ 12,600.26	
County Portion March FICA		\$ 1,685.09	
County Portion March Benefits		\$ 10,125.51	
Total March Bills		<u>\$ 763.74</u>	
Combined Total March Expense			\$ 36,740.85
FUND 22	AGAINST RECYCLE CENTER		
Blaine County Employees	Salaries March 14	\$ 6,254.40	
Blaine County Employees	Salaries March 28	\$ 6,254.40	
County Portion March FICA		\$ 880.78	
County Portion March Benefits		\$ 4,871.73	
Total March Bills		<u>\$ 4,817.82</u>	
Combined Total March Expense			\$ 23,079.13
FUND 23	AGAINST SOLID WASTE		
Total March Bills		\$ 443,328.19	\$ 443,328.19
FUND 27	AGAINST NOXIOUS WEEDS		
Blaine County Employees	Salaries March 14	\$ 2,924.12	
Blaine County Employees	Salaries March 28	\$ 2,924.12	
County Portion March FICA		\$ 386.58	
County Portion March Benefits		\$ 2,230.91	
Total March Bills		<u>\$ 16,474.48</u>	
Combined Total March Expense			\$ 24,940.21
FUND 30	AGAINST CAPITAL IMPROVEMENT FUND		
Total March Bills		\$ -	\$ -
FUND 31	AGAINST PSF BOND REDEMPTION		
Total March Bills		\$ -	\$ -
FUND 35	AGAINST NURSING HOME		
Total March Bills		\$ -	\$ -
FUND 37	AGAINST SNOWMOBILE		
Total March Bills		\$ 7,081.59	\$ 7,081.59
FUND 38	AGAINST WATERWAYS		
Blaine County Employees	Salaries March 14	\$ -	
Blaine County Employees	Salaries March 28	\$ -	
County Portion March FICA		\$ -	
County Portion March Benefits		\$ -	
Total March Bills		\$ 188.00	
Combined Total March Expense			\$ 188.00
FUND 46	AGAINST E-911 EMERGENCY COMM.		
Blaine County Employees	Salaries March 14	\$ 6,425.08	
Blaine County Employees	Salaries March 28	\$ 6,425.06	
County Portion March FICA		\$ 922.66	
County Portion March Benefits		\$ 3,895.45	
Total March Bills		<u>\$ 8,639.81</u>	
Combined Total March Expense			\$ 26,308.06
FUND 51	AGAINST LAND WATER & WILDLIFE LEVY		
Total March Bills		\$ -	\$ -
FUND 81	AGAINST LIABILITY INSURANCE		
Total March Bills		\$ -	\$ -
	TOTAL ALL FUNDS		\$2,353,500.40

COLORADO GULCH BRIDGE UPDATE

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Engineer Jeff Loomis; County Grants and Procurement Specialist Lyn Drewien; County Road and Bridge Manager Steve Thompson; County Administrative Services Specialist Esmeralda Palomera; County Land Use Administrator Tom Bergin; County Planner Allison Marks; Biota Research & Consulting Fisheries Biologist Ryan Colyer; Wood River Fire Protection District Chief Bart Lassman; Wood River Land Trust

Project Coordinator Ryan Santo; Idaho Council of Trout Unlimited President Ed Northen; and intern Brittany Shipley.

The County is partnering with the Wood River Land Trust to develop a Request for Bid to replace the Colorado Gulch bridge while the stream is being restored. After discussion, the BCC decided to request a bid for an 8ft wide bridge to accommodate an emergency service vehicle.

Ryan Santo asked the BCC to consider a ramp access to the bridge. A ramp access may not be practical, but Fosbury would like to visit the site to see.

Biota has submitted a stream restoration design to restore river function and floodplain connectivity through the area. They hope to remove as much historically-placed fill material within side channels and floodplain swales in the area as possible, primarily on the east bank of the river.

The BCC needs to budget the full amount of the bridge, and pay for initial expenses out of Contingency. The County hopes to get FEMA grant reimbursement funding in 2019 and 2020.

COUNTY DEPARTMENT REPORTS

County Administrator - Derek Voss

- The County's Administrative Services department is moving their offices to the north side of the third floor of the Old County Courthouse. The In-house Public Defender office will be where Administrative Services is now.
- Brandon Keller will help the County update its 2012 Transportation Plan.
- The BCC received an email from Al Stevenson with questions regarding SafeHaven Assisted Living's state license and other physical assets acquired through a contract with the County. The BCC will give Stevenson a copy of the contract.

63-602NN CONSIDERATION OF ORDINANCE ENACTMENT

Also present: Blaine County Assessor Jim Williams, and Deputy Assessor Melissa Fry; County Treasurer John David Davidson; County Chief Deputy Prosecuting Attorney Tim Graves; Hailey Community Development Director Lisa Horowitz; Carey-Picabo Chamber of Commerce President Mike Higgs; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; and *Idaho Mountain Express* reporter Mark Dee.

Idaho Code 63-602NN enables counties to offer property tax exemption for business investment; and can be used to incentivize affordable housing rental units as a way to promote business. The BCC and stakeholders have discussed whether the county's ordinance should offer the tax exemption only for affordable housing or for housing and business plant expansion. With passage of an ordinance, the BCC would have discretion to review and approve or deny each application based on criteria the BCC has established and conditions of approval.

Applications for the exemption would be made via an online form submitted to the Assessor's office.

The ordinance would become effective when published in the newspaper of record, which could be Friday, April 12.

Public Comment:

- Mike Higgs supported the exemption for housing and business expansion.
- Bob Crosby encouraged the BCC to pass the ordinance as soon as possible for housing; and possibly broaden the scope later. He suggested the BCC make case-by-case decisions on projects rather than have a resolution setting forth specific criteria.
- Don Keirn and Lisa Horowitz suggested the property tax exemption statute within the URA boundary is in conflict with the URA tax increment raised for urban renewal, and requested the Hailey URA boundaries be removed from areas where the tax exemption could be applied.
Chairman Greenberg said other cities may not want their URA area excluded; so this request would be considered in the application process.

Commissioners' Deliberations:

Fosbury felt the tax exemption was a good tool to stimulate development of rental housing. He would prefer the ordinance be flexible to allow fine tuning in the application process. He doesn't want to undermine the URA.

McCleary supports this ordinance as an appropriate tool to incentivize affordable housing, which is a demonstrated public need and will bring significant economic benefit to the County. McCleary questions whether plant investment offers sufficient public benefit to warrant a real estate tax exemption.

Fosbury moved, seconded by McCleary, to approve Blaine County Ordinance 2019-07, an ordinance establishing a property tax exemption pursuant to Idaho Code 63-602NN, for certain plant investment in Blaine County, Idaho, subject to revisions discussed and subject to being signed by the Board of Commissioners. Motion carried unanimously. Record #659334

COUNTY DEPARTMENT REPORTS, CONTINUED

Avalanches

Also present: Blaine County Road and Bridge Manager Steve Thompson.

- There have been four avalanches on Warm Springs Road in the last 48 hours, including two that demolished houses. Road and Bridge expects to start clearing the road tomorrow morning.
- Some parts of Carey roads are flooding.

Road and Bridge requested permission to rent a dozer for a couple weeks to clear debris. The BCC granted authorization to get a dozer, and pay for it out of Contingency. The Sheriff is in contact with residents who are isolated as a result of the avalanche-caused road closures.

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW

Also present: Airport Manager Chris Pomeroy; T-O Engineers Vice President Dave Mitchell; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; and intern Brittany Shipley.

Chris Pomeroy reviewed tonight's FMAA meeting agenda with the BCC.

AMEND AGENDA

McCleary moved, seconded by Fosbury, to remove Resolution 2019-21 from the Consent Calendar; Motion carried unanimously.

CONSENT CALENDAR

- **Beverage License application for Paddles up Poke, LLC dba Paddles up Poke**
- **Resolution 2019-16 Destruction of Solid Waste and Recycling record logs and tickets**
- **Resolution 2019-17 Probation Budget Adjustment**
- **Resolution 2019-18 Extension Budget Adjustment**
- **Resolution 2019-19 Public Defender Budget Adjustment**
- **Resolution 2019-20 Weeds Budget Adjustment**

McCleary moved, seconded by Fosbury, to approve the Consent Calendar for April 9, 2019. Motion carried unanimously.

RESOLUTION 2019-21 Capital Improvement Fund Budget Adjustment

County Clerk JoLynn Drage explained that Resolution 2019-21 budget adjustment of \$122,156.93 was to finish the judicial building remodel. It was budgeted in FY 2018, but the remodel was not finished in 2018, so the funds were carried over into FY2019 and are being transferred to the Expense budget to cover 2019 remodel expenditures.

McCleary moved, seconded by Fosbury, to approve Blaine County Resolution 2019-21, a resolution of the Blaine County Board of Commissioners authorizing the adjustment of Blaine County Capital Improvement Fund Budget from the Blaine County Capital Improvement Fund Unappropriated Reserve to cover capital construction expenses. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

Continuation of **Daverman/30 Gimlet Rd Floodplain Conditional Use Permit**: A public hearing and consideration of an application by J. Daverman to perform floodplain alterations including the filling of designated wetlands; installation of a drainage pipe from the wetlands to the river; & creation of two rock spillways/swales N & E of the residence on Lot 18 to convey floodwaters to the river. Initial hearing date was Feb. 26, 2019. This project is located at 30 Gimlet Rd and 24 Gimlet Ln (Lots 18 and 19, Gimlet Sub. #10) and is zoned Residential (R-2), Floodplain (FP) and Wetland (WE).

Also present: Blaine County Land Use Administrator Tom Bergin; County Engineer Jeff Loomis; County Zoning Specialist Nancy Cooley; County Assessor Jim Williams; applicant's representatives Dr. Chuck Brockway and Erick Powell; Idaho Conservation League Conservation Associate Josh Johnson; Biota Research & Consulting Fisheries Biologist Ryan Colyer; Idaho Council of Trout Unlimited President Ed Northen; Gimlet Homeowners Association representative Norma Douglas; and intern Brittany Shipley.

Bergin read public notice.

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

Disclosures:

- McCleary was involved in Emergency Stream Alteration Permit hearings on this property. She also was contacted on April 8 by ICL Conservation Associate Josh Johnson regarding the application process. McCleary told Johnson that today's meeting was a continuation. They didn't discuss any opinions on the application.
- Greenberg made several site visits as part of the Emergency Stream Alteration Process.

New materials:

- Staff gave BCC a letter received this morning from Trout Unlimited.
- Staff gave an email to the BCC earlier today from Brockway Engineering relating to a staff report and revisions.
- A 5-page letter submitted by the landowner, Mr. Daverman.

Brockway presented the project timeline to date. He claimed said several communications made by the applicant to County staff did not receive timely responses, which was objectionable to the owners and the professionals involved.

Brockway and Erick Powell described the proposed project, designed to direct some of the river flow back to the river in order to provide a level of flood protection for the Morrow and Daverman co-applicants. Brockway said everyone wants a reach-wide solution, but this reach is extremely unstable, and neighbors to the north and across the river aren't interested in doing anything on their property.

The project basics are to construct a cobble and native grass substrate and swale, daylight pipe, and revegetation; and a Letter of Map Revision (LOMR) as required by County ordinance. The applicant requested no restriction on the construction window; and the ability for the construction crew to temporarily store materials and remove them at the end of the day.

Jeff Loomis explained the hydrology of the channel and said it would help to rough-in the swale with rock and/or wood to decrease the flow and velocity. Brockway said this would be expensive, and he didn't think it was necessary.

The original project was a Stream Alteration Permit-Floodplain-Conditional Use Permit with no project completion date. FEMA and the Army Corps of Engineers are currently in the process of redoing Big Wood River flood maps.

Public Comment:

- Ryan Colyer said floodplain berms alter floodplain function and impact dissipation of flood waters. There is a flood problem because there is no drainage, which is because the landowner filled the channel. Now the landowner is proposing swales, riprap, etc., to address the problem.
Loomis said he thought the berm was part of channel construction more than berming up from the height of the flow.
- Norma Douglas expressed concern about water from the driveway coming out onto the road, which is the only exit from Gimlet.
Loomis didn't see this project increasing risk to the road.
- Ed Northen said the proposed project interferes with normal river functions. TU asks the BCC to focus on the big picture and let the river be the river. Northen said this application is not necessary to protect the safety of the residents.
- Ed Northen, speaking for himself as a Hailey resident, said he and his wife purchased and own a home in the Della View floodplain and protect their home during flood season with a bladder, 1,000 sandbags and three sump pumps.
- Bergin relayed a phone call from Dates Fryberger, who lives downstream on the east side of the river. Fryberger asked that the project not have an adverse impact on downstream neighbors. He said there was only 3" difference in elevation of water in his yard between 2017 and 2018, so the river dynamic had clearly changed in 2017. Fryberger and his wife considered themselves the interloper into the river floodplain.

Tom Bergin asked that a revegetation plan be required. He said there can be some flexibility for staging, but materials must be removed before flood waters arrive. Fosbury and Brockway discussed a timeline, while acknowledging the site was still under snow.

McCleary felt the proposal met the standards. Greenberg said the project's main function does not seem to be to protect the home, and there was a loss of natural scenic features, but it meets the standards. The BCC said Condition 11 can be deleted; Condition 10 can be revised to say nothing shall be stored in flowing water; and shrubs can be evaluated in the revegetation plan.

Fosbury moved, seconded by McCleary, to approve the application by James E. Daverman for a Floodplain Conditional Use Permit on the Big Wood River, finding the proposal complies with applicable criteria set forth under Title 9 Chapter 17 Floodplain Overlay District and Riparian Setback District, subject to the following conditions that we discussed, eliminating Condition 11; and adding two conditions, one that a LOMR application be submitted to FEMA within 120 days of completion of Phase II; and an additional condition that the applicant shall submit a maintenance plan of the improvements. Fosbury amended his motion to require a condition that a LOMR application be submitted within 160 days; amendment seconded by McCleary. Amended motion carried unanimously.

- **Lot 4A, Grove Creek Sub./114 Grove Ck. Court Plat Amendment:** A public hearing and consideration of a plat amendment application by Grove Creek LLC, property owner of Lot 4A, Grove Creek Sub., also known as 114 Grove Creek Ct., to abandon the water line easement on their property. The easement formerly benefited Lot 5A.

Also present: Blaine County Land Use Administrator Tom Bergin; County Zoning Specialist Nancy Cooley; Blaine County Engineer Jeff Loomis; applicant's representative Bruce Smith; Buffalo Rixon; and Gimlet Master Association representative Norma Douglas.

Cooley read public notice.

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

Disclosures: None.

The applicant would like to put an addition on their house, but it would be on top of a water line easement that crosses their lot and access Lot 5A. The owner of Lot 5A and the easement has submitted a letter stating he doesn't need the easement. The application is to vacate the easement and remove it from the plat.

Public Comment: None.

Fosbury moved, seconded by McCleary, to approve with the Conditions of Approval cited in the Staff Report by 114 Grove Creek LLC to eliminate the waterline easement as recorded that crosses Lot 4A, Grove Creek Subdivision, finding the application complies with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9, Zoning Regulations, as stated. Motion carried unanimously.

LAND USE and BUILDING SERVICES

• Findings of Fact: Morrow Flood Plain-Conditional Use Permit

McCleary moved, seconded by Fosbury, to approve the Findings of Fact, Conclusions of Law and Decision regarding an application of David and Marie Morrow for a Floodplain Conditional Use Permit for the west of the Big Wood River which is a follow-up to the Stream Alteration Permit issued during flooding of 2017. Motion carried unanimously.

• Purdy Stream Alteration Permit Modification

McCleary moved, seconded by Fosbury, to approve Findings of Fact, Conclusions of Law and Decision regarding an application of Picabo Livestock Company, Inc. for an extension of a previously permitted Stream Alteration Permit on the Big Bend portion of Silver Creek. Motion carried unanimously.

EXECUTIVE SESSION – §74-206 (1)(a) Personnel (a), to consider hiring a public officer, employee, staff member or individual agent, and to evaluate the respective qualities of individuals to fill the vacancy or need.

McCleary moved, seconded by Fosbury, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(a), consideration of hiring a Chief Public Defender in this case. 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