

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

**Sixth Day**

**Tuesday, July 23, 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 Administrative Services Manager Mandy Pomeroy; and Recording Secretary Sunny Grant. Chief Deputy Clerk Leslie Londos was present for part of the morning session.

Chairman Greenberg called the meeting to order at 9:00 a.m.

**PUBLIC COMMENT:**

- Kiki Tidwell encouraged the BCC to make budget decisions based on using assets to their highest and best use, including selling the Blaine Manor site.
- Sarah Michael felt the Blaine Manor site was best used as land for affordable housing. Michael said the County hasn't been using its financial reserves to fund the budget in recent years, and has in fact built its reserves. She said the biggest ongoing budget increase was in adding staff and raising employee salaries.
- Paddy McIlvoy, personally and as managing partner of Backwoods Mountain Sports, hoped the BCC would continue to enforce parking and long-established access to the Big Wood River, specifically in Flying Heart Ranch.
- John Huber, Picabo Angler general manager, said his business, guides and their families, were economically dependent on the river access, as were other tourist- and fly fishing-related businesses in the Wood River Valley.
- Mike Sampson, Sotheby's Realty, said he was older and needed to park as close as possible to river access to go fly fishing on the river. He noted that roads in Flying Heart were platted at 80ft wide.
- Craig Hill retired here to go fly fishing. If this access is lost, other accesses will be closed. He said a resident recently told him his car would be towed if he parked in Flying Heart.
- Idaho Wildlife Federation Communications and Outreach Coordinator Becca Aceto, also active with Backcountry Hunters and Anglers, said public access has become a statewide issue.
- Arlen Chaney and his wife Christina Healy walk the river several times a month and strongly oppose closing the public access. He added that they'd never seen trash or irresponsible behavior.

Commissioner Fosbury suggested the BCC pursue an estoppel order to stop the Flying Heart Homeowners Association from removing parked cars in Flying Heart while attorneys negotiate the public access. The BCC was dismayed that a car was towed the day after the BCC met with the HOA and their attorney.

**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 Indigent Services Assistant Hayleigh Simpson.

**McCleary moved, seconded by Greenberg, that the BCC go into Executive Session, pursuant to Idaho Code 74-206 (1)(d) to consider indigent medical records that are exempt from disclosure. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.**

**OPEN SESSION**

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

**McCleary moved, seconded by Fosbury, to approve Case #2019-1023-1, with a \$25/month reimbursement. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS**

**Claims - Gretchen Stinnett**

**McCleary moved, seconded by Fosbury, to approve claims dated July 17, 2019. Motion carried unanimously.**

**RESOLUTION 2019-30 Transfer of I.T. Equipment to City of Ketchum** ..... Record #661826

Also present: Blaine County Information Technology Manager Clay Landon.

These are two long term archival storage devices to be transferred to the City of Ketchum.

Recording Secretary Sunny Grant read public notice.

**McCleary moved, seconded by Fosbury, that notice for this resolution was sufficient. Motion carried unanimously.**

**Fosbury moved, seconded by McCleary, to approve Blaine County Resolution 2019-30 Transfer of Information Technology equipment to the City of Ketchum, being a resolution of Blaine County commissioners, pursuant to Idaho Code 31-808(9) declaring that the transfer of certain property**

to another political subdivision or taxing district is in the public interest. Motion carried unanimously.

**RESOLUTION 2019-33 authorizing the execution of the application for federal assistance for procurement of Snow Removal Equipment, procurement of Aircraft Rescue Fire Fighting Equipment, and Obstruction Removal (Trees) project at Friedman Memorial Airport (AIP-047) ..... Record #661828**

Also present: Friedman Memorial Airport Manager Chris Pomeroy.

The Friedman Memorial Airport Authority recommended the County and City of Hailey, as co-sponsors of the airport, adopt this resolution to receive federal funds for firefighting equipment and land use.

**McCleary moved, seconded by Fosbury, to approve Blaine County Resolution 2019-33 a resolution of Blaine County, as co-sponsor of Friedman Memorial Airport, authorizing execution of the application for federal assistance for 2019 and the standard DOT Title VI assurances dated May 29, 2019, and adopting and ratifying the representations and assurances contained therein, and further authorizing the Chairman of the Board of County Commissioners to ratify, accept and execute the grant of federal funds for a project at, or associated with, the Friedman Memorial Airport (AIP-047), specifically for Snow Removal Equipment, procurement of Aircraft Rescue Fire Fighting Equipment, and Obstruction Removal (Trees). Motion carried unanimously.**

**RESOLUTION 2019-34 authorizing the execution of the application for federal assistance for land acquisition at the Airport ..... Record #661829**

Also present: Friedman Memorial Airport Manager Chris Pomeroy.

This grant is anticipated to be awarded from FAA in mid-August.

**Fosbury moved, seconded by McCleary, to approve Blaine County Resolution 2019-34, being a resolution of Blaine County, as co-sponsor of Friedman Memorial Airport, authorizing execution of application for federal assistance dated May 28, 2019, and the standard DOT Title IV assurances dated May 29, 2019, and adopting and ratifying the representations and assurances contained therein, and further authorizing the Chairman of the Board of Commissioners to ratify, accept and execute the grant of federal funds for a project at, or associated with, the Friedman Memorial Airport (AIP-048), specifically, being for land acquisition for runway protection zone. Motion carried unanimously.**

**RESOLUTION 2019-32 Motor Vehicle Fee Increase ..... Record #661827**

Also present: Blaine County Assessor Jim Williams and Chief Deputy Assessor Melissa Fry.

Recording Secretary Sunny Grant read public notice.

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

Blaine County fees have not increased since 1995. This resolution raises motor vehicle fees from \$3.85 to \$8.25 per transaction, which will reasonably cover the cost of a DMV transaction, but does not include management or building cost.

Public Comment: None.

**Fosbury moved, seconded by McCleary, to approve Blaine County Resolution 2019-32, setting Blaine County Department of Motor Vehicle administrative fees to reflect actual cost of such services and increase fees from current \$3.85 per transaction and adopt \$8.25 per transaction to reflect the actual cost of providing those services. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS**

**Chief Public Defender - Justin McCarthy**

Also present: Blaine County Contract Public Defender Cheri Hicks.

Blaine County Administrative Services Manager Mandy Pomeroy said there were some funds in the account for Chief Public Defender that could be used for office expenses—furniture, computer, etc.

**McCleary moved, seconded by Fosbury, to approve an amount not to exceed \$20,000 from Contingency to fund the necessary items for setting up the public defender's office, including furniture, computers and phone, office supplies, law books and law computer program. Motion carried unanimously.**

Cheri Hicks, current Blaine County contract public defender, said McCarthy was thorough and doing a great job. She has a large felony trial the end of October that will likely incur extra hours and expenses totaling \$10,000-\$20,000 for an investigator, one or two experts, and a trial for several days.

**CONTRACTS, GRANTS AND AGREEMENTS**

- **Special Use Agreement between Blaine County, Idaho and City of Hailey, Idaho ..... Record #662039**

Also present: Blaine County Information Technology Manager Clay Landon.

The BCC made minor revisions to the agreement.

**Fosbury moved, seconded by McCleary, to authorize the Chairman to execute the Special Use Agreement between Blaine County, Idaho and the City of Hailey, Idaho, making available wireless**

communication data link from Hailey City Hall to the Blaine County Annex building with edits as discussed, and, specifically, on Item 4, Terms and Termination, when the agreement is terminated, the facilities will be returned to original or better condition. Motion carried unanimously.

- **Community Rating System Annual Recertification**

Also present: Blaine County Land Use Administrator Tom Bergin.

This will be submitted to FEMA by August 1. Commissioner Fosbury expressed confidence that the County can improve its National Flood Insurance Program Community Rating System score.

**Fosbury moved, seconded by McCleary, to approve the Community Rating System Annual Recertification to FEMA and authorize the Chairman to execute the Recertification and documents contained within. Motion carried unanimously.**

**CONSENT CALENDAR**

- **Resolution 2019-35 Probation Budget Adjustment** ..... Record #661830
- **Resolution 2019-36 General Budget Adjustment** ..... Record #661831
- **Resolution 2019-37 Fair Budget Adjustment** ..... Record #661832
- **Beverage License renewals** for Silver Creek Hotel, IL Naso Restaurant and Mahoney's Bar & Grill.
- **Catering permit for the Red Shoe, catering an event for Mountain Humane, on August 1, 2019, from 4:00 to 8:00 pm., at 101 Croy Creek Road**

**McCleary moved, seconded by Fosbury, to approve the Consent Calendar for Tuesday, July 23. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS**

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

- **Picabo Greenbelt Update** – Fosbury and Commissioners  
Also present: Blaine County Land Use Administrator Tom Bergin; and County Road and Bridge Manager Steve Thompson.  
County staff are exploring ways the 80ft right-of-way can be reconfigured so residents can plant trees in the greenbelt without encroaching into the County right-of-way.  
Picabo residents would like to consider speed controls to slow down cars passing through Picabo.
- **National Association of Counties (NACo) Annual Conference** – Fosbury
- **Idaho Association of Counties District IV Meeting** – Commissioners
- **USFS Salmon-Challis Forest Plan Cooperator Phone Call** – McCleary
- **Other**
  - Hailey City Council Meeting** – Greenberg
    - Regarding Ambulance District and potential fire department consolidation issues.
    - Hailey's city dog ordinance may be repealed and replaced by state statute, which requires the County to pay impound fees instead of the city. Hailey recovered 104 dogs last year.
    - **Bellevue City Council** – Fosbury  
Bellevue is having a difficult time establishing a FY2020 budget due to reduced revenue. Fosbury asked Road & Bridge if they had any extra road or safety signs or equipment they could loan Bellevue Public Utilities for now.
  - Mountain Rides** – Fosbury  
Local jurisdictions are funding current Mountain Rides without expanding services. Ketchum is discussing cutting funding.

**DISCUSSION WITH FEDERAL LEGISLATIVE DELEGATION**

Also present: Linda Culver, Regional Director for U.S. Congressman 2nd District Mike Simpson; Samantha Stahlnecker Marshall, Regional Director for Senator Mike Crapo; Mike Mathews, Regional Director for United States Senator Jim Risch; and Mountain Rides Executive Director Wally Morgus.

Representatives of Idaho's federal legislators met with the County Commissioners to discuss County priorities:

- Mountain Rides public transit system, which helps to resolve part of the Blaine County housing crisis.
- A recent local newspaper had four pages of HELP WANTED ads and only one APARTMENT FOR RENT.
- Environmental issues are very important to residents in the State.
- Management of federal public lands, which are recreational resources important to Blaine County residents' quality of life and an economic driver.
- Solutions to keep illegal immigrants working in southern Idaho.
- Sustainable PILT funding. Blaine County is 82% public lands and requires considerable infrastructure services and support.
- Support remote tower pilot program as part of Friedman Airport.
- Housing is a national issue. Support state real estate transfer tax in Idaho to support housing, in spite of the real estate association lobby and Republican legislators.
- Federal funding is important for public transportation and bike/ped in a resort community, and also a component of affordable housing. County roads and bridges rely on limited state funding.
- Food stamps changing regulations could have a negative impact on Blaine County residents.
- South Central Community Action Partnership programs.

Public Comment:

- Kiki Tidwell asked if there could be a townhall meeting for all residents to express concerns.
- Tidwell said Idaho Power is asking the community to pay \$35 million to underground power lines. She asked the federal legislators to encourage Idaho Power to instead work with INL on an alternative cyber secure microgrid/battery solution for the future.

## **BREAK**

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

- **Zoning Regulations - "Small Unit Residential" Text Amendment:** Continuation (from June 25, 2019) of public hearing and consideration of an application by Sun Valley Economic Development to amend Blaine County Code, Title 9, by adding a new chapter, Small Unit Residential District (SUR).

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; Sun Valley Economic Development Executive Director Harry Griffith and Outreach Director David Patrie; Citizens for Responsible Development Donn Wonnell, Laine Meyer, Mark Gates and Betsy Gates; St. Luke's Public Relations Manager Joy Prudek; Robin Christensen; John Flood; Tyler Peterson; Len Harlig; Bruce Armstrong; and *Idaho Mountain Express* reporter Mark Dee.

Grotto said this hearing is continued from June 25, so additional notice was not necessary. Notice of today's hearing was provided by posted agenda.

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

#### **Disclosures:**

- Commissioners McCleary and Fosbury received public comment today from Harry Rinker, which was forwarded to staff and the BCC.

This is a text amendment to a Zoning Code. It is not a specific application for a specific parcel or location, or an overlay district.

Griffith presented a PowerPoint of the proposed text amendment, including constraining mechanisms, traffic considerations, and potential sewer possibilities. Discussions included:

- Residency is required. Residents would have to demonstrate on a regular basis that they are eligible to live in the housing.
- Road capacities are currently below capacity.
- Concept proposed is village-style housing of about 13 units per acre.
- Large Soil Absorption System (LSAS) sewer systems. Up to fifty homes smaller than 1,500sf could be done in Blaine County soils.
- The project manager, perhaps the Blaine County Housing Authority, would be chosen by the BCC.
- Griffith suggested 13 units per acre. 34% of the property is planned to be building envelope; the balance is open space.

Any proposed project would have to go through the complete Land Use and Building Services application process.

Public Comment:

- Donn Wonnell, Director of Southern Comfort Homeowners Association and also director of Citizens for Responsible Development (CRD), suggested this is a piecemeal approach to South Gateway development, and asked the BCC to consider a comprehensive assessment of development for this particular subdistrict. Wonnell said CRD filed a comprehensive plan with Land Use staff on April 17.
- Kiki Tidwell said this would be disastrous to private property values; and the County is considering adding thousands of cars a day on Buttercup Road, which has been in disrepair for 15 years. Tidwell said Sun Valley Economic Development gets a contribution from Blaine County every year, and she can't point to anything it's used the money for other than to pay two salaries.
- Len Harlig is fully aware of the lack of workforce and affordable housing in Blaine County, and appreciates time and ideas being put forth to meet the need. But, the Community has established principles for itself long into the future—concern for sewer systems and protection of groundwater, etc.—and doesn't want housing at the expense of losing what's important to the community.
- Joy Prudek said St. Luke's works very hard to recruit qualified candidates for critical roles, and offers competitive salaries, but loses candidates due to lack of housing.

McCleary said many comments she received referred to specific areas, and reminded people that a text amendment was for everywhere in the County.

Fosbury asked what the impacts would be on areas beyond urban centers for services; and what are thresholds for a rezone.

**McCleary moved, seconded by Fosbury, to continue this hearing to September 3, 2019. Motion carried unanimously.**

- **Right of Way Street Vacation of N. 3rd Street, Gannett:** A public hearing and consideration of an application by Richard Hoel and Judith Peterson to abandon and vacate North 3rd Street lying between Block 3: Lots 1, 2, 3 and Block 2: Lot 1A, Gannett Townsite. These lots are zoned mid-density residential (R-.4).

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Road and Bridge Manager Steve Thompson; County Land Use Administrator Tom Bergin; County Planner Allison Marks; applicants Richard Hoel and Judy Peterson; Tyler Peterson; Tracy Peterson; Travis Peterson; Curtis Tidwell; Hailey City attorney Christopher Simms; Franky Martinez and Cindy Ruiz, and their attorney Fritz Haemmerle (by phone); Pam Tidwell; Reid Hunt; Neighbor Cindy Ruiz Ramos; David Cosca; Susan Kraemer; and John Flood.

Marks read public notice.

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

**New materials:** Exhibit D-3, Public comment received this morning.

Richard Hoel, 754 N. Fourth Avenue, co-applicant, said the south edge of his house is barely 40ft from the centerline of the N. Third Street right-of-way, and requested the BCC consider vacating the right-of-way to remedy the situation. This portion of Third Street is not currently a throughway, and has been maintained by the Peterson family, 756 N. Fourth Avenue, but it is an 80ft County right-of-way, and is the legal main access for 316 N. Third Street. Land Use and Road and Bridge would like to keep the roadway open for future development; but the right-of-way could be reduced to 60 feet, with 10ft going to property owners on both sides, Hoel and Peterson. Hoel's well, 22ft from the centerline of the Third Street right-of-way, would still be in the right-of-way and will have to be relocated at some point.

Public comment:

- Fritz Haemmerle and his clients oppose the vacation since no highway or right-of-way shall be abandoned or vacated unless there is alternative public right-of-way or highway. They have a private road they use to get to their property, but it is not a highway or public right of way.
  - Right-of-ways cannot be vacated without the consent of adjoining landowners, which the application does not have; and if the right-of-way has not been used for five or more years, which it has, by the neighbors, for their own purposes.
  - Third Street is not a right-of-way, but a street that was platted under a 1913 Gannett plat.
  - Any application for vacation must include a legal description, which this application does not.
  - The applicants never served adjoining properties with a summons.
- Kiki Tidwell said this application is similar to the Picabo situation, where residents have maintained a neighborhood area that happens to be a right-of-way.
- John Flood is concerned what's going to happen to other access roads.

County Land Use Administrator Tom Bergin explained that Land Use staff considered vacation a viable option because this road is not the sole access to 316 N. Fourth Avenue. The property is zoned A-20, and a rezone would be necessary for development to occur.

The co-applicants said they would be satisfied to get 10ft on either side. They would like some speed control.

County Attorney Tim Graves said Third Street is a platted street, not a prescriptive right-of-way. It has not been abandoned; and whether or not the County has maintained it is of no legal significance. The County is under no responsibility to fix errors in locating the house or the well, and could require these structures to be removed from the public right-of-way. The question is if there is public interest in vacating this public right-of-way or in keeping this right-of-way open. The BCC could consider a partial vacation. Graves said neighbors and their attorneys were present, and therefore received notice of today's hearing.

Graves said speed and traffic control are an enforcement issue, and should involve the Sheriff.

**Fosbury moved, seconded by McCleary, to direct staff to renote this vacation request, with a proper legal description, to vacate the north 10 feet and south 10 feet of 3rd Street lying west of Fourth Avenue, in Gannett. Motion carried unanimously.**

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

- **Findings of Fact: Shooting Star Subdivision**

**Fosbury moved, seconded by McCleary, to approve Findings of Fact, Conclusions of Law and Decision for the Shooting Star Subdivision application. Motion carried unanimously.**

### **WARM SPRINGS CONSULTING BUDGET REQUEST**

Also present: Blaine County Land Use Administrator Tom Bergin; Warm Springs Consulting partners Amber Bieg, and Deborah LaSalle.

Bieg and LaSalle presented a PowerPoint recap of their recent area planning and resilience workshops. They reviewed their initial desired outcomes as presented to the BCC in 2018, to build public and private sector collaboration for several resilience community projects, including:

- Community Housing
- Regional green building program incentives and local architects
- Energy generation, including a community solar project with Idaho Power and microgrid with St. Luke's
- Local food and Needs Assessment, and need for commercial kitchen
- Regenerative agriculture risk mitigation funds – Natural Resources Conservation Service (NRCS) soil health workshop.
- Regional collaboration cross-agency partnership to create cohesion among jurisdictions.
- Economic Development Council
- Reduce carbon emissions with compost and no-till works.

They anticipated 30-40 people, and over 120 people participated in the two workshops, which increased the cost.

Warm Springs Consulting budgeted \$44,000 for their two workshops. Actual cost was \$53,893. The BCC gave WSC \$31,000; and WSC absorbed \$10,000, resulting in a \$13,000 gap. They requested funding from local jurisdictions and private entities to cover the gap, and received contributions from Ketchum and Idaho Water Resources.

The BCC will consider the request for additional funding, and asked Bieg and LaSalle to return for the August 6 BCC meeting.

**ADJOURN**

**At the hour of 4:59 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
 JoLynn Drage County Clerk Jacob Greenberg Chairman