

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

Eighth Day

Tuesday, July 27, 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 Mandy Pomeroy; Administrative Services Supervisor Stephanie Carlson and Support Specialist Kay Draper; Grants and Procurement Specialist Stephen McDougall Graham; Treasurer John David Davidson and Chief Deputy Treasurer Morgan Drage; Disaster Services Coordinator Chris Corwin; Land Use and Building Services Director Tom Bergin and Deputy Director Kathy Grotto; Floodplain Manager Kristine Hilt; Land Use Planner Allison Kennedy; Recording Secretary Sunny Grant; Wendy Pabich; Sarah Michael; Clearwater Landscaping co-owner Dave Lipman; Infieldvector Sean Montgomery; Linda Haavik; and Boise State Public Radio Reporter Rachel Cohen. Chief Deputy County Clerk Leslie Londos was present for part of the morning session.

Many participants in this meeting were by webconference or teleconference.

Commissioner Fosbury called the meeting to order at 9:02 a.m.

PUBLIC COMMENT:

- Larry Schoen said the Groundwater Management Area Committee will be returning to the negotiating table to try to develop a groundwater management plan under supervision of Department of Water Resources staff. The area's groundwater and surface waters are connected, both on the Big Wood River and Silver Creek, and are important water resources for our community. Schoen added that Advisory Committee hearings have led to curtailment of most of the wells in the Bellevue Triangle south of Glendale Road, including for commercial uses.

CLAIMS - Gretchen Stennett

Greenberg moved, seconded by McCleary, to approve claims dated July 21, 2021, as presented. Motion passed unanimously.

APPEAL OF TREASURER'S DECISION FOR LATE CHARGE AND NOTICE OF INTEREST FOR PROPERTY TAXES PARCEL RPK0380000020

Also present: Blaine County Treasurer John David Davidson; property owner Dana Howell and applicant Carlotta Greeninger.

Howell, the property owner, accidentally mailed her tax payment to her petsitter Greeninger instead of to the County Treasurer. Greeninger received the tax payment check on June 18. She knew Howell was out of town, so she offered to take the payment to the Treasurer's office on Sunday, June 20, before the June 21, 2021 tax payment deadline. On Sunday, June 20, Greeninger claims she found the mailbox so full to the brim with envelopes that an envelope could actually be removed from the mailbox; so she put Howell's tax payment in her own envelope, hand marked it TREASURER'S OFFICE, and shoved the folded envelope deep into the mailbox. On Tuesday, June 29, Howell called Greeninger and told her that the treasurer said the tax payment had not been received. Greeninger went in to the Treasurer's office, and saw the envelope with TREASURER'S OFFICE on a desk in the Treasurer's office.

Davidson said he personally pulled this envelope and four other envelopes out of the mailbox on June 28. Taxes were due by June 21, 2021. Davidson said the mailbox is checked at least once every day, and it is improbable that the envelope was stuck in the mailbox for a week.

Davidson said the Treasurer's Office has received complaints this year about the dropbox being full, and he is checking into solutions, including a security camera.

Davidson said payments are sometimes mailed to the wrong address, and if they are postmarked in time, the Treasurer can make an allowance. Greeninger didn't have the original postmarked envelope, but her text messages indicated she received the tax payment on June 18. The BCC agreed that the check was mailed on time to arrive by the deadline, but to the wrong address.

Greenberg moved, seconded by McCleary, to cancel late charges of \$76.83 and interest and fees of \$231.88 on parcel RPK0380000020, based on evidence provided. Motion passed unanimously.

BLAINE COUNTY AMBULANCE DISTRICT

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

• **Ambulance Board Selection of RFP Strategic Planning Consultant**

The Committee reviewed the five proposals for the project, then contacted the three finalists, and checked references. The Committee has chosen AP Triton, based on cost not to exceed \$27,322, excellent references, and 2-3 month timeline, beginning when all participants have provided all necessary data that the consultant needs to begin working on the plan. The project cost is not to exceed \$35,000, including visits to Blaine County for in-person interviews with community stakeholders; community

involvement; and if mutually agreed, they can add a specific well-defined project element to the contract after the contract is signed. Ten percent is due at contract signing.

The BCC directed staff to draft an Agreement with IP Triton for a Strategic Plan for the Ambulance District at a not-to-exceed amount of \$35,000.

Greenberg moved, seconded by McCleary, to reconvene as Board of County Commissioners. Motion passed unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

• Agreement for Collection Services

Blaine County pays Southern Idaho Solid Waste District from the tipping fees it collects at Greenhorn Transfer Station. Fosbury questioned the language, "... between Blaine County, dba Ohio Gulch Transfer Station herein referred to as "creditor" and with Blaine County Collectors."

The BCC did not approve the Agreement at this meeting. County Administrator will check into the agreement language.

• Addendum to Independent Contractor Agreement with Brockway Engineering

Also present: Blaine County Land Use and Building Services Director Tom Bergin; and Floodplain Manager Kristine Hilt.

The BCC previously approved the increased amount of the Brockway Addendum, but asked if staff gave Brockway permission to exceed the contract amount. Greenberg said it's important that all parties honor contracts.

Kristine Hilt said Brockway let her know about the extra time he spent on the job after doing the work, and said he would absorb the increased costs. Hilt told him the work was important and she didn't think the County would have a problem paying for his time. County Engineer Jeff Loomis said this kind of complication sometimes happens with engineering. Hilt chose to add an addendum to the contract instead of modifying the original contract. She will contact USGS and see if the County can be reimbursed. Fosbury agreed, and said this is not the County's fault and property owners shouldn't have to pay to correct a clear and obvious data mistake.

Greenberg moved, seconded by McCleary, to approve the Addendum for FEMA mapping with Brockway Engineering to increase the not-to-exceed amount to \$10,355. Motion passed unanimously.

BLAINE COUNTY FAIR BOARD

• Fair Board Appointment

Fosbury said Jessica McKenney has a son active in 4-H, and is interested in serving on the Fair Board for a four-year term.

Greenberg moved, seconded by McCleary, to appoint Jessica McKenney to the Blaine County Fair Board for a four-year term, ending December 31, 2025. Motion passed unanimously.

• Board Member Term

Fosbury said Inga Del Real is interested in serving a two-year term on the Fair Board.

Greenberg moved, seconded by McCleary, to appoint Inga Del Real to the Blaine County Fair Board, for a two-year term, ending December 31, 2023. Motion passed unanimously.

Fosbury is waiting for a report back from the other two Fair Board members (Laurie Fiscus and Devra Mary, both with four-year terms).

CONSENT CALENDAR

Also present: Grocery Outlet Independent Owner Shane Anderson.

- **New Beverage License** application for Kraft Family Services dba Krafty.
- **Beverage License Renewals** for Burita, El Nino, The Boho Lounge, Picabo Angler, Hailey Ice Park and Mahoneys Bar And Grill.
- **Resolution 2021-21 Recycle Center Budget Adjustment**

Greenberg moved, seconded by McCleary, to approve the Commissioners' Consent Calendar for July 27, 2021, as presented.

COUNTY DEPARTMENT REPORTS

County Administrator - Mandy Pomeroy

- Pomeroy said Team Member and Supervisor Performance Evaluation forms have been sent to Department Heads and Elected Officials for self and supervisor evaluation. They are due back September 15.
- The BCC wants to resume Project Workshops in September.

EXISTING GROUNDWATER STUDY SYNOPSIS - SCOPE OF WORK

Also present: Blaine County Land Use and Building Services Director Tom Bergin; Land Use Planner Allison Kennedy; Water Futures President Dr. Wendy Pabich; Galena Engineering principal and engineer Sean Flynn; and Wood River Land Trust Project Coordinator Ryan Santo.

Land Use invited Dr. Wendy Pabich to propose a scope of work for a workshop for the BCC and community on local groundwater and water issues, to include State regulations, water rights, and the influence of severe drought.

- Greenberg suggested the community needs to know what it can do to conserve water during the drought.
- There is talk about reducing water for domestic use. The County needs to know it has sufficient water for development and growth.

Pabich said there are things the County can do to help the drought situation. She said much of the information the community should know and could use regarding water issues and groundwater is contained in a study done by three scientists, including Pabich, for USGS in 2007.

Greenberg said he'd rather the workshop focus on a regional approach to the current situation instead of a history lesson. He wants to know what the cities are doing, and how best to work with jurisdictions; and help Land Use develop regionally sustainable policies. Fosbury said the County doesn't operate any water systems, or regulate water, but the cities have water rights and the ability to curtail and regulate water within them.

Pabich felt the County needed a point person to track and advise on water issues; and suggested she could do an updated Water Rights Seminar for County staff.

Public Comment:

- Larry Schoen has been very involved with water issues for a long time, and is glad the County is getting up to date with water issues. He suggested the County attorney be involved in the workshop, and a groundwater workshop should be done as soon as possible. Schoen said the cities hold water rights and must be involved.
Schoen said Conjunctive Management is a big legal question right now. The BCC needs to understand what it means, and also the implications of implementing it.
- Lili Simpson suggested that all the studies be compiled and available to the public prior to workshop.

The BCC directed Kennedy and Pabich to be sure the USGS documents are on the County website. The scope of work needs to be revised and the BCC should engage Dr. Pabich as point person on water issues.

COLORADO GULCH BRIDGE PROJECT

Also present: Blaine County Land Use and Building Services Director Tom Bergin; Wood River Land Trust Project Coordinator Ryan Santo; Sean Flynn; and Ginna Lagergren.

Pomeroy explained the current proposed pedestrian bridge is 110ft main span over the river by 10ft wide. An additional 10ft wide bridge spans 25ft over a side channel. The County can replat the location, which would eliminate the old easement and record a new plat with the new easement; or vacate the existing platted easement and record a document with a new easement with legal description.

Chris Corwin is collecting historical, archeological and hydrology study documents to submit to FEMA for approval to proceed with river restoration work. Once river restoration is complete, the bridge specifications can enable a final bridge design and official cost estimate for the BCC. Santo said river studies done for the Stream Alteration Permit satisfy FEMA requirements. The 20ft right-of-way is meant to be non-motorized, although vehicles can be used for maintenance. The Wood River Land Trust owns the land, but ownership and ongoing maintenance has yet to be worked out. Blaine County Recreation District (BCRD) maintains pedestrian bridges and stream crossings.

HOUSING DISCUSSION

Also present: Human Resources Generalist Justin Highhouse.

The Housing Advisory Group has broken into subgroups that are working on immediate and future solutions to the lack of housing.

Fosbury is working with landowners, designers and providers of housing in unincorporated higher density areas in Blaine County, including the South Gateway and Clear Creek Light Industrial area. Greenberg is working with Idaho Department of Environmental Quality and State of Idaho governance to make sure County ordinances comply with state regulations; and looking for state grants and local financing for affordable and workforce housing. McCleary is liaison with local mayors and administrative staff. Local cities and the County are working to update and amend Accessory Dwelling Unit zoning rules to provide more housing opportunities in tiny homes and recreational vehicles; and are looking at future revisions to Conditional Use Permits and Subdivision applications.

Fosbury said the Blaine County Housing Authority (BCHA) waiting list is over 200 individuals and families. About 60 units should be available by the end of year.

Greenberg said the BCC should get an updated number of how many commuters are coming into the

valley on a daily basis. He added that the Needs Assessment should include a question of people who choose to live in Carey or Shoshone or Fairfield and drive into Blaine County daily. He suggested the County may need to put money into commuter transportation instead of tiny home development.

ARCH has a trust fund, SPUR is setting up a trust fund, and other organizations are setting up funds for affordable housing. Ketchum and Sun Valley have various fund(s) for employee housing and housing allowances. Fosbury has been contacted by a designer of out-of-state decentralized wastewater treatment systems.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **30 Gannett Rd and Kingsbury Ln; Midnight Acres Subdivision. Public hearing and consideration of an application by Michael Lovas for a Short Plat, to be named Midnight Acres Subdivision. It would re-subdivide the 148.91 acre Parcel A, Block 1, Cove Springs Subdivision Phase 1 into 4 lots.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin, Land Use Planner Allison Kennedy; and applicant's representatives Greg Travelstead and Sean Flynn.

Kennedy read public notice.

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

No disclosures.

No additional materials. No public comment.

Applicant's representative Sean Flynn said this is a four-lot short plat subdivision of a previously subdivided parcel of The Cove Springs Subdivision. This is Phase I of Cove Springs Subdivision. All accesses are off Kingsbury Lane.

The four lots range from two smaller lots to one large big lot. There is a request for an increased setback to 150ft on the south end. Staff explained what was allowed in a setback; and said mostly residential structures and some other structures that can impact neighbors are not allowed. The applicant agreed to provide a plat note that says, "100ft setback with no residential structures allowed." Travelstead said the water out of the well could only be used for irrigation. Travelstead said potable water will be addressed when someone builds a house and drills a domestic well.

Public Comment: None.

BCC Deliberations:

- Applicant must pay the per-lot road impact assessment, due prior to recordation under the Development Agreement, if it hasn't already been paid.
- Condition of Approval #9 will say, "Applicant shall satisfy Item 37 Exhibit B Conditions of Approval of the 2009 Cove Springs Development Agreement."
- The southern boundary shall have a residential building setback of 100 feet.
- Drought tolerant landscaping is strongly encouraged.

Greenberg moved, seconded by McCleary, to approve a short plat application by Michael J. Lovas, to subdivide Parcel A Block 1, Cold Springs Subdivision, Phase I, to a four lot short plat subdivision named Midnight Acres Subdivision, finding the application complies with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria set forth under Title 9 Zoning Regulations, subject to conditions and plat notes provided as amended. Motion passed unanimously.

LAND USE and BUILDING SERVICES

- **Findings of Fact: Little Wood Reservoir Rd/Muldoon Creek - Stream Alteration Permit**

Also present: Blaine County Floodplain Manager Kristine Hilt.

Greenberg moved, seconded by McCleary, to approve Findings of Fact, Conclusions of Law and Decision regarding an application of Road and Bridge for a Stream Alteration Permit on Upper Muldoon Creek. Motion passed unanimously.

- **Fee Waiver Request: Blaine County Road and Bridge for Little Wood Reservoir Rd/Muldoon Creek - Stream Alteration Permit**

Also present: Blaine County Floodplain Manager Kristine Hilt.

Blaine County Road and Bridge requests the BCC waive the \$600 application fee and surrounding land owner postage of \$1.95, for a total waiver request of \$601.95.

Greenberg moved, seconded by McCleary, to waive the fee associated with Wood River Reservoir project presented by Road and Bridge. Motion passed unanimously.

- **Building Services: Building Permit fee refund request/Permit #2021-148 for Paul and Shari Preston**

Greenberg moved, seconded by McCleary, to refund Building Permit fees #2021-148 for Paul and Shari Preston in the amount of \$1,500. Motion passed unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

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

• **Cox Communications Franchise Fees**

Also present: Blaine County Deputy Prosecuting Attorney Amanda Greer.
Fosbury said Blaine County received a form last year that would enable the County and cities to collect up to a 5% fee of Cox gross videos and revenues under a recently revised or adopted State Code. Greenberg wouldn't support additional tax on the customer, in addition to Idaho Power surcharge; but he would support the franchise fee if it comes out of Cox revenues. The BCC directed staff to get additional information.

• **Wood River Land Trust is requesting time on an upcoming BCC meeting to consider proposed Sun Peak** in the Hulen Meadows area. The BCC will invite the BLM once fire season is over, and notify the Land Trust and other interested parties.

• **Street concerns:**

- **Isham request for electronic signage on East Fork Road** – The Sheriff and Road and Bridge said travel numbers didn't suggest use of electronic signage; but the BCC agreed flashing signs do seem to slow people down.
- People are concerned about safety of intersections of Highway 75 and Ohio Gulch, and Highway 75 and Baker Creek, which could use a NO PASSING zone.

• **Mountain Rides** Executive Director Wally Morgus said they have lost drivers who couldn't find housing in the Valley; and suggested their property at Highway 75 and Gannett Road could be developed for employee housing. Morgus also said Mountain Rides public transportation will support local areas of higher density.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

• **June 16, 2021 Budget Meeting**

Greenberg moved, seconded by McCleary, to approve June 16, 2021 Budget Meeting Minutes, as presented. Motion passed unanimously.

ADJOURN

At the hour of 3:35 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
JoLynn Drage Dick Fosbury
County Clerk Chairman