

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

Third Day

Tuesday, August 10, 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; County Deputy Prosecuting Attorney Amanda Greer; Treasurer John David Davidson; Disaster Services Coordinator Chris Corwin; Administrative Services Supervisor Stephanie Carlson and Support Specialist Kay Draper; Recording Secretary Sunny Grant.

Some participants in this meeting were by webconference or teleconference.

Commissioner Fosbury called the meeting to order at 9:03 a.m.

AMEND AGENDA

McCleary moved, seconded by Greenberg, to amend today's August 10, 2021 agenda's Executive Session to add Idaho Code 74-206 (1)(f) Litigation with Flying Heart Ranch. Motion passed unanimously.

PUBLIC COMMENT:

- Wood River Fire and Rescue Chief Ron Bateman said the FY2022 budget will appear in the legal section of the newspaper tomorrow, as required by Idaho Statute. The budget includes the additional line item figure of \$359,212 given to the Blaine County Ambulance District by the County Budget Officer prior to the August 3rd Ambulance District budget hearing. Chief Bateman said he didn't mean to be presumptuous; but wanted to be transparent in his optimism that Triton will affirm the amount to fund the increased level of service that WRFR has provided for nearly 18 months.
 - *Commissioners Fosbury and Greenberg agreed it was appropriate to budget adequate funds for the WRFR so the budget doesn't have to be reopened later in the fiscal year.*

EXECUTIVE SESSION - Idaho Code 74-206(1)(d) Indigent - Consideration of records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code

Also present: County Services Manager Brooke Baird.

McCleary moved, seconded by Greenberg, to go into Executive Session, I.C. 74-206(1)(d), to consider indigent records exempt from disclosure. Motion passed unanimously.

INDIGENT CONSIDERATIONS

McCleary moved, seconded by Greenberg, to deny Request 2021-1139-1, due to indigency not being established. Motion passed unanimously.

CLAIMS - Gretchen Stinnett

No additional claims.

McCleary moved, seconded by Greenberg, to approve claims dated August 4, 2021. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Land Use Department - Tom Bergin

- **Blaine County Greenhouse Gas Inventory Summary Report** by Sharon Grant

Also present: Blaine County Land Use and Building Services Director Tom Bergin; and Blaine County energy consultant Eco Edge owner Sharon Grant.

Sharon Grant presented Blaine County Greenhouse Gas Inventory for 2018 results, compared to 2005, and compared to Ketchum and Hailey. Grant said her job was only to report the data; but she said data indicated Blaine County is ready to develop a Local Climate Action Plan.

Blaine County carbon emissions by category:

40% transportation

34% residential energy

16% commercial energy

- Since 2005, transportation emissions have more than doubled throughout the Valley. Commercial emissions have slightly increased, industrial emissions substantially increased, and residential emissions have decreased.
- Transportation emissions are substantial throughout the Valley.
- Airport fuel is not factored into this report.
- Solid waste produces relatively little emissions because the Milner Butte landfill captures methane and converts it to electricity.
- Ketchum carbon emissions were much higher than the South County, perhaps caused by more second homes and larger square footage.

- Addressing the lack of housing and the number of commuters could have a huge impact. Over 3,000 vehicles come into Blaine County every morning. Mountain Rides is hoping to provide more “social” service, such as trips to Twin Falls for doctor appointments; to local dense housing areas; and to neighboring towns where many commuters live.
- The County is moving toward transitioning to hybrid vehicles, and providing charging stations to encourage locals and visitors to use electric vehicles.
- The County is working toward increasing recycling, which will curtail the number of solid waste haul trips to the landfill in Milner Butte.
- The County and the Hunger Coalition are working to convert sludge, food waste, etc. to compost.

Public Comment:

- Local teacher Scott Runkel applauded the County for addressing carbon emissions and climate change, which the United Nations Secretary General has described as “Code Red for Humanity”. Runkel wanted the BCC to know that a lot of community members are behind their efforts and want to help the sustainable effort.

CONTRACTS, GRANTS AND AGREEMENTS

• **Agreement for Collection Services**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves.

The BCC previously reviewed this contract regarding collection of tipping fees at Ohio Gulch Transfer Station, and questioned the dba language. County Attorney Tim Graves said auditors insist that since Blaine County handles money, they be the contracting party.

Greenberg moved, seconded by McCleary, to approve Agreement for Collection Services between Blaine County Collectors and Blaine County dba Ohio Gulch Transfer Station. Motion passed unanimously.

• **SUN-NMG-3-16-0016-053-2021 Grant Agreement**

Greenberg moved, seconded by McCleary, to approve Grant Agreement for the Airport Improvement Program (AIP) Project No. 3-16-0016-053-2021 between U.S. Department of Transportation FAA at Friedman Memorial Airport by Blaine County co-sponsor, in the amount of \$1,470,987, and authorize the Chairman to sign, along with the City of Hailey. Motion passed unanimously.

• **Resolution 2021-22 Authorizing application dated July 22, 2021, for federal funds for a project at Friedman Memorial Airport (AIP-053) Record # 6**

Greenberg moved, seconded by McCleary, to approve Blaine County Resolution 2021-22, a resolution of Blaine County, as co-sponsor of Friedman Memorial Airport, authorizing the execution of the application for federal assistance dated July 22, 2021, and the standard DOT Title VI assurances dated March 2014, 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-053). Motion passed unanimously.

• **SUN-NMG-3-16-0016-057-2021-Grant Agreement**

Greenberg moved, seconded by McCleary, to approve Grant Agreement for the Airport Rescue Grant, in the amount of \$1,629,111, Grant No. 3-16-0016-057-2021. Motion passed unanimously.

• **Resolution 2021-23 Authorizing application dated July 22, 2021, for federal funds for Friedman Memorial Airport (AIP-057) Record # 6**

Greenberg moved, seconded by McCleary, to approve Resolution 2021-23, a resolution of Blaine County, as co-sponsor of the Friedman Memorial Airport, authorizing the execution of the application for federal assistance dated July 22, 2021, and the standard DOT Title VI assurances dated March 2014, 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, or associated with the Friedman Memorial Airport (AIP-057). Motion passed unanimously.

BLAINE COUNTY AMBULANCE DISTRICT

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

• **Ambulance Bill Dispute**

Silver Creek Assisted Living resident Thomas Dunham is asking for a reduction of his \$1,260.00 ambulance bill, which is in collections. His sister said Medicare denied his claim stating that he could have used other transportation to get to the hospital. Silver Creek nurse Tina Berger, RN is trying to help Dunham reapply to Medicare for redetermination. It is unknown if Medicare has paid part of the bill, and how much of the bill remains. Greenberg tried to call the Ambulance collection service, but got no answer and has not received a callback. County Administrator Pomeroy will try to get more up-to-date information.

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

BOARD of COUNTY COMMISSIONERS REPORTS

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

COVID-19 Mayors Meeting - McCleary said mayors and representatives from South Central Public Health District and St. Luke's have been meeting recently. Hospital capacity is being impacted throughout Idaho, including locally and regionally, so the group is going to resume weekly meetings.

Fosbury said he'd noticed people are starting to wear masks again, around town and in some businesses. Greenberg asked County Attorney Tim Graves to advise the BCC on how to reinstate a mask mandate if that should become advisable.

Colorado Gulch Match Commitment Letter - County Disaster Services Coordinator Chris Corwin said FEMA is supporting the County's Colorado Gulch Bridge and Stream Restoration Project, and is giving the County approximately \$315,000 more funding. Idaho Office of Emergency Management has agreed to contribute to the increased match amount. The BCC needs to send a new letter to confirm the County will match the cost of the remaining amount of the Colorado Gulch Bridge Project.

Greenberg moved, seconded by McCleary, to approve a letter to the State Hazard Mitigation Officer to approve matching funds of \$176,235.86 for the Colorado Gulch Bridge Hazard Mitigation Grant Program. Motion passed unanimously.

- **Blaine County Regional Transportation Committee Meeting** – The Regional Transportation Committee reviewed ITD's update of the Highway 75 widening project from Elkhorn to Ketchum.
- **Highway 75 Striping Plan** – Fosbury asked to review a new striping plan with ITD on Highway 75 from Hailey to Ohio Gulch Road.
- **District Interoperability Governance Board Meeting** - Greenberg said localized GIS information was now uniform across all jurisdictions.

- **Vaccination Video Meeting**

Also present: St. Luke's Wood River Public Relations Manager Joy Prudek; and Tim Brown of Tim Brown Media.

The **Adaptive Planning Committee** wants to encourage unvaccinated members of the community to get vaccinated. Prudek and Visit Sun Valley Executive Director Scott Fortner worked with Tim Brown to create videos using people in the community who have gotten COVID and can share the impacts of their decision to not be vaccinated. Cox Communications will provide PSA time. BCC is supportive of funding these videos.

- The **mobile vaccination unit** is returning to provide easy access to vaccines.
- **Ohio Gulch – Update on Biosolids to Compost Plan**
Also present: Blaine County consultant Sharon Grant; and Blaine County Sustainability Manager Lynne Barker.

DEQ representative met with Blaine County wastewater treatment operators and Wynn Composting to discuss a 90-day pilot program to turn sludge and biosolids into saleable compost. There is a back-up plan if the compost doesn't meet standards for resale.

- **Blaine County Housing Update**

Also present: Blaine County Engineer Jeff Loomis.

Fosbury is going to present Tiny Homes on Wheels to the Planning and Zoning Commission and Land Use staff at an upcoming P&Z meeting.

A container housing manufacturer that builds modular systems may be able to build housing units for the School District and other entities that have property.

- **Department of Environmental Quality** – Greenberg said the Governor's office wants to put together a program that provides grant funding for infrastructure. Some grants will be for shovel-ready projects, so Greenberg put the word out to local jurisdictions and water and sewer districts to have ready-to-go plans for their projects.
- Bellevue recently had a wastewater treatment project approved.
 - *McDougall-Graham said ARPA funds are available for sustainable and energy-efficient infrastructure improvements.*
- **Correspondence** - Fosbury responded to East Fork resident Larry Isham that the Sheriff has regular patrol on East Fork Road and other roads that have speeding concerns. They are posting digital speed signs that tell people how fast they're going.
 - *Greenberg said the signs are being vandalized around the county.*Road and Bridge plans to restripe the bike lanes and two new crosswalks.
Fosbury has asked that the BCC be notified of any accidents on East Fork Road to determine if current speeds are safe.

COUNTY DEPARTMENT REPORTS, continued

County Administrator - Mandy Pomeroy

- **Colorado Gulch Bridge Update** – The bridge design group will meet next week.
- Facilities has completed the new **Human Resources office** in the Annex.

- **Land Use and Building Services** offices are uncomfortably hot. Facilities Manager Pat Boyle has installed a couple portable air conditioners. Other air conditioners may be installed in the Prosecutor's Office and Human Resources.
- **Probation Department** is being remodeled.
- **Sustainability Manager's office** is temporarily on the west side of the Annex in an under-used break area.
- **Human Resources** – Human Resources Generalist Justin Highhouse and Pomeroy attended a job fair in Canyon County looking for employees for Emergency Communications and Information Technology. Highhouse is working on hiring incentives and a housing allowance.
- Special Meeting next week to **interview candidates and select the next Clerk of the District Court.**

CONSENT CALENDAR

- **New Beverage License** for New Endeavor LLC dba Ida Thai.
- **Beverage License Renewals** for Chapalitas Meat Market; Burger Grill and Lago Azul Mexican Restaurant.

Greenberg moved, seconded by McCleary, to approve the Commissioners' Consent Calendar for August 10, 2021. Motion passed unanimously.

LAND USE and BUILDING SERVICES HEARINGS

- **Schoessler Subdivision Plat Amendment. Postponed at applicant's request. To be re-noticed.**

RECESS

- **The Village Green Block 1A and Parcel FF - Modification to Approved Plat Amendment: Public hearing and consideration of a request by The Valley Club, Inc. and Village Green at the Valley Club Homeowners Association to modify a previously approved but not yet recorded plat amendment for The Village Green at the Valley Club PUD Subdivision, Block 1B and Parcel F1. Revisions would (a) clarify review by Streamside HOA on the identified conveyance parcel, and (b) provide for a service/maintenance access to Parcel F1.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Deputy Director Kathy Grotto; Village Green representative Garth McClure; The Valley Club General Manager Barry Bevers; Valley Green residents Rod Fonda; Tift Mann; Jack Rutherford; Streamside residents Bonnie Cashin, Megan Davis, Paul Stevenson; and Valley Club Drive resident Grant Stevens.

Grotto read public notice.

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

Disclosures:

- Fosbury received written communication from Jack Rutherford that has been submitted to the record.

New materials:

- Exhibit D3 public comment from John "Jack" Rutherford.
- Exhibit D4 public comment from George Puentes

McClure said the BCC previously reviewed a plat amendment to shift a lot line which modified the common area for the Village Green and Valley Club and conveys three residential lots to the Valley Club to increase the size of recreation Parcel F1.

McClure said they were now proposing to amend plat notes to make them more specific. Plat Note 2 states that all parking on Parcel F1 shall be accessed from Valley Club Drive and not from Village Drive (aka Streamside Drive). Barry Bevers suggested amending Plat Note 3 with additional language (underscored): All future improvements within that portion of Parcel F1 "Conveyance Parcel" shown hereon shall have review and input from the Village Green at the Valley Club's (Streamside) Design Review Committee."; and amend Plat Note 4 to say, "A service/maintenance access entrance to Parcel F1 from Village Drive (aka Streamside Drive) shall be permitted upon review by the Village Green at the Valley Club (Streamside Design Review committee, Architectural Design Review Committee (ADRC). The location to be mutually agreed to by both the ADRC and the owner of Parcel F1."

McClure and Bevers answered BCC questions and explained details.

Public Comment:

- Streamside Village Green Board President Rod Fonda said an absolute condition of the conveyance of this parcel to the Valley Club a year ago was that Lots 23-24-25 would be subject to ADRC approval.
- Grant Stevens, "happy charter member" of the Valley Club, said he lives across the street from the Recreation Center and uses the facilities. Stevens said the Recreation Center has been growing with a gym, pool, more tennis courts, and recently, pickleball courts, and no attempt has been made to mitigate impacts on his home and lot. He asked the BCC to protect his family and home from excessive noise from paddles and balls and laughing and shouting, which begins early morning.

- Bonnie Cashin, brand new resident on Streamside across from the entrance, said she didn't know how loud pickleball was and didn't know a road to the facility was going in, right in front of her house. She said berms and plants would help, but the pickleball noise was awful, so she requested soundproofing. Cashin added that she was concerned about service trucks using the road right in front of her house.
- Jack Rutherford reiterated comments he had submitted in writing. He was representing himself, and other Lot 22 to Lot 28 property owners. Rutherford said they were all in favor of the plat note amendments, but the overall issue is that the Valley Club is a Planned Unit Developments with a recreation area that is now being expanded, and they favor the expansion. But they don't want expanded noise, lights, and view impacts. Rutherford said the plat needed to be more specific to provide certain protections for all homeowners. Rutherford continued to expound on the issues and proposed plat note solutions.
 - *The BCC reminded Rutherford that the County had no authority over the Valley Club's design review board or homeowners association. Fosbury added that the Valley Club's Findings of Facts stated Blaine County P&Z should enforce plat notes, which should be changed to Blaine County, not the Planning and Zoning Commission.*
- Megan Davis, Streamside resident, said she thought the "new road" referred to by Garth McClure was actually a two-car parking pad, not a road. She said development in the Valley Club has caused a lot of stress for residents and an adversarial mindset against the Valley Club.

Beverly said The Valley Club continues to make improvements to make Valley Green a desirable place to live. He said it is in the Club's best interests to work with neighbors. Both the Club and the residents are property owners and have a right to use their properties, and the majority of the residents are members of the Club. Beverly showed the BCC where the roads, parking and golf cart path are. The artery road is wider to access the property they purchased. The Club has a commitment to build a berm that will make everyone happy, and they are looking into soundproofing. He added that they reduced the size of the road that was to access the three lots, put in a tree and built a berm around it.

Grotto agreed that some of the plat note language was vague; but reiterated that specifics should be between the owners and the owners association. Grotto felt Rutherford's suggested Plat Note 3 was appropriate as presented. Language could be added if the BCC believes 50ft of additional land along the common boundary border should be included for any future changes. Grotto said Plat Note 4 on 12ft access width should have input from the Fire Department. She said the County is becoming increasingly aware of water conservation, and questioned whether berms should be irrigated.

Rutherford said homeowners were looking for a better, less contentious process. They welcomed a meeting with board members and staff to discuss specific plat notes so they can all get along in the future.

Greenberg moved, seconded by McCleary, to approve proposal by The Valley Club, Inc. and Village Green Homeowners Association to modify amended plat of The Village Green at the Valley Club Planned Unit Development Subdivision, previously approved on October 20, 2020, finding the proposal continues to comply with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to conditions provided. Motion passed unanimously.

- **12531 State Highway 75; Skiers Edge Subdivision. Continuation (from July 20, 2021) of public hearing and consideration of an application by Steve Boone for a Short Plat, to be named Skiers Edge Subdivision. It would re-subdivide Lot 1, Block 1, Morse Subdivision (2.51-acres in size), into two lots.**

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

This hearing was continued from July 20, 2021 to today so the BCC could determine access to both lots. Notice was provided by posted agenda.

The staff report includes new material related to the 40ft access easement along the southern boundary.

Skiers Edge Subdivision representative Mark Phillips said the existing easement is non-exclusive. Fosbury clarified that the driveway shall remain unobstructed all year, and one user of the driveway shall not block the other resident from use of the driveway.

Phillips said a Condition of Approval would be a plat note on both lots stating that the 40ft private driveway utility easement to benefit Lot 2 Morse Subdivision and proposed Lot 2 Skiers Edge Subdivision shall be unobstructed year-round.

Public Comment:

- Tisa McCombs, resident on Lot 2 Morse Subdivision, said she understood from the previous meeting that there will be two lots, one 1½-acre lot and 1.01 acre lot. The road currently being built doesn't seem to be connected to the 40ft road that has been talked about. Is there another ingress? She is concerned about water. Will two more lots using their own well affect the water table?
 - *Proposed Plat Note 10 provides that each lot can have a ½ acre domestic well. There was an existing well on one of the two lots that has been abandoned.*

- *Fosbury said there was a letter from attorney Sam Linnett that explained the legal background of the shared driveway easement. An existing well on one of the two lots has been abandoned.*

Greenberg moved, seconded by McCleary, to approve application by Steve Boone for a Short Plat Subdivision of two lots, Skiers Edge 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, in addition to a plat note assuring that the driveway surface area remains clear. Use of the easement is reserved for Lot 2 of Morse Subdivision and proposed Lot 2 of Skiers Edge Subdivision. Motion passed unanimously.

EXECUTIVE SESSION – §74-206 (1)(f) Litigation: Gouley v. Blaine County and Blaine County vs. Flying Heart Ranch.

McCleary moved, seconded by Greenberg, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(f), to discuss Blaine County vs. Flying Heart Ranch and Gouley vs. Blaine County with legal counsel. Greenberg (aye), McCleary (aye) and Fosbury (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:32 p.m., with no more business before them, the County Commissioners adjourned.

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