

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

Second Day

Tuesday, September 7, 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; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Administrator Mandy Pomeroy; Road and Bridge Manager Steve Thompson; Administrative Services Supervisor Stephanie Carlson and Specialist Jenny Lovell; County Assessor Jim Williams, GIS Certified Mapper/Roll Clerk Joanne Freeman, and appraisers David Vanderpool and Alyssa Cenarrusa; County Senior IT Analyst Ben Parker; Blaine County Treasurer John David Davidson; Administrative Services Support Specialist Kay Draper; County Services Manager Brooke Baird; Recording Secretary Sunny Grant; Sarah Michael; Idaho Power Local Area (Blaine County) Energy Advisor Amber Larna; KMTV News Reporter Candice Hare; and Boise State Public Radio Reporter Rachel Cohen. County Clerk Stephen McDougall Graham and Chief Deputy County Clerk Leslie Londos were present for the morning session.

Some participants in this meeting were by webconference or teleconference.

Commissioner Fosbury called the meeting to order at 9:00 a.m.

PUBLIC COMMENT: None

BOARD OF EQUALIZATION - Idaho Code 63-501A

No Board of Equalization issues to address.

DISCUSSION ABOUT FUNDING COVID-19 AMBULANCE TRANSFERS

Also present: Wood River Fire and Rescue Chief Ron Bateman.

Commissioner Greenberg said there were weekly community EMS meetings during the pandemic with County staff and Medical Director Dr. Terry O'Connor, representatives of St. Luke's Wood River Hospital and ambulance transport services. Current high COVID levels prompt community EMS to implement a "load leveling" protocol that transfers acute patients to a neighboring hospital and return to Blaine County hospital with less acute patients. Hospitals throughout Idaho are already short on space for severely acute patients. The BCC discussed if funding will come from the Ambulance District budget or if it can come out of American Rescue Plan Act (ARPA) funds.

Stephen McDougall Graham, Clerk said ARPA funds are used at the discretion of the BCC, not the Ambulance District. Chief Bateman will check to see what an average transport bill would cost.

BLAINE COUNTY AMBULANCE DISTRICT

Greenberg moved, seconded by McCleary, to convene as the Ambulance District Board to consider Resolution 2021-27 to set the FY2021-22 Blaine County Ambulance District budget. Motion passed unanimously.

**RESOLUTION 2021-27 TO SET THE
FY2022 BLAINE COUNTY AMBULANCE DISTRICT BUDGET**

Also present: Wood River Fire and Rescue Chief Ron Bateman.

Chief Bateman said the ambulance budget included an amount in Capital that, based on the consultant's review, considers the possible increase in contract amounts with Wood River Fire and Ketchum Fire.

Public Comment:

- Chief Bateman asked if funds that are listed as capital can be used for operations.
 - *Chief Deputy County Clerk Leslie Londos said budgeted amounts in the Capital line can be moved to the Contract lines through a resolution when necessary.*

Greenberg moved, seconded by McCleary, to approve Blaine County Resolution 2021-27, a resolution of Blaine County Board of Commissioners adopting the Blaine County Ambulance District Budget for FY2022, commencing October 1, 2021 and ending September 30, 2022, in the amount of \$3,830,134. Motion passed unanimously.

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

PROCLAMATION 2021-03 HISPANIC HERITAGE MONTH Record # 6

Greenberg moved, seconded by McCleary, to approve Blaine County Proclamation 2021-03, and declare this Hispanic Heritage Month, be it resolved that the Board of County Commissioners proclaim the month of September, 2021, as Hispanic Heritage Month in Blaine County. Motion passed unanimously.

RESOLUTION 2021-28 TO SET THE FY2022 BLAINE COUNTY BUDGET Record # 6

Fosbury said he has concerns about the performance and priorities of the Blaine County Housing Authority (BCHA), to the point where he has seriously considered reducing the funding of their contract. Fosbury has been consistently disappointed in the lack of progress to develop housing on properties the County has transferred to them; and their level of advocacy for housing throughout the County. Fosbury has discussed this with the County’s representatives on the BCHA.

Greenberg said it is difficult for an organization to plan without knowing what funding they have available. He has repeatedly asked himself, “What do they do?” and “What do they do to create housing?”, and said the BCC should determine what they would like the BCHA to do. He suggested FY2022 be used to address and develop priorities. Greenberg said the County set aside funds for the BCHA, subject to certain conditions set forth in a service agreement. Now the County needs to establish clear expectations and goals with the BCHA; and release funds when they see positive direction that makes a difference. Fosbury was County Commissioner liaison to the BCHA, but said he didn’t receive meeting packets unless he requested them; and the packets didn’t include financial reports.

Fosbury said the City of Ketchum hired a consultant from Ada County to advise them on housing, which he considered a lack of confidence in the local BCHA.

Public Comment: None.

Greenberg moved, seconded by McCleary, to approve Resolution 2021-28, a resolution of Blaine County Board of County Commissioners adopting the Blaine County budget for FY2022 commencing October 1, 2021 and ending September 30, 2022, in the amount of \$36,665,513. Motion passed unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

- **Blaine County Security Agreement - Fox Wetland Conditional Use Permit (CUP) 708 East Fork Road** Record # 6

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

Fosbury noted the termination date of the agreement has been modified, as suggested by County Attorney Tim Graves, to allow inspection by September 1, 2026.

McCleary moved, seconded by Greenberg, to approve Blaine County Security Agreement for Fox Wetland Conditional Use Permit on 708 East Fork Road in the amount of \$10,425. Motion passed unanimously.

- **Fiscal Year 2021 Blaine County Government mDNS Contract** Record # 6
County Senior IT Analyst Ben Parker said Neustar, the County’s current DNS provider, no longer provides that service, so this contract moves DNS service to one of their preferred providers, who will have to sign a preferred contract with Neustar.

Greenberg moved, seconded by McCleary, to approve mDNS Contract with Analyze Corporation for Blaine County DNS services in the amount of \$120 month for two months in Fiscal Year 2021. Motion passed unanimously.

- **Fiscal Year 2022 Blaine County Government mDNS Contract** Record # 6
Greenberg moved, seconded by McCleary, to approve mDNS Contract with Analyze Corporation in the amount of \$1,440 for Fiscal Year 2022. Motion passed unanimously.

- **Memorandum of Understanding between Blaine County and Safelink Internet, LLC, dba Anthem Broadband** Record # 6

This will extend broadband service the remaining distance to households in Carey. Sun Valley Economic Development is the grant administrator.

Greenberg moved, seconded by McCleary, to approve the Memorandum of Understanding between Blaine County and Safelink Internet LLC dba Anthem Broadband for the purpose of establishing terms and conditions for which the County and ISP will partner together to enhance household broadband in unserved areas of Carey. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Information Technology - Ben Parker

- County IT is constantly fighting security attacks; and conducting security trainings for employees.
- IT is planning new projects in FY2022, with the help of a new IT team member.
- Archival storage has to be expanded or it will be overloaded by January.
- Government organization structure and tracking systems are being analyzed.
- Greenberg confirmed with IT that they do an annual independent system security review.

Human Resources - Justin Highhouse

- The **Pre-Pandemic Public Safety New Hire Relocation Incentive Policy** allows American Rescue Plan Act (ARPA) funds to be used to help new public safety hires relocate to Blaine County. Currently, the Sheriff’s office, including Ketchum Police Department, has 10 vacancies that need to be filled to meet pre-pandemic staffing, some of whom will no doubt be relocations. Dispatch has a separate hiring incentive program in its Recruitment line item.

Staff requests permission to use ARPA funds to provide new public service hires relocating to Blaine County with a \$5,000 incentive to offset housing costs.

McCleary moved, seconded by Greenberg, to approve Pre-Pandemic Public Safety New Hire Relocation Incentive Policy that will provide an amount of \$5,000 for new public safety hires relocating to Blaine County to meet pre-pandemic level staffing, paid out of American Rescue Plan Act (ARPA) funds. Motion passed unanimously.

• **Employee Summer's End County Barbecue**

H.R. Generalist Justin Highhouse asked the BCC to consider closing County facilities, where possible, for an hour or two to the general public to allow employees to attend the barbecue. Departments like the Sheriff, Dispatch and Court always work out a schedule for employees to attend the barbecue. The DMV will not schedule appointments during that time. The BCC said departments that can close can close.

County Administrator - Mandy Pomeroy

- Workshop to address the Ambulance District consultant's report has been postponed to allow service providers more time to provide data to the consultant.
- Colorado Gulch bridge over the side channel is now being engineered with a box culvert to allow water flows to continue. Conceptual drawings will be presented to the BCC next week.
- Team member evaluations are underway.
- Renewing FY22 contracts and agreements will start coming before the BCC.

CONSENT CALENDAR

- **Beverage License Renewals** for Albertsons #130 and Chapalita's Grill.

- **Junior College Certificate of Residency forms**

College of Southern Idaho, Fall 2021-Spring 2022: Alejandra Arriaga Franco; Jacob Ascencio Fonseca; Swati Bansal; Hilda Barraza; Travis Beckman; Sera Begay; Felicity Black; Daniela Carrillo; Yulisa Carrillo Salas; Adriana Castillon; Pamela Chaney; Yocelin Chavez; Sydney Chickrell; Jackeline Alicia Chonco Barboran; Jacqueline Cortez; Sonia Delgadillo Arrellano; Christian Ervin; Daniel Estrada; Gabriel Flores; Claudia Gaeddert; Veronica Galvez Del Real; Paulina Garcia; Jessica Garcia; Angelica Gil Salinas; Claudia Gil Salinas; Liliana Gil Salinas; Ana Gomez; Emanuel Guzman; William Hine; Cassie Kimbrough; Maria Leal; Lizbeth Ledesma Gil; Katherine Lemma; Araceli Lopez-Hurtado; Samantha Manning; Nancy Montes Diaz; Esteban Morales; Levi Newhouse; Julissa Ochoa Palomera; Julianna Ochoa; Aimee Ornelas; Jeanene Parker; Leonel Pina Vargas; Anthony Pina; Juliette Rollins; Paul Rollins; Elisabeth Ruis Loera; Chyann Serva; Mariana Springs; Daniela Vargas-Aguilar; Cecilia Velasco Martinez; and Thora Walsh.

McCleary moved, seconded by Greenberg, to approve the September 7, 2021 Consent Calendar. Motion passed unanimously.

BLAINE COUNTY MASK ORDINANCE DISCUSSION

As Idaho hospitals are filling up to capacity, local health officials and local mayors and councils are considering mask mandates. The BCC discussed taking a leadership role in reinstating a mask mandate ordinance throughout entire Blaine County or in County buildings. Many workers and guests come through the Wood River Valley on a daily basis and interact with County employees and the community.

County Attorney Tim Graves said the BCC could adopt a County-wide ordinance requiring masks in public places; and the County can adopt a policy as the owner of County-owned public buildings. Graves said a County mandate by itself has limited reach, but consistency within the county is important.

Public Comment: None.

The Fifth District Court Administrative Judge issues a COVID policy and mandatory safety protocols for County Courts in the Fifth District to follow when advisable.

The BCC requested County department heads to suggest additional methods to keep team members safe. Administrator Pomeroy said there have been some positive COVID cases among County staff.

The BCC directed County Administrative Services to draft an updated COVID County policy requiring County employees to wear a mask when in a Blaine County facility and unable to maintain 6ft distancing from other employees or the public. The policy will stress that any team member who is concerned about symptoms should contact their manager. Administrative Services will change COVID-related signage on County buildings. The BCC discussed County self-enforcement. McCleary didn't think the County should restrict outdoor gatherings, or gathering size.

The BCC directed the County attorney to draft an ordinance with updated COVID restrictions for consideration at the next BCC meeting.

BOARD of COUNTY COMMISSIONERS REPORTS

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

Inquiries about County Roads – The BCC has received inquiries about the condition of Indian Creek Road. Indian Creek Road was previously prioritized for improvement, but the Road and Bridge budget couldn't afford the extensive work necessary. The BCC discussed options, including an engineering study on the road; the possibility of phased segments; and a Local Improvement District (LID).

Blaine County Transportation Committee Meeting – McCleary said each jurisdiction is preparing their priorities for grant funding for consideration in the coming year.

Fosbury wrote the ITD District Engineer to get a copy of the striping plan on Highway 75 between Ketchum and Ohio Gulch.

Idaho Public Safety Communication Commission – Greenberg said the Next Gen 911 Small Group Committee plans to ask the Idaho Legislature this year to increase the 911 fee to allow more money for administrative expenses.

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW Airport Manager Chris Pomeroy
Friedman Airport Manager Chris Pomeroy reviewed tonight's FMAA meeting agenda with the BCC.

AMEND TODAY'S AGENDA

Due to an emergency Jake's Gulch Fire in the Alturas Lake area in Blaine County, McCleary moved, seconded by Greenberg, to amend today's September 7, 2021 Agenda to include Consideration of Disaster Declaration at 2:30 this afternoon. Motion passed unanimously.

BREAK

EMERGENCY DECLARATION RESOLUTION 2021-30

Also present: Blaine County Disaster Services Coordinator Chris Corwin.

The BCC expressed concern about the Jake's Gulch Fire at Alturas Lake changing direction and threatening Blaine County. Declaring Disaster prepares the County to order resources for structure protection if it becomes necessary. There is no financial commitment at this time.

Greenberg moved, seconded by McCleary, to approve Blaine County Resolution 2021-30, a Declaration of Disaster Emergency and Request for Declaration of Disaster Emergency due to the Jake's Gulch Fire. Motion passed unanimously.

LAND USE and BUILDING SERVICES HEARINGS

- **Title 9, Zoning Regulations Text Amendments. Public hearing continued from August 3, 2021, to consider amendments to Chapter 21A Scenic Highway Overlay District. Chapter 21A amendments omit solid walls and the planting of aspen trees from the chapter for purposes of improved safety to wildlife and vehicles on Highway 75. The amendments were initiated by the Board of Commissioners on April 13, 2021. The Planning and Zoning Commission recommended approval of the amendments on May 27, 2021.**

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

Bergin reported public notice. Fosbury noted that the Staff Report says August 17, instead of August 7.

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

Land Use Planner Allison Kennedy reviewed the most recent changes with the BCC.

McCleary moved, seconded by Greenberg, to continue this hearing to October 5, 2021, at 1:30 p.m. Motion passed unanimously.

- **Title 9, Zoning Regulations & Title 10, Subdivision Text Amendments. Public hearing to consider amendments to Blaine County Code, Title 10, Chapter 10 Voluntary Transfer of Development Rights (TDR) Program, and to Title 9, Chapters 5 and 5A. The amendments propose to close an unintended loophole regarding retaining TDR's to develop on sending area properties and to track sale prices to better manage the program. The amendments were initiated by the Board of Commissioners on April 13, 2021. The Planning and Zoning Commission recommended approval of the amendments on July 22, 2021.**

Kennedy explained that these proposed text amendments are to clarify elements of the Transferable Development Right (TDR) program. Greenberg asked about the rules concerning the receiving area and the underlining zoning which allows for a couple units per so many acres, in addition to the TDR that is purchased.

Kennedy reviewed public notice.

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

- The BCC agreed that the TDR program should know market rate value of properties involved in the transfer of development rights.
- The P&Z Commission suggested "maximum density of one unit per two and one-half acres."

Some TDR sending areas had sold their property's development right(s), and thought they could still develop residences on their property, so P&Z suggested the following language:

- "TDR rights shall be retained in order to develop on a sending parcel to match the underlying zoning."
- One TDR is 20 acres. In the A-20 Zoning District, one TDR shall be retained to develop one dwelling unit and associated accessory uses.

In the A-40 Zoning District, two TDRs shall be retained to develop one dwelling unit and associated accessory uses.

If a property is 80 acres, there can be three TDRs and one right to build a dwelling unit and accessory use; or four TDRs sold for agricultural land and no residential use.

Kennedy said the County currently has adequate receiving area.

Public Comment: None.

Greenberg moved, seconded by McCleary, to approve, as recommended by the Planning & Zoning Commission, the proposed text amendments to Title 10, Chapter 10, and Title 9 Chapters 5 and 5A, Zoning Regulations, as amended, regarding voluntary Transferable Development Rights, in accordance with the Comprehensive Plan, and will not have demonstrable negative impact on potable water or on delivery of services or public health, safety or general welfare, Motion passed unanimously.

- **Land, Water & Wildlife Program - Guy Canyon Restoration Project. Review of Grant Agreement and Funding Resolution #2021-29 LWW Guy Canyon Restoration Project Funding Resolution for the University of Idaho's request for Land, Water & Wildlife Funds for the Rock Creek Ranch Phase II - Guy Canyon Restoration Project. The request is for \$21,525.00 (or 23%) of the total estimated project cost of \$92,000.00 for a tributary restoration in Guy Canyon.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin; Land, Water and Wildlife Levy Program Coordinator Wendy Pabich; and University of Idaho Rinker Rock Creek Ranch Operations Manager Cameron Packer.

Land Use has drafted a grant agreement and funding resolution, but the University of Idaho is reviewing the agreement and the funding resolution should wait to be approved with the grant agreement.

Uofl Rinker Rock Creek Ranch Operations Manager Cameron Packer has read the grant document, but it must be approved by the Uofl. Greenberg suggested the document spreadsheet total and in-kind amounts need to be corrected.

LAND USE and BUILDING SERVICES

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

- **Findings of fact: Griffin Ranch P.U.D. Ph. 1/Lots 35A, 37A & 42A thru 44A Plat Amendment**
Findings of Fact are not yet finalized, and have been moved to another BCC agenda.

- **P&Z Discussion Extension Request for 1 Year on York/Flying Heart Plat Amendment**
(signed 8-25-2020)

Also present: Flying Heart representative Bruce Smith

The Flying Heart HOA hasn't yet met or made a decision. County Code allows three years, and only one year has gone by.

Greenberg moved, seconded by McCleary, to approve extension request for one year for Flying Heart Plat Amendment applicant Melissa York and Jannick Investment Trust. Motion passed unanimously.

- **Permit fee refund: #2020-006 Blechmann Building Permit**

The applicant decided after review to not pursue the building. Greenberg suggested a few corrections on the refund application. Land Use retained fees covering administrative and staff review.

McCleary moved, seconded by Greenberg, to approve refund amount of \$863.59 on Building Permit Number 2020-006 for Emmy Blechmann, to be paid to Scott Schaefer. Motion passed unanimously.

- **1317 Glen Aspen Drive - Big Wood River - Stream Alteration. Continuation of Aug. 24 public hearing and consideration of an application by Brockway Eng. on behalf of Peter Skillman within the Big Wood River. The project involves remedial channel and bank stabilization work to address major erosion that occurred during the 2017 flood event. The 8.85-acre property is located at 1317 Glen Aspen Dr (Lot 10A Driftwood Ranch Sub), and is zoned Residential/Agricultural (R-5) with areas of Floodplain (FP), Riparian (R) and potential Wetland (WE) Districts.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Floodplain Manager Kristine Hilt; applicant Peter Skillman and his consultant Dr. Charles Brockway.

The previous hearing was continued on the record to today, within 30 days of the original hearing date, so no new notice is required.

The updated staff report includes the original Finding as to notice.

Disclosures are the same.

Additional Materials:

- Exhibits A10 through A14 under Applicant's Submittals, and includes responses to the Staff Report, email regarding revision, revised drawing, an erosion and sediment control plan.
A14 is the PowerPoint presentation Dr. Brockway presented at the first hearing.

- Public comments have been updated.
- Land Use received the Army Corps of Engineers (ACE) permit this morning. Hilt reviewed it, and there are no unique or outstanding special conditions that need to be addressed. ACE authorized the project as Nationwide Permits #13, bank stabilization, and #45, which is repair of upland damaged by a discreet event for the side channels and the floodplain.

Hilt said today’s discussion is the result of an adjacent property owner’s agent (Biota Consulting Biologist Ryan Colyer) commenting on the proposal during the first public hearing, and making request of the applicant’s agent regarding changes to design. Revised drawings include one additional barb and changes requested by the BCC regarding rock above the ordinary high water mark.

BCC previously asked Dr. Chuck Brockway to reconfigure suggested Condition of Approval #8 regarding a no-net-loss of woody debris.

Dr. Brockway explained adjustments and improvements made on the site plan. Brockway said there is an inordinate amount of woody debris and asked for flexibility in separating out usable material and using it where possible. The excess rotting wood can be left in place and “smooshed” by the heavy equipment, and redeposited into the floodplain in a way that won’t interfere with the flood channels. Brockway said he talked to an upstream neighbor who was concerned about sills, and explained these sills are at grade and will have an erosion control effect, but no damming effect.

The BCC and Brockway agreed with revised Conditions of Approval:

Condition of Approval #2 – Sentence added at the end: “Work shall be conducted from the dry river channel to the extent possible.”

Condition of Approval #6 – “All excess excavated material shall be disposed out of the stream channel and out of any wetlands, where it cannot re-enter the channel.”

Condition of Approval #8 – “Rotting or hazardous wood may be removed from the site, if it specifically interferes with construction activity.”

Brockway said trees and deadwood along the bank have to come down.

Public Comment:

- Biota Biologist Ryan Colyer, representing a downstream landowner, appreciates the review and Brockway’s willingness to engage with them.

Fosbury said concerns about the neighbor’s property have been addressed, and the logs and partial streambank jetties should stabilize the area.

McCleary moved, seconded by Greenberg, to approve application by Peter Skillman for a Stream Alteration Permit on the Big Wood River, finding that the Proposal with conditions complies with applicable criteria set forth under Title 9 Chapter 17 Floodplain Overlay District and Riparian Setback District, with nine conditions of approval. Motion passed unanimously

APPEAL DECISION - JAE HILL APPROACH AND ENCROACHMENT PERMIT REQUEST

Also present: Blaine County Land Use and Building Services Director Tom Bergin; and Chief Deputy Prosecuting Attorney Tim Graves.

On August 3, 2021, the BCC heard an appeal by Jae Hill regarding the BCC’s denial of Hill’s application, requesting permission to perform maintenance and improvements on Imperial Gulch Road. The BCC voted to affirm its prior denial of Hill’s request. County Attorney Tim Graves drafted a Decision on Appeal for the BCC’s review.

Greenberg moved, seconded by McCleary, to approve the Decision on Appeal, denying the application of Jae Hill for an Approach and Encroachment Permit over Imperial Gulch Road in Blaine County, Idaho. Motion passed unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **August 10, 2021 Regular Meeting**

McCleary moved, seconded by Greenberg, to approve the Blaine County Commissioners regular meeting minutes of August 10, 2021. Motion passed unanimously.

ADJOURN

At the hour of 4:18 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
 Stephen McDougall Graham Dick Fosbury
 County Clerk Chairman