

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

**Seventh Day**

**Tuesday, January 22, 2019**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, and Commissioner Dick Fosbury; County Administrator Derek Voss; County Administrative Services Manager Mandy Pomeroy; intern Brittany Shipley; and Recording Secretary Sunny Grant. County Clerk JoLynn Drage and *Idaho Mountain Express* reporter Mark Dee were present for part of the morning session.

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

**PUBLIC COMMENT – None**

**EXECUTIVE SESSION – §74-206 (1)(d) INDIGENT** - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.

Present were: Blaine County Services Manager Brooke Baird and Indigent Services Assistant Hayleigh Simpson.

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

**OPEN SESSION RESUMED**

**INDIGENT MEDICAL APPLICATIONS - Board of County Commissioners Action**

**McCleary moved, seconded by Fosbury, in the matter of Case #2018-56, to approve the application, based on staff recommendation, with a reimbursement of \$100/month. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims – Gretchen Stinnett**

- Deputy Auditor Gretchen Stinnett presented the claims.

McCleary said a claim she had submitted for travel expenses had been paid by the sponsor of the trip.

**McCleary moved, seconded by Fosbury, to approve claims that were dated January 16, 2019 with the absence of the one claim to myself. Motion carried unanimously.**

**Road and Bridge - Steve Thompson**

- **Adams Gulch Bridge Change Order**

Also present: Blaine County Administrative Services Specialist Esmeralda Palomera.

Blaine County Road and Bridge Manager Steve Thompson presented the last Change Order on the Adams Gulch Bridge project. Funds will come out of the project Contingency, and not affect the overall budget.

**McCleary moved, seconded by Fosbury, to approve Change Order #02, Adams Gulch Bridge Project in the amount of \$19,583.56. Motion carried unanimously.**

**County Administrator – Derek Voss**

- Staffing Emergency Communications has always been a challenge. Dispatch is a demanding job, and requires rigorous testing. Three new dispatchers are being trained in the next few months. When they are fully trained, a fourth trainee will be hired later this spring.
- Public Defender recruitment process must follow state statute. A job description has been sent to the current pool of Blaine County public defender attorneys and judges. The Trial Court Administrator and Trial Court Judge are compiling a list of names for the County to consider for a selection panel.

**FRIEDMAN MEMORIAL AIRPORT BOARD APPOINTMENT**

Also present: *Idaho Mountain Express* reporter Mark Dee.

The BCC discussed a County appointment to the Friedman Memorial Airport Authority. Blaine County Commissioner Dick Fosbury's engineering firm worked on the airport facility years ago; Fosbury is a resident of Bellevue and has a good working relationship with the City of Bellevue.

**McCleary moved, seconded by Greenberg, to appoint Commissioner Dick Fosbury as a representative of the Board of Blaine County Commissioners on the Friedman Memorial Airport Authority, to start immediately. Motion carried unanimously.**

**CONTRACTS, GRANTS AND AGREEMENTS**

- **Memorandum of Understanding between Blaine County, Idaho and Sawtooth City Homeowners Association for Speed Bump Implementation**

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

Sawtooth City Homeowners Association requested the County consider installing speed bumps. This contract outlines timelines and responsibilities. The County Engineer has advised Road and Bridge on signage and placement of the speed bumps. Voss suggested speed bumps be identified in an attachment so it can be changed without affecting the contract.

Staff will present a revised Memorandum of Understanding to the BCC at a future meeting.

- **Independent Contractor Agreement with Michael R. Elle** ..... Record #658116

Also present: Blaine County Land Use Administrator Tom Bergin; and Blaine County Certified Building Official Jeff Giese.

Land Use and the Building Official occasionally have need for a fire consultant; and former local fire chief Mike Elle is willing to provide the service. There is money left in the Building Inspector line item. Fire Code review fees, including mileage, would be reimbursed by building permit fees. The BCC requested a clause in the contract to detail not to exceed \$2,500 and inclusion of travel expense.

**McCleary moved, seconded by Fosbury, to approve an Independent Contractor Agreement with Michael R. Elle and Blaine County for the provision of professional services to assist Blaine County Land Use and Building Services Department in the review of building construction projects, in accordance with the Fire Code, that are outside of responding Fire Districts, in the amount of \$75.00 per hour, not to exceed \$2,500, for the year, and with the addition of a provision for mileage reimbursement. Motion carried unanimously.**

- **Geo Comm Regional Data Hub Project Agreement** ..... Record #658292

The BCC has seen this Agreement previously. Blaine County took the lead in coordinating services from Geo Comm to standardize GIS data, as it relates to emergency communications. County Attorney Tim Graves has clarified the language to include a termination clause for any reason, with 30 days advance notice.

**McCleary moved, seconded by Fosbury, to approve Regional Hub Project Agreement between Geo Comm, Inc. and Blaine County, for Geo Comm to gather data from each of the entities in the State’s Region 4, process the data through Geo Comm GIS Data Hub, issue quality reports based on this analysis and aggregate the data into one regional dataset, in the amount of \$73,013. Motion carried unanimously.**

**CONSENT CALENDAR**

- **Beverage License renewal for A Taste of Thai #1, LLC**
- **Resolution 2019-06 Snowmobile Budget Adjustment** ..... Record #657875

**McCleary moved, seconded by Fosbury, to approve the Consent Calendar for Tuesday, January 22, 2019. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS**

**Fly Sun Valley Alliance Meeting – Greenberg**

- Fly Sun Valley Alliance and Visit Sun Valley, both of which are partially supported by Local Option Tax, are working together to define their combined strategic objectives.
- Greenberg is a non-voting member of the Air Services Board, representing the County, which co-owns the airport with the City of Hailey but doesn’t collect LOT taxes.

**Wood River Land Trust Portneuf River Restoration Presentation – Greenberg**

Commissioners Fosbury and Greenberg attended a presentation on the process of working with the community to build consensus on potential uses of the canal that carries river water through Pocatello, and the Army Corps of Engineers (ACE), which built and basically controls the canal.

**South Central Public Health District Board Meeting – McCleary**

- The Board began with a Strategic Planning Workshop to prioritize health needs. The four top needs are prevalence of depression and anxiety; obesity and diabetes; high suicide rate; and drug and alcohol abuse.
- The Health Educator continues to do presentations in schools and to parents on vaping.
- Survey of South Central Public Health employees shows voluntary resignations have dropped; and more employees are receiving additional training.

**5B Restoration Coalition Meeting – McCleary**

5B Restoration is focused on long-term restoration of forest service land, in cooperation with the National Forest Foundation. 5B Restoration coordinated stakeholders and did initial reseeding and replanting, and is now doing trail maintenance projects on both BLM and Forest Service land. With Beaver Creek fire restoration well underway, the group is looking for new focus and funding.

Fosbury is looking for ways to use Recycle Center materials and mulch on projects like this.

## **Correspondence**

- The BCC supported a request from Sawtooth National Forest Acting Supervisor Kirk Flannigan for grant moneys that benefit the Blaine County region.
- The BCC received a request from the City of Hailey and Wood River Fire Protection District Joint Powers Board to discuss using County-owned former Blaine Manor property for a consolidated fire station. Chairman Greenberg will get more information from the Joint Powers Board.
- Wendy Jaquet is organizing a city and county workshop in Boise to discuss mutual issues, including the need for community housing.
- The BCC received a request for support of Tour de Force automobile event on US Highway 93/State Highway 75 north of Ketchum. The BCC does not normally support private events.

## **Other**

- Fosbury asked if the BCC had financially supported the Drug Coalition in the 2019 budget. The County budgeted funds, but they have not been disbursed.

**INDIGENT APPEALS - EXECUTIVE SESSION - Idaho Code 74-206 (1)(d) Indigent** - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.

The BCC was notified by the County Services Department that there are no indigent appeals today, so no executive session is needed.

## **BREAK**

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

- **Pole Creek Stream Alteration, Floodplain Conditional Use Permit** and Lot 1, Block 1, Henslee Ranch Sub. Plat Amendment: A public hearing and consideration of stream alteration, floodplain conditional use and plat amendment applications by property owners Rolf and Nancy Engh of 300 Pole Creek Rd. The subject property lies within the Sawtooth National Recreation Area (SNRA) and is zoned Rural and Remote District (RR-40), contains areas of Mountain Overlay (MOD), Floodplain Overlay (FP), and Riparian Setback (R) Districts. The property consists of 640 acres located approximately 1.5 miles northeast of Smiley Creek. .

Also present: Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; County Engineer Jeff Loomis; County Land Use and Building Services Deputy Director Kathy Grotto; applicant's representative Garth McClure; and Tim Mascherdhi.

Blaine County Land Use received a request this morning that today's hearing be continued to March 5, 2019. The County's Land Use Department would prefer to hold the hearing in February. There are outstanding violations; and Hilt, who has been working on this permit application for two years, will be out of office in March.

Garth McClure, representing the property owners, said their request to continue to March 5 was based on the owners' inability to be in town before March. The applicant has said they are not going to modify the application, but wish to respond to the staff report. They believe they can simplify their applications, and either remedy the violations or change the plat to bring the violations in conformance.

**Fosbury moved, seconded by McCleary, to continue to a date uncertain the application for the Engh Plat Amendment Stream Alteration Permit and Floodplain Conditional Use Permit of the Henslee Ranch. Motion carried unanimously.**

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

- **Reappointment of P&Z Commissioners Martin and Pynn**

Blaine County Land Use Administrator Tom Bergin recommended reappointment for current P&Z Commissioners Rachel Martin and Mark Pynn, whose terms expire the end of January.

**Fosbury moved, seconded by McCleary, to reappoint Rachel Martin and Mark Pynn on Blaine County Planning and Zoning Commission for three year terms. Motion carried unanimously.**

- **P&Z Commissioner Compensation**

Ketchum and Sun Valley are currently paying P&Z Commissioners \$200 [per meeting]. Bergin said there may be adequate funds available elsewhere in the Land Use budget. The BCC directed staff to prepare a resolution for the next BCC meeting.

- **Cardno Study Stakeholder Group Discussion**

Also present: Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; Larry Schoen; and attorney Jim Phillips.

Hilt presented a proposed program of five formal Stakeholder Group meetings consistent with the scope of work Cardno has presented. Wood River Land Trust and The Nature Conservancy are both willing to be in the group, although both said only one was necessary. Hilt has contacted Flood Control District members, consultants and jurisdictional representatives. Meetings will be open to the public, and local consultants will be encouraged to attend and provide public comment.

**APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES**

- **January 8, 2019 Regular Meeting** (not approved at this meeting)
- **January 14, 2019 Special Meeting**

Also present: Blaine County Land Use Administrator Tom Bergin; Former Commissioner Larry Schoen; Attorney Jim Phillips; Attorney Jim Speck; and Steven Giacona.

Chairman Greenberg said the BCC had received a number of public comments contesting that the motion on the Title 9 Zoning Regulations Text Amendment as written in the January 8, 2019 minutes was different from the verbal motion made. Blaine County Chief Deputy Prosecuting Attorney Tim Graves and Blaine County Land Use Administrator Tom Bergin advised the BCC to hold today's minutes and allow the County Clerk's office to rewrite the motion verbatim.

Commissioner McCleary said the BCC's minutes were not verbatim, but that she had no problem with this motion being rewritten to be verbatim. The BCC always has the opportunity to review and revise the written minutes, and usually does make revisions.

**Public Comment:**

- Jim Phillips said the importance of accurately and completely stating a motion as made and approved by the BCC has to do with the matter of process. The BCC makes a motion and that is the motion the BCC is voting upon and adopting. That motion is part of the public record. After the fact, you cannot go back through and rewrite the motion. The motion is the motion, and the record must reflect the motion that was made. The BCC always has the ability to go back and do a new motion. It has to do with any ordinance, and the motion that you make with regard to it. If the minutes don't accurately reflect the motions that you make, as the historical public record, in the future, how do we go back and rely on minutes ... When it comes to a decision, that's an important thing. The record has to reflect the motion that was made.
- Jim Speck agreed. He said the public has not seen the ordinance and does not know what was signed, or what minor changes were made. A decision on an ordinance must be made on something in front of you and that the public has seen ... and we haven't seen that yet. I can't find it on your website. It seems to me that further action must be taken before this ordinance is finally approved.

The BCC reviewed the January 14, 2019 minutes.

**McCleary moved, seconded by Fosbury, to approve the minutes of the Board of County Commissioners for January 14, 2019 minutes, as amended. Motion carried unanimously.**

**ADJOURN**

**At the hour of 4:04 p.m., with no more business before them, the County Commissioners adjourned.**

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