

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

Fifth Day

Tuesday, January 26, 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 Derek Voss; Chief Deputy Prosecuting Attorney Tim Graves; Deputy Prosecuting Attorney Amanda Greer; Assessor Jim Williams; Treasurer John David Davidson; County Administrative Services Manager Mandy Pomeroy; Blaine County Grants and Procurement Specialist Stephen McDougall Graham; Outreach and Education Specialist Stephanie Carlson; Recording Secretary Sunny Grant; Kiki Tidwell; Fritz Haemmerle; Sarah Michael; Sean Flynn; and *Idaho Mountain Express* reporter Gretel Kauffman. County Clerk JoLynn Drage was present for part of the meeting.

Due to the continuing COVID-19 pandemic, many participants in this meeting were by webconference or teleconference.

Commissioner Fosbury called the meeting to order at 9:01 a.m.

PUBLIC COMMENT

- Kiki Tidwell said she had not received a response to her January 19 public records request of Commissioner Greenberg. Tidwell said IPC-E-16-28 (in the matter of the application of Idaho Power Company for a Certificate of Public Convenience and Necessity to construct system improvements for Wood River Valley customers) is an open case, and she does not think it's correct to have ex parte communications with the Public Utilities Commission about a decision in the case.

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

Also present: Blaine County Services Manager Brooke Baird and County Indigent Services Assistant Hayleigh Simpson.

Greenberg moved, seconded by McCleary, that the BCC convene in 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 RESUMED

INDIGENT CONSIDERATIONS - Board of County Commissioners Action

Greenberg moved, seconded by McCleary, to deny Requests 2020-1107-1, 2020-1110-1, 2020-1113-1, and 2021-1115-1, finding that indigency has not been established. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS

Claims - Gretchen Stinnett

Greenberg moved, seconded by McCleary, to approve Claims dated January 20, 2021, as presented. Motion passed unanimously.

Administrative Services - Mandy Pomeroy

- **Sustainability Program Manager - position and budget consideration and approval**

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

Pomeroy presented the BCC with an updated job description of a County Sustainability Program Manager. The position falls into Pay Grade 11 on the County's Kinds and Levels chart. Pomeroy is drafting an Agreement with the City of Ketchum for cost-sharing the position to submit to the BCC for approval at a later meeting.

The BCC said the City of Ketchum offered to fund the position at up to 50%; and Hailey offered resources, including staff and equipment. Local mayors anticipated the Sustainability Manager would collaborate with regional jurisdictions in an advisory committee, which would facilitate grant opportunities.

The BCC discussed adding the position mid-year as a Contract for Services, funded out of Contingency. A Contract for Services would not fundamentally change the job description. Fosbury felt the position on a temporary Contract for Services would be attractive to highly-qualified local individuals or consultants.

County Attorney Tim Graves said it is unusual to add a new non-essential full-time position in the middle of a fiscal year. County Budget Officer JoLynn Drage didn't feel the position met the criteria of "extenuating circumstances" or contingency expense, but deferred to the BCC for that decision. McCleary was comfortable using Contingency for a Sustainability Manager position, with a financial commitment from the City of Ketchum, and would like to fill the position as soon as possible. Greenberg wanted to fill the position soon, but finding the right person was most important. The BCC decided the position could start as a consultant, initially under the BCC, and then shift into an employee position in the next Fiscal Year.

Greenberg moved, seconded by McCleary, to approve the allocation of up to \$10,000 per month, out of Contingency, for a Contract for Services to fund a position in the Office of Sustainability, with the proviso that the County receives a signed Agreement from the City of Ketchum to provide 50% toward the contract.

McCleary moved, seconded by Greenberg, to amend the motion to provide funding to create a Sustainability program and hire, by contract, a Sustainability Program Manager. Amendment passed unanimously.

Amended motion passed unanimously.

County Administrator - Derek Voss

- The federal Mine Safety and Health Agency (MSHA), under the Department of Labor, received a request for them to inspect Blaine County's rock quarries, which could be considered mining operations. MSHA issued three citations, two of which were corrected on location; and the third citation was to provide a training program. The County cooperated with MSHA, but Blaine County Engineer Jeff Loomis is investigating whether the County is actually subject to the authority of MSHA. If the County determines it must meet MSHA requirements, the Administrator will ask Road and Bridge to work with the County Attorney to be sure the County is in full compliance. No BCC action is required at this time.

CONTRACTS, GRANTS AND AGREEMENTS

- **OnSolve FirstCall Upgrade**

There are minor changes in the original renewal contract. Voss didn't want two concurrent contracts, so the revised contract is before the BCC. There are no financial changes.

Greenberg moved, seconded by McCleary, to approve agreement between OnSolve LLC and Blaine County for CodeRed prescription services, which includes other items in the service, in the amount of \$5,500 per year, dated January 21, 2021. Motion passed unanimously.

- **Agreement for Provision of Meals for the County of Blaine, Idaho**

Also present: Blaine County Jail Administrator Lt. Jay Davis.

The annual renewal contract has a 2% CPI increase.

Greenberg moved, seconded by McCleary, to approve the Agreement for Provision of Meals for inmates, visitors, and staff according to the schedules provided within the contract document. Motion passed unanimously.

CONSENT CALENDAR

- **Junior College Certificate of Residency forms**

College of Southern Idaho, Fall 2020 - Spring 2021: Tyler Beck; Diana C Bello Pomazongo; Pamela Chaney; Gretchen Gorham; Christina Kirkland; Yeny Paitan; Alexis Palomera; Benjamin Romero; Michael Todd; and Jonathan Watson.

College of Southern Idaho, Spring 2021: Lariza Bedolla-Paredes; Samdo Garcia; Claudia Gil Salinas; Joshua Jones; and Margaret Ruch.

McCleary moved, seconded by Greenberg, to approve the Commissioners' Consent Calendar of January 26, 2021. Motion passed unanimously.

COVID-19 UPDATES

- **Innovation and Testing Task Force** – Greenberg said the University of Washington is testing Blaine County's positive cases for the recent variant.
- **Adaptive Planning Committee** – Greenberg said the Committee is considering vaccination sites and a secure network for all participants.
- **Emergency Medical Services Health Emergency Operations Center** – Greenberg said ambulance providers are discussing logistics of hospital transports and COVID transports to determine what the Ambulance District can do to help if transports are necessary.
- **Blaine County COVID-19 Risk Level Plan** – McCleary said the hospital has available space at this time, but county cases continue to rise. The State is trying to detect if another strain is spreading. One question is if non-residents over 65 can get vaccinated while staying here.
- **Updates** – Fosbury reminded all departments to report a team member who reports exposure to a positive test or a positive test and resulting quarantine, which could have a serious effect on County services. City and County leaders are requesting government employees (essential workers) be vaccinated ASAP.

BOARD of COUNTY COMMISSIONERS REPORTS

Also present: Idaho Power Local Area (Blaine County) Energy Advisor Amber Larna.

- **South Central Public Health District Board Meeting** – McCleary said the District is considering salary increases for its employees.
- **Wood River 3R Task Force** – The BCC will hear a presentation of single stream recycling. Hailey and Ketchum want to consider a new system of curbside greenwaste and recycling, since people are leaving trash at community recycle drop-off sites.

- **RFP for Energy Resiliency Study** – Stakeholders had a virtual call with Kurt Myers from INL regarding information that could be included in the RFP. Fosbury had a conference call with County GIS Manager Sam Young and Idaho Power on distribution information that could be useful to the RFP.
- **Highway 75 Spur** – McCleary reported on transferring “ownership” of the Highway 75 spur that goes through Ketchum and Sun Valley to Blaine County and then to the cities.
- **Sagebrush Habitat Conservation Fund** – Fosbury will schedule an agenda presentation by this group working on conservation of the Sagebrush Steppe Preserve in Blaine and neighboring counties.
- **Triumph Mine Cleanup** – McCleary suggested the BCC invite Idaho Conservation League and Department of Environmental Quality to report on their planned cleanup of the Triumph Mine in the next year; and Idaho Department of Lands to explain how they might use the rehabbed mine site.

BLAINE COUNTY AMBULANCE DISTRICT

- **Reconsideration of an ambulance bill**

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

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

The mother of an ambulance patient repeated her request for the BCC to accept the Medicaid rate for ambulance service as full payment for her son. The BCC reviewed the request a second time. McCleary said the BCC set policy in the 1990s to only accept partial payments by Medicare and Medicaid as total payment. This individual wants the BCC to accept the Medicaid rate as full payment, which would set a precedent, and/or require the BCC to reconsider its policy regarding disputed ambulance bills.

The BCC didn’t see this incident as a hardship, and suggested the patient’s family make monthly payments to pay the complete bill. No motion was made.

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

IMPERIAL GULCH DECISION AND ORDER

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

Blaine County Chief Deputy Prosecuting Attorney Tim Graves reviewed a few small edits on the revised Imperial Gulch Decision and Order with the BCC.

Greenberg moved, seconded by McCleary, to approve the Decision and Order of Blaine County Board of County Commissioners concerning a petition to validate Imperial Gulch Road, within Blaine County, Idaho, as a county road and public highway, pursuant to Section 40-203A Idaho Code, as amended, in today’s meeting. Motion passed unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **45 East Fork Rd.- Ross-Hogg Subdivision: Public hearing and consideration of an application by Brian Ross for a short plat subdivision, in which Lot 2C, Hogg Subdivision, is divided into two lots at 1.13 acres and 1.28 acres in size.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Deputy Director Kathy Grotto; applicant Brian Ross and his representative Bruce Smith; and applicant’s neighbor Rick Roudabush.

Grotto read public notice.

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

Disclosures: None

Applicant Brian Ross is requesting permission to split this 2.4-acre lot into two lots, which conforms to all County regulations for a subdivision. Applicant’s representative Bruce Smith said they agree with the Staff Report and conditions of approval.

- The Fire Chief approved the 40ft right-of-width.
- Ross said the building envelope on proposed Lot 2 is more restrictive than the setbacks; and “building envelopes” on both proposed lots are basically the required setbacks, which will be defined on the plat.
- Bruce Smith is unaware of any requirement that utilities must be installed.
- Ross said there is a condition on the existing plat that lot owners in the subdivision share equally in the maintenance of the road.

Grotto said access and roadway maintenance is the responsibility of each private lot owner.

Public Comment:

- Rick Roudabush is concerned that the access road is overused. He wanted to make sure the elk corridor remains, and asked why the applicant is subdividing the property.
 - *Ross said he had no use for a two acre lot.*
 - *Bruce Smith said the standard wildlife and Fish and Game notes will be on the plat.*

McCleary moved, seconded by Greenberg, to approve Short Plat Subdivision application by Brian Ross to divide Lot 2c, Hogg Subdivision, into two lots, finding that the application complies with applicable criteria set forth under Title 10 Subdivision Regulations and Title 9 Zoning Regulations, subject to the condition in a plat note stated in the staff report with additional responsibility of road maintenance. Motion passed unanimously.

- **106 River Rock Ln.- Plat Amendment: Public hearing and consideration of an application by David and Sarah Woodward to amend Lot 5B, Huffman-Bender-Cox Subdivision by modifying the platted building envelope to encompass a new garage addition. The overall size of the envelope will not change as a result of this application.**

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; and applicant’s representative Sean Flynn.

Grotto said legal notice for this application was met, except the applicant failed to post notice on the subject property more than seven days prior to the hearing.

McCleary moved, seconded by Greenberg, to continue this hearing to February 16, at 2:00 p.m. Motion passed unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **June 29, 2020 Board of Equalization Meeting and June 30, 2020 Special Meeting**
- **July 14, 2020 Regular Meeting, July 27, 2020 Special Budget Meeting**
- **July 28, 2020 Regular Meeting**
- **August 13, 2020 Leadership Team Meeting re FY2021 Budget and COVID Update**
- **August 25, 2020 Regular Meeting, September 1, 2020 Regular Meeting**
- **September 8, 2020 Regular Meeting, September 22, 2020 Regular Meeting**

Greenberg moved, seconded by McCleary, to approve minutes of August 13, July 28, July 14, June 29, September 8, September 1 and July 27, 2020, as presented. Motion passed unanimously.

Greenberg moved, seconded by McCleary, August 25, and June 30, 2020, as amended. Motion passed unanimously.

McCleary moved, seconded by Fosbury, to approve September 22, 2020, as presented. Greenberg abstained, since he was not present. Motion passed 2/0.

LAND USE and BUILDING SERVICES

- **Discussion: Review and discussion of Minor Plat Amendment process**

The Minor Plat Amendment process, according to Title 10 Subdivision Regulations, Chapter 4, under Plat Amendment and Corrections, allows for administrative review through a streamlined process that saves the applicant money. It can correct an error or enable a minor amendment, but won’t create an additional lot or allow creation of a lot below minimum zoning requirements, except in a case of non-conformity. Any amendment involving a building envelope is not a minor plat amendment.

A minor plat amendment requires written notice to property owners within 300ft of the property, and gives them 15 days to comment on the application. Following the 15-day comment period, the Land Use Administrator will determine if the plat amendment warrants further review and a public hearing. If not, staff prepares draft Findings of Fact and a suggested motion, and schedules the plat amendment before the BCC. If approved by the BCC, after satisfaction of conditions of approval, the applicant can record the amended plat.

- **Building Services: Building Permit fee refund request - Permit #2019-160 for Warnke/Thomas**
The applicant planned to build a home on a lot in West Magic, then decided to move a manufactured home onto the property.

Greenberg moved, seconded by McCleary, to refund fee for a building permit due to the project being withdrawn from Building Department approval in the amount of \$1,200, with refund to Warnke/Thomas. Motion passed unanimously.

ADJOURN

At the hour of 2:51 p.m., with no more business before them, the County Commissioners adjourned.

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