

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

Seventh Day

Tuesday, January 29, 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; and Recording Secretary Sunny Grant. County Clerk JoLynn Drage was present for part of the morning session. *Idaho Mountain Express* reporter Mark Dee was present for parts of the day.

Chairman Greenberg called the meeting to order at 9:01 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, to deny Cases 2018-76, 2018-67, and 2018-57, based on staff recommendation. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Case #2018-78, with a reimbursement of \$50 per month when the individual is working and able to pay. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Case #2018-55, with a reimbursement rate of \$250 per month. Motion carried unanimously.

RESOLUTION 2019-07 FOR THE APPOINTMENT OF APPLICANT AGENT FOR THE HAZARD MITIGATION GRANT PROGRAM (HMGP)

RELATED TO THE SHARPS FIRE MITIGATION PROJECT Record #658026

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Administrative Services Manager Mandy Pomeroy; Grants and Procurement Specialist Lyn Drewien; County Disaster Services Coordinator Chris Corwin; Blaine County Administrative Services Specialist Esmeralda Palomera.

This resolution accompanies a grant application already approved, and appoints an applicant agent (typically the chairman) to manage the grant.

McCleary moved, seconded by Fosbury, to approve Blaine County Resolution 2019-07, a resolution of Blaine County Board of Commissioners for the appointment of applicant agent for Hazard Mitigation Program for Sharps Fire Mitigation Project. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Administrative Services - Mandy Pomeroy

Also present: Blaine County Administrative Services Specialist Esmeralda Palomera.

- ICRMP employee training is complete with 100% participation.
- Workplace safety (diffusing difficult situations) training classes are scheduled.
- Public defender position is being advertised for three weeks.
- The BCC discussed paying into a scholarship opportunity that is available through Idaho Association of Counties. County Administrator Voss said there could be legal issues and challenges.
- Electric car grant opportunity – Grants and Procurement Specialist Lyn Drewien said chargers can take several hours to charge a car for a relatively small distance. The charging station would have to be on County land to receive 100% funding.

Administrator - Derek Voss

Colorado Gulch Bridge (Wood River Land Trust)

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; County Road and Bridge Manager Steve Thompson; Grants and Procurement Specialist Lyn Drewien; County Administrative Services Specialist Esmeralda Palomera; County Disaster Services Coordinator Chris Corwin; Wood River Land Trust Project Coordinator Ryan Santo; and Wood River Fire Protection District Chief Bart Lassman.

- Colorado Gulch Bridge project team will meet with the Idaho Office of Emergency Management to discuss the proposed pre-fab bridge. The bridge will be long enough span to keep abutments out of the river, and should be at least two feet above 100-year flood level.
- Biota is doing the stream restoration part of the project.
- The Wood River Land Trust has applied to the Land, Water, and Wildlife Levy Advisory Board (LAB) for funding for the stream restoration part of the project. The BCC discussed if they should submit a letter of support for the project to the LAB, and decided they would prefer to let the LAB handle the application without their influence. The WRLT will have to apply for a Stream Alteration Permit for the bridge, which will come to the BCC.

Project Management Policy

The County has accomplished a lot of smaller projects, and remaining projects are more complex. Blaine County Administrator Derek Voss suggests the BCC work with him in developing a Project Charter policy and process, to outline project objectives, scope and responsibilities.

Army Corps of Engineers (ACE) Section 205 and 206 Programs

The County incorrectly thought ACE had approved and funded both Section 205 and 206 projects, but only Section 206 Aquatic Restoration was approved. Section 206 projects can have flood-related impacts, and ACE will confer with the County if their initial study indicates that could be a possibility.

A site visit for staff and ACE is scheduled for February 12.

CONTRACTS, GRANTS AND AGREEMENTS

- **Contract for Services Agreement for Hazard Fuel Reduction Work for the Heatherlands & Starweather Fire Mitigation Project** [Record #658117](#)

Also present: GIS County Disaster Services Coordinator Chris Corwin; Wood River Fire Protection District Chief Bart Lassman; Ketchum Fire Chief Taan Robrahn; Fire Mitigation Project Manager Stacy McLaughlin; Bald Mountain Excavation President Dennis O'Brien; and Carl Massaro.

Blaine County requested bid proposals for this work, and received one unsuccessful bid. Fire Mitigation Project Manager Stacy McLaughlin and the project team drafted a contract for services with Dennis O'Brien to do the work, including a Memorandum of Understanding between Blaine County and the Idaho Department of Lands, detailed compensation plan and work plan.

McCleary moved, seconded by Fosbury, to approve a Contract for Services between Blaine County and Bald Mountain Excavation for hazard fuel mitigation work for the Heatherlands and Starweather Fire Mitigation Project as outlined in the agreement and in accordance with the Exhibit C that outlines the compensation for this work. Amount not to exceed \$175,000. Motion carried unanimously.

Public Comment taken.

McLaughlin said the team will report to the BCC on a regular basis.

- **Stevens Historical Research Associates Engagement Letter / Scope of Work** .[Record #658037](#)

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

The County has initiated validation proceedings on Lees Gulch Road. County Attorney Graves and staff attempted to find historical evidence of the road's creation, if such exists, but it is time-consuming. Graves requested the County hire a consultant experienced in this kind of research. County Clerk JoLynn Drage said the funds could come from Contingency.

Fosbury moved, seconded by McCleary, that we approve the, proposed, Letter of Engagement with Stevens Historical Research Associates, dated January 22, with a not-to-exceed amount of \$10,000, for, research on Lees Gulch Road.

For discussion, Greenberg: Did we mention that the funds would come out of Contingency?

Fosbury: that's my understanding. I would support that.

McCleary: I support it coming from Contingency.

Motion carried unanimously.

- **Services Agreement with HBS of Meridian, LLC dba Cottonwood Creek Behavioral Hospital**[Record #658421](#)

Cottonwood Creek Behavioral Hospital is a psychiatric hospital in Meridian that will let the County use beds on an as-needed basis for involuntary commitments, at a contract rate. County Attorney Graves said the as-needed agreement can be an automatic renewal contract.

McCleary moved, seconded by Fosbury, to approve a service agreement between Blaine County and HBS of Meridian, LLC, d/b/a Cottonwood Creek Behavioral Hospital in an amount to be determined, based on compensation in the contract on an as needed basis, as the patient is provided service. Motion carried unanimously.

CONSENT CALENDAR

- **Resolution 2019-08 Sheriff Budget Adjustment** Record #658026
- **Beverage license transfer of Globus Spice Inc dba Globus Restaurant to Wood River Whiskey LLC dba Wood River Whiskey at the same location.**
- **Junior College Certificate of Residency forms**, Fall 2018-Spring 2019: Haiden T Aitken; Sierra R. Beck; Courtney Bowman; Lizbeth Ceja Cervantes; Gabriela Cruz; Roger Elmore; Michael Flolo; Alondra Garcia Torres; Arika J Gourley; Olivia Grinder; Lisa Hughes; Esteban Morales; Edith Orihuela; Genesis J Quinonez Tamayo; Tawni Smith; Olyvia Sparrow; Mariana Springs; Cristalle E Tormey; Douglas C Walton; and Diana Whiting.

McCleary moved, seconded by Fosbury, to approve the Consent Calendar for Tuesday, January 29, 2019. Motion carried unanimously.

BLAINE COUNTY RESILIENCE WORKSHOP UPDATE

Also present: Sun Valley Institute Executive Director Aimée Christensen; Lawrence Schoen; and Warm Springs Consulting partner Deborah LaSalle (by phone).

Warm Springs Consulting is prioritizing action items that came out of the first workshop on December 3. The Resilience Workshop’s goals are to identify the greatest risks and opportunities related to economic, ecological, and social changes affecting Blaine County; and develop a path forward, with actual concrete implementable action.

Project priorities:

1. Affordable housing, and creation of an affordable housing revolving loan fund
2. Resilient and clean energy, expediting green building permitting
3. Local food and regional agriculture
4. Managing water resources
5. Sustainable transportation
6. Strengthening economy and creating local jobs
7. Community unity, cohesion and collaboration
8. Education and professional development, including training people in fire management.

The next workshop on March 11 should be solution and action oriented. The team has developed building blocks, including cost structure and proposed revenue stream to get projects done.

Public comment: None.

FY 2018 AUDIT REPORT - Curtis Stoker, CPA

Also present: Independent CPA auditor Curtis Stoker; County Treasurer John David Davidson; Chief Deputy Clerk Leslie Londos; *Idaho Mountain Express* reporter Mark Dee.

Independent auditor Curtis Stoker, CPA, Condie Stoker & Associates, presented an Unqualified Report on the audit, with a Clean Opinion on the Financial Statements presented, with no reservations.

The Report on Internal Control, Compliance with Laws and Regulations, required by Governmental Accounting Standards, also received a Clean Opinion.

Management Discussion and Analysis is available for Blaine County to discuss if they would like.

Stoker reviewed the audit, page by page, with the BCC.

The CPA issued a separate letter with management comments

- Judicial Court’s Odyssey software was installed in October, 2017, with no financial component. Idaho and many other counties throughout Idaho are just now in the reconcile process.
- The Sheriff occasionally receives donations, and has had a separate accounting of donations for years. Stoker said the account is well-documented, but is out of compliance with Government Accounting Standards. He urged the BCC to encourage the Sheriff and Clerk to work together to transfer the account to Blaine County.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

Glendale Rd. - Morada Farms Subdivision, Phase 2 Final Plat: A public hearing and consideration of a request by John Majors and Diane Crist for approval of the final plat of Morada Farms Subdivision, Phase 2. This plat creates Lot 2, Block 1, and Lots 6A, 6B, and 6C, Block 2. The preliminary plat was approved on May 17, 2016 and Phase 1 revised final plat was approved on October 3, 2017.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; Gary Slette; applicant Diane Crist; Marc Reinemann; guy, guy, guy, gal

Grotto read notice.

McCleary moved, seconded by Fosbury, that notice was adequate. Motion carried 2/0. Fosbury abstained.

Disclosures:

- McCleary and Greenberg participated in the preliminary plat application and revised Phase 1 plat amended.
- Fosbury and his wife are neighbors of the project, and he has recused himself from the discussion from the beginning, when he was a P&Z Commissioner.

County Land Use and Building Services Deputy Director Kathy Grotto said approval of the Final Plat is on today’s agenda. Grotto explained that Phase I included Lots 1, 3, 4, and 5. The rest of the lots are Phase II. Final Plat application substantially complies with Preliminary Plat and their Phasing Agreement. In order to plat Phase II, according to the Phasing Agreement, Morada Lane needs to be paved, but that cannot be done in the middle of winter. A security agreement to pave Morada Lane is not on today’s agenda, but Grotto suggested the BCC discuss the proposed security agreement.

Attorney Gary Slette, representing the applicants John Majors and Diane Crist, said developers of property such as this, under Blaine County ordinances, are required to install improvements or provide a bond or other security acceptable to the BCC in an amount of 150% of estimated value of the improvements. The property owners have obtained a firm bid from Idaho Materials and Construction to pave Morada Lane and traffic control issues and inspection. Two of the lots are under contract with the property owners, and will close with Blaine County Title. The property owners propose that Blaine County Title have an Escrow Withhold Agreement to provide \$82,640 as security for the Security Agreement. If paving is not completed by September 30, the County is authorized to draw funds from the Blaine County Title escrow account and complete the paving of Morada Lane.

County Chief Deputy Prosecuting Attorney Tim Graves said paving the road is a Condition of Phase 2, but can’t be paved now in the winter, so financial security is required of the developer to guarantee the road is paved. County Code 10-4-5(i) provides that final improvements can be completed after Final Plat filing, “... a performance bond, cash, deposit, negotiable bond or other financial guarantee acceptable to the Board, shall be posted with the County.” Typically, the County Administrator and County Clerk have required that the County actually be in possession of the money. The County Administrator said the independent auditor could have a problem with this. The County has a fiduciary responsibility that it cannot assign to someone else. The County Attorney felt that “other financial guarantee acceptable to the Board” held in a title company’s escrow account would be acceptable.

Public comment: None.

McCleary felt the Final Plat was acceptable.

McCleary moved, seconded by Greenberg, to approve, with conditions, the application by John Majors and Diane Crist, for Final Plat approval of Morada Farms Subdivision, Phase II, finding that the final plat complies with the applicable criteria set forth under Title 10 Subdivision Regulations, Chapter 4 Final Plat Procedures. Motion carried 2/0. Fosbury abstained.

LAND USE and BUILDING SERVICES

• P&Z Compensation - Resolution 2019-09

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

The BCC discussed the increased compensation presented in the resolution in a previous meeting.

Fosbury moved, seconded by McCleary, that we adopt Blaine County Resolution 2019-09, a resolution of the Blaine County Board of County Commissioners authorizing the adjustment of the Blaine County Planning & Zoning Commission members’ compensation to be increased to an amount of \$200 per meeting. Motion carried unanimously.

• Community Housing Overlay District Text Amendment Initiation

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

The BCC recently reviewed the South Central Public Health District’s septic system one-acre policy, and learned about the potential for variances. Staff would like to make some fairly straightforward changes without going through a comprehensive review at this time to:

- allow new Community Housing Planned Unit Developments to consider “water and sewer facilities approved by principal regulatory authorities.”
- reduce minimum density in Community Housing Planned Unit Developments from six units per acre to five units per acre.
- any clarifications and/or modifications acceptable to emergency services that might make the BCC less vulnerable to challenge.
- ongoing monitoring and maintenance of alternative systems.

Commissioners Fosbury and Greenberg want to be sure to stay on top of reviewing and modifying monitoring standards.

Fosbury said the consistent objection to housing in this area is the County’s required inclusion of community housing in any development. Builders are willing to do smaller lots, smaller houses, and market supply will meet the demand, but deed restricted community housing is too expensive.

Fosbury moved, seconded by McCleary, to initiate text amendments related to Community Housing Overlay District in Title 9 Chapter 35 and Title 10 Chapters 4 and 5, as presented by staff and according to the BCC's discussion today; and direct staff to prepare draft amendments for public hearings. Motion carried unanimously.

CONTRACTS, GRANTS AND AGREEMENTS, CONTINUED FROM THIS MORNING

- **Blaine County Security Agreement with Animal Shelter of Wood River Valley, Inc. DBA Mountain Humane**Record #658036

Also present: Blaine County Land Use Administrator Tom Bergin; and County Zoning Specialist Nancy Cooley.

Mountain Humane's new facility is almost complete and they expect to get Certificate of Occupancy in a few days. The BCC said the security agreement is to assure establishing of plants in the landscaping plan, which refers to an irrigation system. Land use typically doesn't include the cost of the irrigation system in the amount of the security agreement. Fosbury said plant success was dependent on irrigation, but he was willing to accept policy because the security is for 150%.

McCleary moved, seconded by Fosbury, to approve a Blaine County Security Agreement with Animal Shelter of the Wood River Valley, incorporated doing business as Mountain Humane, in the amount of \$85,236, to ensure landscaping associated with a Conditional Use Permit. Motion carried unanimously.

EXECUTIVE SESSION – §74-206 (1)(a) to discuss Personnel, to consider hiring a public officer, employee, staff member or individual agent, and to evaluate the respective qualities of individuals to fill the vacancy or need, in this case, P&Z Commission interviews.

McCleary moved, seconded by Fosbury, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(a) Personnel, to consider hiring a public employee, staff member or individual agent, in this case, for P&Z Commission interviews. Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.

OPEN SESSION RESUMED

P&Z COMMISSIONER APPOINTMENT

The BCC discussed the prospective applicants for the Planning & Zoning Commission, and chose Ned Hamlin.

Fosbury moved, seconded by McCleary, to appoint Ned Hamlin as Blaine County Planning & Zoning Commissioner, for a term of three years, to fill the vacancy. Motion carried unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- January 8, 2019 Regular Meeting
- January 15, 2019 Regular Meeting
- July 10, 2018 Regular Meeting

McCleary moved, seconded by Fosbury, to approve the minutes of the Board of County Commissioners, for January 8, 2019, and July 10, 2018, as amended. Motion carried 2/0. Fosbury abstained, since he was not in attendance.

McCleary moved, seconded by Fosbury, to approve the minutes of the Board of County Commissioners for January 15, 2019, as amended. Motion carried unanimously.

COMMISSIONERS DISCUSSION:

Commissioner Fosbury asked what would happen to the letter the BCC just received from Ed Lawson. Chairman Greenberg had not seen the letter.

ADJOURN

At the hour of 5:46 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
 JoLynn Drage County Clerk Jacob Greenberg Chairman