

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

**Third Day**

**Tuesday, February 26, 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 was present for part of the morning session.

Chairman Greenberg called the meeting to order at 9:01 a.m.

**PUBLIC COMMENT – None**

- South Carey resident JoLynn Drage said the BCC had been discussing power dependability with Idaho Power. She reported that Carey residents had been without power three days last week, for a total of at least 13 hours.
- Triumph resident Carl Massaro said the Colorado Gulch Bridge was getting bigger and bigger. He asked the County to scale it back to its original footbridge size; and suggested the saved money be spent on a new roadgrader.

**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**

**Fosbury moved, seconded by McCleary, to approve Case #2018-12, with reimbursement of \$75 per month. Motion carried unanimously.**

**Fosbury moved, seconded by McCleary, to deny Case #2018-80 based on the fact that medical review services were not an emergency. Motion carried unanimously.**

**Fosbury moved, seconded by McCleary, to deny Case #2019-05 due to the fact that the client did not meet qualifications of an emergency. Motion carried unanimously.**

**MOUNTAIN RIDES TRANSPORTATION AUTHORITY UPDATE**

Also present: Mountain Rides Executive Director Wally Morgus; and Kathy Kristensen, County representative on the Mountain Rides Board.

Mountain Rides is strong, vibrant and growing. Ridership is up, expenses are in line, and the bottom line is positive so far this fiscal year. Fares and advertising receipts are above budget. Overtime is at a minimum, thanks to a long-term driver who schedules drivers. VanPool service from Twin Falls, Shoshone and Fairfield continues to thrive, subsidized by employers and riders who pay a small fare.

Morgus read letters from bus riders with special kudos for specific Mountain Rides drivers.

Mountain Rides is studying alternative buses, and thinks battery electric is the way of the future.

**SOUTHERN IDAHO SOLID WASTE FEE WAIVER REQUEST**

- The Advocates Attic
- The Community Library

**Fosbury moved, seconded by McCleary, that the Board recommends approval of the waiver request for both Advocates Attic Thrift Store and The Community Library Ketchum-Sun Valley to be submitted to Southern Idaho Solid Waste District. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS**

**Claims - Gretchen Stinnett**

**McCleary moved, seconded by Fosbury, to approve claims dated February 20, 2019. Motion carried unanimously.**

**Road and Bridge - Steve Thompson**

Road and Bridge crews were currently removing avalanches on Warm Springs Road.

**County Administrator - Derek Voss**

- Land Use and Building Services departments report revenues for the last five years from \$450,000-550,000 annually.
- Building Services has an additional Building Official who can now perform inspections on Fridays.

**BLAINE MANOR LETTER OF INTENT ..... Record #658523**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and ARCH Community Housing Trust Executive Director Michelle Griffith.

Last week, the BCC directed County Attorney Graves to draft a new Letter of Intent to transfer the entire former Blaine Manor property to Idaho Housing and Finance Association, with the exception of the 15-foot strip previously given to the City of Hailey. The prior Letter of Intent mentioned senior housing, which language is included in the revised letter. The new Letter of Intent expires on February 29, 2020.

Graves reiterated that the BCC previously put the former Blaine Manor property up for auction, unsuccessfully, and now has complete discretion to dispose of the property as it sees fit.

**McCleary moved, seconded by Fosbury, to direct legal counsel to draft a new Letter of Intent to transfer real property to Idaho Housing and Finance Association. Motion carried unanimously.**

**CONTRACTS, GRANTS AND AGREEMENTS**

- **Agreement for Provision of Meals for the Blaine County Sheriff's Office** ..... Record #

Also present: Blaine County Detention Captain Jay Davis.

This is a long-standing contract, with no material changes other than 2% CPI increase.

**McCleary moved, seconded by Fosbury, to approve contract between Blaine County and Summit Food Services LLC for provision of meals for the Blaine County Sheriff’s office, with the cost per meal pursuant to the table under Financial Agreement within the Agreement. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS**

**City and County Boise Tour – McCleary**

McCleary attended a 2-day meeting in Boise where 17 leaders from Blaine County met with legislators, several departments and the Governor’s office to discuss state issues that impact local government. In addition, they met with the Boise and Ada County elected officials and staff to discuss common local issues, including community housing and recycling.

**Blaine County Housing Authority Special Meeting – Fosbury**

- BCHA now holds special monthly meetings in-between regular quarterly meetings.
- BCHA is establishing a non-profit foundation privately funded with contributions to help supplement rent for people in need.
- The Board discussed potential changes in the County’s Community Housing Overlay that may affect workforce and community housing.

**Ohio Gulch Sludge Drying Fields Lease Extension – Fosbury**

Fosbury is drafting a six-month Ohio Gulch Sludge Drying Fields lease extension with Ketchum, Sun Valley and Hailey to allow time to draft a formal legal contract. The participants need to ensure there’s enough capacity for the next five years.

**Comprehensive Plan Community Meeting – Greenberg**

Commissioner Greenberg, County Land Use and Building Services Deputy Director Kathy Grotto and Blaine County Comprehensive Plan Update Consultant Lisa Horowitz hosted a Comp Plan Community Meeting in Ketchum.

**Joint Special Meeting of Sun Valley and Ketchum City Mayors and Councils – Emergency Services Consolidation – Greenberg**

Topics of discussion included:

- The consolidation of Ketchum and Sun Valley was designed to be a new department of the City of Sun Valley. The new entity would contract with the Blaine County Ambulance District; and terminate Ketchum’s police contract with Blaine County.
- The Blaine County Ambulance District has to be sure the consolidated organization has requisite personnel to fulfill contract requirements, and locate ambulances where they are most needed.
- Blaine County will need adequate notice to properly terminate Sheriff’s Department/Ketchum law enforcement employees.

*McCleary will contact the two mayors to keep up-to-date with the consolidation proceedings.*

**Public Defense Commission Annual Review – Greenberg**

Also present: Blaine County contract public defender Cheri Hicks.

Idaho Public Defense Commission Region 2 Regional Coordinator Brianne McCoy and County staff visited client consultation rooms in the Blaine County Judicial Building and Public Safety Facility, and potential new public defense offices, and found them to be in compliance with Indigent Defense grant

funding.

**Other:**

- There are currently two Idaho bills regarding the use of handheld electronic devices while driving.
- Some counties in Idaho are concerned about private lands being converted to public lands, which do not generate property tax revenue.
- The BCC supported Medicaid expansion without restriction, and will write a letter opposition to House Health and Welfare Committee at the appropriate time.

**Correspondence:**

- Fifth graders plan to deliver a petition on the proposed Fish and Game rule related to wolf trapping on Saturday. Commissioner Fosbury will be at the Courthouse to receive the petition.
- BCC shared a letter from Rich Gouley regarding Lee's Gulch Road.

**WILDLIFE FEEDING ORDINANCE DISCUSSION**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Code Compliance Specialist Kristine Hilt; Idaho Fish and Game Regional Wildlife Manager Mike McDonald and Regional Supervisor Craig White.

County staff have received complaint calls in recent heavy snow years from landowners and others about feeding big game. County Code Compliance Specialist Kristine Hilt distributed an older proposed emergency big game feeding ordinance from 2017, which was never passed; and asked the BCC if they want to consider an enforceable ordinance against feeding big game. Hilt suggested the ordinance, if passed, not allow permitting, because feeding is controversial and can be emotional, and it's difficult to define criteria.

Feeding wildlife is generally discouraged by the Division of Animal Industries, but there is no state law prohibiting or allowing big game feeding by private citizens. County Attorney Tim Graves said the County is free to do what it needs to do to protect community health, safety and welfare.

Fish and Game representatives said they'd also gotten numerous calls from residents, many related to collateral damage. They related the department's policy on dealing with big game.

**Public Comment:**

- Roger Olson, Hailey resident, felt it would be hard to define standards to permit the feeding of big game. He was concerned that permitting would pit the public against the County and/or against Fish and Game.

Hilt is working with County Outreach and Education Specialist Colleen Clark to broadcast information on private feeding of big game.

**BREAK**

**LAND USE and BUILDING SERVICES HEARINGS**

- **219 Wall St. - Plat Amendment application.** Public hearing and consideration of an application by Alan and Donna Kinsel to amend Lot 12, Gimlet Last Sub. by expanding the existing building envelope 25' to the south for an addition. The 12.4 acre lot includes Planned Residential Development (R-2), Rural Remote (RR-40) and Rural Residential (R-10) zoning with some Mountain Overlay District (MOD). The building envelope area, however, is in (R-2) zoning and free of overlay districts.

Also present: Applicant's representatives Bruce Smith, Kurt Eggers and Dennis Kavanagh.

Cooley read public notice.

**Fosbury moved, seconded by McCleary, that notice is in compliance with applicable regulations Section 10-4-7 of the Subdivision Ordinance. Motion carried unanimously.**

**Disclosures** None

**New Materials:** None

Bruce Smith, representing the Kinsels, described the proposed project. Smith said there was an area called out as Winter Range, and the owners would be willing to add a plat note stating they would not feed big game unless approved by Idaho Fish and Game.

**Public Comment:** None

**Fosbury moved, seconded by McCleary, to approve plat amendment application by Alan and Donna Kinsell, trustees, to amend Gimlet Last Subdivision by expanding the platted building envelope 25 feet south within Lot 12, finding that the application complies with applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to conditions and plat notes, 1 through 8, plus two additional plat notes regarding septic systems and domestic well, and with the addition of plat note that precludes owners from feeding big game on their property without Idaho Fish and Game approval. Fosbury amended his motion to include amending plat note #5 to state that non-habitable structures may be located outside the designated building envelope, but not within the Mountain Overlay District or sub-districts. McCleary seconded the amendment to the motion.**

**Amended motion carried unanimously.**

**LAND USE and BUILDING SERVICES**

**• SDRTR LLC - MOD Rezone Findings and Ordinance 2019-04**

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

**McCleary moved, seconded by Fosbury, to approve the Findings of Fact, Conclusions of Law and Decision regarding an application by SDRTR LLC to remove an area of mapped Mountain Overlay District from Lot 1C Block 1 Warfield Hot Springs Subdivision. Motion carried unanimously.**

**McCleary moved, seconded by Fosbury, to approve Blaine County Ordinance 2019-04, an ordinance of Blaine County, Idaho, amending Blaine County Code Title 9 Zoning Regulations, by amending Title 9 Chapter 4 Section 7 Zoning Map, by the adoption of a map removing an area of Mountain Overlay District from Lot 1C Block 1 Warfield Hot Springs Subdivision, providing for a severability clause and providing an effective date. Motion carried unanimously.**

- **30 Gimlet Rd. - Floodplain Conditional Use Permit.** Public hearing and consideration of an application by James Daverman to perform floodplain alterations including the filling of designated wetlands; installation of a drainage pipe from the wetlands to the river; and creation of two rock spillways/swales north and east of the residence on Lot 18 to convey floodwaters to the river. This project is located at 30 Gimlet Rd and 24 Gimlet Ln (Lots 18 and 19, Gimlet Sub. #10) and is zoned Planned Residential (R-2) with areas of Floodplain (FP) and Wetland (WE) Overlay Districts.

Also present: Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; Blaine County Engineer Jeff Loomis; Biota Research & Consulting Fisheries Geomorphologist Ryan Colyer; Trout Unlimited local chapter president Ed Northen; Trout Unlimited National Secretary and Wood River Land Trust Board member Nick Miller; Julie Cord, and Gimlet Road Association member Norma Douglas.

Hilt read public notice.

**McCleary moved, seconded by Fosbury, that notice was adequate. Motion carried unanimously.**

**Disclosures:**

- Commissioner Fosbury visited the site with Brockway hydrologist Zack Latham, and looked at the work being done. Fosbury is a retired civil engineer, and, at the time, was a P&Z Commissioner and candidate for County Commissioner, and suspects Latham just wanted to show him what the site looked like at the time. The P&Z does not review Stream Alteration Permits, and Fosbury said he just observed river damage onsite. Fosbury said he could objectively evaluate the application.
- Commissioners Greenberg and McCleary have been onsite several times.

**New Materials:**

- Trout Unlimited's revised response to this application.
- Responses to staff report and other documents from Gimlet West owners, provided by Brockway Engineering. Staff has not had time to review.
- Email to Tom Bergin from applicant James Daverman and Brockway engineers Erick Powell and Charles G. Brockway requesting a continuance. Staff encouraged applicant team to come to the BCC meeting, since the County allowed 90 minutes for their application.
- Aerial photograph showing side channel and history of the site.

Chairman Greenberg said the BCC only received the applicant's request to continue the application at 11:00 this morning; and people were present to comment on the application. The BCC decided to hear public comments. The applicant can request an audio recording if they wish to hear the public comments made.

**Public Comment:**

- Trout Unlimited and Wood River Land Trust member Nick Miller said this application, which is the 11th on this property since 1996, is about ongoing floodplain activity, not an extraordinary event. This application does not indicate there is danger to a residential building; and this reach involves a large amount of floodplain and could adversely affect a number of other properties. Miller said his organizations would like to see the application deferred until after the Cardno study is completed.
- Biota biologist Ryan Colyer, representing the owners of Lot 17 to the north, said they have concerns about the berm located close to the property boundary. Manipulating floodplain and river systems at the parcel layer causes problems.

Hilt showed the BCC potential problem areas, including a gabion retaining wall.

County Land Use Administrator Tom Bergin said they should not discuss the project without the applicant present.

**McCleary moved, seconded by Fosbury, to continue the Floodplain Conditional Use Permit hearing on 30 Gimlet Road to April 9, 2019 at 1:30pm. Motion carried unanimously.**



• **Blaine County Fisherman's Access Stream Alteration Permit - Biota Research & Consulting Contract Revisions and Proposal**

Also present: Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; County Engineer Jeff Loomis; and Biota Research & Consulting Geomorphologist Ryan Colyer.

Blaine County has to follow up its own Emergency Stream Alteration Permit (ESAP) project on a County parcel north of Broadford bridge on the Big Wood River, commonly known as the "fisherman's access easement". ESAP work halted erosion and protected Broadford Road, but state and local codes require follow-up long-term stabilization and revegetation of the bank.

Blaine County applied for a FEMA grant in 2017 to pay for some of the remedial work, but never received a response. In 2018, the County hired Biota Research & Consulting to create a conceptual design, obtain required permitting and implement the approved work. The proposed work included some neighboring private property, and was bid at approximately \$250,000. The neighbors did not want to contribute to the project.

The BCC directed Hilt to draft an amended contract with Biota to design a scaled down follow-up project on the Fisherman's Access area, strictly on Blaine County property, with a not-to-exceed amount, to be funded out of Contingency, and present it to the BCC at an upcoming meeting. Commissioner Fosbury suggested the Flood Control District is a separate taxing district mandated by the State to do flood control remedial work and restoration projects, and should be contacted for funding.

• **SECTION 206 US ARMY CORPS OF ENGINEERS HABITAT RESTORATION PROJECT UPDATE**

The Army Corps of Engineers (ACE) cancelled their previous site visit due to weather. The BCC scheduled a follow-up meeting for March 12, 2019.

**LAND, WATER AND WILDLIFE LEVY ADVISORY BOARD MEMBER APPOINTMENT**

McCleary moved, seconded by Fosbury, to appoint Nancy Linscott to the Land, Water and Wildlife Levy Advisory Board for the remainder of Bruce Collier's vacant term. Motion carried unanimously.

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

- July 17, November 13, and November 27, 2018 Regular Meetings
- January 22, 2019 Regular Meeting
- February 12 and February 19, 2019 Regular meetings
- January 2, January 7, and January 29, 2019 Special Meetings

McCleary moved, seconded by Greenberg, to approve minutes of July 17, November 13, and November 27, 2018 Regular Meetings; and January 2 and January 7, 2019 Special Meetings of the BCC, as amended. Motion carried 2/0. Fosbury abstained since he was not a Commissioner at the time.

McCleary moved, seconded by Fosbury, to approve Regular Meeting minutes of the BCC for January 22, February 12, February 19, 2019 and Special Meeting of January 29, 2019, as amended. Motion carried unanimously.

**ADJOURN**

At the hour of 4:38 p.m., with no more business before them, the County Commissioners adjourned.

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