

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

Fourth Day

Tuesday, July 16, 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 (arrived late); County Administrative Services Manager Mandy Pomeroy; 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:

- Kiki Tidwell said she'd seen neighbors opposed to the Buttercup Road community house referred to as NIMBYs. She doesn't appreciate the attitude that Blaine County Housing Authority (BCHA) has toward property owners in Blaine County, and asked the County to not fund the BCHA this year.

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, 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, as provided in Chapter 3, Title 9, Idaho Code. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

OPEN SESSION RESUMED

INDIGENT CONSIDERATIONS

McCleary moved, seconded by Fosbury, to deny Requests 2019-1015-2, 2019-1027-1, and 2019-1024-1, due to the fact that indigency has not been established. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Request 2018-203-1, with a reimbursement in the amount of zero dollars per month. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Request 2018-1017-1, with a reimbursement in the amount of \$25 month. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Request 2018-1031-1, with a reimbursement in the amount of \$50 per month. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Request 2019-1030-1, with a reimbursement in the amount of \$50 month. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Administrative Services - Mandy Pomeroy

▫ **Employee Recognition**

Assessor Jim Williams applauded his team. Angelica Cenarrusa and Customer Service Specialist Alisah Lierman handled all records processing and customer service. Joanne Freeman and senior appraisers Tammy Robison and Erin Swanson worked overtime to get appraisals done, and helped new appraisers David Vanderpool and Alyssa Williams in a very busy time to get their jobs done. The team worked well and there were only nine BOE appeals.

County Administrator Derek Voss arrived at this time.

CONTRACTS, GRANTS AND AGREEMENTS

- **Request to Accept: FY20 Rural Economic Development Professionals Program/Sun Valley Economic Development**

Also present: Blaine County Grants and Procurement Specialist Lyn Drewien; and Sun Valley Economic Development Executive Director Harry Griffith.

This is a pass-through, and SVED will administer the grant.

Fosbury moved, seconded by McCleary, to approve Request to Accept Funding for FY2020 EDPRO Rural Economic Development Program on behalf of Sun Valley Economic Development in the amount of \$24,500. Motion carried unanimously.

- **Rural Idaho Economic Development Professional Grant/State of Idaho-Department of Commerce**

Fosbury moved, seconded by McCleary, to authorize the BCC Chairman to execute the Rural Idaho Economic Development Professional Grant Agreement, as presented. Motion carried unanimously.

- **Idaho Community Development Block Grant Contract (Senior Connection)**
- **Idaho Community Development Block Grant Program Sub-Recipient Agreement (Senior Connection)**

Also present: Blaine County Grants and Procurement Specialist Lyn Drewien; and Senior Connection General Manager Ramona Duke.

The Block Grant Contract between Blaine County and Idaho Department of Commerce is to submit the pass-through grant for the Senior Connection.

McCleary moved, seconded by Fosbury, to approve the Idaho Community Development Block Grant Contract ICDBG-19-V11-02-SR between Blaine County and the Idaho Department of Commerce in the amount of \$142,760. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve Idaho Community Development Block Grant Program Sub-Recipient Agreement between Blaine County and the Blaine County Senior Counsel, Inc., dba Senior Connection, for Senior Connection entry area remodel and dining room upgrade renovation project in the amount of \$142,760. Motion carried unanimously.

- **Thomas Reuters/Westlaw Software Licensing Agreement ID: Q-00509724**

Also present: Blaine County Chief Public Defender Justin McCarthy

This software allows the public defender's office to research federal law statutes and case law. The FY2019 agreement will terminate on 9/30/19 and be renewed on 10/1/19 for FY2020.

Fosbury moved, seconded by McCleary, to approve the agreement for Thomson Reuters/ Westlaw Software Licensing Agreement to provide a legal research engine for Idaho and Federal Case Law Statutes that will cost \$89.99 for the next two months and then \$129 monthly after that. Motion carried unanimously.

CONSENT CALENDAR

- **Catering Permit** for CK's Real Food to cater an event for Mountain Humane Orr Productions to be held July 17, 2019 at the Mountain Humane Facility from 5pm until 10pm.
- **Beverage License Renewals** for Limelight Hotel Ketchum, Paddles Up Poke, Sawtooth Brewery (Warm Springs), Sawtooth Brewery (Hailey), Brandie's Kitchen, The Mint, Rico's Pizzeria, Zou 75, The Smokey Bone BBQ, Johnny G's Subshack, Bigwood Grill, Apples Bar & Grill, Chapalita's Grill, and Zinc & Ketchum Convention Center.

McCleary moved, seconded by Fosbury, to approve the July 16, 2019 Commissioners Consent Calendar. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

- **Other**
 - University of Idaho Extension Educator Lauren Golden is leaving – Commissioners
 - National Association of Counties (NACo) Meeting – Fosbury
 - Salmon-Challis Forest Plan Revision meeting (Blaine County is cooperating agency) and follow-up meetings with State legislators and Idaho Conservation League – McCleary
Salmon-Challis Plan is meeting opposition with neighboring counties. Greenberg said federal level policymakers encourage more local control over local resources, so BCC should let policymakers know tourism and recreation is economic driver in Blaine County. Fosbury said the Plan is long overdue and all parties should continue negotiating.
 - Idaho Public Safety Communications Commission (IPSCC) – Greenberg
 - BCC is receiving many emails about losing public access at Flying Heart Ranch.
 - BCC is receiving new emails and a petition to keep Imperial Gulch open.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **July 2, 2019 Regular Meeting**

McCleary moved, seconded by Fosbury, to approve the July 2, 2019 regular meeting minutes, as amended. Motion carried unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Stevens Family Ranch/Colorado Gulch Preserve - Stream Alteration Permit:** Continuation of June 11, 2019 public hearing and consideration of an application by Wood River Land Trust for a stream alteration permit within the Big Wood River and associated floodplain in the vicinity of the recently removed Colorado Gulch Bridge. The project area is located within the Stevens Family Ranch, Lot 2A, Block 1, zoned Rural Residential (R-10) and Residential/Agricultural (R-5) districts, within the Floodplain, Floodway, and Wetland Overlay Districts.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin; County Engineer Jeff Loomis; County Certified Floodplain Manager Kristine Hilt; County Planner Allison Marks; County Engineer Jeff Loomis; County Road and Bridge Manager Steve Thompson; County Grants and Procurement Specialist Lyn Drewien; Land, Water and Wildlife Levy Program Coordinator Wendy Pabich; Wood River Land Trust Project Coordinator Ryan Santo; Biota Research & Consulting Senior River Engineer Chad Bailey and Fluvial Geomorphologist Jeff Phillips.

No notice is necessary for this meeting continued from June 11, 2019.

Disclosures: Commissioner Greenberg was present when the old bridge was removed. Commissioner McCleary received public comment from Lili Simpson, which she forwarded to the BCC.

New materials:

- Public comment letter given to BCC at this meeting.
- Exhibit B-5, a response from the County Engineer to supplemental materials received from Biota Consulting. County staff has not had time to review this.
- More information from Biota engineer received last night.
- Staff memo regarding a separate application for Glendale Bypass project was designed by same consulting firm with similar components. Applicant has not had time to review design components that will be addressed in today's meeting.

Staff started doing routine Stream Alteration Permit inspections, but the river was high until yesterday. WRLT provided materials requested by the BCC:

- Proposed right-of-way location
- Maintenance plan and supplemental materials.
- Sediment control plan with best management practices.
- Design drawings stamped by an Idaho certified engineer.

Phillips presented a brief PowerPoint in response to the supplemental materials. The object is to reconnect historic channels in the floodplain and remove constrictions that are confining the river. No surface water is getting into the channels at this time. Phillips reviewed the erosion and sediment control plan with the BCC. Biota developed a three-year maintenance plan, monitored twice annually, and will do remedial maintenance as needed. Fosbury questioned some of the new techniques.

Loomis said the project attempts to move water to the floodplain, which would take pressure off of where the previous bridge was, but he said the floodplain is mostly wet now. He advised the BCC to let designers figure out how to make the bridge work with the river instead of the other way around.

Public comment:

- Wendy Pabich questioned Biota's maintenance plan for only three years, and said the true object of the project wasn't clear to her.

Ryan Santo reiterated that the object is to rehabilitate the area and provide natural river function, with some public access to Colorado Gulch. He said there is water flow this year, but there is fill and riprap that needs to be removed.

County Administrator Voss confirmed the goal; but said the bridge design was still uncertain and the County doesn't know if it is eligible for reimbursement to replace the bridge that was destroyed by floods; or if the County could give the reimbursement funds to the WRLT to take over the Colorado Gulch project. The project could possibly move forward if the bridge replacement and stream restoration were not connected.

The BCC wants public access for the majority of the year, but was uncomfortable not knowing the design of the bridge, possible impacts of allowing more water into the floodplain; and unknown impacts on neighboring landowners. Bergin said the project had a timeline, and needed to keep moving.

McCleary moved, seconded by Fosbury, to continue hearing to a date uncertain. Motion carried unanimously.

- **Shooting Star Subdivision. The property consists of 6.25 acres, to be divided into 3 lots and one roadway parcel. The property is zoned Planned Residential Development District (R-2), within the Wellhead Protection District, and with areas of Scenic Highway Overlay District.**

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; County Code Compliance Specialist Kristine Hilt; applicants Eric and Christina Huus and their representative David Patrie.

Grotto read public notice.

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

No disclosures.

No New materials:

This is a short plat application for a 6¼-acre parcel, to be divided into three lots in the Heatherlands. Parcel A is an access parcel with a 40ft right-of-way to be improved to a 26ft gravel travel surface. There

is currently a building permit for Lot 1, and nothing planned for Lots 2 and 3 at this time. A plat note restricts access for all three lots to be off of the private road and not Ohio Gulch Road.

Domestic water on Lot 1 will be from Heatherlands through common area. Lot 2 will have a new well; and Lot 3 has an existing well. South Central Public Health soils analysis determines soil is suitable for septic field. Staff report and Conditions of Approval are acceptable.

Public Comment: None.

Fosbury moved, seconded by McCleary, to approve application of Eric and Christina Huus to resubdivide Lot 116 Block 8 Heatherlands Subdivision, into three lots to be named Shooting Star Subdivision, finding that the application complies with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to Conditions 1 through 11, as listed in the Staff Report. Motion carried unanimously.

EXECUTIVE SESSION – §74-206 (1)(f) Potential Litigation

McCleary moved, seconded by Fosbury, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(f) to discuss with legal counsel the legal ramifications of and legal options for pending litigation regarding public access in Flying Heart Ranch. Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.

Flying Heart Ranch representatives present: Gary Slette, Tom Mistick, Amy Mistick, and Brian Galbraith.

ADJOURN

At the hour of 3:54 p.m., with no more business before them, the County Commissioners adjourned.

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