

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE MARCH 2023 SESSION**

**Third Day**

**Tuesday, March 7, 2023**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chair Muffy Davis, Vice-Chair Angenie McCleary; County Administrator Mandy Pomeroy; Administrative Assistant Morgan Baird, County Clerk Stephen McDougall Graham, County Chief Deputy Prosecuting Attorney Tim Graves, IT Security/Network Engineer Jon Eaton, IT Enterprise Architect Ben Parker, IT Analyst Garrett Boyle, Blaine County Treasurer John David Davidson, Human Resources Generalist Justin Highhouse, County Engineer Jeff Loomis, Assessor Clerk Gretchen Stinnett, Idaho Power Local Area (Blaine County) Energy Advisor Amber Perkes, and Deputy Clerk-Auditor-Recorder Joana Guerrero was present for the morning session.

Some participants in this meeting were by web conference or teleconference.

Chair Davis called the meeting to order at 9:00 a.m.

Commissioner Fosbury was absent.

**PUBLIC COMMENT:** NONE

**SETTLEMENT AGREEMENT PAYMENT TO FLYING HEART RANCH OWNER'S ASSOCIATION, CASE NO. CV07-19-00560**

- The settlement agreement between Blaine County and the Flying Heart Ranch includes constructing two parking areas, and garbage pickup fees.
- Blaine County and Silver Creek Outfitters/Trout Unlimited agreed to split the \$10,000 garbage pickup fees. Both Blaine County and Silver Creek Outfitters/Trout Unlimited submitted the payment, however the homeowner's association rejected Silver Creek Outfitters/Trout Unlimited payment.
- Silver Creek Outfitters/Trout Unlimited suggested Blaine County submit the remaining \$5,000 payment and Silver Creek Outfitters/Trout Unlimited reimburse the County.

**McCleary moved, seconded by Davis, to approve the settlement payment to the Flying Heart Ranch Owner's Association in the amount of \$5,000 to be paid from contingency. Motion passed 2/0.**

**CONSENT CALENDAR, ACTION ITEM**

- Junior College Certificate of Residency forms
  - College of Southern Idaho – Fall 2022 & Spring 2023  
Ashlee Ray

**CONTRACTS, GRANTS AND AGREEMENTS**

- Opioid MDL - Idaho Participation Agreements
  - County Chief Deputy Prosecuting Attorney Tim Graves explained the National Prescription Opiate Litigation and Opioid Settlement. The Opioid lawsuits are a result of opioid manufacture's, marketers and distributors mispresenting that opioids were a low-risk addiction medication.
  - For the County to receive monies from the opioid distributors settlement the County must execute the participation agreements. Approving the participation agreements, the County would be considered for future settlement funds.
  - County Clerk Stephen McDougall Graham explained the opioid monies the County has already received are from a different settlement agreement.
  - The monies from this opioid settlement are being put into a trust account. Until all the eligible participants have joined the final amount the County will receive is unknown. The funds will be distributed throughout the states and the state will then distribute the funds accordingly to local government entities.

**McCleary moved, seconded by Davis, to execute the Idaho Participation Agreement for Opioid MDL. Motion passed 2/0.**

**McCleary moved, seconded by Davis, to amend the motion and authorize the Chair to sign the agreement. Motion passed 2/0.**

**COUNTY DEPARTMENT REPORTS**

Present; GIS Manager Sam Young, County Senior GIS Analyst Kelly Green,

**GIS - GIS Manager Sam Young**

- Computer Arts (CAI) released an end-of-life statement for the Property Tax Module that both the Assessors and GIS Department use. CAI will be scheduling a software demo for the Clerk's Office.

- County Senior GIS Analyst Kelly Green is working with the Sun Valley Water Sewer District to modernize their water system maps. Young and Green worked with SV Sewer District to get the maps uploaded and available online.
- Young is working with USGS and FEMA to get additional lidar coverage.

**Human Resources- Human Resources Generalist Justin Highhouse**

- **Employee Handbook Update**

Highhouse explained the changes to paid time off, leave without pay, requesting time off, and prohibited use of County computers. County Chief Deputy Prosecuting Attorney Tim Graves made additional changes to the handbook.

**McCleary moved, seconded by Davis, to approve the updates to the Employee Handbook as presented including the additional amendments made by County Chief Deputy Prosecuting Attorney Tim Graves. Motion passed 2/0.**

**County Clerk - Stephen McDougall Graham**

- The Election Department reviewed new security updates. Blaine County will not be having a March Election. County Elections Supervisor Hayleigh Simpson will be visiting Twin Falls Election Department during their March Election.

**County Administrator - County Administrator County Administrator Mandy Pomeroy**

- Yew Updates – County Administrator Services Director Kristy Heitzman
  - Heitzman and Administrative Assistant Morgan Baird attended a Yew workshop hosted by the Idaho Fish and Game. F&G explained how to identify and properly dispose of the Yew plant.
- Bio-Solids Meeting
  - HDR is a consultant working with the cities of Bellevue, Hailey, Ketchum, SV Water and Sewer, and Winn’s Compost. They are working on a development plan to dispose of bio-solids that are of no use to Winn’s Compost, for a lesser cost. In the past the waste would be hauled to Milner Butte.
  - The plan is to break down the bio-waste, spread the waste in a temporary fenced area, and spread native grass seed.
  - The plan includes the pilot study report and a Standard Operating Procedures Report. The plan will be submitted to the Department of Environmental Quality (DEQ) for approval.

**BREAK**

**BOARD of COUNTY COMMISSIONERS’ REPORTS**

**Blaine County Regional Transportation Committee Meeting**

At the meeting there were several public comments regarding the Tomcat Hill Project. The public is concerned with the impacts the project will have on wildlife, esthetics, and vehicle speeds.

**Wood River Women's Foundation Forum**

Davis and Wood River Fire and Rescue Chief Ron Bateman both attended the event. They spoke about infrastructure challenges and priorities.

**Correspondence**

Davis received a letter from BLM asking if the County would like to participate as a cooperating agent for a utility-scale solar energy project on federal public lands. Both Commissioners questioned what the MOU entailed. Both Commissioners agreed they would like to be informed and involved in any projects that may affect the County.

**BREAK**

**REGION IV DEVELOPMENT ASSOCIATION 2022 OVERVIEW - Jeff McCurdy, President, and CEO**

Present: President and CEO of Region IV Development Association, Inc. Jeff McCurdy

- McCurdy provided a Region IV Development 2022 ‘year-end review’ pamphlet. The Pamphlet included accomplishments, highlights, and services.
- The Region IV Development’s Loan Division focuses on SBA loans. They offer four different loan options with competitive rates. The Sun Valley Economic Development and Region IV Development worked together to provide the Wood River Valley with more lending options. So far, they have approved four loans for businesses in the WR Valley.
- They are currently partnering with the City of Bellevue to assist with the Water Sewer upgrade that is estimated at \$19,000,000.
- They received a grant from the Environmental Protection Agency (EPA) for Brownfield Assessments and RLF Programs. They also established a loan program to cover the cleanup costs. Phase 1 is to assess abandoned properties that may have an undisclosed containment, making the properties a risky investment. Phase 2 is making the property non-hazardous. They have completed six phase one and three phase twos.
- The Region IV Development Board questioned if they should provide a workforce housing workshop at College of Southern Idaho (CSI). The Commissioners suggested contacting Ketchum Housing Strategist Carissa Connelly and City of Ketchum Administrator Jade Riley who are spearheading a community housing action plan for the Wood River Valley.

**BREAK**

**LAND USE and BUILDING SERVICES HEARINGS**

Present; County Land Use and Building Services Deputy Director Kathy Grotto, Zoning Specialist I Rachel Martin, Zoning Specialist I Crystal Rigby, Jennifer Hoey-Smith, Cory Smith, Benchmark-Associates Project Manager/Planner David Patrie, Lisa and Dave Bjerke, Attorney Jim Laski, *Idaho Mountain Express* staff writer Mike Shultz.

- **126 Hyndman View Drive - Plat Amendment. Continuation (from February 14, 2023) of a public hearing and consideration of an application by Jennifer Hoey-Smith and Cory Wesslund Smith, to amend Lot 28, Block 2, Hyndman Peak Subdivision by eliminating the platted building envelope.**

Zoning Specialist I Rachel Martin read public notice.

**McCleary moved, seconded by Davis, that notice for this hearing is adequate. Motion passed 2/0.**

No disclosures.

New Public Comments received on Monday, March 6<sup>th</sup> from the Bjerke's.

Benchmark Associates submitted new material on February 23<sup>rd</sup> marked exhibit A-6. Land Use and Building Services staff misunderstood the directive from the applicant representative on what plat application the applicant wanted to proceed with.

Applicant representative David Patrie presented the new material. The applicant submitted a revised application that would be considered a centroid.

- County Land Use and Building Services Deputy Director Kathy Grotto explained that Blaine County no longer approves centroids, and the application would be treated as a "firm development boundary".
- Zoning Specialist I Rachel Martin informed the Commissioners that Blaine County Code does not define "centroid" but does define a "building envelope". Hyndman Peak was subdivided in 1980 and the lots were divided as centroids. The previous owner requested to eliminate the building envelope. The existing primary residence meets the current code as an accessory dwelling unit, if a larger primary residence is requested.

Public Comment – The Bjerke Attorney Jim Laski

- The Bjerke Attorney Jim Laski stated that the Smith's purchased the property knowing the septic tank was in the building envelope. He requested the application be denied because the Smith purchased the property knowing the building envelope was compromised by the septic tank. Laski stated that the Smith have communicated or tried to compromise with the Bjerke's.
- Lisa Bjerke encouraged the Commissioners to protect their view corridor. Bjerke suggested having the Smith's tear down the barn or build onto the barn.

Applicant Corey Smith responded to the Public Comments.

- Corey Smith stated they have communicated with the Bjerke's but have not been able to compromise. Smith would like to be able to build a main house with a view corridor like the surrounding houses. The intended structure would be like the surrounding homes. They purchased the property in hopes of building a main house.

County Deputy Prosecuting Attorney Amanda Greer advised the Commissioners to continue the hearing, and for Land Use to reissue a public notice for the correct application.

**McCleary moved, seconded by Davis, to continue this hearing to April 4<sup>th</sup>, 2023. Motion passed 2/0.**

**APPROVAL of BOARD of COUNTY COMMISSIONERS MEETING MINUTES**

- November 15, 2022, Regular Meeting

**McCleary moved, seconded by Davis, to approve the Blaine County Meeting Minutes for November 15, 2022, as amended. Motion passed 2/0.**

- November 22, 2022, Regular Meeting

**McCleary moved, seconded by Davis, to approve the Blaine County Meeting Minutes for November 22, 2022, as amended. Motion passed 2/0.**

- November 29, 2022, Regular Meeting

**McCleary moved, seconded by Davis, to approve the Blaine County Meeting Minutes for November 29, 2022, as amended. Motion passed 2/0.**

- October 10, 2017, Regular Meeting

**McCleary moved, seconded by Davis, to approve the Blaine County Meeting Minutes for October 10, 2017, as amended. Motion passed 2/0.**

- October 13, 2017, Special Meeting

**McCleary moved, seconded by Davis, to approve the Blaine County Special Meeting Minutes for October 13, 2017, as amended. Motion passed 2/0.**

- October 31, 2017, Special Meeting

**McCleary moved, seconded by Davis, to approve the Blaine County Special Meeting Minutes for October 31, 2017, as amended. Motion passed 2/0.**

**EXECUTIVE SESSION – §74-206 (1)(a) Personnel, (1)(b) Personnel; (f) Potential Litigation.**

**McCleary moved, seconded by Davis, to go into Executive Session, I.C. Section 74-206(1)(f) Threatened Litigation, Quigley Ranch Mediation Request, and Idaho Code Sections 74-206(1)(a) and (b) - Evaluation, Dismissal or Disciplining of Employees or Public Officers. Davis (aye), McCleary (aye) and Fosbury (Absent). Motion passed 2/0.**

Open Session resumed at 4:43 p.m.

No Action will be taken for Idaho Code Sections 74-206(1)(a) and (b) - Evaluation, Dismissal or Disciplining of Employees or Public Officers.

**McCleary moved, seconded by Davis, to approve the Quigley Ranch mediation request and direct staff to prepare a response. Motion passed 2/0.**

**ADJOURN**

**At the hour of 4:46 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
Stephen McDougall Graham Muffy Davis  
County Clerk Chair