

June 24, 2019

Salmon, Idaho

The Board of County Commissioners met in regular session pursuant to recess of the June 10, 2019 with Richard Snyder Chairman, Ken Miner and Brett Barsalou present. The minutes of the meeting of June 10, 2019 were approved.

**IN THE MATTER OF DEPARTMENT HEADS**

Lemhi County Maintenance supervisor Russ Dalley reported that the elevator testing was complete. Lemhi County Weed Supervisor Sharayh Krantz ask for the Commissioners signature on two Forest Service Invoices #1910 & #1911. Economic Development Director Tammy Stringham gave the board a letter for LEP requesting funding for FY2020. County Agent Shannon Williams reported they had been approved for Americorp volunteer and was asking for \$4000.00 from the FY2020 to help with the funding. They are currently working on the stalls and fencing at the fairgrounds and 4-H camp started today.

Lemhi County Assessor presented two casualty losses for the board’s approval. Motion was made by Ken Miner and seconded by Brett Barsalou. All were in favor.

RP18N21E030602A	APPROVED	\$7,000.00
AH432	APPROVED	\$18,201.00

The following resolutions were unanimously adopted.

RESOLUTION 2019-8

BE IT RESOLVED BY THE LEMHI COUNTY COMMISSIONERS:

WHEREAS, the County of Lemhi presently maintains a contingency fund as provided by the laws of the State of Idaho, and

WHEREAS, said law requires passage of a resolution as a basis for appropriation of monies therefrom, and

WHEREAS, there is a need for an appropriation in the amount of Eleven thousand, eight hundred and twenty-eight dollars and no cents to State Insurance Fund for Workers Compensation Policy increase.

NOW THEREFORE, THE BOARD OF LEMHI COUNTY COMMISSIONERS HEREBY RESOLVE:

That the sum of \$11,828.00 to State Insurance Fund from said contingency fund for the above-mentioned purposes.

Dated this 24<sup>th</sup> day of June,, 2019.

/s/ Richard Snyder, Chairman  
/s/ Brett Barsalou  
s/s Ken Miner

ATTEST: /s/Brenda Armstrong, Clerk

RESOLUTION 2019-9

WHEREAS, the County of Lemhi has updated the County Personnel Policy Manual, as adopted on the 22<sup>nd</sup> day of July 1996, on the 10<sup>th</sup> day of January 2005 and on the 25<sup>th</sup> day of March 2013,

WHEREAS, it is in the best interest of said County to adopt the updated Personnel Policy Manual.

**NOW THEREFORE, THE BOARD OF LEMHI COUNTY COMMISSIONERS HEREBY RESOLVE:**

That the Personnel Policy Manual dated June 24, 2019 be adopted and a copy of the handbook be given to each employee.

Dated this 24<sup>th</sup> day of June, 2019.

/s/ Richard Snyder, Chairman  
/s/ Brett Barsalou  
/s/ Ken Miner

ATTEST: /s/ Brenda Armstrong, Clerk

RESOLUTION 2019-10

**RECITALS**

WHEREAS, on April 10, 2018, JoAnn Wolters of Gem Air filed an informal complaint with the Federal Aviation Administration (**FAA**) alleging that the Lemhi County Airport (**Airport**) was not in compliance with certain of its federal grant assurance obligations.

WHEREAS, following the filing of the informal complaint and responses by the Lemhi County Airport Board (**Board**), the FAA issued an informal determination that the Airport was not in compliance with certain of its federal grant assurance obligations, which requires certain action to be taken to bring the Airport into compliance with the grant assurances.

WHEREAS, Lemhi County (**County**) is committed to ensuring that the Airport is brought in compliance with its grant assurance obligations and hereby resolves to take the following corrective action in furtherance of this commitment.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT: The Lemhi County Commissioners instruct the Board to take the following action, which will be overseen by the County Commissioners to ensure compliance with the FAA's directives:

- Engage a third party to conduct a Revenue and Operation Analysis to provide an assessment of: (i) the fair rental rate for leasing of Airport property; (ii) the fair market day-use

rate for use of the main parking area by non-Airport vehicles; and (iii) the reasonableness of the current fuel-flowage fee.

- Immediately begin discussions with all current Airport lessees regarding the obligations that all lease rates be brought up to fair market rental rate as soon as practicable and that all leases be renegotiated to include the following terms: (i) language declaring that all lessees agree to abide by the Airport's Rules and Regulations (including its Minimum Standards); (ii) language declaring that all leases are subordinate to the federal grant assurances; (iii) a provision allowing the County to adjust the rental rate on an annual basis; (iv) a provision granting the County the right to reject leases upon expiration of the lease term; and (v) a provision allowing the County to amend the leases, if necessary, in order to comply with federal grant assurances.<sup>1</sup> The goal is to renegotiate leases as soon as practicable.
- Immediately begin discussions with tenants who do not currently have Airport leases and ensure that all Airport tenants are occupying Airport space pursuant to an approved lease with the aforementioned provisions and that lease terms are applied uniformly to similarly situated Airport users.
- Based on the outcome of the Revenue and Operation Analysis discussed above, the Board is directed to assess a fee for use of the main parking area by non-Airport vehicles.
- Based on the outcome of the Revenue and Operation Analysis, the Board is directed to implement a fuel-flowage fee that will be assessed equally against all similarly situated Airport users. If the analysis reveals that the current fuel flowage fee is reasonable, the Board shall continue to assess against all similarly situated Airport users the current fuel flowage fee.
- Regarding what is identified as Parcel #6 on Exhibit A to the Airport Layout Plan (**ALP**), the Board is directed to investigate the current uses of the Parcel and whether revenues from the parcel are used for airport operations. Upon the outcome of that investigation, the Board is directed to take appropriate action, including ensuring that land uses and revenues are used for appropriate purposes or working with the Helena ADO and FAA to explore possibilities of removing the parcel from the ALP.
- Immediately begin discussions with Fixed Based Operators (**FBOs**) to negotiate operation agreements that comply with the Airport Rules and Regulations and all grant assurances and which ensures that all similarly situated FBOs abide by the same standards.
- Implement measures, such as installing a gate that would require an airport user to call and obtain approval before using the airport's facilities, to ensure that all Airport users are operating in accordance with the Airport's Rules and Regulations and being assessed a fuel flowage fee.

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<sup>1</sup> The County has already begun working to develop a form lease that includes these provisions, a draft of which is attached to this resolution as Exhibit "A." Coordination with FAA on the form lease may take place as warranted.

PASSED BY THE COUNTY COMMISSIONERS AND APPROVED BY THE CHAIRMAN, EFFECTIVE THIS 24<sup>th</sup> DAY OF JUNE, 2019.

/s/ Richard Snyder, Chairman

/s/ Ken Miner

/s/ Brett Barsalou

ATTEST: Brenda Armstrong, Clerk

#### **IN THE MATTER OF FAIRGROUNDS LIVING QUARTERS**

Jay Wiley and Bob Lockes Lemhi County Fair Board inquired about upgrading the living quarters at the Lemhi County Fairgrounds. They had been offered one of the modular units from Moyer Basin. They were wondering if they should continue to check them out or if there was another alternative. They would be responsible for removing and transporting the unit to Salmon. The board suggested looking into a newer singlewide trailer. Jay ask the board about the warranty work on the new building at the Fairgrounds. They were told Prosecuting Attorney Bruce Withers would draft a letter to Wright Brothers Construction about the warranty work.

#### **IN THE MATTER OF SNOWMOBILE TRAILS GROOMING PROGRAM**

Steve Frazee told the board they had been awarded a grant in the amount of \$18,925.00 from Idaho Department of Parks and Recreation to help purchase a new truck. Motion was made by Rick Snyder to except the grant and Ken Miner seconded it. All were in favor. Steve told them they would be trade or sell the old truck and put those funds towards the new truck.

#### **IN THE MATTER OF LEMHI CITIZENS FOR AFFORDABLE EDUCATION**

Susan Polk and Tammy Stringham formally requested for the Eastern Idaho Community College question be put on the November 5<sup>th</sup> ballot. They are going to start up in September with presentations and education to the public.

#### **IN THE MATTER OF BEAR VALLEY IDPR GRANT**

Tammy Golder Idaho Department of Parks & Recreation, Steve Adams 2I Trails and Eyrica Mickleson BLM went over the Bear Valley grant reimbursement request forms. Tammy wanted to know if there were any questions on how the grant reimbursement would take place.

Ken Miner Brett Barsalou seconded to go into executive session pursuant to Idaho Code 74-206(d) to hear indigent matters. Roll call vote was held. Snyder – AYE: Barsalou – AYE: In the absents of the Lemhi County Social Service Director Clint Morse, Brenda Armstrong County Clerk presented the following case for consideration and pursuant to Idaho Code 74-206(b) a personnel issue was discussed. After convening in regular sessions, the following decisions were entered.

Case No. 2019-032

Denied

Adjourned for lunch at noon and reconvened at 1:00 p.m.

**IN THE MATTER OF THE PUBLIC HEARING -DEDMON & MATHRE SPECIAL USE APPLCATION APPEAL**

Chairman, Rick Snyder Chairman called to order a public hearing to hear an appeal filed by Appellants, Jon and Dolly Thomas, Russell Kozacek, Susan Kozacek, Dick and Floris Neustaedter, Robert Felton and Aaron Smith. The Chairman explained the process and the Clerk verified that proper notice was given by mailing , posting and publications. He then inquired if any of the Board had any conflicts of interest to which they answered: Miner – NO; Basalou – NO; Snyder – NO.

Joseph Fairbank, Attorney for the appellants was duly sworn and offered testimony in support of the appeal. Exhibit #4 was added to the Amended Appeal and Request for Reconsideration.

Kyle Grigsby, Attorney representing the Dedmon’s & Mathre’s was duly sworn and offered testimony against the appeal.

Chairman Snyder ask if there were any public statements to add testimony in favor of the appeal. The following were duly sworn and gave testimony in favor of the appeal.

Robert Felton  
Sue Kozacek  
Russell Kozacek  
Dolly Thomas (Jeana)  
Richard Neustaedter  
Janet Bloemeke

Chairman Snyder ask if there were any public statements to add testimony that was neutral on the appeal.

Timothy Dingey was duly sworn and offered testimony.

Chairman Snyder then ask if there were any public statements to add testimony against the appeal. The following were duly sworn and then offered testimony against the appeal.

Mike England  
Michael Pickens  
Steven Harris  
Mark Mathre

Rebuttal testimony was the offered by Attorney Joseph Fairbanks. The board then closes the hearing and took the matter under advisement. A decision will be given within the next 60 days.

There was no further business, the board adjourn until Monday July 8, 2019 @ 7:30 a.m.

/s/ Rick Snyder , Chairman

ATTEST: /s/ Brenda Armstrong , Clerk