

January 11, 2010

Salmon, Idaho

The Board of County Commissioners met in regular session pursuant to recess of December 14, 2009 with Brett S. Barsalou, Chairman, Richard W. Snyder, and R.E. Cope present. The minutes of the meeting of December 14, 2009 were approved as written.

The following claims were approved for payment:

Current Expense	\$56,577.96
Road and Bridge	\$10,750.86
Ambulance	\$ 7,363.08
District Court	\$ 7,975.06
County Fair	\$ 11.60
Indigent and Charity	\$ 9,606.91
Revaluation	\$ 489.57
Solid Waste	\$10,457.36
Weeds	\$ 173.79
Drug Court	\$ 764.23
Auditors Trust	\$ 6,593.54
Fuel Reduction Trust	\$ 110.58
911 Trust	\$ 3,290.60
District Court Trust	\$ 1,226.00
LCCI Trust	\$ 1,194.80
Economic Development Trust	\$ 1,138.28
Grant Trust	\$ 2,310.00
Industrial Park Trust	\$ 715.88
Snowmobile Trust	\$ 238.30
Probation Officer Trust	\$ 25.14
Catastrophic Repayment Trust	\$ 732.28
Waterways Trust	\$ 3,500.00
Revolving Weed Trust	\$17,008.29
Hospital Bond Payment	\$217,376.25

IN THE MATTER OF DESIGNATIONS

Bob Cope moved and Brett Barsalou seconded to elect Rick Snyder as Chairman. Chairman Snyder conducted the remainder of the meeting. Bob Cope moved and Brett Barsalou seconded to continue meeting on the second and fourth Mondays. Meetings will begin at 7:30 a.m. on the second Monday and 8:30 a.m. on the fourth Monday. U.S. Bank was named the official depository and the Recorder Herald was named the official newspaper.

The following resolution was unanimously adopted.

RESOLUTION 2010-1

WHEREAS, the Legislature in 2006 created the Idaho Statewide Interoperability Executive Council (“SIEC”) as Chapter 12, title 46, Idaho Code; and

WHEREAS, the SIEC’s purpose is to promote interagency cooperation and provide support statewide for efficient and effective use of local and private resources to achieve public safety wireless radio interoperable communications for local and private public safety agencies; and

WHEREAS, on September 16, 2008, the SIEC through the Idaho Bureau of Homeland Security received the 2008 Interoperable Emergency Communication Grant (“IECGP”) for costs related to establishment of three (3) regional practitioner-driven interoperable emergency communications governance boards in accordance with the Idaho Statewide Communications Interoperability Plan (“SCIP”); and

WHEREAS, on November 20, 2008, at the general meeting of the SIEC, the Governance Subcommittee was formed to establish three (3) statewide practitioner-driven regional interoperable communications governance boards to be known as Idaho Regional Interoperability Governance Boards (RIGBs) consisting of representation from the North/North Central Idaho districts, Region 1 consisting of District 1 and 2; the Southwest/South central Idaho Districts, Region 2 consisting of Districts 3 and 4; and the Southeast/Eastern Idaho districts, Region 3 consisting of Districts 5 and 6.

WHEREAS, the SIEC request that Lemhi County participate in the development of District organizations that elect membership to the RIGB, in collaboration with the SIEC; the Regional Board will address matters of interoperable communications policy, resource allocation, operations, security, maintenance and sustainability; and

WHEREAS, the County will send up to two (2) representatives to the District meetings; the representatives should be willing to commit time and resource to the Board, and be willing to learn about your jurisdiction’s interoperable emergency communications planning and management; representatives should be chosen from the following disciplines:

- ***Commissioners and City Council Members***
- ***Tribal Government Members***
- ***Sheriffs***
- ***Police Chiefs***
- ***Fire Chiefs***
- ***Emergency Medical Services Directors***
- ***911 Dispatch Center Directors***
- ***Public Health Directors***

WHEREAS, the County District representatives shall be authorized to forward the names of two(2) of their number from the District who shall act on behalf of the County on the Idaho Region 5 Interoperability Governance Board.

BE IT THEREFORE RESOLVED that pursuant to the authority granted to Lemhi County pursuant to Idaho Code Chapter 67, Title 21, this (Board) desires to participate in the organization and implementation of Idaho District 6 and Region 3 Interoperability Governance Board.

APPROVED AND ADOPTED this 11th day of January, 2010.

Board of County Commissioners

/s/ Richard W. Snyder, Chairman

/s/ R.E. Cope

/s/ Brett S. Barsalou

ATTEST: /s/ Terri J. Morton, Clerk

IN THE MATTER OF DEPARTMENT HEADS

Weed Supervisor Daniel Bertram reported that he has completed the 3rd course of the leadership Idaho Agricultural training. He also presented his end of the year annual report, bio-control database and upcoming events. EMT Director Janet Nelson presented the Board with end of the year statistics for EMS, EMT runs, Salmon Fire Department & Lemhi County Fire Protection District #1 and Leadore Fire. She then discussed the Interoperable Governance Board, the Memorandum of Understanding with District 6 and Resolution 2010-1 that the board adopted. Pursuant to that resolution, the Board appointed Janet Nelson and Curtis Cannon to the Governance Board and signed the Memorandum. She then updated the board on flooding on private property near Carmen.

Building Inspector Gary Goodman presented the Board with the annual building permit and inspection report. Sheriff Sam Slavin and Chief Deputy Steve Penner appeared before the Board with the Annual Forest Service Cooperative Agreement for law enforcement. Brett Barsalou moved and Bob Cope seconded to accept the agreement and they signed duplicate originals.

Landfill Manager Jack Miller presented his end of the year statistics. The Board requested that he be in attendance later in the day to hear concerns from the Pahsimeroi residents. Road and Bridge Supervisor Kerrie Cheney, Chief Mechanic Kim Thomas and Office Manager Jay Davis appeared before the Board to discuss various issues including missing road signs. Road signs with popular names keep disappearing and they asked if the 911 fund could help pay for replacement signs. They discussed what roads to put on the county road map, the Moore Creek Road, drug testing policies and presented the board with a year-end report. The Board also requested that they attend the meeting with the Pahsimeroi residents later in the day.

Wildland Urban Interface "WUI" Director Karin Drnjevic discussed obtaining funding to GPS fuel loads. She then presented the board with a report showing usage statistics for the County Website: lemhicountyidaho.org. County Treasurer Mary Ann Heiser presented the joint auditors/treasurer quarterly report, an urban renewal payment report and interest earned report. She then reported on the current year's tax deeding process and that she has found a 2 million dollar tax lien on the parcels.

IN THE MATTER OF BOARD APPOINTMENTS

The matter of appointments to the various boards was continued until the next regularly scheduled meeting.

IN THE MATTER OF VOLUNTEER OF THE YEAR AWARD

The Board reviewed the nominees for Volunteer of the year award and unanimously decided to present the award to the Board of Directors of the Lemhi County Humane Society. A reception will be held on the 8th of February.

IN THE MATTER OF OCCUPANCY ROLL

The Board convened as a Board of Equalization to equalize the occupancy roll. Upon review and having received no appeals, Brett Barsalou moved and Bob Cope seconded to accept the roll. The Clerk was instructed to turn the roll to the Tax Collector. The Board reconvened in regular session.

IN THE MATTER OF SNOWMOBILE AGREEMENT

The Board reviewed and signed a Challenge Cost-Share Agreement between Idaho Department of parks and Recreation, USDA Forest Service, US BLM, Idaho Fish and Game and Lemhi County to document the cooperation among the parties for groomed snowmobile trails.

IN THE MATTER OF LEMHI COUNTY AIRPORT BOARD

Airport Board Chairman Fred McDonald, together with Lenny Skunberg, Cecil Jackson and Lorin Bills appeared before the Board to discuss the negotiation of a 50 year lease request from the Forest Service. The Forest Service is proposing to lease 17.3 acres of land at 2.3 cents per square foot. The Airport Board offered to lease it at 7 cents per square foot. The board has been in contact with the FAA who needs to approve the lease and the FAA feels that 2.3 cents is too low. The Airport board will continue with the negotiations and keep the commissioners advised on the progress.

IN THE MATTER OF LEMHI COUNTY ECONOMIC DEVELOPMENT ASSOCIATION

LECDA Board members Merry Logan, George Miley, Alan Howell and Economic Director Rene Toman appeared before the board to request funding in the amount of \$36,000 for the next 3 year cycle. They presented the Board with a program review covering the years 2007 to 2009. The Board took the request under advisement.

IN THE MATTER OF THE VACATION OF RASPBERRY LANE

Bob Cope moved and Brett Barsalou seconded to sign the following order vacating Raspberry Lane:

This matter having come before the board of county commissioners of Lemhi County, a political subdivision of the state of Idaho ("Board"), for public hearing pursuant to notice, at the Brooklyn Annex Building located at 200 Fulton Street, Suite 101, Salmon, Idaho, on Monday, December 14, 2009, the Board now makes the following findings of fact, conclusions of law, and order.

I. FINDINGS OF FACT

1. Petitioners are David A. Bernstrom, Lola Faye Rankin, and Daniel Chance ("Petitioners"); and they are represented by Thomas Taylor, of Taylor Mountain Surveying, 301 Waller Street, Salmon, Idaho ("Petitioners' Agent").
2. Petitioners filed an application (the "Petition") with the Lemhi County Planning & Building Department, signed by the Petitioner's Agent and dated November 6, 2009, seeking the following: (1) to have the following portion of Raspberry Road vacated: (See attached Exhibit "A"); (2) to combine Lots 4 and 5 of Mountain View Heights Subdivision, as per the recorded

plat thereof recorded on December 3, 1973, Book 4, Page 25, in the records of Lemhi County, Idaho (the "Mountain View Heights Subdivision"), into a single lot with the vacated road to be attached thereto; and (3) to combine Lots 6 and 7 of the Subdivision into a single lot with a private drive as access to Strawberry Lane.

3. That portion of Raspberry Road sought to be vacated is located entirely within Mountain View Heights Subdivision.
4. Raspberry Road was dedicated to the public pursuant to the above-identified recorded plat of Mountain View Heights Subdivision.
5. Raspberry Road is not within one-mile of the boundary of any municipal corporation.
6. Lemhi County provided notice of the pendency of the Petition as required by Idaho Code.
7. The Board conducted a public hearing on the Petition on Monday, December 14, 2009, at 2:00 p.m. pursuant to published notice.
8. At the public hearing Petitioners' Agent, Thomas Taylor, offered public comment in favor of granting the vacation request. No public comment was offered in opposition to the Petition to vacate. Additionally, written comments were received from Kerrie Cheney, Supervisor of the Lemhi County Road and Bridge Department and Steve Adams, a representative of the Eastern Idaho Public Health District.
9. That portion of Raspberry Road Petitioners seek to have vacated consists of approximately 0.41 acres, has never been built or opened as a road, is not now, and never has been, used as a road or access of any kind.

II. ANALYSIS

The Board reasoned that insofar as that portion of Raspberry Road sought to be vacated has never been built or opened as a road, is not now, and never has been, used as a road or access of any kind; that no existing or future access would be eliminated by granting the requested vacation; no adverse effects would result from granting the requested vacation; and that there was no good public reason to maintain the subject portion of Raspberry Road; it was therefore appropriate and in the public interest to grant the request to vacate.

The Board also reasoned, based on the application and public comment presented during the public hearing, that it was in the public interest to allow the combining of Lots 4 and 5 of Mountain View Heights Subdivision into a single lot; and to allow the combining of Lots 6 and 7 of Mountain View Heights Subdivision into a single lot.

Finally, the Board recognized the written comment submitted by Kerrie Cheney, Lemhi County's Road & Bridge Supervisor, and makes note here that "if the rest of Raspberry Road, connection with Highway #28...were to be abandoned, then it may be in [the] public's best interest to have Strawberry Lane in its complete length be a public road. This would alleviate a connection/intersection onto Highway #28 and cause traffic to use existing access points."

III. CONCLUSIONS OF LAW

1. Notice of the pendency of the Petition was properly published according to Idaho Code.
2. Vacation of the subject portion of Raspberry Road can only be vacated by the Board of County Commissioners of Lemhi County, a political subdivision of the state of Idaho. *See, Blaha v. Board of Ada County Commissioners*, 134 Idaho 770, 9 P.3d 1236 at 1243 (2000).
3. Lemhi County's authority to vacate a public street includes the power to vacate a portion of a public street.
4. A public street may only be vacated to promote the public good.
5. That portion of Raspberry Road sought to be vacated is a public street by virtue of its dedication

- on the above-identified recorded plat.
6. That portion of Raspberry Road sought to be vacated may be vacated without the consent of the owners of the property abutting upon it because it has not been opened or used by the public for a period of five (5) years and such nonconsenting owners have access to their properties from some other public street, public right of way, or private road.
 7. Lemhi County may vacate a street on the petition of abutting property owners for their private benefit where the vacation also benefits the public at large, but if the primary or sole purpose of a vacation is to benefit abutters, the public interest is not served and the vacation is not warranted.
 8. Vacation of the above-identified portion of Raspberry Road is in the public interest.
 9. Combining subdivision lots, as requested in the Petition, is allowed by Section 3.3.2.1 of the Lemhi County Development Code, as adopted October 13, 2009.

IV. ORDER

The Petition to vacate the above-identified portion of Raspberry Road; to combine Lots 4 and 5 of Mountain View Heights Subdivision into a single lot; and to combine Lots 6 and 7 of Mountain View Subdivision is hereby granted.

DATED this 11TH day of January, 2010.

**BOARD OF COUNTY COMMISSIONERS
LEMHI COUNTY, IDAHO**

IN THE MATTER OF BOARD OF APPEALS

Building Department Official Gary Goodman and Planning and Zoning Assistant Teresa Morton appeared before the Board to discuss the formation of a Board of Appeals as outlined in the International Building code. After discussing the matter, the board instructed them to meet with counsel Karl Lewies and come back with recommendations for a board and the process needed to form the appeal board.

IN THE MATTER OF BUILDING PERMIT FEE WAIVERS

Permit #10-001 for the Salmon Valley Business & Innovation Center was waived.

Brett Barsalou moved and Bob Cope seconded to amend the agenda and move the 11:15 item of the Pahsimeroi residents concerns to 11:00 a.m.

IN THE MATTER OF THE PAHSIMEROI VALLEY

George Miller, Ben O'Neal and Roy Ellis together with a large group of citizens from the Pahsimeroi Valley presented the Board with a petition of concerns concerning the landfill dump site and road problems. The document was signed by 35 individuals from Lemhi and Custer County. The group requested that the Board review the concerns and then meet with the citizens at the café in May. The Commissioners asked Landfill Manager Jack Miller to address the closure of the dump site in May and asked Kerrie Cheney to address the road problems. After further discussion, the board agreed to meet at the Cowboy Up Café in May at 2:00 p.m. on the 25th of January.

Bob Cope moved and Brett Barsalou seconded to go into executive session pursuant to Idaho Code 31-874 to hear indigent matters, I.C. 67-2345(1)(c) to discuss a property purchase and I.C. 67-2345(1)(a) to discuss a personnel matter. Roll call vote was held with all voting Aye. Social Services Director Sue Dickens presented the following cases for consideration. After convening in regular in regular session the board entered the following decisions.

Case No. 2010-007	Approved	Case No. 2010-010	Approved
Case No. 2010-011	Denied	Case No. 2010-013	Approved
Case No. 2010-014	Approved	Case No. 2010-022	Approved

Brett Barsalou moved and Bob Cope seconded to write a letter and follow up with the personnel matter as discussed. Mr. Lewies will prepare the letter to be delivered to the employee.

IN THE MATTER OF PURCHASING PROPERTY

The Board noted that they had received a letter from the EMT Board requesting that they move forward with purchasing land for ambulance storage. Bob Cope moved and Brett Barsalou seconded to offer Mr. Marlin Blayden, the property owner, the appraised value of \$52,000 for a piece of land at Van Dreff and Water Street.

IN THE MATTER OF ADOPTING BOUNDARIES OF COMMISSIONER DISTRICTS

Brett Barsalou moved and Bob Cope seconded to adopt the following boundaries for Commissioner Districts 1,2 and 3.

DISTRICT 1

The boundaries shall extend from a point at the intersection of Highway 93 and Cemetery Lane, due east to the intersection of a line drawn due south from the western boundary of the City Park. From there, proceed northerly to Highway 28, then northwesterly to the intersection of Highway 28 and the Lemhi Back Road. Thence, proceed northerly to the center of the Lemhi River. Follow the river to its intersection with the line dividing townships 22 North from 21 North. Proceed due west to a line extended north from 17th Street. Follow said line due south to Fulton Street. Follow Fulton Street to the intersection of Fulton and Washington Avenue. From there, follow a line extending due south from Washington Avenue to the Salmon River. Follow the Salmon River northeasterly to Main Street. Proceed southeast on Main Street to Center Street, then southwest to Union Avenue. Follow Union Avenue to Highway 93 South, then along Highway 93 to Cemetery Lane, the point of origin.

DISTRICT 2

From the southeastern corner of District 1, proceed to the ridge between the Lemhi and Pahsimeroi valleys, the northern terminus of which is commonly known as "S Hill". Follow this ridge southeast as it becomes the divide between the Little Lost River and Birch Creek valleys to the County Line. Follow the boundary of Lemhi County to the boundary with Beaverhead County, Ravalli County, Idaho County, and Valley County until reaching a line extending due west from Fulton Street. From there, proceed east to the western boundary of District 1. From there, follow the northern boundary of District 1 until reaching the point of origin.

DISTRICT 3

From the southeastern corner of District 1, proceed southeasterly along the southern border of District 2 until reaching the County Line. From there, follow the boundary with Butte County, Custer County, and Valley County until reaching the southern boundary of District 2. Follow this boundary to the western boundary of District 1, and follow the southern boundary of District 1 to the point of origin.

IN THE MATTER OF DESIGNATING ELECTION PRECINCTS

The Board reviewed the 9 precinct designations for Lemhi County and find that there are no changes to be made in the legal descriptions as adopted January 9, 2006. The precincts are as follows: Salmon, Depot, Brooklyn, North Fork, Mineral Hill, Iron Creek, Pahsimeroi, Lemhi and Junction. The Mineral Hill and Pahsimeroi precinct are designated as "All Mail Voting Precinct".

There being no further business, the board did adjourn until Monday, January 25, 2010 at 8:30 a.m.

/s/ Richard W. Snyder, Chairman

ATTEST: /s/ Terri J. Morton, Clerk