

June 14, 2010

Salmon, Idaho

The board of County Commissioners met in regular session pursuant to recess of June 1, 2010. The minutes of the meetings of May 10, 2010 and June 1, 2010 were approved. The following claims were approved for payment.

Current Expense	\$70,523.20
Road and Bridge	\$21,697.55
Airport	\$ 12.84
Ambulance	\$ 8,572.10
District Court	\$10,884.78
County Fair	\$ 2,000.00
Indigent and Charity	\$43,752.96
Revaluation	\$ 2,153.45
Solid Waste	\$ 7,120.94
Weeds	\$ 986.59
Drug Court	\$ 203.90
Wildland Urban Interface	\$18,751.73
911 Trust	\$ 3,373.97
District Court Trust	\$ 2,244.00
LCCI Trust	\$ 401.37
Economic Development Trust	\$ 144.40
Drug Enforcement Fund	\$ 80.98
Parent Project Trust	\$ 4,908.51
KLT Foundation Trust	\$ 150.00
Grant Trust	\$ 2,220.00
Industrial Park Trust	\$ 913.76
Probation Officer Trust	\$ 100.00
Catastrophic Repayment Trust	\$ 9,707.62
Waterways Trust	\$ 2,597.13
Revolving Weed Trust	\$ 5,616.53

The following Resolution was adopted.

RESOLUTION 2010-8

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 One hundred and forty-eight dollars eighty cents to Brian Sopatyk for refund of taxes paid by order of the Board of Tax Appeals.

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

That the sum of \$148.80 be paid from said contingency fund for the above mentioned purposes to Brian Sopatyk.

Dated this 14th day of June, 2010.

/s/ Richard W. Snyder

/s/ Brett S. Barsalou

/s/ R.E. Cope

ATTEST: /s/ Terri J. Morton, Clerk

IN THE MATTER OF JUVENILE DETENTION SERVICES

The Board reviewed and signed a Memorandum of Agreement between the Idaho Department of Juvenile Corrections, The Idaho Department of Health and Welfare and the County to support Clinical Services in Juvenile Detention Facilities.

IN THE MATTER OF FINDINGS OF FACT FOR VACATION OF MOUNTAIN MEADOWS AT SALMON RIVER, THE INTERIOR ROADS AND THE ACCESS ROAD KNOW AS RATTLESNAKE CREEK ROAD

Brett Barsalou moved and Bob Cope seconded to adopt the following Findings of Fact:

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LEMHI COUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF IDAHO**

IN RE: PETITION TO VACATE)	
MOUNTAIN MEADOWS AT SALMON)	
RIVER SUBDIVISION)	
IN LEMHI COUNTY, IDAHO)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
)	AND ORDER
_____)	

This matter having come before the Board of County Commissioners (“Board”) of Lemhi County, a political subdivision of the state of Idaho (“Lemhi County”), for public hearing pursuant to notice, at the Brooklyn Annex Building located at 200 Fulton Street, Suite 101, Salmon, Idaho, on Monday, April 26, 2010, the Board now makes the following findings of fact, conclusions of law, and order.

I. FINDINGS OF FACT

1. Petitioner is Salmon River Properties, Inc. (“Petitioner”). Petitioner is represented by attorneys Robert L. Harris and Luke Marchant, of the law firm Holden, Kidwell, Hahn & Crapo, 1000 Riverwalk Drive, Suite 200, Idaho Falls, Idaho (“Petitioner’s Attorney”).

2. Petitioner filed an application (the “Petition”) with the Lemhi County Planning & Building Department, signed by the Mr. Ward M. Whitmore, Treasurer of Salmon River Properties, Inc. (“Petitioner’s Agent”), and dated January 19, 2010, seeking to vacate the following: (1) Mountain Meadows at Salmon River Subdivision (“Subdivision”); (2) the interior roads of the Subdivision; and (3) the access

road to the Subdivision, shown on the recorded plat as Twin Peaks Ranch Road, but commonly known as, and referred to herein as, Rattlesnake Creek Road.

3. The Subdivision's interior roads, including Rattlesnake Creek Road, were dedicated to the public by virtue of the offer of dedication and acceptance on the recorded plat of the Subdivision, filed in the office of the Lemhi County Recorder on the 12th day of February, 1973, and recorded in Plat Book 3, at Page 32.

4. The subject roads are not located within one-mile of the boundary of any municipal corporation.

5. Lemhi County provided notice of the pendency of the Petition as required by Idaho Code.

6. The Board conducted a public hearing on the Petition on Monday, April 26, 2010, at 11:00 p.m. pursuant to published notice.

7. During the public hearing, Petitioner's Attorney offered public comment in favor of granting the Petition to vacate; and Gary Goodman, Lemhi County Planning & Building Administrator offered public comment in favor of granting the part of the Petition seeking to vacate the Subdivision. Those offering public comment opposed to the vacation of Rattlesnake Creek Road were as follows: Jay Davis, Access Specialist, Lemhi County Road & Bridge Department; Kim Thomas, Lemhi County Road & Bridge Department; Bud Bartlett, Supervisor, Lemhi County Road & Bridge Department (retired); Kerry Cheney, Supervisor, Lemhi County Road & Bridge Department; Buzz Wing, Lemhi County Road & Bridge Department; and Bob Loucks. Additionally, written comments were received from Kerrie Cheney, Supervisor, Lemhi County Road and Bridge Department and Steve Hartman, Field Manager, Department of Interior, Bureau of Land Management. Both written comments were opposed to vacating Rattlesnake Creek Road.

8. The Subdivision has not been developed or built, nor have any of its interior roads been constructed or opened, excepting Rattlesnake Creek Road. Only Rattlesnake Creek Road has been constructed, opened and used as a road.

9. Rattlesnake Creek Road was partially relocated and reconstructed by Lemhi County during the months of April and May, 1995, at a public cost of approximately \$104,000.00. The old segment of Rattlesnake Creek Road is the platted segment, and the new segment, although not platted or dedicated, is public by virtue of public use and maintenance.

10. Rattlesnake Creek Road provides public access to public lands.

II. ANALYSIS

The Board reasoned that insofar as the Subdivision has never been constructed, that there are no foreseeable adverse effects that would result from vacating the Subdivision, and that there is no good public reason to maintain the Subdivision, it was therefore appropriate and in the public interest to grant the request to vacate the Subdivision.

Further, the Board reasoned that since the interior roads of the Subdivision, with the exception of Rattlesnake Creek Road, have never been constructed, opened or used as roads; that no existing or future access would be eliminated by vacating the unopened roads; that there are no foreseeable adverse effects that would result from vacating the interior roads; and that there is no good public reason to maintain the interior roads, it was therefore appropriate and in the public interest to grant the request to vacate all the interior roads of the Subdivision, *excepting however* Rattlesnake Creek Road (including the old segment), which shall remain open to the public.

III. CONCLUSIONS OF LAW

1. Notice of the pendency of the Petition was properly published according to Idaho Code.
2. Lemhi County has authority to vacate the Subdivision and its interior roads under Idaho Code § 50-1317.
3. The interior roads of the Subdivision sought to be vacated are public roads by virtue of public offer of dedication and Lemhi County acceptance on the above-identified recorded plat.
4. Vacation of the Subdivision, and all of its interior roads, *excepting* Rattlesnake Creek Road (including the old segment), is in the public interest.
5. Title to the vacated Subdivision property and vacated interior roads shall vest in Salmon

River Properties, Inc., pursuant to Idaho Code § 50-1320.

6. It is in the public interest to keep Rattlesnake Creek Road (including the old segment) open for continued public use.

IV. ORDER

The Petition to vacate all of Mountain Meadows at Salmon River Subdivision, and all its interior roads is hereby granted, *except that*, no portion of Rattlesnake Creek Road (including the old segment) shall be vacated.

The Petition is hereby granted in part, and denied in part.

DATED this 14th day of June, 2010.

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

By: /s/ Richard Snyder, Chairman

ATTEST: /s/ Terri Morton, Clerk

IN THE MATTER OF DEPARTMENT HEADS

Wui Director Karin Drnjevic presented the board with two written proposals for Title III funding. The board reviewed the requests and found them to be in compliance with Title III regulations and instructed the clerk to publish the requests as required by law.

Building Inspector Gary Goodman informed the board that 62 permits have been issued through May and indicated that it is slightly below the average. He updated the Board on the progress of the transportation Plan that Holladay Engineering has been working on.

County Agricultural Agent Shannon Williams presented the Board with a written update from Katie Hoffman, Family and Consumer Sciences Agent. The report summarized winter and spring activities and also upcoming programming. She then updated the Board on 4-H activities, weed spray days and announced that the bug corral project at the high school is up and running.

County Treasurer Mary Ann Heiser presented the Board with the Joint Auditor/Treasurer Report, an Urban Renewal Report and an investment report. She also reminded them that taxes will be due on the 21st since the 20th falls on a Sunday.

Jail Administrator Curtis Cannon discussed the purchase of new software and a new server for the jail. He presented two proposals for the board to review. After some review and questions, the board asked for further clarification. Mr. Cannon will report at a later date. Road and Bridge Supervisor Kerrie Cheney and Office Manager Jay Davis discussed the ongoing problem of water on the Lemhi Road at the old Hartvigson Place. They are working on the problem with the landowners, but need direction from legal counsel. The Board will ask Attorney Lewies to meet with them. They informed the Board that they are still waiting on permits for the Iron Creek Bridge project and they are still working on the Anderson Creek Bridge project.

The Idaho Transportation Department has contacted them about the possibility of working with the local road and bridge department to get the turn lane project at Airport Lane done possibly as early as 2012. The Board approved the local crew assisting with the project.

Chief Deputy Sheriff Steve Penner presented the Board with an Agreement between the Forest Service and the County concerning the use of Forest Service aircraft in Search and Rescue operations. After review, Bob Cope moved and Brett Barsalou seconded to approve the agreement. Deputy Penner also informed the Board that during the next fiscal year, the Forest Service has an addition \$3,400 in funding for equipment. That amount will be placed in the Sheriff's miscellaneous line item.

Landfill Manager Jack Miller informed the board that repairs have been made to the well and they once again have water. He then told the board that 5300 pounds of waste were collected on the Hazardous Waste Collection Day. Probation Administrator Katy Smith presented the board with an updated request to be included in the fiscal year 2011 budget.

Clerk Terri Morton informed the board that she had researched the commissioner minutes pertaining to the status of the Red Rock Stage Road. Information was found in the minutes from April and October of 1994, but she could not find where an official abandonment proceeding was held. Therefore the Board agreed that based on the law, the 1994 decision to abandon the road segment was not valid.

IN THE MATTER OF ANIMAL DAMAGE CONTROL

The Board received a nomination from the Idaho Wool Growers Association to reappoint LaMar Cockrell as director from Lemhi County to the District #5 Animal Damage Control Board. Bob Cope moved and Rick Snyder seconded to reappoint Mr. Cockrell as the director from Lemhi County.

IN THE MATTER OF LOCAL MOBILITY MANAGEMENT NETWORK

Judy Barkely appeared before the Board to discuss the need to address alternate mobility units in our Transportation Plan. They have been meeting with ITD on pathways and other transportation issues and they recommended to her that we need to include a Chapter on Alternate Mobility Units in our Transportation Plan. The Board will submit a letter to Holladay Engineering and ask them to include that in the plan. The Board also requested that Mr. Goodman advise Holladay Engineering that we want that included.

IN THE MATTER OF FISH & GAME LAND EXCHANGE

Regional Fish and Game Supervisor Jim Lukens and Commissioner Gary Power informed the Board of a property exchange in the works. The property at mile post 270 on Hwy 93 South is now owned by Lou Appignani and he is interested in trading 8.3 acres of his riverfront acres for 98 acres across the river which are owned by Fish & Game. The 8.3 acres is now being leased by the Fish and Game for river access. Mr. Lukens further explained that once the exchange is completed, the department will be more willing to make further improvements to the river access and the 98 acres will be placed in the tax base.

IN THE MATTER OF HARDSHIP APPLICATIONS

A hardship application on parcel RPA00560010030A was granted in the amount of \$189.62 for 2007 taxes.

IN THE MATTER OF SALMON HIGH SCHOOL ROBOTICS TEAM

Roger Grenier appeared before the board to request a letter of support for the Salmon High School Robotics Team. A concept has been developed to provide ongoing funding for the team. It involves mounting an

automatic clay target thrower on the robot that the team built. They would use the robot to throw clay shotgun targets for a fee with the proceeds to be used to fund the robotics program. Terry Loft, Jerry Meyers, Scott Turner and Brandon Reid also spoke to the board about the project. The Board agreed to write a letter of support indicating that they thought it was a very worthwhile project.

Brett Barsalou moved and Bob Cope seconded to go into executive session pursuant to Idaho Code 37-3418 for an Indigent Appeal hearing and to hear other indigent matters and Idaho Code 67-2345(1)(f) to discuss possible pending litigation. Roll call vote; Barsalou – Aye; Cope – Aye; Snyder – Aye.

Chairman Snyder called to Order Indigent Appeal Hearing Case No. 2009-084. Appellant St. Lukes Magic Valley Regional Medical Center appeared by telephone. Soni Grover, testifying on behalf of the medical center was duly sworn and testified during which time Exhibits 1 through 11 were admitted. Dave M. Mason was duly sworn and testified. Social Services Direction Sue Dickens was then duly sworn and testified during which time County Exhibits 1-7 were admitted. St. Luke’s then presented closing remarks and asked the board to continue the hearing pursuant to Idaho Code 31-3505(e) to allow additional time to acquire supporting documents. Bob Cope moved to grant a continuance and Brett Barsalou seconded. The matter was continued for thirty days. After convening in regular session, the board entered findings on the following cases.

Case No. 2010-059	Approve	Case No. 2010-064	Deny
Case No. 2010-066	Deny	Case No. 2010-068	Approve
Case No. 2010-069	Deny	Case No. 2010-070	Approve
Case No. 2010-071	Approve		

The Board discussed with counsel Karl Lewies possible road litigation. Thereafter, the board convened in regular session.

IN THE MATTER OF TITLE II PROJECT FUNDING

Bob Russell, Biomass Coordinator of the Lemhi County Economic Development Association, has written a Title II proposal to the Central Idaho Resource Advisory committee asking for funding to inventory vegetation, fuels and archeological resources in the City of Salmon Municipal Watershed. It would cover about 12,000 acres of Salmon/Challis National Forest lands in Jesse Creek, Chipps Creek, and Pollard Creek Watersheds. He would like the county to receive the grant and LCEDA or SVS would contract locally the work. The Board agreed that could be a possibility.

IN THE MATTER OF GEM PLAN

Representatives from the Government employee Medical Plan “GEM” Plan appeared before the board to discuss the possible ramifications of the newly passed health care legislation. They do not know the extent of the changes that will be forth coming. They informed the Board that the GEM Plan Board will be meeting on the 24th of June to discuss Fiscal Year 2011 rates. They should have those figures to us by the 1st of July to use in our budgeting process.

There being no further business, the board did adjourn until June 28, 2010 at 8:30 a.m.

/s/ Richard W. Snyder, Chairman

ATTEST: /s/ Terri J. Morton, Clerk