

The board of County Commissioners met in regular session pursuant to recess of March 8, 2010 with Richard W. Snyder, Chairman, Brett S. Barsalou and R.E. Cope present. The minutes of the meeting of March 8, 2010 were approved as written.

The following Ordinance was unanimously adopted.

**ORDINANCE 2010-1**

**AN ORDINANCE OF LEMHI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE LATEST VERSION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, PARTS I-IV AND IX, AND THE INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL CODE COUNCIL PERFORMANCE CODE, UNIFORM BUILDING CODE FEE SCHEDULE, ICBO 1997 EDITION; PROVIDING EXCEPTIONS; PROVIDING FROM SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEMHI COUNTY, IDAHO:**

Section 1. Code Adoption: That the approved editions of the following nationally recognized codes, as adopted by the state of Idaho or the Idaho Building Code Board, are adopted as the official building codes of Lemhi County, except as provided in Section 2 and 3:

- International Building Code
- International Residential Code, parts I-IV and IX
- International Energy Conservation Code
- International Fire Code
- International Mechanical Code
- International Fuel Gas Code
- International Existing Building Code
- International Code Council Performance Code
- Uniform Building Code Fee Schedule, ICBO 1997 Edition

Lemhi County hereby adopts the statutory provisions Idaho Code Section 54-5017, and the accompanying fee schedule, which statute requires certain Mechanical and Fuel Gas activities be permitted by the Lemhi County Building Department. Further, that the fee schedule adopted by the State of Idaho, Division of Building Safety, HVAC Bureau, as attached hereto, is adopted by Lemhi County.

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho Building Code Board effective on the date any such codes are made effective by the Idaho Building Code Board.

Section 2. Amendments to Adopted Codes: Section R404.1

- a. Table R404.1 (1) "Top reactions and prescriptive support for foundation walls" *Delete table without substitution.*
- b. Table R404.1 (2) "Maximum plate anchor-bolt spacing for supported foundation wall," *Delete table without substitution.*

- c. Table R404.1 (3) “Maximum aspect ratio, L/W for unbalanced foundations”. *Delete table without substitution.*

Section 3. Exemption: Idaho Code 39- 4116 ( 4 ) agricultural building exemption.

1. Definitions.

- a. “Agricultural Building” means a structure that is designed and constructed for one or more of the following purposes:
  - (1) Livestock shelters or buildings, including shade structures and milking barns;
  - (2) Poultry buildings or shelter;
  - (3) Barns;
  - (4) Storage of equipment and machinery used exclusively in agriculture;
  - (5) Horticultural structures, including detached production greenhouses and crop protection shelters;
  - (6) Sheds, but not sheds that are connected to public utilities, and/or on permanent foundations that are used as shops or garages;
  - (7) Grain silos; or
  - (8) Stables
- b. “Equipment and machinery used exclusively in agriculture” means farm implements and other equipment and machinery that are used exclusively on land actively devoted to agriculture, and are not used on public highways except as necessary for access to land actively devoted to agriculture.
  - c. “Land actively devoted to agriculture” means real property meeting the eligibility criteria for appraisal, assessment and taxation as agricultural property as set forth in Idaho Code 63-604.
  - d. The above definitions shall supersede any definitions of these terms that are contained in the IBC.

2. Exemption from Building Code Requirements. A building that meets the definition of “agricultural building” contained in subsection (1) above shall be exempt from the requirements of the building codes enumerated in Chapter 41, Title 39, Idaho Code, and the rules promulgated by the Idaho Building Code Board, to the extent such exemption is provided in Idaho Code 39-4116, provided that both of the following criteria are met:

- a. The building is used solely for one or more of the purposes listed in subsection (1)(a) above; and
- b. The property on which the building is sited has been determined by the Lemhi County Assessor to be land actively devoted to agriculture.

3. Requirements applicable to Agricultural Buildings. Notwithstanding any other provision of the Ordinance, the following requirements shall apply to agricultural buildings.

- a. An agricultural building shall not be:
  - (1) Used as a place of human habitation; or
  - (2) Used as a place of employment where agricultural products are processed, treated or packaged; or
  - (3) Open to use by the public; or

- (4) A shop and/or machinery repair building; or
- (5) A garage or building used for storage of personal use vehicles and/or vehicles licensed for use on public roads.

b. All agricultural buildings shall conform to the minimum placement standards established pursuant to the Lemhi County Development Code.

c. All agricultural buildings shall conform with the minimum snow, wind, frost, seismic, and all other engineering requirements of the code for safety reasons.

d. The owner of an agricultural building will obtain a site permit for the building from the Lemhi County Building Department.

#### INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS 54-5017. PERMITS -- APPLICATION -- FEES.

(1) On and after January 1, 2005, any person, firm, partnership, company, association or corporation entitled to receive a permit, shall make application to the board on a form provided by the board. The application shall require a description of the work proposed to be done, the location, ownership and use of the premises.

(2) Fees are established by rule of the board, the following fees shall be paid:

(a) New Residential- Single Family Dwelling

- (i) Up to 1,500 square feet (\$130.00)
- (ii) 1,501 to 2,500 square feet (\$195.00)
- (iii) 2,501 to 3,500 square feet (\$260.00)
- (iv) 3,501 to 4,500 square feet (\$325.00)
- (v) 4,501 or more use other installations fee

(b) New Residential – Multi Family Dwelling

- (i) Duplex (\$260.00)
- (ii) Three or more multi-family units (\$130.00) per building plus (\$65.00) per unit

(c) Existing Residential

- (i) (\$65.00) basic fee plus (\$10.00) for each additional piece of HVAC Equipment installed up to the maximum corresponding square footage of the residential building. This applies to existing residence without an active building permit (See new residential for maximum fee)

(d) Modular, Manufactured or Mobile Homes

- (i) (\$65.00) basic fee plus (\$10.00) for each ducting system, fireplace, piece of equipment, or vent up to maximum square footage. (See new residential for maximum fee)

(e) Other Installations- Commercial/Industrials

- (i) Cost of labor & Materials up to (\$10,000): multiply by 2% and add (\$60.00)
- (ii) Cost of labor & Materials between (\$10,000-\$100,000): minus (\$10,000) multiply by 1% and add (\$260.00)
- (iii) Cost of labor & Materials over (\$100,001): minus (\$10,000) multiply by 0.5% and add (\$1,160)

(f) HVAC gas line only

- (i) (\$65.00) Basic fee

(3) Expiration of permits. Every permit issued by the HVAC bureau or authority having jurisdiction, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred

eighty (180) days. A permit may be renewed for an additional year upon receiving approval from the bureau or authority having jurisdiction, and a fifty dollar (\$50.00) renewal fee.

(4) No permit. Failure to acquire, post and send permit and to pay required fees in the prescribed time may result in the assessment of a double fee. Any additional offenses within a twelve (12) month period for failure to acquire, post and send permit and to pay required fees in the prescribed time shall result in the assessment of a triple fee.

Section 4. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 5. Repeal of Conflicting Provisions. All provisions of Ordinance number 2008-1 of Lemhi County and all other Ordinances or parts of Ordinances which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict. EXCEPTION: The "Lemhi County Development Code" is not repealed, nor any part of it.

Section 6. Penalties. The first violation of this ordinance by any person may result in a civil action seeking fines of one hundred dollars (\$100.00) and/or to force compliance with the code provisions listed herein. The second violation of this ordinance by a person who has previously been found to be in violation of this ordinance may result in a civil action seeking fines of up to two hundred and fifty dollars (\$250.00) and/or to force compliance with the code provisions listed herein. The third violation of this ordinance by a person who has previously been found to be in violation of this ordinance may result in a civil action seeking fines of up to five hundred dollars (\$500.00) and/or to force compliance with the code provisions listed herein. Subsequent violations by a person found in violation of this ordinance on three prior occasions shall be a misdemeanor as described by Idaho Code 39-4126.

Section 7. Effective Date. This ordinance shall be effective upon its passage and publication as provided by law.

**Passed and Approved** by the Board of County Commissioners of Lemhi County, Idaho this 22<sup>nd</sup> day of March, 2010.

/s/ Richard W. Snyder, Chairman

ATTEST: /s/ Terri J. Morton, Clerk

**IN THE MATTER OF REQUESTS FOR ADJUSTMENT TO TAX ROLL**

Request No. 1279	RPA0001026001AA	Reduce Value \$41,269 & Tax \$438.46
Request No. 1280	RPA0001026001AA	Reduce Value \$41,269 & Tax \$441.35
Request No. 1281	RP00090002151AA	Reduce Value \$54,465 & Tax \$220.98

**IN THE MATTER OF DEPARTMENT HEADS**

County Assessor R.J. Smith presented the Board with a Request for Tax Exempt Status for RPA0001011009EA signed by the Lemhi County Humane Society. After discussion, the Board took the matter under advisement.

EMS Director Janet Nelson informed the Board that the Salmon Advanced EMT's have approved new fees for non-profit organizations and have developed a Memorandum of Understanding that the non-profits will have to sign. She also informed the board that they are moving forward with grant writing for the new ambulance building and that Steele Memorial Foundation has agreed to help raise funds.

Building and Grounds Supervisor Russ Dalley discussed the handicapped parked spot on Courthouse Drive and decided not to have it a designated handicapped spot because it does not meet requirements. Russ then informed the board that Brad Matthews Construction will soon be finishing the Courthouse Vestibule project. He has finished the spring carpet shampooing and is starting on outside projects. Weed Supervisor Daniel Bertram reported to the board that they received the IDSA Grant in the amount of \$55,641.13. He attended the IWCA board meeting in Boise, has attended the Idaho Resource Strategy Meeting and has met with the school and teacher Arlene Wolf to discuss the possibility of doing a bio-control project with students. He soon will begin pesticide training and testing, is working on a weed management plan for the Moen Ranch in Pahsimeroi and is working on developing a policy to address when private property owners don't want them to spray in their right-of-way.

Road and Bridge Chief Mechanic Kim Thomas and Office Manager Jay Davis told the board that the levee work from the Bridge south of town has been completed. They updated the board on ongoing projects and received approval for a new computer purchase. Kim updated the board on repair of the wrecked dump truck and that it would cost \$1,500 to straighten the frame.

Planning and Zoning Administrator Gary Goodman reported to the board on his research into private cemeteries as requested by commissioner Cope. After discussion, the Board decided to follow Idaho Code when dealing with private cemeteries and not develop a county ordinance to address the issue. The Board received a letter from T. Magoon thanking them for the new dumpsters, but suggesting that the trash be picked up more than once each week. County Landfill Manager Jack Miller addressed the board concerning the schedule and advised them that they are continuing to work on the schedule and would appreciate alerts from the public if they notice that the dumpsters are full. He is still trying to get the solid waste committee together to address various issues in the county.

#### **IN THE MATTER OF BUILDING PERMIT WAIVERS**

Permit No. 10-016 for the City of Salmon at the Sacajawea Center was waived.

#### **IN THE MATTER OF BDPA SALARY SURVEY**

The matter was continued until the next regular meeting.

#### **IN THE MATTER OF PATHWAYS**

JoAnn Wolters and Adrienne Trappani appeared before the Board to request their support in a grant they will be submitting to create a pathway in the Idaho Transportation right-of-way from Lakota's Meats to the Park to the Sacajawea Center covering .65 miles. The city has pledged asphalt for the pathway as the grant match. The county agreed to support the pathway and Commissioner Barsalou was appointed as the county designee on the project.

#### **IN THE MATTER OF LEMHI COUNTY ECONOMIC DEVELOPMENT ASSOCIATION**

Roger Grenier appeared before the board to address his concerns regarding the disbursement of public monies to LCEDA and the lack of accountability of those funds. He reports that there has not been an external audit or a cost benefit analysis. He suggested that the county needs to institute a policy that an essential condition regarding the disbursement of public monies is that we require accountability for the efficient use of that money. The Board thanked him for his input.

#### **IN THE MATTER OF FISCAL YEAR 2009 AUDIT**

Farrell Steiner of Searle Hart and Associates appeared before the Board with the Fiscal Year 2009 audit. Mr. Steiner reviewed the audit with the Board and answered questions from the Board. He recommended that the county develop an Internal Control Policy for all offices handling monies. He said the county is

in excellent shape. Brett Barsalou moved and Bob Cope seconded to accept the audit as presented and instructed the Clerk to publish the Summary Statement in the local newspaper.

Bob Cope moved and Brett Barsalou seconded to go into executive session pursuant to Idaho Code 37-874 to hear indigent matters and 67-2345(1)(b) to consider investigation of a complaint. Roll call vote was taken: Barsalou – AYE; Cope – AYE; Snyder – AYE:

Social Services Director Sue Dickens presented the following cases for consideration. After reconvening the regular session, the board entered the following decisions.

Case No. 2010-41	Denied	Case No. 2010-45	Denied
Case No. 2010-52	Denied	Case No. 2010-55	Denied

The board also approved an expenditure to allow for an investigation into a possible criminal matter.

### **IN THE MATTER OF WALLACE CREEK**

Justin Bezold from the Idaho Fish and Game Department together with Arden Arrington appeared before the Board to discuss a project at the mouth of Wallace Creek. Mr. Arrington has donated an easement to the Fish and Game so they can address the fish passage at Wallace Creek. They have received an estimate of approximately \$60,000 to replace the existing culvert with an open bottom structure that would enable the fish to get upstream. They requested that the county assist with the installation and the repair of the road. The work wouldn't begin until August or September. The Board asked the Road and Bridge Department to meet with the engineers of the project and work out the details.

There being no further business, the board did adjourn until Monday, April 12, 2010 at 7:30 a.m.

/s/ Richard W. Snyder, Chairman

ATTEST: /s/ Terri J. Morton, Clerk