

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

Monday, October 2, 2017

The Board met pursuant to recessing Thursday, September 28, 2017.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

Sheriff Mike Gunderson, Shoshone County, State of Idaho, revoked the appointment of Herbert Lindsey, Patrol Deputy, effective September 25, 2017.

Thereafter, the meeting adjourned.

ATTEST Peggy White  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk

# PROCEEDINGS COUNTY COMMISSIONERS

## SHOSHONE COUNTY, IDAHO

### BOOK 2017

Tuesday, October 3, 2017

The Board met pursuant to recessing Monday, October 2, 2017.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board convened at 10:00 a.m. and met with Dan Martinsen, Shoshone County Planning & Zoning Administrator, to discuss the following - also in attendance was Matt Beehner. A motion was made by Commissioner Hansen, seconded by Commissioner Huber to amend the agenda and discuss the emergency manager position strategy under Executive Session ID Code 74-206(a). The motion carried unanimously.

- Outstanding Performance Bonds for: Silver Meadows at Frost Peak Subdivision, and Bear Creek Estates. Dan provided a letter of recommendation of the performance bond forfeiture related to case #S-41-05 Silver Meadows at Frost Peak Subdivision. The recommendation is to release the remainder of the bond in the amount of \$5,000. The original bond agreement has lapsed and no actions were taken by the county or the developer to enforce the agreement or a request for refund from the developer/contractor. This item will be placed on the consent agenda for next week. The Bear Creek performance bond balance is \$4,000 which was done in 2007 and the project was never completed. Following discussion a motion was made by Commissioner Fitzgerald, seconded by Commissioner Huber to approach the land owner with a common driveway as an option to remedy. The motion carried unanimously.
- Code Violation Issues: Discuss progress/process related to various non compliance situations. Items discussed: White Property/E Street, Tallman/Portion of F Street, Ludwig/Misc. Encroachment, Beehner/Misc. Items, Avista Utilities/Pole. The Board will take information under advisement and review options to remedy situations with Frosty Greenfield and Keisha Oxendine.
- Potlatch Rd/St Joe Area: Applications for development. Pending legal issues with Potlatch Road, how does this apply to applications for development. Will review with legal for an opinion.
- Emergency Manager position strategy. A motion was made by Commissioner Fitzgerald, seconded by Commissioner Huber to go into Executive Session per Idaho Code 74-206(a). The motion carried. Following discussion, a motion was made by Commissioner Huber, seconded by Commissioner Hansen to adjourn from Executive Session. The motion carried unanimously. The main priorities of this position are: 1) being the main point of contact for Emergency Services, 2) coordinate equipment purchase grant, 3) training, 4) administer the grant, and 5) participate with local agencies. This is a \$14,000 grant with a County \$14,000 match. This item will be placed on the agenda next week for further discussion and a decision.

**PROCEEDINGS COUNTY COMMISSIONERS**


**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

Thereafter, the meeting adjourned.

ATTEST Peggy White  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk

**BOOK 2017-10-3**

# PROCEEDINGS COUNTY COMMISSIONERS

## SHOSHONE COUNTY, IDAHO

### BOOK 2017

Wednesday, October 4, 2017

The Board met pursuant to recessing Tuesday, October 3, 2017.

Present:

Commissioners: Jay Huber  
Mike Fitzgerald  
John Hansen  
Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board convened at 9:30 a.m. and the meeting was called to order. A motion was made by Commissioner Fitzgerald, seconded by Commissioner Hansen to amend the agenda and add ITD Grant Funding Agreement for procuring a replacement bus with a 14 passenger cutaway that includes two wheelchair spaces in the amount of \$52,000 that needs to be signed and sent back to ITD this week. The motion carried unanimously. The consent agenda was reviewed for consideration as follows:

#### OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, September 23 to Friday, September 29, 2017.

#### NEW BUSINESS:

1. **Consent Agenda** – (These items will be enacted by one motion unless requested by a Commissioner that one of more items be removed for separate discussion.)
  - Resolution 2017-39 Setting the Fees for Retail Alcohol Beverage Licenses For 2018
  - Contract with GravisTech to develop website for Shoshone County – per legal review of the proposal/contract, this project will be rebid for refinement of the project timeline and cost.
  - ITD Public Transportation Grant Project Funding Agreement 510 Elderly and Disabled Program OT in the amount of \$52,000.
2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d) – Indigent Cases #2017-144, #2017-143 and #2017-106/Denied

A motion was made by Commissioner Huber, seconded by Commissioner Fitzgerald to approve the consent agenda as presented with specific items addressed as indicated. The motion carried unanimously.

#### RESOLUTION 2017-39

#### A RESOLUTION SETTING THE FEES FOR RETAIL ALCOHOL BEVERAGE LICENSES FOR 2018

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

WHEREAS, the Session Laws of 1947 of the State of Idaho, as set forth in Chapter 274 of the 1947 Session Laws, authorized the retail sale of liquor by the drink in Shoshone County and incorporated cities; and

WHEREAS, the law provides in addition to a State license, the County is authorized and empowered to license the sale of liquor by the drink and is entitled to receive as a license fee, twenty-five percent (25%) of the amount of the license fee collected by the Commission of Law Enforcement.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Shoshone County, hereby authorize the sale of liquor by the drink within Shoshone County and the incorporated cities of the County and that any licensee, who has obtained a license from the State of Idaho, in an incorporated city to sell liquor by the drink must also obtain a County license; that the license fee for the amount collected by the Commissioner of Law Enforcement for the State of Idaho; and

BE IT FURTHER RESOLVED that before a County license will be granted, the applicant must make out an application for the County license showing:

- 1ST: That he has obtained a State license giving the number of the State License.
- 2ND: That he has complied with Chapter 274 of the 1947 Session Laws in obtaining his license;
- 3RD: Payment of a sum equal to twenty-five percent (25%) of the amount paid to the Commissioner of Law Enforcement for a State permit to sell retail liquor by the drink.

-In the matter of fees for County Retail Wine Licenses for 2018:

- 1ST: Make out application.
- 2ND: THAT he has complied with the 1971 Session Laws of the State of Idaho, as set forth in Chapter 156 of the 1971 Session Laws:
- 3RD: That he has obtained a State Retail Wine License.
- 4TH: Fee - \$100.00

-In the matter of fees for County Retail Wine by the Drink Licenses for 2018: No license for the retail sale of wine by the drink shall be issued to an applicant who does not possess the qualifications set forth in Chapter 13 of Title 23 of the Idaho Code, as amended.

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

1ST: Make out an application.

2ND: That he has complied with the 1971 Session Laws of the State of Idaho, as set forth in Chapter 156 of the 1973 Session Laws, 41st Legislature.

3RD: That he has obtained a State Retail Wine by the Drink license.

4TH: Fee - \$100.00

-In the matter of fees for County Retail Beer/Wine Licenses for 2018, it is ordered that the following schedule for fees be and the same are hereby fixed as follows:

For Draft Beer & Bottled or Canned Beer	\$75.00
For Bottled or Canned Beer, to be consumed on the premises	\$75.00
For Bottled or Canned Beer, not consumed on the premises	\$25.00
Transfer of Beer License	\$20.00
Transfer of Wine License	\$20.00

Dated this 4th day of October 2017.

BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald  
Mike Fitzgerald, Chairman

ATTEST: s/John Hansen  
John Hansen, Commissioner

s/Susan K. Hendrixson  
Susan K. Hendrixson  
Deputy Clerk

s/Jay Huber  
Jay Huber, Commissioner

The Board convened at 10:00 a.m. to address a September 21, 2017 Open Meetings Law violation complaint, discussion, and decision re: I.C. 74-208(7) Attempt to Cure. Also in attendance were Matt Beehner and Shoshone County Treasurer Ellen Masterson. Commissioner Fitzgerald read a statement provided by legal counsel. On September 21, 2017, a complaint alleging violations of the Open Meetings Law in relation to the 2017-2018 budget process was received. The Complaint alleges that discussions and/or deliberations occurred in the 2017-2018 budget in violation of Idaho Code, which is interpreted to allege that discussions and/or deliberations occurred outside a posted agenda time for a public meeting. Pursuant to I.C. 74-208, the Board of County Commissioners having reviewed the broad definition of "decision" in I.C. 74-202(1) and "deliberation" in I.C. 74-202(2), the Board of County Commissioners hereby acknowledge that unintentional open meeting law violation(s) may have occurred concerning the

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

review of the submitted budget worksheets and adjustments to the Elected Officials' and/or budget officer's requested amounts prior to passage of the budget outside of posed agenda notice times. As a result, Shoshone County Board of Commissioners hereby acknowledges its intent to cure any such violation(s) within fourteen (14) days of today's date, or such earlier time as the matter may be properly scheduled on a posted agenda.

The Board met with Prosecuting Attorney Keisha Oxendine and Deputy Prosecuting Attorney Ben Allen at 3:00 p.m. in Executive Session ID Code 74-206(f).

The Commission reviewed and approved the following report as presented. The following bills or claims against the County were examined and allowed; and in payment of the same the County Auditor is hereby authorized and directed to issue warrants/checks on the following viz:

**CHECKS**

001	Current Expense	\$40,165.76
002	Road	\$119,544.14
004	Ambulance/EMS	\$7,000.00
006	District Court	\$2,820.67
016	Indigent	\$6,621.52
018	Park	\$1,000.50
020	Appraisal	\$241.58
023	Solid Waste	\$5,256.17
027	Weed	\$29,033.09
038	Waterways	\$140.00
052	Airport	\$2,815.47
055	Fish Hatchery	\$65.52
056	Emergency 911	\$512.32
9110	Title III Trust – New 2009	\$336.95
9186	Motor Vehicle Trust	\$258.00
9219	Drug Court Program	\$1,535.00
9235	ITD Express Bus	\$8,434.18
	TOTAL:	\$225,780.87



PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2017

STATE OF IDAHO                    )  
  ) ss.  
County of Shoshone                )

We, the Shoshone County Commissioners, being duly sworn do hereby certify and declare that we have reviewed the demands enumerated and referred to in the foregoing register and that the same are to the best of our knowledge accurate and are just claims against the County and that there are funds available for payment thereof in the County Treasury.

APPROVED for distribution as of 10/04/17

s/Mike Fitzgerald  
Commissioner

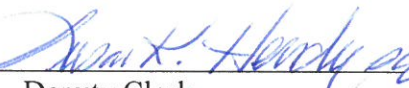
s/John Hansen  
Commissioner

s/Jay Huber  
Commissioner

Thereafter, the meeting adjourned.

ATTEST Peggy White  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk



**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

Thursday, October 5, 2017

The Board met pursuant to recessing Wednesday, October 4, 2017.

Present:

Commissioners: Jay Huber  
Mike Fitzgerald  
John Hansen  
Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

Thereafter, the meeting adjourned.

ATTEST Peggy White  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2017**

Friday, October 6, 2017

Not a regular meeting day of the Board of Commissioners.

Present:

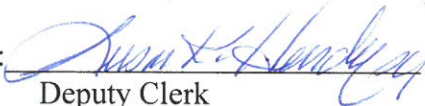
Commissioners:

Deputy Clerk:

The following proceedings were had to-wit:

ATTEST Peggy White  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk