

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2017

Monday, December 18, 2017

The Board met pursuant to recessing Thursday, December 14, 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. for a December 3, 2017 Open Meeting Law violation complaint, Complainant M. Beehner, Discussion and Determination as the Complaint. On December 3, 2017, the Office of the Prosecuting Attorney received an email from a Matt Beehner lodging a formal complaint indicating a belief that the Board of County Commissioners violated the open meetings law on November 2, 2017. The complaint read as such;

I am filing a formal complaint that I believe violated open meeting law. On November 2, 2017, there was a meeting scheduled and posted under Idaho code 74-206(f). According to the minutes of the meeting, Commissioner Fitzgerald met with an AG office representative under Idaho code 74-206(f). These minutes were approved the following Wednesday by the BOCC.

A review of Idaho Open Meeting Law Manual produced by the Office of the Attorney General, Idaho Code Title 74 – Chapter 2, and relevant Idaho case law, reveals that the Open Meetings Law is designed to apply when a governing body of a public agency meets to decide or deliberate on matters which are within the ambit of official business. A review of the meeting minutes pertinent to this complaint reveal that on November 2, 2017, Shoshone County Commissioner Mike Fitzgerald met with a representative from the Idaho Attorney General's Office at approximately 2:00 p.m. The meeting was listed on the Shoshone County Board of Commissioners Weekly Calendar/Agenda as "Meeting: ID Attorney General's Office Representative – Executive Session ID Code 74-206(f)." The meeting was between Commissioner Mike Fitzgerald and an AG representative only, and took place at the front counter of the lobby area in the Shoshone County Courthouse. The conversation consisted of one question pertaining to an investigation being conducted by the AG's Office and a discussion about how much the AG representative enjoys visiting the Silver Valley and Coeur d'Alene, Idaho area. Based upon this information, it is the opinion of the Office of the Prosecuting Attorney that there existed no convening of the governing body to make any decision or to deliberate toward any decision. A "meeting" for the purposes of Title 74, Chapter 2, Idaho Code, did not take place. A motion was made by Commissioner Huber, seconded by Commissioner Hansen that they concur with the legal opinion of the Office of the Prosecuting Attorney and find that no violation has occurred and thus, no cure is necessary. The motion carried. Commissioner Fitzgerald abstained.

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Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Tuesday, December 19, 2017

The Board met pursuant to recessing Monday, December 18, 2017.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board met with Dan Martinsen, Shoshone County Planning & Zoning Administrator, at 10:00 a.m. to discuss, review and consider a tax deeded parcel #49N02E-17-3250 as an odd-lot parcel and to sell to adjacent property owner pursuant to Idaho Code 31-808(8). Dan gave a brief synopsis on this parcel stating it was in the name of Mine Timber, Inc. when it was tax deeded to the county on June 27, 2006. It was scheduled to be sold at the tax deed auction, but it was pulled from the sale and it is not clear on the reason. There is documentation in the Assessor's records that it may have been a right-of-way. The surrounding property owners are the Forest Service and Jerome McKee. An appraiser for the Estate of Mina C. McKee found the existence of this remnant parcel and approached Dan Martinsen and the Board of the request for Jerome McKee to obtain this parcel to clean up the property lines. It has been confirmed that the Forest Service has no interest in ownership of this parcel since they have an easement for the forest road that crosses through it for access when needed. Through Idaho Code 31-808(8) the Board has the ability to declare certain parcels as odd-lot property that are not needed for public purposes and are excess to the needs of the county. The property may be sold to an adjacent property owner for fair market value that is estimated by a land appraiser. The Board agreed that this parcel falls under the description under Idaho Code 31-808(8) and to move forward with the process.

Commissioner Huber attended a Shoshone County EMS Board meeting at 3:00 p.m. in Kellogg.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Wednesday, December 20, 2017

The Board met pursuant to recessing Tuesday, December 19, 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. 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, December 4, 2017 to Friday, December 8, 2017, and Monday, December 11 to Friday, December 15, 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.)
 - 2018 Beer, Wine, Liquor Licenses
 - Shoshone County Pre-Pays
 - Cancellation of Solid Waste Fee \$80.00 on parcel #RPG0050013000BA/Waters Garbage Customer - Approved
 - Cancellation of Solid Waste Fee \$34.37 on parcel #MH00666/Mobile Home Gone - Approved
 - Yearly Reporting Forms for the Shoshone County Airport – Environmental Assessment Project - Approved
 - Annual Road & Street Financial Report Year Ending 09/30/17 – Tabled to next week's agenda
 - Ken Voss, Expert Appraiser Contract for Silver Mt. vs Shoshone County, Board of Tax Appeals – fee for this service in the amount of \$52,000.00 was approved
 - Snowmobile Groomer Board 2017-2018 Appointments – Chris Phal, Chairman; Steve Grimmet, Vince Chairman; Mike Murray, Secretary; Donald Kotschevar, Member; Jim Crandall, Member; Richard Smith, Member, and Richard White, Member – Approved and letter sent to Chris Phal

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2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d) – Indigent Cases #2017-194, #2017-191, #2017-212, #2017-185, #2017-186, #2017-217

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

2018 Beer, Wine & Liquor Licenses

#60	Joel & Elizabeth Perron/ moose Creek Grill	Kellogg	Beer/Wine By Drink
#61	Sunshine Associates/Sunshine Inn	Kellogg	Beer/Liquor
#62	Country Lane Resort	Kingston	Beer/Liquor
#63	Lookout Associates	Mullan	Beer/Liquor
#64	Apples & Pigs, Inc./1313 Club	Wallace	Beer/Liquor
#65	Augustinian Brewing/Radio Brewing Co.	Kellogg	Beer/Wine By Drink Retail Wine
#66	Pinehurst Golf Course	Pinehurst	Beer/Liquor

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	\$34,977.81
002	Road	\$31,105.13
004	Ambulance/EMS	\$7,000.00
006	District Court	\$809.99
012	Historical Society	\$92.73
016	Indigent	\$21,670.33
018	Park	\$76.69
020	Appraisal	\$653.00
023	Solid Waste	\$13,237.01
027	Weed	\$120.00
037	Snowmobile	\$916.62
052	Airport	\$1,502.44
055	Fish Hatchery	\$173.72

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056	Emergency 911	\$4,499.87
9105	Interlock & Monitor Device	\$225.00
9110	Title III Trust – New 2009	\$2,175.56
9230	50 Basin-Road Funds	\$2,149.63
9238	RAC Grant – Fire Mitigation	\$2,800.00
	TOTAL:	\$124,185.53

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 12/20/17

s/Mike Fitzgerald
Commissioner

s/John Hansen
Commissioner

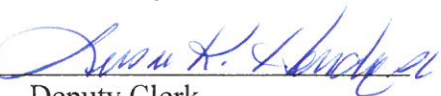
s/Jay Huber
Commissioner

The Board met with Shoshone County Prosecuting Attorney Keisha Oxendine, and Shoshone County Deputy Prosecuting Attorney Ben Allen at 4:00 p.m. in Executive Session per Idaho Code 74-206(f).

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2017

Thursday, December 21, 2017

The Board met pursuant to recessing Wednesday, December 20, 2017.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board attended a Mueller v. Shoshone County Mediation in Executive Session ID Code 74-206(f) at the River's Edge Mediation Center in Coeur d'Alene at 9:30 a.m.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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SHOSHONE COUNTY, IDAHO

BOOK 2017

Friday, December 22, 2017

Not a regular meeting day of the Board of Commissioners.

Present:

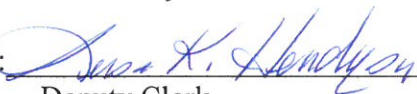
Commissioners:

Deputy Clerk:

The following proceedings were had to-wit:

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk