

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2018

Monday, July 16, 2018

The Board met pursuant to recessing Thursday, July 12, 2018.

Present:

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

The following proceedings were had to-wit:

A motion was made by Commissioner Huber, seconded by Commissioner Hansen, to amend this week's agenda cancelling the Planning & Zoning 10:00 a.m. approval of a Minor Subdivision. There's been a delay in the processing of the final plat for the Moose Meadows subdivision, and adding eight (8) recommendations for tax cancellation from the Shoshone County Treasurer's office for the Wednesday, July 18th consent agenda at 9:30 a.m. The motion carried unanimously.

The Board met with Shoshone County Planning & Zoning Administrator Dan Martinsen and Administrative Assistant Monica Miller at 10:30 a.m. for the adoption/approval of the Kellogg Area of Impact with ordinance #156 and #157. Kellogg and Shoshone County entered into an Area of City Impact agreement on September 11, 1996. The agreement was codified into the Kellogg municipal code under Title 1, Chapter 4. The agreement defined two areas: area one, adjacent to the city and under city regulation, and area two, the rest of the county, regulated by the County. The agreement was to be evaluated at agreed upon times but in no event later than December 31st of 1998 and every two years thereafter. There are some conflicts with portions of the code including Title 1-14, Area of City Impact. In order to resolve issues and move forward with proposed amendments to the municipal code, a revised ACI agreement is proposed. If approved, it would satisfy state code requirements and land use regulations. On February 16, 2018 the City of Kellogg Planning & Zoning Commission held a Public Hearing to hear the proposed amendments to their Title I, Chapter 14 – Area of City Impact of the Kellogg Municipal Code. The Commission heard the proposal, received public testimony in support, none in opposition. The Commission deliberated and forwarded a motion to recommend approval as presented. The motion was seconded and approved unanimously. On March 14, 2018, the Shoshone County Planning & Zoning Commission held a Public Hearing to hear the proposed ACE Ordinance #156 and #157. The Commission heard the proposal. No public were in attendance and no written testimony was received by the Administration. The Commission deliberated and forwarded a motion to recommend approval as presented. Following review and discussion, a motion was made by Commissioner Huber, seconded by Commissioner Fitzgerald to approve Ordinance #156 and Ordinance #157 and presented. The motion carried unanimously.

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ORDINANCE NO. 156

AN ORDINANCE OF SHOSHONE COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, DEFINING A PURPOSE; IDENTIFYING, ESTABLISHING, AND DEFINING AN AREA OF CITY IMPACT FOR THE CITY OF KELLOGG, IDAHO, WITHIN THE UNINCORPORATED AREA OF SHOSHONE COUNTY, IDAHO; AND ADOPTING A MAP IDENTIFYING THE AREA OF CITY IMPACT; DEFINING THE GEOGRAPHIC AREAS OF CITY IMPACT; ADOPTING STANDARDS; PROVIDING FOR ENFORCEMENT; ESTABLISHING HEARING PROCEDURES WITHIN THE AREA OF CITY IMPACT; AND PROVIDING FOR STANDARD AMENDMENT AND NOTICE OF ANY OF THE ORDINANCES SET FORTH ABOVE WHICH ARE APPLICABLE IN THE AREA OF CITY IMPACT; PROVIDING FOR ANNEXATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Kellogg and Shoshone County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Kellogg within the unincorporated area of Shoshone County; and

WHEREAS, a public hearing, pursuant to public notice as required by law, was held by the duly-constituted Planning and Zoning Commission of Shoshone County, Idaho, on MARCH 14, 2018, on the proposed Area of City Impact, following which hearing said Commission made a recommendation to the Board of County Commissioners of Shoshone County, Idaho; and

WHEREAS, the Board of County Commissioners, pursuant to public notice as required by law, held a public hearing on the proposed Area of City Impact on July 16, 2018; and

WHEREAS, the City of Kellogg and Shoshone County, in accordance with the procedure required by law, have mutually agreed upon an Area of City Impact for the City of Kellogg within the unincorporated area of Shoshone County, Idaho;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Shoshone County, Idaho:

Section 1

PURPOSE: The purpose of establishing the Kellogg Area of City Impact is to identify an urban fringe area in the unincorporated territory surrounding the City within which there is potential for development or changes in land use that must be planned in an orderly and compatible manner in order to insure timely or economical provision of public services such as water supply, sanitary

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and storm sewage collection and treatment, public safety services, other community service facilities, and to promote land use compatibility, street alignment, and traffic flow objectives.

Section 2

AREAS OF CITY IMPACT DEFINED: The Area of City Impact shall consist of an area where development or use of land affects or may affect the City of Kellogg in consideration of trade areas, geographic factors, and areas that can reasonably be expected to be annexed to the City in the future.

Section 3

GEOGRAPHIC AREAS OF CITY IMPACT ESTABLISHED AND DEFINED: The officially adopted Area of City Impact is hereby established and shown on the map entitled "Kellogg Area of City Impact" and is officially made a part hereof by reference, said map being specifically adopted by Shoshone County Ordinance No. 157.

The Kellogg Area of City Impact shall be reevaluated by the City of Kellogg and Shoshone County at such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of this Ordinance including but not limited to applicable standards.

Section 4

RIGHT TO COMMENT: Within the Area of City Impact, the following comment periods are hereby enacted upon an application to the County:

- A. Upon an application to the County for a subdivision, subdivision plat, zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request, or similar land use request, the applicant shall provide written notice and a copy of the application and other pertinent information pertaining to such request to the Kellogg City Clerk. The City shall have thirty (30) days to comment after receipt of the notice and information prior to any public hearing or meeting pertaining to said request.
- B. Prior to amendment or repeal by the County of any ordinance set forth in Section 5, applicable in the Area of City Impact, the County shall forward the proposed change to the City for review and comment at least thirty (30) days prior to the first public hearing at which such amendment will be considered.

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- C. Prior to any annexations to the City of Kellogg, the City shall notify the County at least thirty (30) days prior to the first public hearing at which time such annexation will be considered. The Board of County Commissioners may waive this requirement.
- D. No amendments are proposed regarding the current ACI Ordinances in place with the City of Smelterville (Ord # 90) or with the City of Wardner (Ord # 101). Future proposed applications as defined which include, intersect or are within the respective areas of impact of Smelterville and/or Wardner will each be afforded the opportunity to comment.

Section 5

STANDARDS: The following standards shall apply whenever an agency, Planning and/or Zoning Commission, Hearing Examiner, or governing body of the City or County considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, limited planned unit development, variance request, or subdivision plat within the Area of City Impact.

- A. Shoshone County Comprehensive Plan, and;
- B. Shoshone County Subdivision Ordinance; and
- C. Shoshone County Zoning Ordinance; and
- D. Shoshone County storm water management requirements.

Section 6

ENFORCEMENT: Shoshone County shall be responsible for the administration and enforcement of the County's Ordinances listed in Section 4 within the Area of City Impact and shall, except as otherwise provided, receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees, or other costs arising from fulfilling the terms of each Ordinance or regulation.

Section 7

HEARING PROCEDURES WITHIN THE AREA OF CITY IMPACT: All applications for subdivision plats and all other applications (e.g. zone change, comprehensive plan amendment, variance, conditional use, etc.) within the Area of City Impact shall be filed by the applicant with Shoshone County. All approvals and public hearings in the Area of City Impact shall be conducted by Shoshone County in accordance with Idaho Code Section 67-6501, et seq. and Idaho Code Section 50-1301, et seq.

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Section 8

ANNEXATION: Annexation by the City of Kellogg shall be limited to those lands lying within the Area of Impact and being contiguous to the city limits of the City of Kellogg. Upon annexation, the provisions of this ordinance, which is the agreement between the City of Kellogg and Shoshone County, shall no longer apply to the annexed area.

Section 9

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Section 10

Neither the adoption of this Ordinance nor the repeal of any Ordinance shall, in any manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action heretofore taken by the Board of County Commissioners of Shoshone County, Idaho, or the validity of any such action to be taken upon matters pending before the Board of County Commissioners on the effective date of this Ordinance.

Section 11

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12

This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Shoshone News Press, a newspaper of general circulation within Shoshone County, Idaho.

DATED this 16th day of July 2018.

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SHOSHONE COUNTY BOARD OF COMMISSIONERS

s/Mike Fitzgerald
Mike Fitzgerald, Chairman

s/John Hansen
John Hansen, Commissioner

s/Jay Huber
Jay Huber, Commissioner

ATTEST:

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

ORDINANCE NO. 157

AN ORDINANCE OF SHOSHONE COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, ADOPTING A MAP IDENTIFYING THE KELLOGG AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF SHOSHONE COUNTY, IDAHO; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Kellogg, Idaho, and Shoshone County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Kellogg within the unincorporated area of Shoshone County; and

WHEREAS, a public hearing, pursuant to public notice as required by law, was held by the duly-constituted Planning and Zoning Commission of Shoshone County, Idaho, on MARCH 14, 2018, on the Map identifying an Area of City Impact, following which hearing said Planning & Zoning Commission made a recommendation to the Board of County Commissioners of Shoshone County, Idaho; and

WHEREAS, the Board of County Commissioners of Shoshone County, Idaho, pursuant to public notice as required by law, held a public hearing on the proposed Map identifying an Area of City Impact on July 16, 2018; and

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WHEREAS, the City of Kellogg and Shoshone County, in accordance with the procedure required by law, have mutually agreed upon a Map identifying an Area of City Impact for the City of Kellogg within the unincorporated area of Shoshone County, Idaho;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Shoshone County, Idaho:

Section 1

That Area of City Impact within the unincorporated area of Shoshone County is particularly described in Section 2 below, and also set forth on the Map set forth in said Section 2, which Map shall be in effect until amended or modified as allowed by law.

Section 2

LEGAL DESCRIPTION FOR THE ACI.

SEE ATTACHED MAP LABELED AS: "EXHIBIT A"

The ACI shall extend one quarter mile (1,320.0 FEET) beyond the existing municipal boundary of the City of Kellogg within the unincorporated areas of Shoshone County as shown on "Exhibit A" excluding any common municipal boundaries of The City of Smelterville or the City of Wardner.

Section 3

This Map known as "Exhibit A" is adopted in conjunction with Ordinance No. 157, and is intended to be an integral part of said Ordinance.

Section 4

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

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Section 5

Neither the adoption of this Ordinance nor the repeal of any Ordinance shall, in any manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action heretofore taken by the Board of County Commissioners of Shoshone County, Idaho, or the validity of any such action to be taken upon matters pending before the Board of County Commissioners on the effective date of this Ordinance.

Section 6

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7

This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Shoshone News Press, a newspaper of general circulation within Shoshone County, Idaho.

DATED this 16th day of July 2018.

SHOSHONE COUNTY BOARD OF COMMISSIONERS

s/Mike Fitzgerald
Mike Fitzgerald, Chairman

s/John Hansen
John Hansen, Commissioner

s/Jay Huber
Jay Huber, Commissioner

ATTEST:

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

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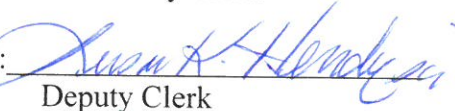
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Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Tuesday, July 17, 2018

The Board met pursuant to recessing Monday, July 16, 2018.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:


Commissioner Huber participated in a Committee on Forest Land Taxation Methodology on the Draft Proposed Rule 962 conference call at 2:00 p.m.

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

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

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Wednesday, July 18, 2018

The Board met pursuant to recessing Tuesday, July 17, 2018.

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:

CHANGES TO AGENDA: There were no changes to the consent agenda.

PUBLIC COMMENT: There was no one from the public in attendance.

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, July 9 to Friday, July 13, 2018.

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 - #79
 - Shoshone County Pre-Pays
 - Eight (8) Recommendations for Tax Cancellations from the Shoshone County Treasurer's office
2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d) – There were no indigent cases presented before the Board.

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

2018 Beer, Wine & Liquor Licenses

#79 Lucky Horse LLC Wallace Beer/Liquor

2013 Tax Cancellation Parcel #E-0050-012-0210 – Tax Deeded Property

County Tax \$10.42

School Dist. \$15.20

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City Wardner	\$14.70
Fire Dist.	\$4.88
Hospital Dist.	\$1.92
TOTAL:	\$47.12

2014 Tax Cancellation Parcel #E-0050-012-0210 – Tax Deeded Property

County Tax	\$37.14
School Dist.	\$53.72
City Wardner	\$54.38
Fire Dist.	\$16.64
Hospital Dist.	\$10.60
TOTAL:	\$172.48

2015 Tax Cancellation Parcel #E-0050-012-0210 – Tax Deeded Property

County Tax	\$36.96
School Dist.	\$55.24
City Wardner	\$57.72
Fire Dist.	\$16.68
Hospital Dist.	\$9.26
TOTAL:	\$175.86

2016 Tax Cancellation Parcel #E-0050-012-0210 – Tax Deeded Property

County Tax	\$38.62
School Dist.	\$53.96
City Wardner	\$59.20
Fire Dist.	\$17.14
Hospital Dist.	\$9.22
TOTAL:	\$178.14

2017 Tax Cancellation Parcel #E-0050-012-0210 – Tax Deeded Property

County Tax	\$34.66
School Dist.	\$50.00
City Wardner	\$59.82
Fire Dist.	\$17.12
Hospital Dist.	\$9.80
County R&B	\$2.24
TOTAL:	\$173.64

2015 Tax Cancellation Parcel #A-0200-006-009-A – Tax Deeded Property

County Tax	\$58.15
School Dist.	\$87.60
City Mullan	\$107.52

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South Fork Sewer \$205.46
Solid Waste \$35.89
Mullan City \$31.04
TOTAL: \$525.66

2016 Tax Cancellation Parcel #A-0200-006-009-A – Tax Deeded Property

County Tax \$135.48
School Dist. \$275.08
City Mullan \$246.00
Mullan Sewer \$148.90
Solid Waste \$80.00
South Fork Sewer \$395.00
TOTAL: \$1,280.46

2017 Tax Cancellation Parcel #A-0200-006-009-A – Tax Deeded Property

County Tax \$124.74
School Dist. \$230.24
City Mullan \$258.34
Mullan Sewer \$100.50
Solid Waste \$80.00
R&B \$8.10
South Fork Sewer \$521.00
Solid Waste Cert \$133.68
TOTAL: \$1,456.60

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	\$65,151.16
002	Road	\$34,971.70
006	District Court	\$2,497.38
016	Indigent	\$7,218.51
018	Park	\$522.55
020	Appraisal	\$447.75
023	Solid Waste	\$16,632.97
027	Weed	\$363.46

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052	Airport	\$1,330.94
056	Emergency 911	\$1,462.09
9101	Auditor's Trust	\$31,348.35
9110	Title III Trust – New 2009	\$4,795.38
9186	Motor Vehicle Trust	\$196,246.10
9189	Payroll Draw Trust	\$21,350.00
9235	ITD Express Bus	\$10,725.97
	TOTAL:	\$395,064.31

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 07/18/18

s/Mike Fitzgerald
Commissioner

s/John Hansen
Commissioner

s/Jay Huber
Commissioner

The Board attended the Historic Wallace Chamber of Commerce meeting at 12:00 p.m. at Shoshone Golf Course. Frontier Communications management representatives were at the meeting to discuss area service issues.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2018

Thursday, July 19, 2018

The Board met pursuant to recessing Wednesday, July 18, 2018.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk:

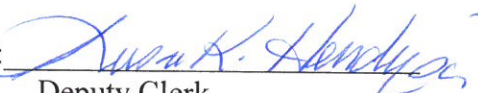
The following proceedings were had to-wit:

Commissioner Hansen attended a North Fork Coeur d'Alene Advisory Group Summer Field Day at the Shoshone County Airport at 1:00 p.m.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2018

Friday, July 20, 2018

Not a regular meeting day of the Board of Commissioners.

Present:

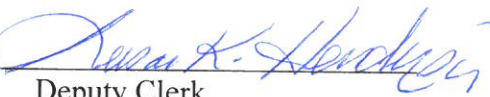
Commissioners:

Deputy Clerk:

The following proceedings were had to-wit:

ATTEST Peggy White
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk