

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2019

Monday, March 11, 2019

The Board met pursuant to recessing Thursday, March 7, 2019.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board met with Bob Ranells, Superintendent of Wallace School District at 9:00 a.m. to discuss and consider drainage and lighting at Sather Field in Silverton. Also in attendance was Matt Beehner. Items discussed included the following:

- The County owns the property at Sather Field.
- The track needs repaired, but the stream/water issue at the east end of the field is causing problems. There needs to be a culvert or something to divert the water – the water/stream is there year-round.
- The school district is asking the County to assist with this water problem.
- Matt Beehner suggested digging down, put a liner and bury it – piping is too much maintenance.
- The Board will have the Public Works Department look at the issue.
- Bob also stated that there needs to be something done with the lights at Sather Field – the lighting is outdated.
- Bob will keep the Board updated on what will be done with the lighting situation.

The Board met with Erin Plue, Alan Harper, and Reed Alf with the Idaho Forest Group at 10:00 a.m. to discuss, review and consider a letter of support for the Prichard Creek Restoration Project. Items discussed included the following:

- Idaho Forest Group owns the majority of Prichard Creek – 900 acres of timberlands and 1000 acres of the Prichard Creek and its floodplain which feeds into the North Fork of the CDA River.
- The stream has been impacted by the mining over the years and they would like to restore this area. They have a lot of support for this project.
- Placement of this property into a conservation easement will allow public access, restrict future mining, restrict future development, and allow for timber harvest.
- This is a two (2) phase project. The first part is application for restoration funds through the Forest Legacy Program for a conservation easement, and the second part is application for funds through the Restoration Partnership which will provide partial funding for the purchase of the conservation easement and some initial restoration work.
- They would like letters of support from the County to the Forest Legacy Program and to the Restoration Partnership.

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A motion was made by Commissioner Hansen, seconded by Commissioner Huber to provide the letters of support for the Prichard Creek Restoration Project as requested. The motion carried.

Commissioner Fitzgerald attended a Flood Protection Group meeting at 1:00 p.m. at Kellogg City Hall.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Tuesday, March 12, 2019

The Board met pursuant to recessing Monday, March 11, 2019.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board met with Sheriff Mike Gunderson at 9:30 a.m. to discuss, review and consider the Shoshone County Law Enforcement Officer Pay Plan Matrix. Items discussed included the following:

- Recap from last week's meeting.
- Commissioner Hansen and Sheriff Gunderson have met to review the pay matrix with a couple of different options that would also include detention and communication category for intermediate and advanced certificates based on training, along with salary for command staff positions;
- Sheriff Gunderson would like to proceed with an option to prepare for the 2019/2020 budget;
- Reviewed revised pay matrix adjustments.
- The purpose of the increase to the pay matrix is retention of officers and incentive;
- Costs the Sheriff's Department approximately \$90,000 per year to employ and train a new officer. Retention of these officers now, is between one (1) to two (2) years;
- The Sheriff will work on putting a dollar amount on a couple of different options to present to the Board for April budget preparation.

The Board met with Sheriff Mike Gunderson and April Lee with Performance Leadership Institute at 10:00 a.m. Also in attendance were Kootenai County Sheriff Ben Wolfinger, Holly Lindsay, Lance Stutzke, and Jeremy Groves with the Sheriff's Department. The purpose of the meeting was to discuss, review and consider jail assessment services provided by PLI. Items discussed included the following:

- Develop steps as a team.
- Letter of Agreement signed with Lombard Conrad Architects for Pre-Bond Design/Services on February 20, 2019.
- Need architects to provide data – number of beds, conceptual drawing, approximate cost, staff space and community space, emergency operation center, segregation cells, specialized cells and housing, etc.
- Architects will be spending the day at the Sheriff's Department on April 2nd to interview each department to get an idea of current staff / space needs and future.
- A community committee has been put together and has toured the facility.
- A bond will need to be passed for the facility – get dates for ballot language.

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- Percentage over maintenance and operations to repay bond.
- After April 2nd schedule another meeting with PLI for an action plan/talking points.
- PLI will start working on a preliminary Power Point presentation.
- End of April first part of May, start meeting with civic groups about jail facility.
- Once we have the numbers for this facility, contact Panhandle Area Council
- Location of facility – possible annexation.

The Board convened at 1:30 p.m. for a Public Hearing to abandon and vacate a portion of Gorge Gulch Road Right-of-Way. Those in attendance: Dan Martinsen and Monica Miller with Shoshone County Planning & Zoning, Steve and Carolyn Collins, and Matt Beehner. Dan stated that this is an application of Steve and Carolyn Collins requesting a vacation of right-of-way of a portion of Gorge Gulch Road within the Town of Burke, located in Section 10, Township 48 North, Range 5 East B.M., Shoshone County, Idaho. The requested portion has not ever been developed to any mode of public access or thoroughfare. It is a dead-end road and the applicant has purchased each of the adjacent lots/parcels to the requested portion of right-of-way. The applicant is requesting that the County vacate this portion in order to make better use of the adjacent parcels and the property within the subject right-of-way to develop a homesite. No other surrounding property has a vested right to or is able to utilize this portion of the right-of-way. The hearing was opened for public comment. Matt Beehner doesn't agree with giving property away – sell portion for fair market value. Following review and discussion of the information presented, a motion was made by Commissioner Huber that based on the Findings of Fact and Conclusions of Law set forth in the documents presented and any additional determined during the public hearing process, the Shoshone County Board of Commissioners, order this application for a request for vacation of right-of-way, Case No. VAC 101-18 by Steve W. and Carolyn L. Collins be approved. The motion was seconded by Commissioner Hansen, and approved unanimously.

RESOLUTION 2019-12

A RESOLUTION TO ABANDON AND VACATE A PORTION OF THE GORGE GULCH ROAD RIGHT-OF-WAY SHOSHONE COUNTY, STATE OF IDAHO

WHEREAS, a request was filed with the Shoshone County Board of Commissioners requesting that a portion of the Right-of-Way of Gorge Gulch Road be vacated; and

WHEREAS, a Notice of Public Hearing was advertised in the Shoshone County News Press on Saturday, March 2, and Wednesday, March 6, 2019; and

WHEREAS, a public hearing was held on Tuesday, March 12, 2019 at 1:30 p.m. in the Commissioner's conference room; and

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WHEREAS, testimony was received to sell portion of right-of-way in lieu of the proposed vacation.

NOW THEREFORE BE IT RESOLVED by the Shoshone County Board of Commissioners by operation of law under Idaho Code 40-203, that the following described property be vacated and attach said land to parcels #O-0800-010-007-A, O-0800-010-0100, O-0800-010-011-B, O-0800-010-014-A, O-0800-010-016-A, O-0800-010-016-C, O-0800-010-017-0, O-0800-010-018-0.

A parcel of land being more particularly described as follows:

A 20 foot wide strip of land situated within Block 10 of the Town of Burke being a portion of Mineral Survey 686 & 2888 situated in unsurveyed Section 10, Township 48 North, Range 5 East B.M., Shoshone County, Idaho being more particularly described as follows:

Beginning at the southwest corner of Lot 18, Block 10 of the Town of Burke from which corner No.1 of the Burke Lode, MS 686 bears S37° 30'14"W a distance of 377.68 feet;

Thence S77°37'04"E along the south line of Lots 18, 17, 16, 15 & 14 of said Block 10 a distance of 341.00' to the southeast corner of Lot 14 of said Block 10;

Thence S08°00'00W along the east line of said Block 10 a distance of 20.06 feet to the northeast corner of Lot 13 of said Block 10;

Thence N77°37'04"W along the north line of Lots 13, 12, 11, 10, 9, 8 & the east ½ Lot 7 of said Block 10 a distance of 341.00 feet;

Thence N08°00'00"E a distance of 20.06 feet to the point of beginning.

NOW THEREFORE BE IT RESOLVED that based on the Findings of Fact and Conclusions of Law set forth in the documents presented and any additional determined during the public hearing process, the Shoshone County Board of Commissioners order this application for a Request for Vacation of Right-of-Way, Case No. VAC 101-18, by Steve W. and Carolyn L. Collins be approved.

DATED this 12th day of March 2019.

BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald

Mike Fitzgerald, Chairman

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s/John Hansen
John Hansen, Commissioner

s/Jay Huber
Jay Huber, Commissioner

ATTEST:

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

The Board participated in a Legislative conference call at 3:00 p.m.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Wednesday, March 13, 2019

The Board met pursuant to recessing Tuesday, March 12, 2019.

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. Also in attendance was Sheriff Mike Gunderson. The consent agenda was reviewed for consideration as follows:

CHANGES TO AGENDA: A motion was made by Commissioner Fitzgerald, seconded by Commissioner Huber to amend the consent agenda and include an invoice to the Idaho Bureau of Federal Surplus Property in the amount of \$15,000 for a Sheriff's Department canine vehicle pursuant to ID Code 67-2803. The motion carried unanimously.

PUBLIC COMMENT: There was no public comment presented.

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, February 25 to Friday, March 1, 2019.

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.)
 - Beer, Wine & Liquor Licenses – No liquor licenses were presented.
 - Shoshone County Pre-Pays
 - Resolution 2019-09 Adopting a Revised Grievance Procedure for Title VI Act of 1964, ADA Act of 1990, Section 504 Act of 1973
 - Resolution 2019-10 Adopting the Revised Shoshone County Limited English Proficient Plan
 - Resolution 2019-11 Designating County Clerk as the 504/ADA Coordinator for Shoshone County, Idaho
 - Alta Engineering – Projects/Contracts for Review – Professional Services Agreement, Task Order No. 01/Restoration Projects, Task Order No. 02/Tomsche Ave. near Burke Rd Site Survey – Approved as presented.
 - Shoshone County Courthouse Lost and Found Property Policy – Approved as presented.

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- Blaine Horrocks – Public Defender Contract – Contract ends the end of this month. Will remain counsel of record on assigned cases - \$95/hour felony cases and \$80/hour time spent in travel.
 - Treasurer's Cash Balance as of February 29, 2019
2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d) – Indigent Cases #2019-23, #2019-22, #2019-21/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 2019-09

AMENDING RESOLUTION 2013-17 ADOPTING A REVISED GRIEVANCE PROCEDURE FOR TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE AMERICAN WITH DISABILITIES ACT OF 1990, SECTION 504 OF THE VOCATIONAL REHABILITATION ACT OF 1973 AND THE CIVIL RIGHTS RESTORATION ACT OF 1987 AS AMENDED FOR SHOSHONE COUNTY, STATE OF IDAHO

WHEREAS, the Title VI program was created by the Civil Rights Act of 1964 to prohibit discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, according to these laws, Shoshone County certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by the County; and

NOW THEREFORE, BE IT RESOLVED, the following grievance procedure be adopted to meet the requirements of Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and the Civil Rights Restoration Act of 1987, as amended:

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Shoshone County. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to Shoshone County Clerk, Tamie J. Eberhard, Title VI Coordinator for review and action.

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In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:

- (a) The date of alleged act of discrimination; or
- (b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, Shoshone County may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Shoshone County, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Sponsor's investigative procedures as outlined below.

Please Note This Exception to the Procedures Below: All complaints regarding accessibility for the disabled must be forwarded directly to the Idaho Transportation Department (ITD) for investigation.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as to ITD and/or the US Department of Transportation (USDOT).

When filing a grievance, citizens must provide detailed information to allow an investigation, including the date, location and description of the problem (Complaint Form Attachment "A"). The grievance should be in writing and should include a) the name, address, telephone number of the complainant; b) name(s) and address(es) of alleged discriminating official(s); c) basis of complaint (i.e., race, color, national origin or sex; d) date of alleged discriminatory act(s); e) date of complaint received by Shoshone County; f) a statement of the complaint; g) other agencies (state, local or Federal) where the complaint has been filed; h) an explanation of the actions the county has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to 504 ADA/Title VI Coordinator Tamie J. Eberhard. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

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Within 90 days of receipt of the complaint, Tamie J. Eberhard will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by Tamie J. Eberhard. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

Tamie J. Eberhard
Shoshone County 504 ADA/Title VI Coordinator
700 Bank Street, Suite 120
Wallace, ID 83873
(208) 752-1264

Idaho Transportation Department
Equal Employment Opportunity Office – External Programs
EEO Manager, Title VI & ADA Coordinator
P.O. Box 7149
Boise, ID 83707-1129
(208) 334-8266

Federal Highway Administration
Idaho Division Office
Peter Hartman, Division Administrator
3050 Lake Harbor Lane, Suite 126
Boise, ID 83703
(208) 334-9180

Other Complaint Procedures

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance:

- ☐ use the grievance procedure provided by the public entity
- ☐ file a complaint with any agency that provides funding to the public entity
- ☐ file with one of the eight federal agencies designated in the Title II regulations

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Under Title II, filing a grievance with the public entity's ADA Coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of the others. Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time. The following are four of the eight agencies where a Title II complaint can be filed:

Department of Justice (DOJ)
Civil Rights Division
Public Access Section
P.O. Box 66738
Washington, DC 20035-9998

Department of Housing & Urban Development
(HUD), Community Planning & Development
451 7th Street
Washington, DC 20410-4000

Architectural & Transportation Barriers Compliance Board (ATBCB)
1331 F. Street, N.W., Suite 1000
Washington, DC 20004-1111

Equal Employment Opportunity Commission (EEOC)
1801 L Street, N.W.
Washington, DC 20507

ADOPTED AND APPROVED this 13th day of March 2019.

BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald
Mike Fitzgerald, Chairman

s/John Hansen
John Hansen, Commissioner

s/Jay Huber
Jay Huber, Commissioner

s/Tamie J. Eberhard
Tamie J. Eberhard, 504 ADA/Title VI Coordinator

ATTEST:

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

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RESOLUTION 2019-10

**AMENDING RESOLUTION 2012-62
A RESOLUTION OF THE SHOSHONE COUNTY
BOARD OF COMMISSIONERS ADOPTING THE SHOSHONE COUNTY
LIMITED ENGLISH PROFICIENCY PLAN**

WHEREAS, Shoshone County is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. Shoshone County assures that no person shall on the grounds of race, color, national origin, gender, age, disability, or limited English proficiency, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Shoshone County service, program, or activity; and

WHEREAS, in accordance with Presidential Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency (LEP), Shoshone County is committed to taking the steps necessary to provide meaningful access to its services, programs and activities for people with limited English proficiency.

NOW THEREFORE BE IT RESOLVED by the Shoshone County Commissioners to approve and adopt the Shoshone County Limited English Proficiency (LEP) Plan dated March 13, 2019.

ADOPTED AND APPROVED this 13th day of March 2019.

BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald
Mike Fitzgerald, Chairman

s/John Hansen

John Hansen, Commissioner

ATTEST:

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

s/Jay Huber
Jay Huber, Commissioner

BOOK 2019-03-21

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

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RESOLUTION 2019-11

**A RESOLUTION DESIGNATING TAMIE J. EBERHARD AS THE
504/ADA COORDINATOR TO EVALUATE THE COUNTY'S
PROGRAMS, POLICIES, PROCEDURES AND FACILITIES
ON DISABILITIES FOR SHOSHONE COUNTY, STATE OF IDAHO**

WHEREAS, the Department of Commerce requires the County to designate a 504/ADA Coordinator; and

WHEREAS, for the purpose of eligibility compliance of future grants.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby designate Tamie J. Eberhard, Shoshone County Clerk, as Shoshone County's 504/ADA Coordinator.

Dated this 13th day of March 2019.

BOARD OF COUNTY 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

The Board met with Kurt Pavlat with the Bureau of Land Management at 10:00 a.m. for an annual BLM area update.

The Board met with Aaron Freudenthal with the Idaho Public Defense Commission at 1:30 p.m. for the annual County review. Also in attendance was Shoshone County Clerk Tamie Eberhard. The FY 2020 Indigent Defense Grant Application was reviewed - \$51,717 eligible to apply for.

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Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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SHOSHONE COUNTY, IDAHO

BOOK 2019

Thursday, March 14, 2019

The Board met pursuant to recessing , Wednesday, March 13, 2019.

Present:

Commissioners: Jay Huber

John Hansen


Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board attended a Public Hearing at 5:30 p.m. in Calder to discuss, review and consider Jet Boat Races and the extension of the race course. The meeting was at the Calder Store Restaurant.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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SHOSHONE COUNTY, IDAHO

BOOK 2019

Friday, March 15, 2019

Not a regular meeting day of the Board of Commissioners.


Present:


Commissioners:

Deputy Clerk:

The following proceedings were had to-wit:

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk