

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2019**

Monday, July 15, 2019

The Board met pursuant to recessing Thursday, July 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 and April Lee with Performance Leadership Institute (PLI) at 8:30 a.m. to discuss and review a Community Action Plan and Bond work for a new Shoshone County Public Safety Building. Also in attendance were: Ben Wolfinger, Deputy Clerks Janice Shiner, Stephanie Featherstone and Tracy Casady, County Clerk Tamie Eberhard, Lance Stutzke and Holly Lindsay with the Shoshone County Sheriff's Department. Items discussed included 1) Bond information – dates, times and details; 2) Forming a Community Action Group; and 3) budget/costs.


Tammy Nusz and several residents from the Lower Page Road area met with the Commissioners at 3:00 p.m. to voice complaints/concerns on land use and road access issues on Lower Page Road. Also in attendance: Shoshone County Planning & Zoning Administrator Dan Martinsen, Shoshone County Public Works Director Jim Cason, and Matt Beehner. Items discussed included the following:

- The complaint is on a property owner located at parcel #
- Property owner located at parcel #O-0990-000-00A-0 has installed five (5) electrical RV pedestals on his property – not zoned commercial. Has not been approved by County – will research ordinances for compliance and enforcement.
- There are thirteen (13) homeowners in this Lower Page area that are against any type of RV park at this location.
- Road easement/access for Janet Adams to access her home has become an issue with the owners of this parcel. There has been a road easement to her property since the 1940's.
- A family is living in a non-residential structure on this property without a Certificate of Occupancy.
- Right of Entry Compliance Issue – ICP compliance.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk

# PROCEEDINGS COUNTY COMMISSIONERS

## SHOSHONE COUNTY, IDAHO

### BOOK 2019

Tuesday, July 16, 2019

The Board met pursuant to recessing Monday, July 15, 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 10:00 a.m. at the Shoshone County Public Safety Building for a Public Hearing on a Petition Requesting the Board of Commissioners to Validate Trapper Creek Right-of-Way pursuant to Idaho Code §40-230A and §40-204A. Those in attendance: Commissioner Chairman Mike Fitzgerald, Commissioner Jay Huber, Commissioner John Hansen, Deputy Clerk Susan K. Hendrixson, Shoshone County Public Works Director Jim Cason, and members of the public. Commissioner Fitzgerald presided, the public hearing was opened and a roll call was taken. Commissioner Hansen – here, Commissioner Fitzgerald – here, Commissioner Huber – here. Commissioner Fitzgerald introduced the case to be heard, a Petition for Validation pursuant to Idaho Code §40-203A and was filed by GMC Logging, Inc., Chester Mining Company, Trapper Creek Land & Timber, LLC, and Jodi Haire on the 15<sup>th</sup> of October 2018. On June 12, 2019 and July 3, 2019, a Notice of Public Hearing on a Petition to Validate was published and copies provided to the Petitioner. Everyone in attendance was advised of the Hearing Procedure.

A statement of Ex Parte was provided by Commissioner Mike Fitzgerald stating he was contacted by John and Jodi Haire who spoke with him about Trapper Creek access. This contact was prior to the subject petition for validation, and he responded by advising that I was unaware of the issue and no further discussion or contact was made regarding the issue. A statement of Ex Parte was provided by Commissioner Jay Huber stating he was contacted by Judi Jordan who attempted to speak to him about this issue, and he responded by advising her that a hearing was pending and he could not talk about it.

A report from the Board of County Commissioners was prepared pursuant to Idaho Code §40-203A(2)(b) and was presented by Shoshone County Public Works Director Jim Cason. Jim entered into the record County information in regard to Trapper Creek. Entered into the record:

- BOCC Exhibit A – Shoshone County Road List Excerpt;
- BOCC Exhibit B – Shoshone County Expenses 1/1/918 – 7/14/19 Excerpt;
- BOCC Exhibit C – Email from Robert Tomczak to Mike Fitzgerald dated December 16, 2018 RE: Trapper Creek Road RS2477 Decision/Determination;
- BOCC Exhibit D – Email from Joanne Miller to Mike Fitzgerald dated July 10, 2019 RE: Status of the Trapper Creek Road;
- BOCC Exhibit E – ALTA Commitment for Title Insurance Issued by First American Title Insurance Company;

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- BOCC Exhibit F – Pride Resources, Susan Copeland Opinion RE: Trapper Creek Road Petition for Validation.

The hearing was turned over to Nathan Ohler, Attorney representing the petitioners. A report summary with several exhibits A through J were entered into the record as Petitioner Exhibit G that included the following:

- Petitioners' Brief in Support of Petition For Validation;
- Petitioner Exhibit A - Trapper Creek Road Creation;
- Petitioner Exhibit B - Plats and Maps evidencing historical existence of Trapper Creek Road;
- Petitioner Exhibit C – Annual report of the Mining Industry of Idaho 1907;
- Petitioner Exhibit D – 57 Quartz Location Notices filed and recorded between 1901 and 1913;
- Petitioner Exhibit E – Articles from the Wallace miner detailing mining activity along Trapper Creek;
- Petitioner Exhibit F – Commissioner Minutes from 1916, 1917 and 1919 showing reimbursement for road improvements.
- Petitioner Exhibit GG – Homestead applications along Trapper Creek;
- Petitioner Exhibit H – Current Shoshone County Roadbook listing Trapper Creek and beginning .369 miles of the road recently maintained at public expense;
- Petitioner Exhibit I – Miscellaneous documents;
- Petitioner Exhibit J – a written, signed comment from a member of the public in favor of validation;
- Petitioner Exhibit K – Pine Creek Diary March 2018 The Trapper Creek Property aka The Cabin.

The hearing was turned over to Julie Klein Fischer, Attorney representing the petitioners to call witnesses to present testimony. Seven (7) witnesses were sworn in to present testimony. Those that provided testimony were as follows:

- Jackie Fields – read a written statement into the record that she prepared about a year ago;
- Judith Etherton – comments on fishing and hunting on Trapper Creek;
- Jodi Haire – read a statement into the record on history of Trapper Creek and current road access issues;
- Cindy Carlson – GMC Logging own property in Trapper Creek Area;
- Guy Carlson – comments on logging activities in Trapper Creek and Trapper Creek road repair;
- John Haire – comments on use of Trapper Creek for recreation;
- Bob Jones – personal comments as a Real Estate agent and access issues to mining claim in Trapper Creek area.

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The hearing was opened for public comment. Public Exhibits entered into the record were as follows:

- Public Exhibit 1 – Shoshone County Parcel Information Map;
- Public Exhibit 2 – A variety of several documents regarding Trapper Creek.

Steve Jordan provided public comment that included history on the purchase of their property, road access, commercial hunting camp, commended on exhibits presented, and addressed testimony presented earlier in the hearing. Kevin Waite, Attorney for Steve and Judi Jordan provided comments addressing Exhibit A to the Petition for Validation, and stating an option for the Board is to leave this decision to the District Court which was a prior filed case and has proceeded over a year with a trial date scheduled for October 2019. Alan Johnson provided public comment from tax payer point of view regarding validation and taxes. Elizabeth Johnson provided public comment regarding validation and taxes along with environmental impact concerns on road validation.

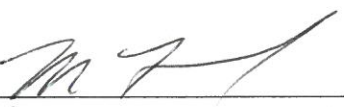
The hearing was turned over to the Petitioner, Attorney Nathan Ohler for comment/rebuttal to the public comment presented.

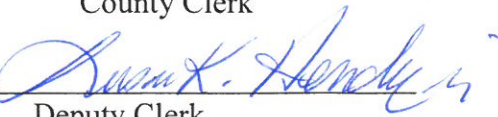
A motion was made by Commissioner Huber, seconded by Commissioner Hansen to close the public hearing. The motion carried unanimously. A motion was made by Commissioner Fitzgerald, seconded by Commissioner Hansen to take the information presented under advisement rendering a decision at a later date. The motion carried unanimously. The date of Thursday, August 8, 2019 at 10:00 a.m. in the Commissioner Conference Room was selected for the date of decision on this matter. The hearing closed.

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

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk



**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2019**

Wednesday, July 17, 2019

The Board met pursuant to recessing Tuesday, July 16, 2019.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

Commissioner Fitzgerald attended a Broadband Task Force meeting from 10:00 a.m. to 4:30 p.m. at Twin Falls, ID.

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 agenda.

PUBLIC COMMENT: No public comment was presented.

**OLD BUSINESS:**

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, July 8 to Friday, July 12, 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
  - Shoshone County Pre-Pays
  - Shoshone County Treasurer Statement of Cash Balances as of June 2019
2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d) – Indigent Case #2019-79/Denied. Indigent Cases #2019-73, #2019-75, #2019-70, and #2019-69/Approved.

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

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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	\$66,137.13
002	Road	\$44,950.39
006	District Court	\$2,402.29
016	Indigent	\$9,559.72
018	Park	\$895.81
020	Appraisal	\$74.84
023	Solid Waste	\$3,696.38
027	Weed	\$1,020.44
052	Airport	\$444.82
056	Emergency 911	\$4,699.46
8911	Drug Task Fund	\$897.71
9101	Auditor's Trust	\$18,773.27
9110	Title III Trust – New 2009	\$9,889.02
9186	Motor Vehicle Trust	\$203,140.20
9189	Payroll Draw Trust	\$23,300.00
9203	Christian Aid Fund	\$100.00
9205	Miscellaneous Grants	\$101.00
9219	Drug Court Program	\$960.00
9231	51 Box-Roads Funds	\$119,768.29
9235	ITD Express Bus	\$2,142.93
9242	ID Fire Mit – 17SFA	\$5,600.00
9248	911 Upgrade	\$6,387.26
	TOTAL:	\$524,940.96

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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 07/17/19

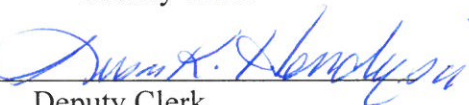
s/John Hansen  
Commissioner

s/Jay Huber  
Commissioner

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2019**

Thursday, July 18, 2019

The Board met pursuant to recessing Wednesday, July 17, 2019.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard

County Clerk

Approved: 

Chairman

By: 

Deputy Clerk



**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2019**

Friday, July 19, 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