

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2021

Monday, June 14, 2021

The Board met pursuant to recessing Thursday, June 10, 2021.

Present:

Commissioners: Jay Huber

John Hansen


Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

Shoshone County Sherriff, Mike Gunderson, appointed Brandon Church for Emergency Communications Officer, effective June 10, 2021.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: Lori J. Teeters
Deputy Clerk

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Tuesday, June 15, 2021

The Board met pursuant to recessing Monday, June 14, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald
John Hansen
Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

The Board had a scheduled meeting at 1:00 p.m. to meet with Shoshone County Prosecuting Attorney, Keisha Oxendine for Executive Session I.C. 74-206(1)(d) and (f) to communicate with legal counsel regarding pending litigation or issues imminently likely to be litigated. Mrs. Oxendine was not able to attend the meeting. The meeting will be rescheduled at a later date.

The Board convened at 2:00 p.m. for a Public Hearing on Ordinance #164, amending the current Shoshone County Code Title 10, Chapter 1, Section 4, of the Shoshone County Code to Repeal Section B (8) which in direct conflict of the Subdivision Definition in Title 51, Chapter 13 of the Idaho State Code. Also in attendance was Shoshone County Planning and Zoning Director, Dan Martinsen, Planning and Zoning Administrator, Monica Miller and Matt Beehner. Dan gave a brief synopsis of Ordinance #164 outlining the Code repeal. There was no written testimony sent in prior to the hearing and no public comment presented. The Public Hearing was closed at 2:15 p.m. and being there was no further discussion, a motion was made by Commissioner Huber, seconded by Commissioner Hansen to adopt Ordinance No. 164 as presented. The motion carried unanimously

Ordinance No. 164

AN ORDINANCE OF THE COUNTY OF SHOSHONE, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 10, CHAPTER 1, SECTION 4, OF THE SHOSHONE COUNTY CODE TO REPEAL SECTION B(8) WHICH IS IN DIRECT CONFLICT OF THE SUBDIVISION DEFINITION IN TITLE 51 CHAPTER 13 OF THE IDAHO STATE CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SHOSHONE, STATE OF IDAHO, THAT TITLE 10, CHAPTER 1, SECTION 4, OF THE SHOSHONE COUNTY CODE SHALL BE AMENDED AND THAT SECTION B(8) SHALL BE REPEALED.

THAT TITLE 10, CHAPTER 1, SECTION 4, OF THE SHOSHONE COUNTY CODE SHALL BE AMENDED AND HEREINAFTER SHALL READ AS FOLLOWS:

A. Applicability:

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These regulations apply to the division of land into two (2) or more contiguous lots, tracts, or parcels, and to the reconfiguration, combination or change in status of a platted lot or right-of-way (e.g. conversion of a utility lot to a building lot) within the unincorporated areas of Shoshone County, unless otherwise specified by an Area of City Impact ordinance adopted pursuant to Idaho Code 67-6526.

B. Exemptions:

The following divisions of land are exempt from the remainder of the requirements of this Subdivision Ordinance or Title, however all other County Code requirements may still apply.

All divisions created under an 'Exemption' shall be reviewed and approved by the Planning Administrator prior to recordation. Applicable processing and review requirements shall be provided by the Administrator and shall be submitted to the Administrator with a fee as set forth on the fee schedule as adopted from time to time by resolution of the Board of County Commissioners.

All exception approvals shall file a Record of Survey (ROS) per Idaho Code Title 55, Chapter 19-Recording of Surveys. The ROS shall have a signature block on the face for Planning Administrator approval. The corresponding conveyance deed(s) with ingress/egress/utility easements granted shall be filed in conjunction with the ROS and referenced with the recorded instrument number. Ingress and egress from proposed parcel shall adjoin a public road, and access shall be demonstrated to comply with General Provision B (5) of Chapter 5 of this title and the appropriate ingress/egress easements shall be provided and may be required to be applied to the ROS face. Parcels of land created under these provisions will be recognized as separate pieces of property on the day the instrument creating them is legally recorded.

1. Division made for cemeteries or burial plots while used for that purpose.
2. An adjustment of lot or boundary lines which does not reduce the area, frontage, width, depth, or building setback lines of each lot below the minimum zoning requirements for the applicable zone and is otherwise in conformance with all County Ordinances, and does not create additional parcels, lots, or tracts. All lot line adjustments must be approved by the Planning Administrator prior to recordation. (Note: Lot and boundary line adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries - so that an additional parcel of land is not inadvertently created.)
3. Division made by the acquisition of right-of-way for road improvement purposes by a public agency.
4. Division resulting from the unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho and United States constitution and laws.
5. Divisions resulting from the conveyance of a parcel of land to a taxing district, government agency, or utility regulated by the Public Utilities Commission, providing the parcel will not be used for habitable

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structures such as offices or service centers. Divisions used for the purpose of housing emergency service responders such as fire stations, police stations or ambulance services are permitted.

6. The division of one (1) non-contiguous parcel in which each newly created parcel conforms with all County ordinances and has legal ingress/ egress/utility access.

Non-contiguous status is defined as: created by a natural or geological separation, such as surface waterways (excluding Class II streams and drainage are as); or separations created by public dedication of right-of-way or easement. (1.e: Local , State or Federal roads, highways, and interstates including private railroad right-of-way).

7. Divisions made pursuant to a court order or the execution of a Last Will and Testament, each having a recorded access easement to a public road (or road built to public road standards), and each conforming with all applicable County ordinances.

~~8. A large parcel division of land into nine (9) or less lots, tracts or parcels wherein the minimum lot, tract, or parcel to be created is ten (10.00) acres or greater in size and where the land to be divided was not created by way of large parcel conveyance within the prior two (2) years.~~

SECTION 3: AMENDMENT OF CODE AND REPEAL OF CONFLICTING ORDINANCES.

Shoshone County Code, Title 10, Chapter 1, Section 8, is hereby amended, along with any associated ordinance. Any other such ordinances of Shoshone County in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: SEVERABILITY.

The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 5: EFFECTIVE DATE.

This ordinance shall be effective upon its passage and a summary publication in the official newspaper of the County of Shoshone.

PASSED under suspension of the rules upon which a roll call vote was duly taken and enacted as an ordinance of the County of Shoshone at an open meeting of the Shoshone County Board of County Commissioners held on the 15 day of June 2021.

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BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald

Mike Fitzgerald, Chairman

s/Jay Huber

Jay Huber, Commissioner

s/John Hansen

John Hansen, Commissioner

Attested to by:

s/Lori J. Teeters

Lori J. Teeters, Deputy Clerk

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard

County Clerk

Approved: 

Chairman

By: 

Deputy Clerk

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Wednesday, June 16, 2021

The Board met pursuant to recessing Tuesday, June 15, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald
John Hansen
Deputy Clerk: Lori J. Teeters

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:

PUBLIC COMMENT: There was no public comment presented.

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

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, June 7 to Thursday, June 10, 2021.

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
 - 2020 Cancellation of Taxes for Parcels #SPPACALEC02000, #SPPACALEC16200
 - Aflac Group Policy Proposal
 - Resolution 2021-14 Designating Shoshone County Commissioner, Mike Fitzgerald, as the Authorized Representative and Contact person for Federal Coronavirus State and Local Fiscal Recovery Funds, for Shoshone County, State of Idaho.

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.

2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d). A motion was made by Commissioner Huber, seconded by Commissioner Hansen to go into Executive Session per Idaho Code 74-206(d). Roll call vote: Commissioner Huber – Aye, Commissioner

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Fitzgerald – Aye, Commissioner Hansen – Aye. The motion carried unanimously. The Board adjourned from Executive Session and a motion was made by Commissioner Hansen, seconded by Commissioner Fitzgerald to approve #2018-124, #2017-117, and #2017-127.

RESOLUTION 2021-14

A RESOLUTION DECLARING AN AUTHORIZED REPRESENTATIVE FOR PURPOSES OF APPLICATION SUBMISSION AND REPORTING OF FUNDING RESOURCES AVAILABLE TO SHOSHONE COUNTY THROUGH THE AMERICAN RESCUE PLAN

WHEREAS, Federal Coronavirus State and Local Fiscal Recovery Funds, formally known as “The American Rescue Plan”, will deliver \$350 billion for eligible state, local, territorial, and Tribal governments to respond to the COVID-19 emergency and increase community sustainability through job availability.

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery.

WHEREAS, the United States Treasury is launching this much-needed relief to: support urgent COVID-19 response efforts to continue to decrease the spread of the virus and bring the pandemic under control; replace lost revenue for eligible state, local, territorial, and Tribal governments to strengthen support for vital public services and help retain jobs; support immediate economic stabilization for households and businesses; and address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic.

WHEREAS, Congress has allocated Coronavirus State and Local Fiscal Recovery Funds to tens of thousands of eligible state, local, territorial, and Tribal governments.

WHEREAS, Shoshone County is an eligible county with an anticipated allocation of \$2,502,177.00.

WHEREAS, eligible state, territorial, metropolitan city, county, and Tribal governments may now request their allocation of Coronavirus State and Local Fiscal Recovery Funds directly through the Treasury Submission Portal.

WHEREAS, Shoshone County desires to receive funding directly from Treasury as authorized by The American Rescue Plan.

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WHEREAS, to receive funding directly from Treasury, eligible counties must submit a request for funding through the Treasury Submission Portal, and Shoshone County must have an authorized representative for that purpose.

THEREFORE, BE IT RESOLVED by The Shoshone County Board of Commissioners (BOCC) that P. Mike Fitzgerald, in his official capacity as a Shoshone County Commissioner is hereby appointed as the Authorized Representative for Shoshone County for the purposes of application submission and reporting of funding resources available to Shoshone County through the American Rescue Plan.

BE IT FURTHER RESOLVED that the Shoshone County Clerk shall maintain a record for auditing purposes of all records related to the submission of applications for funding under the American Rescue Plan, and any related receipts of funding under that program.

Adopted unanimously, in open session this 16th day of June 2021.

BOARD OF COUNTY COMMISSIONERS

s/Mike Fitzgerald
Mike Fitzgerald, Chairman

s/John Hansen
John Hansen, Commissioner

s/Jay Huber
Jay Huber, Commissioner

ATTEST:

s/Lori J. Teeters
Lori Teeters, Deputy Clerk

The Board convened at 1:00 p.m. to meet with Bob Jutila, to discuss, review and consider North Idaho Trailblazers upkeep and maintenance on County road, West Fork Pine Creek, Pinehurst, Idaho. Also in attendance was Wes Millward, Jeep Jamboree Coordinator, and Paul Loutzenhiser, North Idaho Trailblazers and several members of the public. Mr. Loutzenhiser, on behalf of the North Idaho Trailblazers club, would like to get authorization and some specifications on road widths, ect., from the BOCC, so that they can clean up and maintain the road for year-round access. Paul went over in his presentation the RMP mapping system, showing roads, trails, accesses and which ones in particular the Trailblazers, as well as the public

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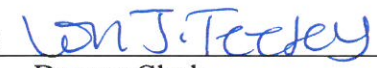
use on a regular basis. He stated that he has spoken with the BLM and according to their interpretation, the road belongs to Shoshone County as an unimproved roadway for access to public land, so BLM cannot give the club authorization on any improvements or upkeep regarding the road itself. Mr. Millward commented that as a Jeep owner, and Coordinator for the Jeep Jamboree held in Mullan every year, that Off-road recreational use is very popular, and he would like to see Clubs in general be able to maintain roads and trails for the public safety as well as keeping it environment friendly. He stated the Jamboree in Mullan every year brings in thousands of dollars and would like to continue to encourage the Off-road community by having accessible lands. Commissioner Fitzgerald recognizes that North Idaho is popular and recreation is abounding and does not want to see lands that are inaccessible, but because of the potential impact of the public and the costs associated with making the road a maintainable road, as well as to the private landowners along the road, before the Board could make any determinations the road would have to be designated and then the process started to have it validated. Commissioner Fitzgerald encouraged Mr. Jutila, Mr. Loutzenhiser and Mr. Millward to start the road validation process, if that is direction, they would like to go with it.

The Board convened at 2:00 for a Department Pay/Wage Matrix workshop. Also in attendance was Shoshone County Treasurer, Ellen Masterson, Chief Deputy Treasurer, Kerry Eddie and Shoshone County Assessor, Jerry White. After reviewing the Treasurer's updated Wage Matrix, Commissioner Fitzgerald made a motion to accept it as presented, moving two (2) positions to different levels according to the new matrix effective 10/1/2021, Commissioner Hansen seconded the motion. The motion carried unanimously. The Board reviewed the Assessor's Pay Matrix, specifically on each employee's current level and pay and what/if the new level and increase if qualified would be, Commissioner Fitzgerald made a motion to accept the Pay Matrix as presented effective 10/1/2021, Commissioner Hansen seconded it. The motion carried unanimously.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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BOOK 2021

Thursday, June 17, 2021

The Board met pursuant to recessing Wednesday, June 16, 2021.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

Commissioner Huber attended the Shoshone County Ambulance District meeting held at Fire District #1 at 6 p.m.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk