

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2021

Monday, November 1, 2021

The Board met pursuant to recessing Thursday, October 28, 2021.

Present:

Commissioners: Jay Huber

Deputy Clerk: Lori J. Teeters


The following proceedings were had to-wit:

Commissioner Fitzgerald met with Don Duffy, Panhandle Health Director @ Hayden Health District at 10:00 a.m.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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SHOSHONE COUNTY, IDAHO

BOOK 2021

Tuesday, November 2, 2021

The Board met pursuant to recessing Monday, November 1, 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 10:00 a.m. for EXECUTIVE SESSION: per I.C. 74-206(1)(d)(f) to communicate with legal counsel for the purpose of considering records that are exempt from disclosure as well as to communicate re: pending litigation or controversies not yet being litigated but imminently likely to be litigated. Also, in attendance was Shoshone County Prosecuting Attorney, Keisha Oxendine and Ben Allen, and Matt Beehner. Commissioner Fitzgerald made a motion to go into Executive Session, seconded by Commissioner Huber. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The Board adjourned at 10:43 a.m. with no action to be taken in open meeting.

The Board met with Shoshone County Auditor, Angela Dinger to discuss, review and consider excess proceeds from previous tax deed auction sales. Also, in attendance was Matt Beehner. Angela would like to pay out the Excess Proceeds from years 2013- 2018 tax deed auction sales to the State of Idaho Unclaimed Property. Per I.C. 31-808(2)(b) which states “if an owner of record cannot be located the remaining excess funds are now to be turned over to the Idaho State Treasurer’s office, Unclaimed Property department”. “Anyone who has a right to claim on the funds can then go through the State Treasurer’s process to obtain the funds”. Angela states there are about 20 excess proceeds properties and would like to clean up the books on those monies, so the County isn’t responsible for them. She needs last known addresses for the tax deed property owners and the monies will go to the state the property is in. Commissioner Fitzgerald asked if a list of the properties and excess proceeds could be compiled and presented to the Commissioners at another meeting and by Resolution the Commissioners will approve the excess proceed monies to be transferred at that time to the State of Idaho Unclaimed Property.

The Board met with Shoshone County Planning & Zoning, Dan Martinsen and Monica Miller, Keith Teeters & Terry Douglas with the City of Kellogg Building Committee, to discuss, review and consider general updates of current Building Inspection Agreement with the County. Also, in attendance was Matt Beehner. Items discussed included the following:

- The transition from Mark Magnus to Keith Teeters as Building Inspector, and if Keith feels the workload from permitting and inspecting for the County and Cities they are contracted with is still doable with the manpower they have, and if he feels any of the processes need changed; Keith stated he feels they are not overloaded on permits and inspections and feels good with how things are ran currently;

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- Building Permit fee split of 85/15 between County Planning and Zoning and the City of Kellogg and if the revenue from the permitting is enough to keep Kellogg's building department on track for budget year. Terry Douglas stated that historically, since the City and the County have had the agreement, the City has been down revenue, but in the last couple of years, monies have been up, and they now have a positive cash flow of a little over \$40K for the building department as a whole;
- Dan Martinsen stated that the calculations for cost on permitting hasn't changed much and himself and Monica feel that now might be a good time to raise permitting fees. Commissioner Fitzgerald stated the fees should maybe be raised on the County P&Z side and not on the split fee between the County and the Kellogg Building department;
- Dan states there are two ways to raise the fees; Regional Scale or by the International Building Code calculation, they will need to decide on which will benefit the County but still keep the levy low for taxpayers;
- The BOCC feel there should be another meeting in November to go over County P&Z fees, and that the agreement between Shoshone County and the City of Kellogg has been working and successful for both and they should not change it at this time.

The Board convened at 2:00 p.m. to discuss, review and decision re: F street/Tomsche Encroachments. Also, in attendance was Shoshone County Public Works Jim Cason and Stephanie Featherstone, Charles and Lanae Tatman, Bill Ludwick and Matt and Minde Beehner. Commissioner Fitzgerald stated that a site visit was conducted on May 19, 2021 and after inspection of F Street, and speaking with Public Works, the determination has been made by the Board of County Commissioners that F Street is a platted road and that the Tatman structure located on F Street is indeed an encroachment. However, per I.C. 40-2319 there are two categories of encroachment defined within the statute; (1) discretionary removal or (2) mandatory removal (if the public right of way is considered an "open highway") and based on evidence and observations, there is no evidence of public use of F Street, it is not maintained by the County, it is not on the ITD's inventory of roads list, and the County does not receive monies for, nor expends money on, maintaining F Street, therefore is determined it is not an "open highway" and is a discretionary encroachment. Therefore, a motion was made by Commissioner Hansen, based on the encroachment being discretionary, to have legal prepare a Letter of Notice of Encroachment to the Tatman's advising them of the encroachment but indicating that the County is not requiring it's removal at this time, but may at some point in the future, and to prepare Findings of Fact and Conclusions. Commissioner Huber seconded the motion, The motion carried unanimously.

The Board met with Shoshone County Prosecuting Attorney, Keisha Oxendine and Ben Allen, Andy Doman with Lake City Law Group, Joe Guardipee and Jolene Rohrs for discussion on Milo Creek Watershed District. Mr. Doman presented documentation to the Board confirming the Milo Creek Watershed Improvement District is now recognized by the Idaho State Tax

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Commission as a taxing district for property tax purposes. It states the Tax Commission has an accurate and current map of, and all documents necessary, to establish the District. The District is requesting the County certify the past three (3) Years of their delinquent charges to the County tax rolls. They would not like to be excluded for certifying delinquencies with the County, as all other districts are currently doing it. After review of the documents and discussion, Commissioner Hansen made a motion to have legal draft a resolution certifying delinquencies for the Milo Creek Watershed District for the years 2019, 2020, 2021 to the County tax rolls, seconded by Commissioner Huber. The motion carried unanimously.

Commissioner Hansen attended the Shoshone County Snowmobile Advisory Board Meeting @ Sheriff's Department at 7:00 p.m.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Wednesday, November 3, 2021

The Board met pursuant to recessing Tuesday, November 2, 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: No public comment was 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, October 25 to Thursday, October 28, 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 – 16 licenses were presented for approval.
 - Shoshone County Pre-Pays
 - Idaho Opioid Settlement Intrastate Allocation Agreement between State of Idaho, Health Districts, and Eligible Local Governments – approved as presented.
 - Agreement between Shoshone County and Scott Gibbs for Inmate Medical Services – approved as presented.

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: No Indigent Cases were presented.

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2022 Beer, Wine & Liquor Licenses

#10	CLM Fuel	807 N Division llc	Pinehurst	Beer/Retail Wine
#11	Pinehurst Super Stop LLC	The Pinehurst Superstop	Wallace	Beer/Retail Wine
#12	The Gondolier LLC	The Gondolier	Kellogg	Beer/Retail Wine
#13	The Kellogg Superstop LLC	The Kellogg Super Stop	Kellogg	Beer/Retail Wine
#14	The Cameron Conoco LLC	The Cameron Conoco	Kellogg	Beer/Retail Wine
#15	Beamis Hico LLC	Beamis Hico	Wallace	Beer/Retail Wine
#16	The Wallace Super Stop LLC	The Wallace Super Stop	Wallace	Beer/Retail Wine
#17	Cogs Spokehouse LLC	Cogs Spokehouse	Wallace	Beer/Retail Wine
#18	Sweet TS LLC	Muchachos Tacos	Wallace	Beer/Retail Wine
#19	OC Bar LLC	Osburn Club	Osburn	Beer/Liquor
#20	Daniel J. Hart	Farmer Dan's	Kellogg	Beer/Liquor
#21	JMT Corp Idaho	JMT Xpressmart	Osburn	Beer/Retail Wine
#22	Yokes Foods Inc	Yokes Fresh Market	Kellogg	Beer/Retail Wine
#23	Walmart Inc	Walmart #4249	Smelterville	Beer/Retail Wine
#24	Midway Bar & Grill LLC	Midway Bar & Grill	Osburn	Beer/Liquor
#25	CE Littlejohn Inc	The Bedroom Goldmine Bar	Murray	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	\$56,094.56
002	Road & Bridge	\$20,302.71
006	District Court	\$1,925.56
0009	Liability Insurance	\$48,717.25
0010	Self-Insurance Fund	\$5,498.34
0016	Indigent	\$85,366.56
0017	Junior College	\$17,900.00
0018	Park	\$148.74
0020	Appraisal	\$22.16
0023	Solid Waste	\$4,801.39
0037	Snowmobile	\$2,304.92
0052	Airport	\$424.16
0056	Emergency 911	\$1,811.11

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0101	Drug Task Fund	\$7,695.42
0215	Title III Trust New 2009	\$10,023.23
9101	Auditor's Trust	\$132.03
9111	Tax Sale Excess Trust	\$2,784.80
9186	Motor Vehicle Trust	\$604.61
9235	ITD – Express Bus	\$9,692.81
9247	Silver Mountain Legal	\$2,009.00
	TOTAL:	\$278259.36

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

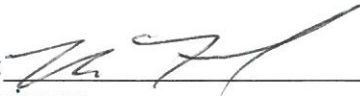
s/Mike Fitzgerald
Commissioner

s/John Hansen
Commissioner

s/Jay Huber
Commissioner

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

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Thursday, November 4, 2021

The Board met pursuant to recessing Wednesday, November 3, 2021.

Present:

Commissioners: Jay Huber
John Hansen


Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

Commissioner Huber did a site visit to Calder Idaho on a potential lease agreement for Shoshone County property.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk