

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Tuesday February 22, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

9:00 AM The Board met with Department Supervisors for department updates.

Also in attendance: Shoshone County Emergency Services, Dan Martinsen, Public Works, Jim Cason and Jessica Stutzke, Maintenance, Keith Chambers, Planning and Zoning, Monica Miller, Grants Administrator, Colleen Rossen and Matt Beehner.

The BOCC is requesting that all departments turn in a project monthly report to the Commissioners a week before Supervisor meetings are held so that the report can be reviewed and put on the consent agenda for public information and BOCC approval.

Dan Martinsen – Emergency Services – Dan stated that effective March 1, 2022 he will no longer be the Planning and Zoning Administrator, he will be managing the Disaster Services department. His new office will be at the County Airport, using his same cell and email contact information. His focus is finishing up a few projects in Planning and Zoning/flood plain while transitioning into his new role and attending a Cascadia Rising exercise meeting with the 5 northern counties.

Keith Chambers – Maintenance – Keith will be leaving the County as the Maintenance Supervisor in the next couple of months. Have let the Commissioners know he will try to stay on as long as he can to get someone else trained to take over his position.

Airport - More resident pilots are coming in, but airport traffic has been slow. BOCC needs to look at doing some repairs on the office/house at the airport.

Monica Miller/Planning and Zoning - Monica say she is trying to maintain same quality of service in the department, she has a spreadsheet of projects already started, so that will be easy to get to the Commissioners every month. They will need to get the new position filled soon, so that we can start getting someone out doing compliance checks.

Jim Cason, Jessica Stutzke/Public Works - They don't have much to report other than the snow, and the hours the guys are putting in to make sure the roads are plowed. The focus of the department in the next couple of months will be looking at bridge repairs. 3 bridges will need to be repaired this year in Shoshone County. Jessica stated the new software programing is coming along, but they are not all the way complete yet.

Colleen Rosson/Grants Administrator - Colleen handed out the new Grant request forms to the supervisors and let them know that they can use these to submit to her for grants they are interested in. She will also go public with these forms in the next few months, so the public will have a chance to let the County know what they would be interested in seeing for the County. Colleen did submit her first Grant and it was for the Pottsville Park project.

BOOK 2022-01-21

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

11:00 PM The Board convened to discuss, review and consider 2022 Tax Exempt Applications pursuant to Idaho Code 63-602 for the following:

Also in attendance:

- Grace Evangelical Free Church – Parcel #C-0050-033-007A - Approved with no changes from last year;
- Silver Valley Fuller Center, Inc – Parcel #A-0100-00D-010A, #A-0100-00D-007B, #A-0100-00D-008A, O-3350-006-032-0, #C-0450-006-002A, #C-0500-015-006-0, #O-3350-006-007-0, #O-3350-006-006-0, #A-0100-00D-00A - Approved with no changes from last year;
- Lutherhaven – Parcel #510N04E-05-7900, #50N02E-01-1300, #50N02E-01-1400, #50N02E-01-1500, #C-0100-001-011A – Approved with no changes from last year;

Following review and discussion, a motion was made by Commissioner Hansen, seconded by Commissioner Fitzgerald to approve the tax exemptions as present. The motion carried unanimously.

1:00 PM The Board convened for a petition to Validate West Pine Creek Road, a request submitted by Paul Loutzenhiser.

Also in attendance: General members of the Public

The Board convened at 1:00 p.m. to discuss, review and consider a Petition for Validation of West Pine Creek Road, a request submitted by Paul Loutzenhiser. The purpose of the meeting today is for the Board to determine if they want to initiate proceedings and move forward with the petition process. The Board discussed the Petition and the due diligence that would be needed to move forward. A motion was made by Commissioner Huber, seconded by Commissioner Hansen to move forward with the petition process pursuant to Idaho Code 40-203A, and schedule a public hearing for March 29, 2022 at 2:00 p.m. The motion carried unanimously.

2:00 PM The Board convened in the Shoshone County District Courtroom for a Public Hearing on a Petition submitted by Ryder Gatereaux and Chuck Jones to the Board of County Commissioners to Validate Weyer Gulch Road pursuant to Idaho Code 40-230A and 40-204A.

Those in attendance: Commissioner Chairman Mike Fitzgerald, Commissioner Jay Huber, Commissioner John Hansen, Deputy Clerk Lori J. Teeters, Shoshone County Public Works Jim Cason and Stephanie Featherstone, and members of the public.

Commissioner Fitzgerald presided, the public hearing was opened. Commissioner Fitzgerald introduced the case to be heard, a Petition for Validation pursuant to Idaho Code §40-203A, filed by Ryder Gatereaux and Chuck Jones the 25th of October 2021. On January 25, February 1, and February 15, 2022, a Notice of Public Hearing on a Petition to Validate was published in the Shoshone News Press, posted on the County Website and doors of the County Courthouse.

Everyone in attendance was advised of the Hearing Procedure.

The hearing was turned over to Ryder Gatereaux, representing the Petitioners. A report summary with the Petitioners' Brief for support of the Petition for Validation and Exhibits 1-20 submitted

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

by Petitioners suggesting historical existence of Weyer Gulch with deeds, plats and maps of Weyer Gulch.

Commissioner Fitzgerald then entered into the record written statements the Board received as follows:

- Exhibit A – Written statement from Greg Nickel in opposition to the petition;
- Exhibit B – Written statement from Chris Bishoff in opposition to the petition;
- Exhibit C – Written statement from Kevin Pickolick in opposition to the petition;
- Exhibit D – Written statement from Josh Cantamessa in opposition to the petition;
- Exhibit E – Written statement from City of Wallace in opposition to the petition;
- Exhibit F – Written statement from ITD in opposition to the petition;
- Exhibit G – Written statement from East Shoshone County Water District in opposition to the petition
- Exhibit H – Written statement from Jill Lilienkamp-Cooper in opposition to the petition;
- Exhibit I – vicinity map provided by Petitioner Ryder Gatereaux.
- Exhibit J – Written statement from ITD, Lee Bernardi in opposition to the petition;

The hearing was turned over for Public Agency comments which were as follows:

- City of Wallace/City Council President Michele Bisconer – gave public comment on behalf of the Wallace City Council in opposition to the petition;
- East Shoshone County Water District – gave public comment in opposition to the petition;
- ITD/Lee Bernardi – gave public comment on behalf of ITD in opposition to the petition;
- City of Wallace, Planning and Zoning Commission/Emma Staydah – gave public comment on behalf of the Commission in opposition to the petition

The hearing was opened for public comment, calling on those in support/neutral/oppose. Those that provided public comment were as follows:

- Chris Pfahl – gave public comment in support of the petition;
- Greg Nickel – gave public comment in opposition to petition;
- Cindy Lien – gave public comment in opposition to petition;
- Chris Lilienkamp – gave public comment in opposition to petition;
- Amy Lynn – gave public comment in opposition to petition;
- Matt Beehner – gave public comment in opposition to petition;

The hearing was turned over to the Petitioner, Ryder Gatereaux for comment/rebuttal to the public comments presented. The hearing was then closed.

After some deliberation and questions among the Commissioners, a motion was made by Commissioner Fitzgerald to take the matter under advisement, table the decision today, schedule a decision meeting for March 29, 2022 at 11 a.m., seconded by Commissioner Huber. The motion carried. A second motion was made by Commissioner Hansen to ask legal to review the record, prepare a Findings of Fact and provide an opinion in regard to specific questions the Commissioners brought up in the hearing 1. Jurisdiction 2. Expenditure of funds 3. Maps – road

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

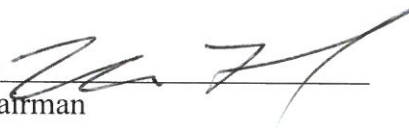
usage 4. Successors 5. Monies spent, seconded by Commissioner Huber. The motion carried unanimously.

3:00 PM Due to a meeting conflict the Commissioners were unable to attend the Idaho Association of Counties Legislative Conference Call via zoom.

Mike Gunderson, Sheriff of Shoshone County, Idaho, revoked the appointment Sean Angle, Reserve Patrol Deputy, in and for Shoshone County, Idaho effective February 17, 2022.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: Lon J. Teekas
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Wednesday, February 23, 2022

The Board convened at **9:30 a.m.** in regular business session and the meeting was called to order.

Present:

Commissioners: Mike Fitzgerald - Chair

Jay Huber

John Hansen

Deputy Clerk: Lori J. Teeters

Also, in attendance: Matt Beehner

PUBLIC COMMENT: No Public comment was presented.

The consent agenda was reviewed for consideration as follows:

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, February 14, 2022 to Thursday, February 17, 2022.

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.)
 - Shoshone County Pre-Pays
 - 2022 VEBA (Voluntary Employee Beneficiary Assoc.) Disbursement discussion/decision – approved as presented.
 - Jet Boat Race renewal permit Calder, Idaho – approved as presented.
 - American Legal Publishing proposal for online code – approved as presented.
 - Approval of additional budget for hiring a temp employee for data recovery/re-entry due to loss of data Sheriffs Dept – approved as presented.
 - Joint Powers Agreement for Law Enforcement Services between Shoshone County and City of Smelterville – approved as presented.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

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

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.

2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d). A motion was made by Commissioner Fitzgerald, seconded by Commissioner Huber to go into Executive Session per Idaho Code 74-206(d). Roll call vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The motion carried unanimously. The Board adjourned from Executive Session and a motion was made by Commissioner Fitzgerald, seconded by Commissioner Hansen to approve Indigent case #2021-54.

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	\$42,066.81
002	Road & Bridge	\$109,595.84
006	District Court	\$2,471.84
0012	Historical Society	\$47.93
0016	Indigent	\$151.66
0020	Appraisal	\$607.19
0023	Solid Waste	\$8,950.26
0027	Weed	\$747.50
0037	Snowmobile	\$1,082.02
0052	Airport	\$998.55
0055	Fish Hatchery	\$342.03
0056	Emergency 911	\$2,339.33

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

0105	Christian Aid Fund	\$48.30
0106	Drug Court Program	\$790.00
0204	IDL-Fire-Mit	\$214.09
0211	ITD Express Bus	\$2,630.00
0215	Title III Trust New 2009	\$385.06
9101	Auditor's Trust	\$61.77
9186	Motor Vehicle Trust	\$5,987.93
9189	Payroll Draw Trust	\$27,275.00
	TOTAL:	\$206793.11

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

10:00 AM The Board convened for a Public Hearing to discuss, review and decision on
File: MS-146-21

Parcel: 49N02E-35-5612, 5613, 5614, 5616

Applicant: Pentaco, LLC

Requesting Approval to replat lots 2-5 of Silver Valley Commerce Park Subdivision, creating one (1) new lot in the General Commercial Zone.

Also in attendance: Heath Hartwig, representative of the Applicants & Matt Beehner

On June 25th, 2021 a complete subdivision application was submitted to the P&Z department from Jeff and Jamie Nearing for Pentaco, LLC. Notice of the public hearing for the subdivision was published in the Shoshone News Press on July 37, 2021. Adjacent Property owners were notified and on August 11, 2021 a public hearing was held by the P&Z Commission of Shoshone County and approved an Order of Recommendation. Lots will continue to share access via Nearing Way, a privately maintained road off County Road, East Commerce Dr. Portions of the

BOOK 2022-01-27

PROCEEDINGS COUNTY COMMISSIONERS


SHOSHONE COUNTY, IDAHO

BOOK 2022

existing cul-de-sac will be vacated to lots 2 and 3 per this replat. A Declaration of Easements and use restrictions for the remainder of Nearing Way was recorded on January 25, 2022. The proposed subdivision conforms to design standards of the Shoshone County Code outlined in section 10-3-1. There was no public comment or written testimony. Staff finds all requirements for application and procedure have been met. Commissioner Fitzgerald made a motion to approve the replat of lots 2-5 of Silver Valley Commerce Park Subdivision, creating one (1) new lot in the General Commercial Zone, seconded by Commissioner Huber. The motion carried unanimously.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Thursday, February 24, 2022

Present:

Commissioners:


John Hansen

Deputy Clerk: Lori J. Teeters

12:00 PM Commissioner Huber was unable to attend the S.A.V.E. Committee meeting.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: Lori J. Teeters
Deputy Clerk