

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Tuesday, March 22, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

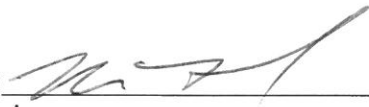
Deputy Clerk: Lori J. Teeters

**1:30 PM** Commissioner Hansen attended the Shoshone Benewah Forest Collaborative via teleconference.

**1:00 PM** The Board of County Commissioners attended the Idaho Association of Counties Legislative Conference Call via teleconference.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By: Lori J. Teeters  
Deputy Clerk

# PROCEEDINGS COUNTY COMMISSIONERS

## SHOSHONE COUNTY, IDAHO

### BOOK 2022

**Wednesday, March 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:

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 March 14, 2022 to Thursday, March 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
  - Airport Hangar Leases – 1 Lease approved for Mark Berger
  - Resolution 2022-09 A Resolution increasing Usage Fees for Public Works Department, for Gene Day, and Pinehurst Parks
  - Professional Services Agreement between Shoshone County and Idaho Transportation Department for Bridge Projects
  - Shoshone Soil & Water Conservation District – Joint State of Idaho 319 Water Quality Grant with Shoshone County
  - Conflict Public Attorney contract between Shoshone County and Safa Riadh
  - Resolution 2022-10 Approving Credit Card Accounts for Shoshone County
  - Resolution 2022-11 A Resolution Establishing Polling Places for the 2022 Elections, Shoshone County

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

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 unanimously.

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2. Executive Session: Indigent Cases: Consideration and Decision – no Indigent cases were presented.

**10:00 AM** The Board convened to discuss, review and consider 2022 Tax Exempt Applications pursuant to Idaho Code 63-602 for the following:

Also in attendance:

- St. Michael's Catholic Church – Parcel #A-0100-036-0002-A – partial exemption approved with no changes from last year.
- St. Rita's Roman Catholic Church– Parcels #D-0800-003-002-A - approved with no changes from last year;
- St. Alphonsus Catholic Diocese – Parcel #B-0050-007-002-A - approved with no changes from last year;
- Molly B. Damn, Inc. – Parcel #O-2400-010-001-A - approved with no changes from last year.

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

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    | \$55,120.84  |
| 002  | Road & Bridge      | \$28,956.86  |
| 006  | District Court     | \$8,179.52   |
| 0016 | Indigent           | \$4,850.60   |
| 0017 | Junior College     | \$18,100.00  |
| 0023 | Solid Waste        | \$33,129.43  |
| 0038 | Waterways Fund     | \$5,431.00   |
| 0052 | Airport            | \$63.96      |
| 0056 | Emergency 911      | \$914.59     |
| 9219 | Drug Court Program | \$221.39     |
| 9235 | ITD – Express Bus  | \$2,192.06   |
|      | TOTAL:             | \$157,160.25 |

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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

s/Mike Fitzgerald  
Commissioner

s/John Hansen  
Commissioner

s/Jay Huber  
Commissioner

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By: Lori J. Teetors  
Deputy Clerk

# PROCEEDINGS COUNTY COMMISSIONERS

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### BOOK 2022

**Thursday, March 24, 2022**

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

**10:00 AM** The Board convened for a Public Re-hearing on a petition presented by Tri-State Consulting Engineers to Vacate and Abandon a Portion of Potlatch Road in Excess of a 100' corridor, adjacent to Lot 1 as described in Instrument No. 509967, Records of Shoshone County, Block 6, Herrick Park, filed as Instrument No. 203899, Shoshone County, Idaho.

Also in attendance: Shoshone County Public Works Director, Jim Cason, and Stephanie Featherstone, Planning & Zoning, Monica Miller, Tim Mueller, Steve Syrcle with Tri-State Consulting, and Susan Weeks, Attorney for the Applicant, and other members of the Public. Commissioner Fitzgerald opened the public hearing.

Commissioner Fitzgerald provided the following disclosure stating that through his private practice, he has a business relationship with Steve Syrcle through their engineering firms and disclosed a couple of phone calls he had with Steve regarding the processes of the hearing. The item before the Board is outside the business relationship and Commissioner Fitzgerald stated that he can make a fair and impartial decision on the matter. A Notice of Hearing on Petition to Vacate and Abandon was advertised in the Shoshone News Press on February 22, March 1, and March 15, 2022 with a hearing date set for today, and adjacent property owners within 300ft were notified with legal notice. Monica Miller presented the Findings of Fact from the original hearing held on October 14<sup>th</sup>, 2021. Public comment Exhibits PC1-PC37 were received prior to the meeting at 10:00 a.m. and Public comment Exhibits PC38-PC41 were received on the day of and entered into exhibit at the hearing. There were 41 written comments in opposition to the petition, one written comment in support, and 1 petition in support of the petition with over 60 signatures on it. Shoshone County Public Works Director submitted his staff report as follows: The applicant is petitioning the County to abandon and vacate a portion of Potlatch Road containing approximately 10,439 sq. Ft. and more particularly depicted in "Exhibit B" attached in the Applicant's petition dated August 13, 2021. Public Works did a site visit of Potlatch Road and after review of the documents in record, Public Works findings are a minimum of 15ft of the Public ROW from the toe of the slope of Potlatch Road on either side is vitally important to future repair, replacement or maintenance. If the County deems the vacation is appropriate, the Public Works Director, Jim Cason, would estimate that no less than 60ft from the centerline of Potlatch Road be retained as the Public ROW to account for those concerns. Access to and the use of that portion of the Public ROW lying to the South and West of Big Creek should remain undisturbed in order to freely allow for access to those portions of water near the confluence of Big Creek and St. Joe River. Additionally, the Shoshone County PW would also recommend that no portion of the Public ROW located at or below the historical high-water mark of the Big Creek be abandoned or vacated so as not to impede this access which is beneficial to the

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department. Representative for Applicant, Susan Weeks then presented evidence in support of the petition. She addressed “in the best interest of the public” comments and concerns, that there are more suitable places for filling the County water trucks, and that a maintenance easement could be set in place for the County to still have access for repairs and maintenance. She stated that the public members who have historically used the ROW for access to Big Creek and St Joe River could use the property adjacent to the property across the creek. She wanted to point out that it has never been a public access, that the public has just taken it upon themselves to use it. Public testimony was then presented with 17 people presenting testimony in support or opposition to the petition. Susan Weeks and Steve Syrcle both gave rebuttal testimony, addressing the public comments that were given during the hearing. Commissioner Fitzgerald then closed the public hearing. Commissioner Hansen and Commissioner Huber both felt that there was an overwhelming response in opposition to the petition and that abandonment and vacation was not in the best interest of the public. Commissioner Fitzgerald feels that the convenience of the access ramp and water withdrawal point for the County is beneficial, and the access for maintenance and repairs. Therefore be it resolved by the Shoshone County Commissioners, that the petition for Vacation and Abandonment for public ROW of a portion of Potlatch Road adjacent to Lot 1, as described in Instrument No. 509967, Block 6, Herrick Park Subdivision files as Instrument No. 203899, located in Section 5, Township 45 North, Range 3 East B.M. be denied by motion of Commissioner Huber, seconded by Commissioner Hansen. The motion carried. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye.

**12:00 PM** Commissioner Fitzgerald was unable to attend the Panhandle Health District Board meeting via zoom.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk