

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Tuesday, March 29, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

9:00 AM The Board convened at 9:00 a.m. for a Department Supervisors meeting. Those in attendance and items discussed were as follows:

- Building & Grounds/Keith Chambers and Max Duggen – Keith made introductions to the new Supervisor of Maintenance, Max Duggen. Keith is leaving on Friday and Max will be taking over. Keith is showing Max around and getting him up to speed on the buildings and maintenance.
- Public Works/Jessica Stutzke– Moon Pass will be open by Memorial Weekend. It is a little late this year due to a landslide between Prichard and Murray needing to be cleaned up and having to open Kings Pass for an alternate access route for residents that live over there. They will be opening Thompson Pass in the next few weeks as well. The girls in the office are training in the office the next few weeks on the new Public Works software. The parks are being opened and PW are in need of park managers this year. They have lost both grounds maintenance employees this year.
- Planning & Zoning/Monica Miller – Busy with permitting and new P&Z processes.
- Solid Waste/Richard Brenner and Shelby Wilcox – Season has started to pick up with the nice weather, roof needs replaced on the office at the transfer station.
- Airport/Dustin Wise – The runway and taxiway could use a sweeping from the gravel that was put down for the snow. Trying to get an airport event planned with Colleen Rosson for the public.
- Grants Administrator/Collen Rosson – Has gotten out the article for the ARPA funds and getting public interest and opinion on what they would like the money spent on. Several people have sent in forms on their opinion.
- Weed Department/Shelby Heiderman – gearing up for the season. Have hired one seasonal employee, need one more.
- Disaster Services/Dan Martinsen – Completing FEMA Compliance Plan projects, met with PHD Staff to review latest Jurisdictional Risk Assessment, Attending Cascadia Rising 2022.

11:00 AM The Board convened at 11:00 a.m. for a continuation meeting to make a decision on a Petition Requesting the Board of Commissioners to Validate Weyer Gulch Road Pursuant to ID Code §40-230A and §40-204A at a hearing held on February 22, 2022 by Ryder Gatereaux and Chuck Jones.

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In attendance: Petitioners Ryder Gatereaux and Chuck Jones and several other members of the public.

Commissioner Fitzgerald presided and provided the following statements:

- The BOCC is being asked to answer a question required of them in Idaho Code to validate the public highway OR to declare the road not to be public.
- The Board has been and is against the “Closure” of roads which provide public access to public lands. However, the validation process merely asks the BOCC to validate the public highway or not. Therefore, non-validation of the road is declaring that the road does not fall under the jurisdiction of the County. And it is NOT a decision against public access.
- During Appellant’s testimony, the Appellant made multiple references to recorded documents (deeds and other similar documents) that contained the wording “public access” dedicated for public access and “for the purpose of public access”. The grant of legal access in the deeds and documents may restrict the landowner from blocking off access to the public but does not require the County to assume control or maintenance over that access nor does it impart an obligation on the public entity to assume control over the access.
- The Evidence in making the decision evidence indicating a county interest in a road to be relied on, includes but may not be limited to mapping, maintenance, or expenditure.

Based on the review of the record, the BOCC moves to deny the Petition to Validate Weyer Gulch Road due to insufficient evidence to support the validation and isn’t in the best interest of the public by motion of Commissioner Fitzgerald, seconded by Commissioner Huber. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The motion carried.

2:00 PM The Board convened in the Shoshone County District Courtroom for a Public Hearing on a Petition submitted by Paul Loutzenhiser to the Board of County Commissioners to Validate West Pine Creek 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 Stephanie Featherstone & Jessica Stutzke, Shoshone County Prosecuting Attorney, Ben Allen 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 Paul Loutzenhiser on the 31st of January 2022. On the 1st, 8th, and the 22nd of March 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. Adjacent property owners within 300ft of the road in question were notified. Everyone in attendance was advised of the Hearing Procedure.

The hearing was turned over to Bob Jutila, Representative for the Petitioner, Paul Loutzenhiser. Bob presented and submitted Exhibit PC-7 that had held petitioner Exhibits 1-58 at the hearing suggesting historical existence of West Pine Creek Road with deeds, plats and maps of West

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Pine Creek Road. Bob went through each exhibit, deed and map outlining his reasons for validation, which were based on the road being maintained by the County and Forest Service and used historically for public access.

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

- Exhibit PC-1 – Written statement from Sherer & Wynkoop, LLP on behalf of Hancock Life Insurance Company in opposition to the petition;
- Exhibit PC-2 Written statement from BLM in opposition to the petition;
- Exhibit PC – 3 Written statement from Joe Avery in opposition to the petition;
- Exhibit PC –4 Written statement from Robert & Teresa Hubbard in opposition to the petition;
- Exhibit PC –5 Written statement from Stimson Lumber in opposition to the petition;
- Exhibit PC – 6 Written statement from Darrell Raver in support of the petition;
- Exhibit PC –7 Written statement from Jann Higdem in opposition to the petition
- Exhibit PC – 8Written statement from Joe Avery in opposition to the petition;
- Exhibit PC –9 Written Statement from Matt Beehner 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: There were 32 members of the public that came to the hearing in support of the petition, 3 of whom gave testimony. There were 13 that came to the hearing in opposition to the petition, 8 of whom gave testimony.

After public testimony, the hearing was turned back over to the Petitioners representative 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 Huber to take the matter under advisement, table the decision today, take some time to review the record and schedule a decision meeting for April 26, 2022 at 2 p.m., seconded by Commissioner Hansen. The motion carried. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The motion carried unanimously.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

By: Lon J. Teetey
Deputy Clerk

Approved: [Signature]
Chairman

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Wednesday, March 30, 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: There was no public comment.

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 21, 2022 to March 24, 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
 - Resolution 2022-12 Resolution authorizing Shoshone County Treasurer to redeem accumulated County Credit card points and deposit revenue into Current Expense account
 - Authorization for Shoshone County Public Works - BLM Permit SF-299 Control Number 0596-0249 Standard Application for transportation, utility systems, telecommunications and facilities Federal lands
 - Hayden & Ross PLLC Service Agreement for year ending September 30, 2021 through 2023

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

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

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carried unanimously. The Board adjourned from Executive Session and a motion was made to approve Indigent cases#2018-62 & 2021-40.

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	\$413,810.57
002	Road	\$121,391.35
006	District Court	\$33,655.67
016	Indigent	\$8,015.70
020	Appraisal	\$22,329.57
023	Solid Waste	\$36,735.23
027	Weed	\$1,061.18
056	Emergency 911	\$6,551.43
207		\$5,468.12
215		\$5,001.73
9101	Auditor's Trust	\$6,773.01
	TOTAL:	\$660793.56

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

BOOK 2022-01-29

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s/Mike Fitzgerald
Commissioner

s/John Hansen
Commissioner


s/Jay Huber
Commissioner

11:00 AM The Board met with Shoshone County Sheriff, Mike Gunderson to discuss, review and consider proposal with Control Solutions on options for new Heating/Air at the Public Safety Building. Sheriff Gunderson stated the control system is outdated and the cost to replace it is big money. Mike would like to get approval from the BOCC on having an analysis of repairs/engineering report done to get an accurate cost of a replacement. The building is dilapidated and is starting to cost the County money and Commissioners feel it might be time to start thinking hard of the cost of a new building instead of upgrading and putting a band-aid on the situation. Commissioner Huber made a motion to authorize Sheriff Gunderson to use money from the Shoshone County general fund in the amount of \$4000.00 to pay for the analysis, seconded by Commissioner Fitzgerald. The motion carried.

Shoshone County Sheriff, Mike Gunderson, State of Idaho, has revoked the appointment of Brandon Church, Emergency Communications Officer, in and for Shoshone County, effective March 18, 2022.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: Lon J. Teeters
Deputy Clerk