

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Tuesday, April 26, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

9:00 AM Department Supervisor Meeting – General updates

Also in attendance: Matt Beehner

P&Z/Monica Miller – 10 permits issued, 4 sub-divisions under review, 1 compliance letter mailed out, 1 site disturbance issue permitted, 3 under review, 6 floodplain development permits issued.

Solid Waste/Richard Brenner & Shelby Wilcox – getting geared up for the Air Burner, filled the long-haul employee position

Weeds/Shelby Heiderman – Hired a seasonal employee for Spray Tech and has passed the Law & Safety portion of the pesticide test, Spring Executive Board took place, spray equipment started up and ran through, chemical inventoried, legal notice published, will start pre-emergent spraying at the county shops and airport, get ATV running, attend an advisory board meeting next month, IECWMA meeting

Emergency Services/Dan Martinsen – Continued monitoring of FEMA Compliance Plan projects, attended the IOEM Spring Flooding Outlook webinar, attended the IDAVOAD-Idaho Emergency Managers Association Executive officers meeting, attended SC Fire Chiefs monthly meeting, attended quarterly meeting with Northern five county EM's and IOEM area field officer.

Public Works/Jessica Stuzke – currently working with ITD and HMH to improve our current road mapping system. Reviewed the first draft of the maps and have sent drafts back to HMH for revisions, Tunnel 34 received emergency funds for repairs to the tunnel, still aim on opening Moon Pass by Memorial day, still on track with the Kootenai Soil & Water Conservation project, Public Works staff will be attending a two-day Bridge Preservation workshop in May, Gene Day Park and West Shoshone Park will be open on May 10th, chip sealing on Silver Valley Road from Wallace to Osburn and Smelterville to Pinehurst will start early summer.

Maintenance/Max Duggen – has been working with CSN on the building report for the Safety building and the consensus is the building is on its last leg. In the meantime, doing minor repairs here and there. Chiller in the courthouse is being replaced at the cost of \$60k, and working on security cameras for the courthouse.

Grants Admin/Colleen Rosson – met with County Clerk and Auditor to review the ARPA fund (tracking, policies and procedures, and internal controls), received seven requests for the use of State and Local Fiscal Recovery Fund monies, completed training on speed testing software, use and reporting, attended the grant award call with SVEDC for the NFC Fitness pad, attended the IAC meeting, attended the NACO White House briefing for County leaders.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

11:00 AM The Board met with Shoshone County Grants Administrator, Colleen Rosson, to review and discuss the Election of Revenue Replacement, County fiscal tracking and proper sub recipient procedures by Resolution.

Also in attendance: Shoshone County Clerk, Tamie Eberhard, Matt Beehner and Josh McDonald

- County has three (3) years to use the ARPA funds
- Mandatory that the funds are allocated by 2023 and the money actually spent by 2026
- Expenditures on highest need and biggest impact
- Colleens position is paid for through ARPA funds, not County funds

Tamie and Colleen met with the County Auditor to confirm the correct procedures in tracking the monies and record keeping. A Resolution (2022-19) has been drafted for approval as to specific record keeping on all projects so the County will remain in compliance with all policies of the grant. A separate Resolution will be drafted and sent to legal for review for establishing a proper Sub recipient and guide for the funds and put on the schedule for approval.

11:45 AM The Board approved Resolution 2022-19 for Approval of Allowable Expenditure from the American Rescue Plan Act Fund Budget.

11:50 AM This Resolution will be on the agenda for approval for next week.

1:00 PM The Board met with Shoshone County Sheriff, Mike Gunderson, to review discuss and consider Sheriff Department's budget salary.

Also in attendance: Jessica Stutzke, Josh McDonald, Matt Beehner

Sheriff Gunderson presented several documents including Shoshone County Sheriff dept current salary, Kootenai County salaries, and calculations of what specific percentages would raise the Shoshone County current salary to. Mike explained that has lost 25 employees in the last couple of years due to non-competitive wages at the county. Mike states that other elected officials have made their own matrices and now some of the administrative positions are making more than his officers. Commissioner Fitzgerald stated that it was easier for some of the admins to move up the scale faster because the guidelines aren't as strict. Gunderson said that being true, it can take years for some of his officers (detention) to move up quicker because certifications are harder to get. Commissioner Fitzgerald stated that the County can look at several different options for possible increases, one being small mid-year budget adjustments. The others are new baseline adjustments for fiscal year 2023, and possibly a Justice Levy that would replace the Indigent Levy that is going away to help pay for officers. Gunderson states he has always been fiscally responsible and doesn't want to burden tax payers, but it may be something they have to do to recruit and retain employees in the department. Another meeting will be scheduled mid-May and again in July.

2:00 PM The Board convened for a Continuation Meeting on a hearing held Tuesday, March 29, 2022 for a petition submitted by Paul Loutzenhiser, to validate West Pine Creek Road.

Also in attendance: general members of the public

Commissioner Fitzgerald reiterated to the public, that the hearing was closed as of March 29, 2022 and the Commissioners have not and will not receive any new testimony. The continuance was for the BOCC to individually review the record, consult with legal on code or clarification of

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

law questions, and to formulate a decision. Commissioner Hansen stated the cost for a survey, road repairs, culverts and maintenance would fall on the taxpayer. He stated because there is an alternate route, that is the better option. He feels that taxes should be collected on the portion of road that is not county road. Commissioner Huber stated that closing roads is not something he and his fellow Commissioners ever want to do. He feels that the alternate route, Langlois road should be open to all, not just an elite few, including Joe Avery. He would like to see that changed down the road. The easement for the road was between Jerry Avery and the loggers not the county or any other public entity. After meeting with staff, he was given an estimate of around \$15,000 to survey and get the road in county condition. Commissioner Fitzgerald wanted to briefly explain, that the validation process merely asks the BOCC to validate the road as public highway as it relates to Shoshone County's ownership, jurisdictional control and interest. The validation or non-validation of a road is not a decision against public access and not a determination of use. Commissioner Fitzgerald wanted to note on the record the BOCC historically has been against any "closure" of roads which provide access for the public to public lands. As presented during the hearing on March 29th, the use for the road which validation is being sought is controversial and will not fall under this decision. Based on the record, the use of the road is, and has been determined, regulated and controlled by the following:

- The BLM through their Travel Management Plan (dated 2007), their recreation maps and their process which develop each,
- Agreements between Private Property Owners, and
- Agreements between Private Property Owners and other non-County Government Agencies.

As provided in the record, the identification of the County road referred to as West Fork Pine Creek Road and its terminus is found on page 5, of the Shoshone County Road Map Book, dated December 5, 2019. The Map Book provides the County Road Number E3901 and the State of Idaho I.D. 007470 and described the County portion of the West Fork of Pine Creek Road as being 3.18 miles in length commencing on Pine Creek Road at Mile Post 4.049 going right. In the hearing, the location for the County portion of West Fork Pine Creek Road and its terminus is best provided by the preliminary survey performed by Glahee and Associates Professional Land Surveyors which is illustrated on their Exhibit Map for Hancock Forest Management, dated November 2020. The survey depicts the West Fork Pine Creek Road beginning at Pine Creek Road, running a length of 3.18 miles and ending on Avery property. Other supporting evidence supporting the County road and right-of-way on Avery's property include "a timberland eligibility determination form" signed by Jerald P. Avery on 6/8/1988 claiming 4 acres of non-location specific road of right of way. The portion of West Pine Creek Road asking to be validated is an unimproved road that continues from the 3.18 mile as depicted on the appellants request for validation. During the hearing, the appellant made multiple reference to multiple maps illustrating the road and its location asserting that the mapping of the road deems it to be a public highway. After discussion and as a whole, lines on a map do not (1) equate to County ownership nor interest in a road by a jurisdiction nor conclude the existence of a public highway, no evidence was provided by the applicant that a public highway or right of way was created by, offered to, dedicated to, or accepted by Shoshone County for the explicit use as a public highway. Commissioner Fitzgerald entertained a motioned that read: The Board of County Commissioners

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

hereby find that evidence is not sufficient to support the County's recognition and/or acceptance of the petitioned portion of West Fork Pine Creek Road as a public road and/or right of way; Evidence is not sufficient to support that the petitioned portion of West Fork Pine Creek Road has been used as a public road and/or right of way; Evidence is not sufficient to support that the Validation of the petitioned portion of West Fork Pine Creek Road as a public road and/or right of way is in the public interest; Commissioner Hansen made the motion to deny the petition for Validation submitted by Paul Loutzenhiser to validate West Fork Pine Creek Road, seconded by Commissioner Huber. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The meeting adjourned.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

By: [Signature]
Deputy Clerk

Approved: [Signature]
Chairman

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Wednesday, April 27, 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

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 Tuesday, April 18, 2022 to Thursday, April 21, 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
 - Trolley Application for Sunshine Memorial Event
 - FAA Approval of Agreement for Transfer of Entitlement Funds to Driggs Airport
 - Approval of Construction costs for Airport Office
 - 2022-068 Access Agreement for Cataldo Reach, Lower Basin, Shoshone County
 - Approving a transfer of property, parcel #O215000C033A from DB Trust to Shoshone County

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

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. There were no Indigent cases presented.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

9:45 AM The Commissioners approved Resolution 2022-16 Approving Credit Card Accounts for Shoshone County.

9:50 AM The BOCC approved Resolution 2022-17 amending Resolution 2022-13 A Resolution Transferring Personal Property from Shoshone County to Shoshone County Ambulance Service District.

10:00 AM Shoshone County Prosecuting Attorney, Britney Jacobs, was unable to attend the meeting regarding updates on Wrecking Yard Licenses due to last minute scheduling conflicts.

11:00 AM The Board convened for a continuation meeting on the Woodland Park drain issue, Wallace, Idaho.

Also in attendance: Zac Ayers, Kari Hill, Pat Kinsey

Shoshone County shop foreman, Zac Ayers explained the best way to repair the drain problem is to cut about 5ft of concrete from the property owner where the drain begins, and put in new piping. Commissioner Fitzgerald agreed and stated if the property owners will pay for the materials, the County will provide the equipment and labor. Commissioner Fitzgerald asked if the current property owner would be acceptable to that, Kari Hill, representing the property owner stated she had talked with them and they wanted to cooperate in any way they could. Commissioner says he feels that it is the best for all parties, it is an improvement for the County and the property owners.

1:00 PM The Board met with Shoshone County Sheriff, Mike Gunderson, and Roy Reel to discuss the Law Enforcement Memorial.

Also in attendance: Chief of Osburn Police, Daryl Bratton, and other members of the public.

Mr. Reel presented a quote from Wilbert Precast, Inc and pictures of what the memorial will look like. Gunderson stated that he had a check coming from Dave Smith Motors as a donation to the memorial and has a few more people he would like to meet with about sponsorship, but that was a good start. Commissioner Fitzgerald said the Shoshone County Commission would also like to donate to the memorial. The cost of the actual pavers will be \$3,334.48, but after engraving and preparing the ground for the pavers, the total cost will be around \$6,000. The pavers will go in the Shoshone County yard out front and will be an honorable memorial.

4:15 PM The Board of County Commissioner met in Executive Session per I.C. 74-206(a) to interview for the position of Code Compliance/Planning Tech for Planning and Zoning department.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard

County Clerk

By: [Signature]

Deputy Clerk

Approved: [Signature]

Chairman

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Thursday, April 28, 2022

Present:

Commissioners:

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

12:00 PM Commissioner Fitzgerald attended the Panhandle Health District Meeting at the Hayden PHD office in Hayden.

12:00 PM S.A.V.E. Committee Meeting in Kellogg was canceled this month.

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	\$418,876.77
002	Road	\$117,177.13
006	District Court	\$35,519.71
016	Indigent	\$8,229.53
020	Appraisal	\$20,613.60
023	Solid Waste	\$40,015.16
027	Weed	\$2,157.98
056	Emergency 911	\$6,551.43
207	ARPA Grant	\$5,468.12
215	Title III Trust New 2009	\$5,376.86
9101	Auditor's Trust	\$8,267.87
	TOTAL:	\$668,254.16

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

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
By: [Signature]
Deputy Clerk

Approved: [Signature]
Chairman