

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Monday, May 23, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

10:00 AM The Board convened to meet telephonically with T-O Engineers, Trey Dail, FAA Roxanne Trotta, Diane Stilson, Joe Nye, Heidy Bruner, Vince Barthels to review and discuss the Environmental Assessment project grant. Commissioner Fitzgerald stated that as soon as the compliance walkthrough and review is completed in September with FAA Compliance Officer, Peter Doyle, it should free up the grant monies to finish the environmental assessment and move forward with improvement and expansion at the Shoshone County Airport. The FAA team was in agreement. It has been a two year process, that met some road blocks with Covid and then hangar compliance issues. The Board will schedule another meeting in the fall after the compliance review.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard

County Clerk

By: Lori J. Teeters

Deputy Clerk

Approved: [Signature]

Chairman

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SHOSHONE COUNTY, IDAHO

BOOK 2022

Tuesday, May 24, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori J. Teeters

9:30 AM The Board convened to discuss the sale of Shoshone County property, Parcel # O31500040010, approximately 4.3 acres of railroad property located in Smelterville, Shoshone County, at the southwest corner of the I-90 Smelterville exits.

Also in attendance: Shoshone County Public Works, Jessica Stuzke and Jim Cason, Matt & Minde Beehner.

A public auction was held on Tuesday, March 8, 2022 to sell this portion of land with a minimum opening bid of 2.3 million dollars with three (3) interested parties pre-auction. There were no bids at the auction and no sale. Post auction, the Board received a LOI in the amount of \$1.5 million dollars. At a meeting held Tuesday, May 10, 2022 the BOCC reviewed and discussed the LOI and authorized Commissioner Huber to negotiate with the other interested parties and scheduled another meeting to discuss the offers. One (1) party backed out of negotiations. There are currently two (2) offers on the table: 1.7 million dollars from Maverik, Inc and 1.8 million dollars from Beamis Oil. The Commissioner discussed that selling the property is necessary for the use of the county to preserve, take care of, manage and control county property, it is in a location that is useful for purchaser's intended use, it is beneficial to the local economy through job creation and commerce growth and timely in light of escalating property values. The sale will be contingent on sale price, date of sale, timing associated with removal of County property (equipment, material stockpiles, etc) located on the property, and other terms standard to the normal sale of county property. Commissioner Fitzgerald made a recommendation to have Commissioner Huber negotiate and the Commissioner Chair to execute a buy-sale agreement with Beamis Oil in the amount of \$1.8 million dollars for the sale of Shoshone County parcel #O31500040010. Commissioner Huber made a motion to accept the one million, eight hundred thousand dollars (\$1,800,000) from Beamis Property Management, seconded by Commissioner Fitzgerald. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The buy-sell agreement shall be subject to County legal review and define, at a minimum, the sale price, date of final sale, terms associated with removal of County property located on the property, and other terms standard to the normal sale of County real property and sale of property located within the Bunker Hill Superfund site.

9:45 AM The Board convened to discuss the purchase of real property, Parcel #48N04E273850, approximately 44 acres of railroad property located within Shoshone County, west of the City of Wallace city limits and Spundstrand from Union Pacific Railroad Company. Also in attendance: Shoshone County Public Works, Jim Cason and Jessica Stuzke, Matt and Minde Beehner.

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Sellers request is for \$20,000 Earnest money down to be credited toward the purchase price at the time of purchase. Assessed value is greater than five thousand dollars (\$5000) and an appraisal pursuant to I.C. 41-54 is required. Commissioner Hansen has been in contact with Seller for approximately 2 years now, as soon as the land came available. The original price they wanted to sell it for was four million dollars (4,000,000), but after having it evaluated for actual useable property they changed the purchase price to \$678,155.15 Commissioner Hansen said they have been patient but are now wanting to either have the County buy it, or they will sell it to other interested parties. The following items were discussed:

- purchase of the property is deemed necessary for the use of the county to preserve, take care of, manage and control county property pursuant to I.C. 31-807;
- the County has current and future needs to expand, relocated or otherwise build county facilities;
- availability of buildable property that are flat and sufficient size to house county facilities;
- availability of buildable property near Wallace, the County seat are limited;
- Price of property is increasing, and the purchase price is at or below market value;
- Has great re-sale value if the county needs to sell it;
- The price or property is increasing, and the purchase price is at or below market value;

Commissioner Fitzgerald made a motion to obligate twenty thousand dollars (\$20,000) of earnest money down toward the purchase of real property, Shoshone County parcel #48N04E273850 from the Union Pacific Railroad Company, necessary for the use of the county to preserve, take care of, manage and control county property pursuant to I.C. 31-807. The Earnest money is to:

- Secure the property purchase price in the amount of six hundred seventy-eight thousand, one hundred fifty-five dollars (\$678,155.15);
- Provide for legal review and acceptance by the Commissioners a purchase agreement;
- Confirm the value of the previous estimate by a real estate appraiser licensed to appraise real property in the state of Idaho pursuant to the provision of I.C. 41-54;
- Ensure the said purchase of the real property is made in full compliance with I.C. 31—807.

Earnest money shall be paid from Fund Number 9246 – Property and infrastructure fund. The motion was seconded by Commissioner Hansen. Roll Call Vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The motion carried unanimously.

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10:00 AM The Board convened at 10:00 a.m. for a Solid Waste Department Bid Opening for One (1) Trailer pursuant to Idaho Code:67-2806(2).

Also in attendance: Shoshone Count Solid Waste, Richard Brenner and Shelby Wilcox

Three (3) bids were received as follows:

- 1) Wilkens
2023 Model 50125AOT
\$130,690.00
- 2) Interstate
2024 Imco, 50A102W162 w/ side wall post
\$117,519.10
- 3) Western Trailer
2023 ExpressFloorRF
\$146,243.00

A motion was made by Commissioner Fitzgerald seconded by Commissioner Huber to turn the bids over to the Solid Waste Department for their review and a recommendation to the Board, and to schedule approval of the bid by Resolution at the next business meeting. The motion carried unanimously.

10:30 AM The Board convened at 10:30 a.m. as a Board of Canvassers to canvass the votes of the Election held Tuesday, May 17, 2022 pursuant to Idaho Code 34-1205.

Also in attendance:

A motion was made by Commissioner Huber, seconded by Commissioner Hansen to approve the Election Abstracts for the May 17, 2022 consolidated election prepared and presented by the Shoshone County Clerk. The motion carried unanimously.

11:00 AM The Board convened to meet with Shoshone County Public Works, Jim Cason and Jessica Stutzke to review and discuss Budget Salary for their department.

Also in attendance: Minde Beehner

Jim and Jessica presented a Road Department Increase worksheet with Public Works employees' current salaries in one column and a 10% increase in the next column, showing the increase in wage. Differently than the Sheriffs department, the PW department is a slower progression of merit increases. The revenue that the department brings in offsets the increase in wages for the next fiscal year budget. Several forms of revenue the department is bringing monies in from are:

- Schedule A – project agreements with additional material and labor
- LHTAC grant funds
- FEMA reimbursement

Jim and Jessica both state they are comfortable with the increase in wages with respect to the overall budget for the department. With the additional revenue coming in, the cost of salary for the one position that they haven't filled in the last year that was accounted for in 2021 budgets, the grants that require no county match, there are cost savings for the department. The total increase in wages would be just under

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two hundred thousand dollars (\$200,000) for the annual budget. The BOCC would like some time to review the numbers and would like to meet back again in a week for a possible decision. The meeting is scheduled for May 31, 2022 at 1:00 p.m.

1:00 PM The Board convened to meet with Gary Roylance, Control Solutions Northwest Account Manager and Service Sales to review and discuss a report and quote the company did on the Shoshone County Safety Building.

Also in attendance: Grants Administrator, Colleen Rosson, Shoshone County Sheriff Department, Lance Stuzke, Molly Roberts, Shoshone News Press.

The Company went through and did a facilities inspection and presented it to the Commissioners. There were many things wrong with the building, but the priority should be the chiller and the control system for the chiller and cleaning and maintenance and repairs on the system. It will cost the most money, but the building has an outdated very old system, that can't even be worked on. The cost savings that the County would benefit from replacing the system will be thousands of dollars. The chiller would need to be replaced at the cost of \$240,000, the controller for the chiller would go from an outdated pneumatic control to a electrical control at the cost of \$120,000. Because the Courthouse is also needing a new air conditioning system, Gary can get a price cut if both systems are purchased together. Once the new system is active, the techs can they see what is working on the system and what might also need to be repaired or replaced. Grants Administrator, Colleen Rosson, stated that between the Avista rebate reimbursement and ARPA funds, the majority of the cost of the chillers should be covered. Because the County gets a better cost if the units are financed, the County will finance a portion of the cost. Several reasons for the BOCC to approve and accept the quote from CSN are as follows:

- CSN is a local business
- CSN is a fully staffed company and have on call techs that will be able to service county equipment at any time;
- Timeliness of the purchase with respect to the increase in materials and labor;
- New equipment will increase efficiency and save the county money in the long term;
- Added value to the building if the County ever gets to a place where they can rent it or sell it;

Commissioner Huber made a motion to approve the purchase for chillers for the Public Safety Building and the Courthouse in the amount of \$640,000, seconded Commissioner Hansen. The motion carried unanimously.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

By: [Signature]
Deputy Clerk

Approved: [Signature]
Chairman

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BOOK 2022

Wednesday, May 25, 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: Minde 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 Tuesday, May 17, 2022 to Thursday, May 19, 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.)
 - Beer, Wine & Liquor Licenses
 - Shoshone County Pre-Pays
 - Professional Services Agreement between Shoshone County and Stratton Land Services, Inc – provide services as the County Surveyor – approved pending legal review.
 - Accept Department Supervisor reports – approved.

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.

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 Hansen 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

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motion was made by Commissioner Fitzgerald to approve Indigent case 2022-26 & 2022-8, seconded by Commissioner Huber. The motion carried unanimously.

9:45 AM Commissioner Huber approved Resolution 2022-20, with two changes, one in verbiage, decreased to increased, and move the decimal, Establishing Mileage Allowance for Shoshone County Employees, seconded by Commissioner Hansen. The motion carried unanimously.

Also in attendance: Minde Beehner

9:50 AM Commissioner Fitzgerald approved Resolution 2022-21 MOU/Agreement between Shoshone County and LHTAC – Idaho Local Bridge Program for bridges in poor or posted condition, seconded by Commissioner Huber. The motion carried.

Also in attendance: Minde Beehner

10:30 AM The Board convened to meet with Minde Beehner to discuss concerns related to issues in Canyon Addition to Wallace Subdivision.

Also in attendance: Shoshone County Public Works, Jim Cason & Jessica Stutzke, Matt Beehner
Minde wanted to know what the status was on their nuisance complaints and the survey from Stratton on E street and F street. Minde wanted it noted that she wasn't happy with the Findings of Fact and things are compounding in the area daily. Her and Matt want to know how money is being spent for F street surveys and what monies have been spent on surveying up to this point with HMH and Stratton and inquired if Brookside was included in that survey. Minde didn't think that Brookside was included and that it was just the Canyon Addition. Commissioner Fitzgerald stated that they didn't have anything to do with the scheduling of the survey because they knew a decision would come before them at some point to on defining the streets and the complaints. Commissioner Fitzgerald stated that the goal of the County is to have the survey completed and pins in the ground so they know what boundaries and lines they will be working on. That they would like to see all of the addition be surveyed including Brookside, so they can clean up the mess that has been created in that neighborhood. Commissioner Fitzgerald stated that the BOCC had fallen a little short on the follow up on the complaints, that it became a bit of an issue once Alta didn't complete the survey and they had to contract with another survey, but that they would like to remedy that, however the survey will have to be done first. Once survey is completed, they can address the encroachments and nuisances as presented. Some will be addressed as something that needs to be done and some will be left alone, it will depend on the complaint or encroachment. Jim Roletto will be giving a report on the things that can be addressed and easily remedied, as well as the County's P&Z Consultant. Public Works also stated that once the survey is done, they will be able to correct it on the new mapping system they are working on. Commissioner Fitzgerald has made a note to check with legal to find out if the survey had been scheduled. Minde asked if she could be notified of the survey date. The meeting adjourned.

These minutes have
been revised/amended

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11:30 AM To Board convened to discuss, review and decision on the National Flood Insurance Program (NFIP) Community Rating System (CRS) participation for Shoshone County. Also in attendance: Minde Beehner

Items discussed included the following:

- Costs way more to administer the program than it provides benefits
- The current NFIP discounted insurance is more expensive to residence than other insurance options which include flood insurance (homeowners' catastrophic insurance)
- There is no connection to Emergency Relief Funding for damage due to flooding and the program

The cons of opting out of the CSR Program are as follows:

- Discounted NFIP flood insurance premium rates no longer available
- Technical assistance in carrying out "some activities" is available to community officials at no charge;
- CRS communities have "incentives" to maintain and improve their flood programs over time;

The BOCC would like more time to discuss and review the program and schedule another meeting in few weeks for a potential decision. The meeting adjourned.

1:00 PM The Board convened to review, discuss and decision for the Ambulance District financials, Board Members make-up and complaints.

Also in attendance: Ambulance District Board Member, Bruce Van Broeke, John Speck, Shoshone County Clerk, Tamie Eberhard, Shoshone News Press, Josh McDonald, Matt & Minde Beehner.

Commissioner Fitzgerald wanted to start out the meeting by saying that he came into work after the weekend and had the financial books turned in by Jerry Brantz. Mike stated that Jerry Brantz was one of the best people he knew and was fantastic at keeping the financials for the Ambulance District. He then found out that every one of the board members for the Ambulance District had walked out at their last monthly meeting because they had enough of the nitpicking and complaints from certain people and that those certain people were sitting there in the room today, Matt and Minde Beehner. Commissioner Fitzgerald stated how unhappy he was to hear that these two people with their complaints and constant harassment could make an entire board, who volunteers their time for the district, be made to quit or leave. Commissioner Fitzgerald went on to state that the BOCC had created a process with their legal department and County Clerk, Tamie Eberhard, for creating a budget for the district, hearing and advertising, adopted a Resolution that provided the authority to the district to pay bills that were in the budget for the district, with anything above that being approved by the BOCC. They had put out openings for hiring a board and had picked seven (7) members, 5 members, 2 alternates, ensuring there would always be a quorum. They had dotted all the I's and crossed all the T's. Commissioner Fitzgerald then asked Bruce Van Broeke his opinion on what had happened, and he just reiterated what Commissioner Fitzgerald had said. He described in detail what happened at the Ambulance District meeting and then said that on behalf of the whole board, they don't want to volunteer

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their time anymore, because they always are in fear of making a decision or doing something wrong and being called out by these people. Commissioner Huber than stated adamantly that he is disappointed and angry that these two people could make the members, who don't get paid a dime for their time, walk out. Commissioner Fitzgerald said they would consult with their legal on next steps for district, made it clear to Bruce that the BOCC would like to see the board members reconsider and let the BOCC see what can be done before making a final decision. Mike asked if Tamie would consider being involved as well. The meeting adjourned.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard

County Clerk

Approved: 

Chairman

By: 

Deputy Clerk

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SHOSHONE COUNTY, IDAHO

BOOK 2022

Thursday, May 26, 2022

Present:

Commissioners:

John Hansen

Jay Huber

Deputy Clerk:

12:00 PM Commissioner Fitzgerald attended the Panhandle Health District meeting at the Hayden office in Coeur d'Alene.

12:00 PM Commissioner Huber attended the S.A.V.E. Committee meeting at the SMC building in Pinehurst.

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

Friday, May 27, 2022

Present:

Commissioners: Mike Fitzgerald - Chair

John Hansen

Jay Huber

Deputy Clerk: Lori Teeters

9:00 AM The Board convened to rescind the decision that was made by the BOCC for the sale of the County Smelterville property, Parcel #O31500040010, held on Tuesday, May 24, 2022 to Beamis Property Management.

Also in attendance: Matt Beehner, Joe Avery

Commissioner Fitzgerald stated that because we notified Maverick of the date for bid offers to be in for the Smelterville Property, but not the time of the meeting to approve the bids, the BOCC feels they need to rescind their decision on it and have a closing date and time and let both parties know when that is and schedule a meeting to approve the highest of those bids. Commissioner Fitzgerald made a motion to rescind the BOCC's decision that was made on Tuesday, May 24, 2022 to award the bid to Beamis Management Properties in the amount of 1,800,000.00 and to have bids in and closed by 12:00 pm on Tuesday, May 31, 2022 to have a continuation meeting the same day at 2:00 pm to review and potential decision on the bids from that, seconded by Commissioner Hansen. The motion carried unanimously.

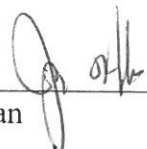
There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard

County Clerk

By: Lori Teeters

Deputy Clerk

Approved: 

Chairman

* Revised *

**PROCEEDINGS COUNTY COMMISSIONERS
SHOSHONE COUNTY, IDAHO
BOOK 2022**

Wednesday, May 25, 2022

10:30 AM MEETING: The board convened to meet with Minde Beehner to discuss concerns related to issues in Canyon Addition to Wallace Subdivision.

Also, in attendance: SC Public Works Jim Cason & Jessica Stutzke, Matt Beehner

Minde began by letting the BOCC know she was here to follow up and get some questions answered. She'd like some clarity on the bid with Stratton on Brookside Ave. So far 12k has been spent with Alta for legal descriptions and two maps, and now around 6k has been spent with HMH for placing stakes in the ground, and for a map Minde says she and "Frosty" gave to BOCC 6 years ago. Now Stratton is coming out to survey, taxpayers have spent roughly 18k in this area, and still do not have where E St. vacate is. She wants to know what the BOCC is trying to accomplish with all of this. She's also confused about why the bid from Stratton only mentions Brookside Ave. Commissioner Fitzgerald explained that unfortunately, Alta fell short of their obligations. The goal with Stratton is to capture Brookside and incorporate the others to have a final record of survey with pins in the ground. Legal advised the BOCC that they cannot be both out as working Commissioners *AND* be the ones making the decision, so that is why the next portion of this issue has been passed to Legal. The expectations of Stratton are to get a clear picture and record of survey. Minde wanted clarity that this would be for E St, Tomsche Ave, and F St as well as Brookside. Jim Cason clarified that it is in fact for the whole area. Commissioner Fitzgerald said the last update from Stratton to get this going is that they are waiting for dry ground, and since that update there has been none. He admitted that this has taken a longer time than it should have. Matt Beehner commented that Stratton's contract only says Brookside. Matt also noted that Keisha's email in relation to this topic also only noted Brookside Ave. Commissioner Fitzgerald acknowledged that the title does just say Brookside, however the scope of work is larger. Minde continued and asked when the snow is cleared, can someone please touch base when an update comes on this subject. Commissioner Fitzgerald reiterated that Stratton would pick up where Alta left off, and that Rob from Stratton has promised to touch base, and the conversation today will be communicated to him. The BOCC would like to see someone out there very soon. Next, Minde wanted it noted that she disagrees with the November Finding of Facts Tatman's garage, some of it is just hearsay, and she wondered if this topic can be readdressed. Commissioner Fitzgerald confirmed that even after a decision has been made by the BOCC, it can be resurrected and rediscussed. New information can always be discussed and put on the agenda, the BOCC is always open to discuss those things. Minde said she has a hard time taking Mike's word as she has a list of times she has discussed this topic with the BOCC with no follow through from BOCC. Commissioner Fitzgerald responded by saying that we have a good plan in place now. We did have a snag in time with Keisha outgoing and Ben incoming and Brittney taking over this project, everyone needed caught up on this ongoing issue, and that there is an issue in the Canyon subdivision. He acknowledged Minde's frustration. The BOCC made commitments that could not be followed through with in a timely manner. Now that we have regrouped, legal recommended that since the BOCC is the one who makes the final decision, the work needs to be handled by a 3rd party and legal. Minde also brought up that she has tried to discuss the White's vacate of E St., as it is mapped incorrectly on GIS, with the Assessor and he does not feel that it is wrong. Minde gave Commissioner Fitzgerald the resolution, Commissioner Fitzgerald asked Jim Cason to make sure that Stratton has this info and to contact them for follow up and noted that this needs to get going. Minde asked that she be notified of the survey date. The meeting adjourned.

ATTEST: Tamie J Eberhard
County Clerk

By: 
Deputy Clerk

Approved: 

Chairman