

**PROCEEDINGS COUNTY COMMISSIONERS**

**SHOSHONE COUNTY, IDAHO**

**BOOK 2023**

**Tuesday, March 14, 2023**

Present:

Commissioners: David Dose - Chair

Jeff Zimmerman

Tracy Casady

Deputy Clerk: Jazmin Sauer

**10:00 AM MEETING: Ordinance No. 167 – An Ordinance Repealing and Replacing Shoshone County Ordinance No. 80 in Accordance with Idaho Code 31-710 – To establish regularly scheduled meetings by county ordinance.**

Also, in attendance: Matt Beehner, Margi Dorchuck

The purpose of revising the Ordinance that establishes regular Commissioner meetings was to get it up to date. The previous Ordinance was very specific and did not leave much room for changing up the schedule. It needed a bit more detail, so when the new BOCC adopted new business hours in the second week of January, it was brought to the deputy clerk's attention that the public notice on the door was referencing an "outdated" Ordinance. The deputy clerk began the process, with the help of Deputy Prosecuting Attorney, Scott Sergeant worked up a more updated and relevant Ordinance for the BOCC to adopt.

Commissioner Dose opened the floor for public comment. Matt Beehner- Glad to see this change being made after three years of issues. The old Ordinance quoted a statute from 2015.

Commissioner Casady made a motion to adopt and accept Ordinance No. 167, seconded by Commissioner Zimmerman. The motioned carried unanimously, adjourned at 10:04 AM.

**SHOSHONE COUNTY, IDAHO**

**ORDINANCE NO. 167**

**AN ORDINANCE REPEALING AND REPLACING SHOSHONE COUNTY  
ORDINANCE NO. 80 IN ACCORDANCE WITH IDAHO CODE § 31-710.**

WHEREAS, Idaho Code § 31-710 requires the Board of Commissioners hold meetings at their county seat on the second Monday of each month of the year, or if the board determines that county affairs require regular meetings more often, then at such times as may be provided for in advance by ordinance; and

WHEREAS, the Board of Commissioners have determined that the affairs of Shoshone County require the Board to hold regular meetings more often than the minimum requirements of Idaho Code; and

WHEREAS, the Board of Commissioners deems it appropriate to be available to conduct business and hear the concerns of the residents of Shoshone County more frequently than once each month; and

WHEREAS, Idaho Code § 31-710 allows for the Board of Commissioners to increase the frequency of their regularly scheduled meetings as needed by ordinance;

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THEREFORE, BE IT ORDAINED by the Board of Shoshone County Commissioners, State of Idaho, that the current Shoshone County ordinance No. 80 shall be repealed and replaced by this Ordinance, Shoshone County Ordinance No. 167, to read as follows:

SECTION 1. Authority: Idaho Code § 31-710 authorizes the Board of Commissioners to establish regularly scheduled meetings by County Ordinance.

SECTION 2. Purpose: To establish regularly scheduled meetings for the Shoshone County Board of Commissioners, giving the Board sufficient time to conduct the affairs of Shoshone County.

SECTION 3. Meeting Dates: The regular meeting dates for the Shoshone County Board of Commissioners shall be Monday through Friday of each week, excluding federal holidays.

SECTION 4. Meeting Times: The regular meetings of the Shoshone County Board of Commissioners shall commence at 8:00 AM or as soon thereafter as the Board may convene and may continue throughout the day until all of the business of the Board has been completed.

SECTION 5. Meeting Location: The regular meetings of the Shoshone County Board of Commissioners shall take place in the Commissioners' Conference Room located in the Shoshone County Courthouse at 700 Bank Street, Wallace, Idaho, unless a different location is otherwise designated.

SECTION 6. Additional Meetings: The Shoshone County Board of Commissioners shall retain the power to call such other meetings as may be needed from time to time.

SECTION 7. Effective Date: This Ordinance shall become effective immediately upon its passage and approval.

BOARD OF COUNTY COMMISSIONERS

s/David Dose

David Dose, Chairman

s/Tracy Casady

Tracy Casady, Commissioner

s/Jeff Zimmerman

Jeff Zimmerman, Commissioner

Attested to by:

s/Jazmin Sauer

Jazmin Sauer, Deputy Clerk

BOOK 2023-03-15

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#### **11:00 AM MEETING: RE: Pottsville Park Updates – Pottsville Seven**

Due to some members not being able to attend, this meeting has been postponed until further notice.

#### **1:00 PM MEETING: RE: Law Enforcement Memorial Group – To discuss placing the memorial pieces**

Also, in attendance: Mike Gunderson, Roy Reel, Dan Schierman, Spike Angle, Margi Dorchuck Roy explained to the BOCC that this project began back in 2018 and in August of 2021 they presented the project to the Board. At that time, the BOCC was in full support of the project and the placement of the memorial which would be outside of the Courthouse front doors, next to the flagpole in the yard. The piece will memorialize local fallen officers Chuck Ashton (1976) and John Farris (1946). The stone is currently in Spokane, and was on order for a very long time. Now it's almost done, but it must be 55 degrees or warmer outside in order to be sandblasted. The group is hoping to see the memorial placed in May. They discussed that a bench will also be placed with the stone, and that paver stones will be available to purchase and engrave by anyone who donates. Basically, the county is providing a place to set the memorial, and a bit of money was donated by the previous BOCC, that is set aside in a separate county fund. Roy said they are in good shape on the financial part of the project, next would be trying to get some local help with the prep work, leveling, and pavers. Commissioner Dose wanted to know what prep work needs done before the stone is set. Roy said they will get back to them on the details. The BOCC were all in agreeance that they wanted to help make this happen and support the project. Commissioner Casady made a motion to continue on with the project, seconded by Commissioner Zimmerman. The motion carried unanimously, adjourned at 1:14 PM.

#### **3:00 PM MEETING: To discuss Public Nuisance Ordinance No. 160 and Wrecking Facility Ordinance No. 162 – Robin Hack**

Also, in attendance: Dan Martinsen/P&Z, Robin Hack, Matt Beehner, Margi Dorchuck Robin asked for this meeting to discuss her specifics concerns within these ordinances. Robin began with concerns on Ordinance No.160, she says the Ordinance is unclear on what department a complaint should go to. Dan Martinsen explained that there are provisions in the nuisance ordinance that lists several departments, and that it really depends on the nature of the complaint. Dan suggested that a complaint should be sent up to the Prosecuting Attorney's office with some type of analysis on who could or should be involved, and the BOCC can task a specific department with the complaint. Robin stated that she knows someone who put in a complaint in February of 2021 and put in the same complaint in Feb of 2023 with no response from anyone, she did not know which department it was turned into. She says the issues have been going on for years, and that once when she submitted a complaint that someone at the Sheriff's Office told her they "just throw complaints away". Robin has since asked for her complaints to be stamped with a "received" stamp. She questioned the lack of procedure around when a nuisance is NOT cleaned up even after they have been ordered to. She cited a court case (CR40-18-1076) from 2018 that even after the jury trial, the area was never cleaned up and no one followed up on it. Her question is who is tasked to follow up on the clean up of nuisances?

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Dan explained that typically, a judgement from court gives a time frame for the clean up and for the landowner to get in compliance, and the BOCC can certainly task a department for follow up on that. There was discussion around the possibility of putting a lien on the owner's property as well. Robin says her first concern with Ordinance No. 162 is that a wrecking yard license holder is required to renew the license every year, so what happens if they don't pay for and abide by the date it expires. Commissioner Dose explained that the BOCC has already discussed their concern with this Ordinance lacking "teeth" and that is something they asked Britney to add some of their ideas. Robin wanted to know who checks on the compliance of the wrecking yard and when. Dan explained that someone investigating a wrecking yard's compliance is currently complaint driven. Dan discussed a bit of leg work P&Z started a couple years ago, such as a checklist, but really if there is not complaint, there's no real reason to check. Robin thinks the Ordinance should require that wrecking yard owner's carry some kind of liability insurance, and proof of ongoing coverage, because the County is liable if something happens. She also voiced her concerns about the number of tires a wrecking yard can have and shared some information she has from the DEQ's website about their program they have to help remove tires. Next, she discussed her concerns with "grandfathered" wrecking yards, wondering how long after they don't obtain their license does it become void. There was discussion from Dan and the BOCC about the potential to lose grandfathered status due to non-compliance and that is a good question to check with the Prosecuting Attorney's office about. Robin's last concern was with the fact that a wrecking yard license that is issued for a piece of land should have to stay the size it was to begin with to stay in compliance with the Ordinance. Commissioner Dose thanked Robin for her time and noted that she made several good points and the BOCC recognizes the need to tighten up the grey areas. The floor was opened for public comment: Matt Beehner – Says the previous P&Z was supposed to be tasked with follow up on the complaints and compliance. The meeting adjourned at 3:30 PM.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

By:   
Deputy Clerk

Approved:   
Chairman



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#### Wednesday, March 15, 2023

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

Present:

Commissioners: David Dose- Chair

Jeff Zimmerman

Tracy Casady

Deputy Clerk: Jazmin Sauer

Also, in attendance: Tamie Eberhard/Clerk, Diannah Fields-Brown, Matt Beehner, Margi Dorchuck

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

PUBLIC COMMENT: Matt Beehner – if people have been complaining about the wrecking yards, it should not be on the consent.

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 March 7<sup>th</sup>, 2023, through Thursday March 9<sup>th</sup>, 2023. Commissioner Casady made a motion to accept the minutes, seconded by Commissioner Zimmerman. The motion carried unanimously.

#### 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 Payables
  - Beer, Wine & Liquor Licenses
  - Cancellations/Homeowner's Cancellations
  - Sign Wrecking Yard Licenses – **Tabled for further review of the County ordinance, a motion by Commissioner Zimmerman, seconded by Commissioner Casady.**

A motion was made by Commissioner Casady, seconded by Commissioner Zimmerman 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 Casady, seconded by Commissioner Zimmerman to go into Executive Session per Idaho Code 74-206(d). Roll call vote: Commissioner Casady– Aye,

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Commissioner Dose – Aye, Commissioner Zimmerman – Aye. The motion carried unanimously. The Board adjourned from Executive Session and a motion was made by Commissioner Casady to approve the Indigent cases, seconded by Commissioner Zimmerman. List as follows: Case #2005-100, 2005-703, 2005-281, 2005-323, 2005-386, 2005-385, 2005-395, 2008-22, 2011-13, 2005-571, and 2009-146.

#### Homeowner's Cancellations

PARCEL	2022 TAXABLE	HO CREDIT	NEW VALUE
02200009012A	151,680	75,841	75,839

#### 10:00 AM MEETING: Shoshone County Ambulance District Updates

Also, in attendance: Tamie Eberhard/Clerk, Josh McDonald/SNP, Bruce VanBroeke, Jim Shields, Matt Beehner, Margi Dorchuck

Bruce began with just a couple of updates he has since the AD's last meeting. The West Shoshone Fire District in Haugen, Montana is in need of an ambulance. Bruce took them to view one of Shoshone County's surplus vehicles, that has a blown motor. They are interested in buying it from us. Bruce would personally like to see the ambulance go somewhere that it will be used for its intended purpose. When we looked into fixing it, Dave Smith quoted us at \$40,000 for a new motor. The West Shoshone FD will be in attendance at tomorrow night's AD meeting. Commissioner Zimmerman suggested the county get a value on the vehicle, and Commissioner Casady wondered if it has to go out for bid. There was discussion around the fact that Shoshone County has an MOU with WSFD and since it's a government entity to another government entity, there might be a way to work a deal out. The BOCC wants to seek legal's opinion, and Commissioner Casady will try to do that before she attends the AD's meeting tomorrow night. Bruce's plan is to bring a member or two of the AD's board in to meet the BOCC at the upcoming weekly meetings. Jim Shields was in attendance today; Jim is happy to have the BOCC's support and a good working relationship with them. The new ambulances are great and very important to the community. Jim is a retired Shoshone County dispatcher. Next, Bruce wanted to address the funds the previous BOCC promised to the AD from the East Shoshone Hospital District monies. Bruce explained that the \$150,000 they were promised will be placed into their budget for the next ambulance to be ordered, as they are 18 months out. Right now, the AD has five (5) active ambulances, three (3) of which have over 150,000 miles on them. There are two new ones in route, the next one expected to be here in March of 2024, and would like to get another one ordered in June in order to complete their fleet. Jim concurred, and said that especially during bad weather, the AD can have 3-4 ambulances out on calls all day long. Commissioner Casady noted that she sees no problem with giving the \$150,000 of ESHD to the AD. Tamie Eberhard spoke to the fact that the County has previously dispersed some of these funds for training and equipment for emergency services. Currently, there is \$171,519.85 in this fund, so there would still be some left over for other incidentals if the AD gets 150k of it. Tamie also sees no problem with this request, given that the ambulance district services the whole

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valley. Commissioner Casady made a motion to approve giving \$150,000 of the ESHD monies to the Ambulance District, seconded by Commissioner Zimmerman. The motion carried unanimously. The floor was opened for public comment: Matt Beehner – Asked about the possibility of the surplus ambulance being traded in on a grant. Bruce said yes, that is a possibility as well, and the one with a blown motor was a grant ambulance itself. There was discussion around the lack of luck getting grants for ambulances, as they go off the age of the fleet, so the newer ones we have, the less chance we have. The meeting adjourned at 10:30 AM.

#### **1:30 PM MEETING: Wrecking Yard Ordinance Discussion – Britney Jacobs**

Also, in attendance: Dan Martinsen/P&Z

Britney was unable to attend the meeting. The BOCC convened to recommend that one commissioner liaison between P&Z and Britney to get a final version of the changed Ordinance completed. Once that is done, the board can reconvene to adopt the changes. Commissioner Zimmerman made a motion to have Commissioner Dose be the liaison, seconded by Commissioner Casady. The motion carried unanimously. Dan Martinsen wants to see Chapter 3 adopted, as to avoid a change in the Zoning code. Dan and the BOCC are in agreement that both the wrecking yard and blight Ordinances need to be clearer to the taxpayers. Following discussion around bonds, inspection, and timeframe requirements, the meeting adjourned at 1:45 PM.

**2:30 PM MEETING:** To discuss, review and consider 2023 Tax Exempt Applications pursuant to Idaho Code 63-602.

Also, in attendance: Terri Wild/Assessor's Office, Matt Beehner, Margi Dorchuck

There were no new applicants this round, so these entities were tax exempt or partially tax-exempt last year as well. List as follows:

Shoshone County Public Shooting Range – Smelterville – Parcel #D-0000-011-4207 – Approved with no changes from last year

Friends of Head Start In. – Kellogg – Parcel #D-1200-002-008B, #D-1550-005-007A – Approved with no changes from last year

Following discussion and review, Commissioner Zimmerman made a motion to approve the Public Shooting Range's application, seconded by Commissioner Casady. Passed unanimously. Following discussion and review, Commissioner Casady made a motion to approve the Friends of Head Start's application, seconded by Commissioner Zimmerman. Passed unanimously. The meeting adjourned at 2:35 PM.

#### **3:00 PM MEETING: To discuss personal property tax concerns – Israel Provo**

Also, in attendance: Israel Provo, Jennifer Sieg, Minde Beehner, Matt Beehner, Margi Dorchuck  
Israel explained to the BOCC that his property is small, and in the past his taxes have been around \$50.00 a year. He saw after he received his second notice that this year's bill went up to \$650.00. He is looking to receive forgiveness on his taxes from the BOCC. He says the appraiser overvalued the property, thinking it had power hooked up. He was told that the Assessor's office could have helped if he would have responded after the first assessment notice. The appraisers



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did come back out to reevaluate the property, and next years taxes are already adjusted as such. Commissioner Casady wanted to clarify with him that he did not appeal within the given time frame. Israel called the Assessor's office after the second notice. Commissioner Casady explained that this type of request causes a trickle-down effect, and this would require the county to take tax money back from the districts it affects. Israel reiterated that he does not believe that this is his fault, he did not receive the first notice in the mail, and only received the second part. He believes this is an error on the Assessor's office's part. Commissioner Dose explained that the BOCC hears Israel's frustrations, and the challenging part is that everyone is held to the same deadline. Commissioner Zimmerman noted that per Idaho Code, since this is not a hardship request, there really is not much the BOCC can truly help with. Commissioner Casady noted that on the back of every assessment notice that is sent out, there are steps to take if a taxpayer wants to appeal the value. Israel stated that since a mistake was made, he has to pay the taxes in full, and will never get reimbursed, and he believes that to be fraudulent. Commissioner Dose disagreed on the term fraudulent. Every taxpayer is held to the same deadline. While the BOCC empathizes with Israel and that they acknowledge the mistake, homeowner's need to have a bit of responsibility as well. Taxes are due every year, and as a homeowner, if you have not received an assessment at the normal time, it should be checked into. This is not a lack of acknowledging the miscalculated assessment, but per Idaho Code and Law, the BOCC cannot help in this situation. Israel disagreed and said the BOCC can make that decision by just saying it. He explained again that he never got the assessment notice. He was steered in the direction of the BOCC by the County Assessor. Commissioner Casady apologized again for the assessment, but since the deadline was missed with ample time given, they cannot help. Commissioner Zimmerman noted that the Board of Equalization's purpose is for hardships, and he does not believe that gives the BOCC authority in this case. Israel asked if the BOCC can just reach out and talk to whoever makes Idaho Code about this case. The BOCC explained that he is asking for an adjustment in Idaho Law, and they do not have that authority. They apologized again but explained that they cannot fulfill his request to forgive his taxes. The meeting adjourned at 3:18 PM.

**3:30 PM Executive Session:** Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated – Maverik  
Also, in attendance: Ben Allen/PA, Dan Martinsen/P&Z, Jennifer Sieg, Matt Beehner, Minde Beehner, Margi Dorchuck

Commissioner Casady made a motion to enter executive session, seconded by Commissioner Zimmerman. Roll Call Vote: Commissioner Casady – Aye, Commissioner Dose – Aye, Commissioner Zimmerman – Aye. The motion passed & the public exited the room. The board exited executive session at 4:35 PM. The public reentered the room.

**Regular Session: Discussion/decision about Maverik's inquiries**

Commissioner Casady made a motion to appoint Dan Martinsen to clarify the flood plain questions the Maverik has, seconded by Commissioner Zimmerman.



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Based on the methods used to engage in the sale, the BOCC does not have the authority to reduce the cost by \$500,000 so Commissioner Casady made a motion to deny that request, seconded by Commissioner Zimmerman.


Commissioner Dose made a motion to appoint Commissioner Zimmerman to negotiate the request to extend the feasibility period, seconded by Commissioner Casady.

Commissioner Dose a made a motion to have Commissioner Casady research the request to be annexed into the Sewer District, seconded by Commissioner Zimmerman.

All motions carried unanimously. The floor was opened for public comment: Matt Beehner – Says he would like to see Maverik pay the county some money first. Adjourned at 4:39 PM.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved:   
Chairman

By:   
Deputy Clerk

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**Thursday, March 16, 2023**

Present:

Commissioners:

Tracy Casady

Jeff Zimmerman

Deputy Clerk: Jazmin Sauer

**6:00 PM** Shoshone County Ambulance District – Meeting @ District 1 – Commissioner Casady attended this meeting.

There being no further business the meeting adjourned.

ATTEST Tamie J. Eberhard  
County Clerk

Approved: 

Chairman

By: 

Deputy Clerk

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