

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by 161Recpt No. C113/76Date 6/24/22

JUN 24 2022

DEPARTMENT OF
WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 94-9641 Date proof is due 8-1-2022Name(s) of permit holder(s) Brookside Development LLCMailing address 876 Burke Road City Wallace State ID Zip 83873Telephone no. (208) 753-9171 Email _____

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

None

Costing \$ 0

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Access to our property has been blocked off by Shoshone County and other encroachments. We have been working for years to try to get these issues resolved and the county continues to drag their feet. Attached are some of the records going back over five years of trying to get this dealt with. Other meetings with department heads even before these records have also taken place. We are told that the county's survey will be done this summer and we just continue to have to wait.

Permit holder(s) request an extension for \$3 year(s). amended per email 6/24/2022Signature Murder Beehner Date 6/19/22
(If other than permit holder, Power of Attorney must be supplied)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to August 1, 2025.

Signed this 31st day of July, 2022

Shelley W. Keen
Shelley W. Keen, Chief
Water Allocation Bureau

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2017

Tuesday, February 14, 2017

The Board met pursuant to recessing Monday, February 13, 2017.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board met with Frosty Greenfield, Shoshone County Public Works Director, at 10:00 a.m. to discuss the County Right-of-Way in Woodland Park, F and E Streets. Also in attendance were Shoshone County Planning & Zoning Administrator Dan Martinsen, and Matt and Mindy

Beehner. Items discussed included the following:

- Possibility of vacating F Street but there are multiple issues
- Ludwig's have two (2) garden sheds that are currently assessed
- If F Street was vacated, ½ to Beehner and ½ to Ludwig's – the sheds would end up on Beehner property
- Ludwig's trees and fence were discussed. Frosty has met with Ludwig's and they have been instructed not to do any additional improvement in the right-of-way and trees in ROW need to be removed
- Possible ROW lease with Ludwig's was discussed and will be reviewed as an option along with other ROW leases
- Discussion with DEQ on their remediation process
- E Street should be reviewed and possibly re-established

The Board met with Chaun McAlister with MRP Race Productions, Shoshone County Public Works Director and Sheriff Mike Gunderson for an update on the February 25th motorized Snow Bike Races in Mullan. Also in attendance were Captain Holly Lindsay with the Shoshone County Sheriff's Department, Fire District #1 Aaron Cagle, Rick Shaffer with the Historic Wallace Chamber of Commerce, Shoshone County Planning & Zoning Administrator Dan Martinsen, and Jim Cason with the City of Wallace. Items discussed included the following:

- Recap of the meeting held January 24th
- Coordination with EMS has taken place
- Sketch of the parking area was recommended
- City of Mullan will be using their loaders for the project
- Snow Groomer will be able to pack area down for stabilization
- Old dump site still needs to have work done for parking area
- Waiting to hear from Gary Imus, property owner in Mullan, regarding liability issues and a property agreement to be able to move forward with race
- Saturday, February 18th is the deadline for determining if the event will move forward or cancelled this year

email response

From: Forrest Greenfield (fgreenfield@co.shoshone.id.us)

To: mindebeehner@frontier.com

Date: Thursday, July 20, 2017, 09:47 AM PDT

Hi Minde,

Sorry for the delay

1)When the county vacated portions of E St. and Tomsche Ave. of Canyon Addition, they maintained the ownership of parcels O095090210060 and O095000210150. This property is located between Tatman and the White properties. In doing so this would provide access to the properties located to the east near Canyon Creek.

2)I can report violations that occur in the ROW, most times I contact the person involved and they comply, however this does not always happen.

When vehicles are left in the ROW and cause problems for maintenance we involve the Sheriff to have them removed (it is not illegal to park in

the ROW as long as the vehicle is legally licensed and not causing a safety hazard or hindering maintenance) When permanent structures or fixtures are placed in the ROW they have to be approved thru a permit application such as utilities and approaches onto public roadways. If they are placed there illegally without authorization, such as a building type structure, fence, mailbox etc. , then they are reported to the Planning and Zoning Dept.

If a complaint cannot be resolved then the information is given to the Prosecutors Office for possible criminal or civil charges.

In regards to the Ludwig situation I will contact them again and tell them that they must remove the tree (s) by July 31st 2017 or I will ask the County Prosecutor to per sue legal procedures.

3)Unfortunately we do not have the funds available in the budget to re-survey E St. and will use the maps already on file in the Assessors Office.

4) I am sorry that I was not able to do what I thought I could do and resolve a lot of issues, however I think the best way to resolve some of these problems would be to submit in writing to the Board of County Commissioners, with a copy sent to Planning and Zoning and the County Prosecutor.

Again I apologize the delay with this email and for not being able to resolve some of these problems.

Forrest "Frosty" Greenfield

Public Works Director

Shoshone County

Subject: 5-15-18 meeting follow up

Date: Monday, May 21, 2018 at 3:02:06 PM Pacific Daylight Time

From: mindebeehner@frontier.com

To: Mike Fitzgerald

CC: Jay Huber, John Hansen, Keisha Oxendine, Forrest Greenfield, Shoshone County Planning and Zoning

Mr. Fitzgerald,

I am writing to follow up our brief meeting on 5-15-18. I noticed nothing was on the agenda this week dealing with the issues in the Canyon Addition subdivision. I am requesting that a time frame be placed on these issues that have been brought to the county's attention for over three years. As I stated on the 15th, there is additional building going on and what looks to be more tree planting right now! This doesn't count all the things allowed to be done over the past three years, that have just made a problem worse. Below is a partial list of things that have taken place, that makes me not trust the BOCC or county employee's willingness or ability to follow through:

- A property owner not paying for his permits and owing the county money for years, was brought to the BOCC's attention. Over a year earlier, Dan had told my husband that he was working with the property owners but yet wanted out money as soon as our building permit was authorized. At a Dept head meeting in the fall of 2017, Mike you directed Dan again to get this info on the tax rolls. I records requested the Treasurer's office 5-15-18 and this item has not been added to the property's taxes yet!!
- Letter was sent to Ludwick (from roads dept) on 3-1-17 to remove tree and fence placed on F Street. 3 months later, nothing done and Frosty was turning it over to Keisha. 13 months later I bring it up in a Dept Head meeting cause nothing has happened and Mike, you say you will look into it because you didn't know about it. Even though, the tree was part of the discussion during a meeting with BOCC, Dan, Frosty my husband and myself on 2-14-17(it's in the minutes on line and my notes) that probably resulted in the 3-1-17 letter even being written.
- Aug of 2017 BOCC requested Dan look into fencing of county roads and other issues. 8-29-17 I formally wrote a letter to BOCC with concerns and never heard a word from it. I was told during a Dept Head meeting to "keep tuned".
- At Dept Head meeting on 4-24-18, Mike you stated to me again that "things were still on the list". I brought up the near crashes at the intersection of E street and Tomsche because of line of sight issues with trees that are on county road. Mike you said you would have Dan look into that right away.

I know that a man that blocked off a county road in Moon Gulch had to have his fence/gate removed and it was all done in approximately two months. There was a man in Silverton that placed a shed that caused a line of site problem and there was a complaint. Dan and Frosty were down making sure the shed was moved within a couple days of the complaint. Since these items were taken care of very quickly, I know the county is capable of dealing with issues in a reasonable time frame.

I, however, do not know why this is not the situation with this sub division issues. I don't know if it has anything to do with my husband's interests in county business, the rumor that a county employee has a friendship with one of the owners in question or if the feeling of discrimination I have had is real.

I would just like to actually see forward movement in this years and years long process. I again ask for a reasonable time frame to be established to get these items taken care of, county employees to do the tasks you have asked them to do and this situation be handled like other encroachments/blockages have been handled. I look forward to hearing from you.

Minde Beehner

August 29, 2017

RE: Problems with encroachments and land locking in Canyon Addition Subdivision

Board of County Commissioners,

For well over the past year consistently and off and on before that, I have tried to work with the county on road encroachment and land locking issues. I have worked mostly with the Roads Department/Public Works but also have meet with both Planning and Zoning and yourselves. I have even tried to get information from the Assessor's office. I met with BOCC in February of this year and we had a lengthy discussion on issues and was told we would meet again in 2 - 3 weeks. I have heard nothing further from BOCC. Now pretty much no one wants to talk to me and I am being told it is a BOCC issue. So I am writing to formally request that the attached issues be looked at and addressed by whomever is responsible in the courthouse.

These are not issues that just affect myself or my property but if not addressed, could have more reaching affects on my property then they do currently. They also effect other property owners (living there and absent) in the subdivision and at least three adjacent property owners. The county is also affected by these issues when it comes to trying to maintain used roadways. Other property owners have been required to not block county roads and give up land for their encroachments, I just don't understand why you refuse to address these issues.

By sitting around and doing nothing about these issues, they just continue to grow. I understand that you can't know everything, but when something is brought to your attention it should be dealt with. Public Works has tried to take care of some issues, by issuing a notice to remove some encroachment items within 30 days I believe. That was back in March of this year and the property owner has decided to just ignore that notice and do nothing. So the issue remains. We have our property surveyed, know where we can build and follow building code but that does not seem to be the case for most. Nothing will ever change unless owner's are held responsible and all property owners should be held to the same standards.

These encroachment issues cause many rippled affects:

- No one knows where roads are and random people drive on others properties because of it (even with no trespassing signs)
- People park where ever they want
- Emergency vehicles don't have proper access
- Road maintenance and snow plows have issues
- Others lands become land locked
- Others have to use non designated accesses and that then affects different people
- County property being used and county gets no revenues for it

I have attached a rough map of just part of the area I am talking about and tried to identify owners but I am not stating this is completely correct either. It is meant to give a picture of what I'm talking about. Also, my attached complaint list is identified as POSSIBLE issues. I feel pretty confident in this list, but am not willing to make my decisions just based on where

people drive and neither should the county. Please address these concerns that affect many people and stop letting this problem grow. I would appreciate a timely response to my concerns.
Sincerely,

A handwritten signature in cursive script, appearing to read "Minde Beehner".

Minde Beehner

cc: Public Works

cc: Planning and Zoning

cc: Prosecuting Attorney

RE: Records Request - Canyon Addition (p/z)

From: Monica Miller (mmiller@co.shoshone.id.us)

To: mindebeehner@frontier.com

Cc: dmartinsen@co.shoshone.id.us

Date: Thursday, August 30, 2018, 10:27 AM PDT

Hi Minde,

I'm only here a few hours a day and sometimes it's hard to find a minute to catch up with Dan which is why it's taken me this long to get back to you.

We do not have any photos pertaining to your request.

Thanks,

Monica

From: mindebeehner@frontier.com <mindebeehner@frontier.com>

Sent: Tuesday, August 28, 2018 2:45 PM

To: Monica Miller <mmiller@co.shoshone.id.us>

Subject: Re: Records Request - Canyon Addition (p/z)

Sounds great - thanks

From: Monica Miller <mmiller@co.shoshone.id.us>

To: "mindebeehner@frontier.com" <mindebeehner@frontier.com>

Sent: Tuesday, August 28, 2018 2:15 PM

Subject: RE: Records Request - Canyon Addition (p/z)

Hi Minde,

Let me check with Dan and get back to you. He had to step out for a few hours, but one of us will be in touch shortly.

Thanks,

Monica

From: mindebeehner@frontier.com <mindebeehner@frontier.com>
Sent: Tuesday, August 28, 2018 12:16 PM
To: Monica Miller <mmiller@co.shoshone.id.us>
Subject: Re: Records Request - Canyon Addition (p/z)

Monica,

I was in some meetings and spoke with Commissioner Fitzgerald, where it was stated that Dan would get some pictures of the issues in the canyon addition area and look into the problem. As part of my public records request from 8-2-18, I am double checking that your office has no records of Dan doing this (pictures, letters to owners, etc.) since it was not part of the response you sent me last week?

Thank you

Minde Beehner

From: Monica Miller <mmiller@co.shoshone.id.us>
To: "mindebeehner@frontier.com" <mindebeehner@frontier.com>
Sent: Thursday, August 23, 2018 12:02 PM
Subject: Records Request - Canyon Addition (p/z)

Minde,

Here's the digital copy of your records request along with the full version of the map that was cut off (it's an 11x17 image that was printed on 8x11 paper). Apologies again for the typo in the email address.

Thanks,

Monica Miller
Administrative Assistant,
Shoshone County P/Z
208 752 8891
700 Bank St., STE 25
Wallace, ID 83873

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2019

Feb 2019

The Board met with Tracey Yost with Advanced Benefits at 10:30 a.m. to discuss and review County Insurance Experience Reports. The report from October 2018 through January 2019 are low and look good.

The Board convened at 1:30 p.m. and the meeting was called to order. Also in attendance was Frosty Greenfield, Shoshone County Public Works Director, and Dan Martinsen, Shoshone County Planning & Zoning Administrator. The consent agenda was reviewed for consideration as follows:

CHANGES TO AGENDA: There were no changes to the Consent Agenda.

PUBLIC COMMENT: There was no public comment presented.

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, February 18 to Friday, February 22, 2019.

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 – One (1) license was presented for approval.
 - Shoshone County Pre-Pays
 - Change of Status for Prosecuting Attorney's Office, Chief Deputy – increase to Chief Deputy with additional job responsibilities and supervisor requirements/partially grant funded.
 - Local Emergency Planning Committee Appointments – In compliance with the Emergency Planning & Community Right to Know Act, it is the responsibility of the BOCC of each County to submit names in nomination for a Local Emergency Planning Committee to the Idaho Bureau of Homeland Security. The Committee was approved as presented.
 - Alta Engineering Restoration Partnership Application & Fee Schedule
 - Alta Engineering Tomsche Ave. near Burke Road Wallace – Site Survey
 - Republic Services Disposal Agreement – Agreement dated October 30, 2013 expires March 31, 2019. Agreement renewed for one (1) five (5) year term.



PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2019

2. Executive Session: Indigent Cases: Consideration and Decision. Executive Session ID Code 74-206(d) – #2019-12/Denied

A motion was made by Commissioner Huber, seconded, seconded by Commissioner Fitzgerald to approve the consent agenda as presented with specific items addressed as indicated and remove the Alta Engineering items for separate discussion. The motion carried unanimously.

- Alta Engineering Restoration Partnership Application & Fee Schedule – The Board reviewed the proposal from Alta to support Shoshone County in pursuing Restoration Partnership funding and initiating projects within the County. Alta's initial role would be to work with the County and prepare project descriptions and ideas and complete the Partnership's online Project Idea Form. Public Works has come up with a list of project ideas. Alta will put together the project details and supporting information for those projects and assist the County by preparing follow up application material that is required by the Partnership. A motion was made by Commissioner Fitzgerald, seconded by Commissioner Hansen to proceed with a contract for this work – approximately \$2,000. The motion carried unanimously.
- Alta Engineering Tomsche Ave. near Burke Road Wallace, Site Survey – The Board reviewed the Scope of Services, Services Deferred, Services Excluded and Cost Estimate presented by Alta Engineering for a site survey to determine the existing boundary conditions, site improvements, and title reports for boundary analysis and supporting land records necessary to prepare the easements or right of way modifications. A motion was made by Commissioner Hansen, seconded by Commissioner Fitzgerald, to approve the contract for this service – up to \$10,000. The motion carried unanimously.

2019 Beer, Wine & Liquor License

#78 JMT Corp Idaho/JMT Xpressmart (Transfer) Osburn Beer/Retail Wine

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: [Signature]
Chairman

By: [Signature]
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2020

Monday, February 24, 2020

The Board met pursuant to recessing Thursday, February 20, 2020.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commissioners met with Bill McLeod, Shoshone County Fire Mitigation, at 10:00 a.m. to discuss and review Fire Mitigation budget and projects for the 2020 season. Items discussed included the following:

- Weir Gulch 17 SFA Grant – to meet the conditions of the MOU, 94 acres need to be completed by November 30, 2020. Acres completed as of December 1, 2019 – 42.5. Acres still under contract – 86. Also reviewed were indirect costs, project wages, planning and County match for this grant.
- Title III – Projects under contract – Bob Burke Project, 9 acres and Kingston Project, 11 acres.
- 19HFR1- Shoshone – MOU for this grant should be here within the next two (2) weeks. This grant will be for the Terror Gulch area and the amount should be \$95,000 to \$100,000.
- Kellogg North – This grant will be for the Kellogg area and the amount should be around \$300,000. Waiting for the federal government to release the funds to the state.

 The Commissioners met with Minde Beehner at 1:00 p.m. to discuss and consider access to property owned by an LLC. Also in attendance was Matt Beehner, Doug McManamy (via conference call) Shoshone County Public Works Director Jim Cason, Planning & Zoning Administrator Dan Martinsen, Planning & Zoning Administrative Assistant Monica Miller, and Prosecuting Attorney Keisha Oxendine. Items discussed included the following:

- Beehner's bought lots behind Brookside Ave., Lots 1-8, Block 23, Lots 18-21, Block 24.
- Looking for access and the status of ongoing area project.
- There is a structure on F Street right now – needs access through F Street for water line and possible other utilities and approximate costs for water lines.
- Brookside is 20 – 30 feet fenced off.
- Will discuss update on right-of-way conversion options at 1:30 p.m.

The Commissioners convened at 1:30 p.m. to discuss, review and consider decision to convert County owned property right-of-way in the Tomsche property area. Also in attendance was Planning & Zoning Administrator Dan Martinsen, Public Works Director Jim Cason, Matt and Minde Beehner, Planning & Zoning Administrative Assistant Monica Miller, and Prosecuting Attorney Keisha Oxendine. Items discussed included the following:

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2020

- Alta Engineering has reviewed the area and presented the County with a draft plan. Commissioner Fitzgerald sent the draft plan to Dan Martinsen and Jim Cason for their review.
- The structure on F Street has been there since approximately 1981.
- The County obtained property in that area in 2012.
- Dan Martinsen and Jim Cason met with Tatman's regarding the draft plan from Alta Engineering to review options.
- Looked at possible snow storage area.
- Brief discussion on a possible new F Street and old F Street swap.
- The next step would be a formal vacation process with appropriate legal descriptions.
- A consideration would be to ask Tatman's about alternate option presented by Beehner's before moving forward with formal vacation process.
- Dan Martinsen and Jim Cason will meet with Tatman's and a follow-up meeting will be scheduled within two (2) weeks.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2020

Wednesday, February 26, 2020

The Board met pursuant to recessing Tuesday, February 25, 2020.

Present:

Commissioners: Jay Huber

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board convened at 9:30 a.m. and the meeting was called to order. Also in attendance was Matt and Minde Beehner, and Robin Hack. The consent agenda was reviewed for consideration as follows:

PUBLIC COMMENT: Robin Hack expressed concern of her neighbor plowing snow into her driveway. The Commissioners recommended that she contact the Sheriff's Department or the State Highway Department.

Matt Beehner expressed his concern regarding the Commissioner's meeting that was held Monday, February 24th at 1:30 p.m. regarding the costs involved getting water lines to his property, along with his concern of a proposed new F Street and old F Street swap.

Minde Beehner expressed her concern regarding the Commissioner's meeting that was held Monday, February 24th at 1:30 p.m. on converting a County owned property to right-of-way and the usage of the wording right-of-way. She is glad that Alta Engineering was working on the Tomsche area and wants to see that all the property issues in this area are addressed.

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

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, February 17 to Friday, February 21, 2020.

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
 - Request for FAA Approval of Agreement for Transfer of Entitlements – NPE for 2017 in the amount of \$150,000

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2020

Wednesday, June 3, 2020

The Board met pursuant to recessing Tuesday, June 2, 2020.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board convened at 9:30 a.m. and the meeting was called to order. Also in attendance was Matt Beehner. The consent agenda was reviewed for consideration as follows:



PUBLIC COMMENT: Matt Beehner stated that he received his assessment notice for Brookside Development, and he has does not have access to this property. Mr. Beehner cited that the County previously stated that the fence would be moved and it has not been completed.

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

OLD BUSINESS:

1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, May 25 to Friday, May 29, 2020.

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

A motion was made by Commissioner Hansen, 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. 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 carried unanimously. The Board adjourned from Executive Session and a

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2020

Monday October 19, 2020

The Board met pursuant to recessing Thursday, October 15, 2020.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Susan K. Hendrixson

Lori Teeters

The following proceedings were had to-wit:

The Commissioners convened at 10:00 a.m. for a Public Hearing to discuss, review and consider a petition presented by Charles and Lenae Tatman – Case #P-100-20 to vacate and abandon all real property shown as road right of way adjacent to Blocks 21 and 22 on the Plat of Canyon Addition to the City of Wallace, lying with the East ½ of Section 26 in Township 48 North, Range 4 East, Boise Meridian, Shoshone County, Idaho, and lying southerly of Tomsche Ave, being 40' wide. Also in attendance: Shoshone County Planning & Zoning Administrator Dan Martinsen, Shoshone County Planning & Zoning Administrative Assistant Monica Miller, Shoshone County Deputy Prosecuting Attorney Ben Allen, the applicants Charles and Lanae Tatman, and other members of the public. The hearing was turned over to Planning & Zoning Administrator Dan Martinsen. Dan provided a synopsis of Case No. P-100-20 Finding of Fact, Applicable Legal Standards, Administrator Recommendation, and Draft Conclusions of Law. Following the synopsis, Dan stated that six (6) letters for public comment were provided as follows: Doug McManamy/opposition, Jessica Beehner/opposition, Rich Mathews/opposition, Chris Bischoff/opposition, Jordan Beehner/opposition, and Rich Uhl/opposition. Dan read the letters into the record. The Public Hearing was opened to public comment. Attorney Shawn Glen who represents Brookside Development, LLC, referenced Shoshone County Code 2-1-12 Rules of Procedure for County Public Hearings and stated the procedures have not been followed and she objected to the continuation of the hearing. Commissioner Fitzgerald recommended that the hearing be stopped and that the Board schedule an Executive Session with legal counsel before proceeding with the matter. The hearing ended.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: [Signature]
Chairman

By: Lori J Teeters
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2021

Monday, March 22, 2021

The Board met pursuant to recessing Thursday, March 18, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald
John Hansen
Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

The Board convened at 11:00 a.m. to meet with Ben Davis, Alta Engineering, to discuss and review updates to the Trapper Creek project, Flood Mapping Zone, and Tomsche Ave survey. Also in attendance was Public Works Department, Director Jim Cason, Administrative Assistant Stephanie Featherstone, and Matt Beehner. The following items were discussed:

Trapper Creek:

- In the final stages of design (90% complete);
- Waiting on review and comments from the County and Restoration Partnership;
- Agreement has been sent for review, on next week's agenda for approval;
- When contract is signed, County can move forward with purchasing;

Kellogg Flood Mapping:

- Intent to publish and submit the final draft on Thursday March 25, 2021;
- The mapping project was more work than Alta had anticipated, Alta is about \$15,000.00 over budget.

Tomsche Ave:

- The survey has stalled due to Alta Engineering losing their Surveyor. Commissioner Fitzgerald recommended to Public Works Director, Jim Cason, that the County actively start looking for a new surveyor to complete the Tomsche Ave survey.

The Commissioners met with Keisha Oxendine, Shoshone County Prosecuting Attorney, at 1:00 p.m. in Executive Session per Idaho Code 74-206(f), legal options pending litigation. Also in attendance was Matt Beehner. A motion was made by Commissioner Fitzgerald, seconded by Commissioner Hansen to go into Executive Session. Roll call vote: Commissioner Huber - Aye, Commissioner Fitzgerald - Aye, Commissioner Hansen - Aye. The motion carried unanimously. The Board adjourned from Executive Session and there was no decision to be made in open session.

The Board convened at 3:00 p.m. for review/decision on an appeal filed by Dawn Wiksten, from a decision approved by the Shoshone County Planning and Zoning Commission on July 8th, 2020 for approval of a 10-space RV campground, 1268 Coeur d' Alene River Road, Kingston, File CU-252-20, Applicant Ericka Kerr. Also in attendance was Dawn Wiksten, Sid Clark and Matt and Minde Beehner. Following further discussion and review, a motion was made by Commissioner Huber, seconded by Commissioner Hansen, to uphold the Planning and Zoning's decision made on July 8th, 2020 and deny Mrs. Wiksten's appeal based on the following Findings of Fact and Conclusion:

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2021

Tuesday, March 23, 2021

The Board met pursuant to recessing Monday, March 22, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald
John Hansen
Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

The BOCC met with Dan Martinsen, Shoshone County Planning & Zoning Administrator at 11:00 a.m. to discuss and for a decision on:

- File: MS-142-21 Parcel: 42N02E-05-5900
Applicant: Doug Stout
Requesting: Approval of Major Subdivision consisting of two (2) lots in the Natural Resource Zone

Also in attendance: Planning & Zoning Administrative Assistant Monica Miller. Ms. Miller presented the following: Course of Proceedings; Findings of Fact, Applicable Legal Standards, Staff Analysis, Recommendation, and Conditions of Approval. Commissioner Fitzgerald reviewed the Draft Conclusions of Law stating the proposal does conform with the goals and objectives contained in the Comprehensive Plan; the proposal does conform to the standards contained in Title 10 Subdivision Regulations of Shoshone County; the proposal is consistent with the purpose and intent of the existing zoning classification; surrounding use is compatible with the existing uses in the area, and the proposed use is not detrimental to public health, safety or well-being. No public comment was presented. A motion was made by Commissioner Fitzgerald, seconded by Commissioner Huber, that based on the Findings of Fact and Conclusions of Law set forth in the documents presented, the Shoshone County Board of Commissioners order this application for a Major Subdivision, Case No. MS-142-21, an application by Doug Stout be approved with proposed conditions. The motion carried unanimously.

The BOCC met with Dan Martinsen, Shoshone County Planning & Zoning Administrator at 11:30 a.m. to discuss and for a decision on:

- File: MS-137-20 Parcel: 50N03E-23-9900
Applicant: Larry Runkle/David Baslington
Requesting: Approval of Minor Subdivision consisting of five (5) lots in the Natural Resource Zone

Also in attendance: Planning & Zoning Administrative Assistant Monica Miller and Larry Runkle. Ms. Miller presented the following: Course of Proceedings; Findings of Fact, Applicable Legal Standards, Staff Analysis, Recommendation, and Conditions of Approval. Commissioner Fitzgerald reviewed the Draft Conclusions of Law stating the proposal does conform with the goals and objectives contained in the Comprehensive Plan; the proposal does conform to the standards contained in Title 10 Subdivision Regulations of Shoshone County; the proposal is consistent with the purpose and intent of the existing zoning classification; surrounding use is compatible with the existing uses in the area, and the proposed use is not detrimental to public

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health, safety or well-being. No public comment was presented. A motion was made by Commissioner Huber, seconded by Commissioner Hansen that based on the Findings of Fact and Conclusions of Law set forth in the documents presented, the Shoshone County Board of Commissioners order this application for a Major Subdivision, Case No. MS-137-20, an application by Larry Runkle/David Baslington be approved with proposed conditions. The motion carried unanimously.



The Board convened at 2:00 p.m. for a Public Hearing to discuss, review and consider a petition presented by Lenae Tatman – Case #P-100-20 to vacate and abandon all real property shown as road right of way adjacent to Blocks 21 and 22 on the Plat of Canyon Addition to the City of Wallace, lying with the East ½ of Section 26 in Township 48 North, Range 4 East, Boise Meridan, Shoshone County, Idaho, and lying southerly of Tomsche Ave, being 40' wide. Also in attendance: Shoshone County Planning & Zoning department, Administrator Dan Martinsen, Administrative Assistant Monica Miller, Shoshone County Prosecuting Attorney Keisha Oxendine, the applicants Charles and Lanae Tatman, and other members of the public. Martinsen provided a synopsis of Case No. P-100-20 Findings of Fact, Applicable Legal Standards, Administrator Recommendation, and Draft Conclusions of Law. Following the synopsis, Commissioner Fitzgerald stated that six (6) letters for public comment were provided as follows: Doug McManamy/opposition, Jessica Beehner/opposition, Rich Mathews/opposition, Chris Bischoff/opposition, Jordan Beehner/opposition, and Rich Uhl/opposition and letter from Shawn Glen, Attorney with Macomber Law, on behalf of Brookside Development LLC/opposition. Commissioner Fitzgerald then opened the hearing for public testimony. Public testimonies were given in support, neutral, and opposition. There were two in support, none for neutral, and 15 in opposition. In support, the Applicant, Mrs. Tatman states if their petition to vacate F Street was denied, it would cause substantial financial burden for them by having to tear the garage down, relocate it and then the costs to build another. It would impact their property value and negatively impact tax amounts. She states it would benefit the County by them taking on the tax liability for the vacated property, adding that to what they currently pay on their home, increasing the County's taxable real property income. Those in opposition and that presented testimony according to the Public Hearing Sign in sheet are as follows: Robin Haak, Anita Stevenson, Donna Trundell, Robert Lees, Patrick Kinzy, Chris Bischoff, Shawn Glen on behalf of Brookside Development LLC, Emma Stayduhar, Minde Beehner, Kurt Coe, Judy Gropper, Dawn Wiksten and Matt Beehner. Based on opposition testimony to vacate F Street, some of points made were as follows:

- the decision would set a precedent for future petitions with County vacations and encroachments,
- the cost to bring in utilities would negatively affect any future development in that area,
- vacating F street effects more than one landowner and would not be in the best interest of the County or other current residents that live in that area,
- regulations for permits need to be better regulated and consistent, the County cannot just give property away or let people build at will.
- Mrs. Glen on behalf of Brookside Development set forth concerns related to open meeting law violations by commissioner action to consider a land swap and/or surveying with county resources the area proposed to be vacated, email communications, and an

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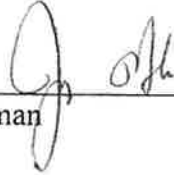
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overall concern for bias by the Board. She stated that the portion of F Street that the petitioner proposes to vacate was and remains a public right-of-way and once encroaching structures were built, it prevented vehicles from accessing the alley between Tomsche Ave. and Brookside Ave. via F Street. She requested that the Board deny the petition, or in the alternative, consider the petition by Brookside Development to re-route F street and dedicate land for that purpose. Absent an alternative or "re-route" the Tatman petition serves only one citizen, but not the public as a whole and as a result, is not in the public's best interest.

The public hearing was concluded, and no decision on the petition was made. A motion was made to continue the matter and set it for further discussion on the Board's agenda. It was seconded, and carried. The meeting was adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: Lou S. Peeters
Deputy Clerk

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Thursday, April 8, 2021

The Board met pursuant to recessing Wednesday, April 7, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald
John Hansen
Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

The Board convened at 9:00 a.m. to meet with Shoshone County Prosecuting Attorney, Keisha Oxendine for Executive Session I.C. 74-206(1)(d) and (f) to communicate with legal counsel regarding pending litigation or issues imminently likely to be litigated. Commissioner Fitzgerald made a motion to go into executive session, Commissioner Huber seconded the motion. Roll call vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye, Commissioner Hansen – Aye. The meeting adjourned with no decision to be made in open meeting.

The Board convened at 10:00 a.m. to review and decision re: petition presented by Charles and Lenae Tatman – Case #P-100-20 to vacate and abandon all real property shown as road right of way adjacent to Blocks 21 and 22 on the Plat of Canyon Addition to the City of Wallace, lying with the East ½ of Section 26 in Township 48 North, Range 4 East, Boise Meridian, Shoshone County, Idaho, and lying southerly of Tomsche Ave, being 40' wide – District Court Room. Also, in attendance was Matt and Minde Beehner, Dawn Wiksten and several members of the public. The meeting is a continuance from the Public Hearing that was held on March 23rd, 2021. As a result of the BOCC's review of the record and comments received regarding the Tatman petition to RW abandonment, they agreed they would need some additional information for a decision. The items reviewed and discussed during the meeting included some of the following:

- Existing garage questions: grandfathering, easement for utilities under the existing garage; cost of demolition and rebuilding;
- Property values - appraised values and tax revenue associated with existing properties for the area, Taxes - current and future implications and impact on neighboring properties;
- Possible re-routing F street; access to Brookside and other adjacent properties;
- Snow removal – current snow removal operations, identify any operation inefficiencies and potential improvements;
- Previous BOCC minutes – regarding the previous administration's actions of County owned property at or proximal to south end of the Tatman's property;
- Existing and future utilities – Identify type, location and capability of existing utilities for Tomsche Subdivision and surrounding, status for potential municipal sewer hook-ups, identify how roadways and utilities can be best provided to the surrounding properties,
- Identify all minimum RW widths, setbacks, encroachments, easements options for access and utilities services, cost for installation of roadway, water and dry utilities, surveying;
- Have Planning and Zoning reproduce a larger size site map that identifies the area, existing streets, property lines, ownership, existing utilities, general topography;

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Commissioner Fitzgerald made a motion for a continuance, meeting back in a couple of weeks to discuss any additional findings, Commissioner Hansen seconded the motion. The motion carried unanimously.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: Lori J. Teeters
Deputy Clerk

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BOOK 2021

Thursday, April 29, 2021

The Board met pursuant to recessing Wednesday, April 28, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald

Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

 The Board convened at 10:00 a.m. to review and decision re: petition presented by Charles and Lenae Tatman – Case #P-100-20 to vacate and abandon all real property shown as road right of way adjacent to Blocks 21 and 22 on the Plat of Canyon Addition to the City of Wallace, lying with the East ½ of Section 26 in Township 48 North, Range 4 East, Boise Meridian, Shoshone County, Idaho, and lying southerly of Tomsche Ave, being 40' wide – District Court Room. Also in attendance was Matt and Minde Beehner, Dawn Wiksten and other members of the Public.

Commissioner Fitzgerald gave a brief summary on the petition, what took place at the previous two (2) meetings, and turned it over to Shoshone County Prosecuting Attorney, Keisha Oxendine for legal counsel on the legalities of the petition. Mrs. Oxendine stated that her office is still finalizing their legal opinion and it should be ready by mid-week, of the next week and presented to the Commissioner's to aid in the Commissioner's decision. Commissioner Fitzgerald made a motion to continue the hearing until the following week, Thursday May 6th, 2021 at 11:00 a.m.

The Board convened at 11:00 a.m. for a public hearing on Shoshone County Planning and Zoning recommendations for Comprehensive Plan Amendments for Wallace Hillside and Mountain overlay zone. Also in attendance was Shoshone County Planning and Zoning Department, Dan Martinson and Monica Miller, the Petitioner, Courtney Friehe, and other interested parties of the public. Commissioner Fitzgerald explained the Hearing procedures, cited the Shoshone News Press advertisement date for the Public Hearing of April 9, 2021, and made a motion to enter into a public hearing, seconded by Commissioner Huber. The motion passed unanimously. The meeting was turned over to Dan Martinson to present his Staff Analysis, Findings of Fact and Recommendations. After Dan gave a brief synopsis of the proposed amendments, the Public Hearing was then opened for public comment. Public testimonies were given in support, neutral, and opposition. There were ten (10) in support, none for neutral, and two (2) in opposition. In support, the Petitioner, Courtney Friehe, gave a brief presentation on her application/petition for proposed amendments to the Comprehensive Master Plan that she had brought before the P&Z Commission back in October 2020. Of the seven (7) she originally petitioned for, five (5) of them were withdrawn. Proposed Amendments were as follows: a) "develop design standards and criteria for development on hillsides and mountains"; b) "the City of Wallace's designation as a historical site should be protected and enhanced by preserving the natural environment and mountains surrounding Wallace through the adoption of a mountain overlay zone". There were nine (9) other testimonies given in support and two (2) testimonies were given in opposition. After the testimonies were given, a motion was made by Commissioner Fitzgerald to close the public hearing, seconded by Commissioner Huber, the motion passed unanimously. After review and discussion, Commissioner Fitzgerald made a

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Thursday, May 6, 2021

The Board met pursuant to recessing Wednesday, May 5, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald
John Hansen
Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

The Board convened at 10:00 a.m. to meet with Shoshone County Prosecuting Attorney Keisha Oxendine for Executive Session for pending litigation re: Shoshone County v. Silver Mt. et.al. Also in attendance was Shoshone County Clerk, Tamie Eberhard, Shoshone County Auditor Clerk, Angela Dinger, Shoshone County Treasurer, Ellen Masterson, Shoshone County Assessor, Jerry White, Shoshone County Chief Deputy Treasurer, Kerri Eddie and Matt Beehner. Commissioner Huber made a motion to go into Executive Session per I.C. 74-206 (1)(f) to communicate with legal counsel for the public agency to discuss legal ramifications of and legal options for pending litigation, Commissioner Fitzgerald seconded the motion. Roll call vote: Commissioner Huber – Aye, Commissioner Fitzgerald – Aye. The Board adjourned from executive session and a motion was made by Commissioner Fitzgerald to direct the Clerk to create a Tax Anticipation Account specific to Silver Mountain and to also create an L2 line item in the event the County will have to levy over a two (2) year period, the burden of tax to taxpayers, for the Silver Mountain tax credit. The amount of the levy will be determined during the county budgeting process in the next few months. Commissioner Hansen seconded the motion, the motion carried unanimously.

The Board convened at 11:00 a.m. to review and decision re: petition presented by Charles and Lenae Tatman – Case #P-100-20 to vacate and abandon all real property shown as road right of way adjacent to Blocks 21 and 22 on the Plat of Canyon Addition to the City of Wallace, lying with the East ½ of Section 26 in Township 48 North, Range 4 East, Boise Meridian, Shoshone County, Idaho, and lying southerly of Tomsche Ave, being 40' wide – District Court Room. Also in attendance was Matt and Minde Beehner, Dawn Wiksten and other members of the Public.

The following items were discussed:

- The Petition is governed by I.C. 40-203(1)(b), wherein a citizen petitioned for abandonment of a platted road, known as F street, more particularly described as outlined in the record;
- 40-203(1)(b) requires a finding by the Board of County Commissioners that abandonment and/or vacation of the road is “in the public interest”;
- Where the vacation relieves the County of the expense of maintaining the road, elimination of associated liability to the traveling public for potential injuries received as a result of defects in the road, necessity and importance of keeping up the road, amount of people utilizing the road, whether vacating the road serves a single interest.
- In this particular case, the evidence presented at the time of the public hearing is void of evidence beyond a single personal interest being served.

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Upon review and discussion, Commissioner Fitzgerald made a motion to deny the petition to vacate and abandon all real property shown as road of right a way to Blocks 21 and 22 on the Plat of Canyon Addition to the City of Wallace, lying with the East ½ of section 26 in Township 48 North, Range 4 East, Boise Meridian, Shoshone County, Idaho and lying southerly of Tomsche Ave, being 40' wide, Commissioner Hansen seconded the motion, the motion carried unanimously. Roll Call Vote: Commissioner Fitzgerald – Aye, Commissioner Huber – Aye, Commissioner Hansen – Aye.

The Board convened at 1:00 p.m. for a Public Hearing on the adoption of Ordinance #159 Shoshone County Flood Damage Prevention as presented by the Planning and Zoning Commission. Those in attendance was Planning and Zoning Administrator, Dan Martinson, Administrative Assistant, Monica Miller, Matt and Minde Beehner and Dawn Wiksten. The Shoshone County Planning and Zoning Commission held two (2) previous public hearings on August 8, 2018 at 7:00 p.m., and September 12, 2018 to review and discuss proposed changes. After making minor corrections to the model Ordinance, the Planning and Zoning Commission moved to submit their version of the ordinance for approval to the Board of Commissioners at a Public Hearing on 11/28/2018. Dan reviewed the proposed changes and the draft ordinance with the Board. Following review and discussion the BOCC approved Ordinance #159 effective 11/28/2018. The Ordinance was then sent for legal review. Since the time the ordinance was sent to legal for review until this hearing, there were a few more changes to the ordinance, including dates that needed to be modified. Dan presented and reviewed with the Board the new ordinance draft. The Board then opened the hearing to public testimony: Support, neutral or opposition. Three (3) were in neutral, but two (2) wished to give testimony/comment.

- Matt Beehner had questions on the following items: EPA regarding stream work, regulating mudslides and logging next to streams, notifying adjacent communities, clarification on inspections.
- Dawn Wiksten had questions on structures in floodplains, septic tanks in floodplain and permits, inspections – periodic or how inspections are monitored and regulated.

The Board then closed the Public Hearing and upon review and discussion, a motion was made by Commissioner Huber to adopt Ordinance #159 Flood Damage Prevention as presented, seconded by Commissioner Hansen. The motion carried unanimously. Roll Call Vote: Commissioner Fitzgerald – Aye, Commissioner Huber – Aye, Commissioner Hansen – Aye.

ORDINANCE NO. 159

FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE RELATING TO PLANNING AND ZONING FOR LAND USE AND DEVELOPMENT IN THE UNINCORPORATED AREA OF SHOSHONE COUNTY, STATE OF IDAHO, TO BE KNOWN AS "THE SHOSHONE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE"; ESTABLISHING AUTHORITY, FINDINGS, PURPOSE, PROVIDING DEFINITIONS; DESIGNATING AREAS TO WHICH THE REGULATIONS WILL APPLY; ESTABLISHING STANDARDS AND REQUIRING COMPLIANCE; PROVIDING FOR MISDEMEANOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR THE



SHOSHONE COUNTY BOARD OF COMMISSIONERS

■Mike Fitzgerald, District 1 ■Jay Huber, District 2 ■John Hansen, District 3

WEEKLY CALENDAR/AGENDA

COMMISSIONERS GENERAL WORK SESSION: Monday, May 17, 2021		
9:00 a.m.	MEETING: To discuss Shoshone County Response to COVID-19 Emergency and Emergency Declaration - Executive Session I.C. 74-206 (d) Exempt Public Records and Impact on Courthouse personnel and public access.	Action Item
11:00 a.m.	MEETING: Jerry White, Shoshone County Assessor – To discuss, review and consider Department Pay/Wage Matrix.	Action Item
1:00 p.m.	MEETING: Tamie Eberhard, Shoshone County Clerk – To discuss, review and decision re: Department Pay/Wage Matrix.	Action Item
2:00 p.m.	WORKSHOP: BOCC – FY 21/22 Shoshone County Budget	Action Item
COMMISSIONERS GENERAL WORK SESSION: Tuesday, May 18, 2021		
10:00 a.m.	MEETING: To discuss, review and consider 2021 Tax Exempt Applications pursuant to Idaho Code 63-602 for the following: Shoshone County Mining and Smelting Museum (1 parcel), Mullan Historical Society (1 parcel).	Action Item
11:00 a.m.	PUBLIC HEARING: Ordinance #163 – Amending the Current Shoshone County Building Code, Title 7, Chapter 1	Action Item
COMMISSIONERS REGULAR BUSINESS MEETING AGENDA Wednesday, May 19, 2021		
9:30 a.m.	REGULAR BUSINESS MEETING AND CONSENT AGENDA CALL TO ORDER *Changes to Consent Agenda *Public Comment (Public Comment * this section is reserved for citizens wishing to address the Board regarding a County related issue). OLD BUSINESS: 1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, May 10 to Thursday, May 13, 2021. NEW BUSINESS: 1. Consent Agenda - Beer, Wine & Liquor Licenses - Shoshone County Pre-Pays - Resolution 2021-11 Approving Amendments to the Comprehensive Plan - Petition to Vacate Tatman, Findings of Fact and Conclusions - Agreement between Shoshone County and Coeur d' Alene Multiple Listing Service, Inc 2. Executive Session ID Code 74-206(d): Indigent Cases: Consideration & Decision	Action Item These items will be enacted by one motion unless requested by a Commissioner that one or more items be removed for separate discussion.
1:00 p.m.	SITE VISIT: to view Alleged Nuisances/Encroachments: 42 E. Street, 119 Tomsche Ave, 104 Tomsche Ave, E and F Streets, Brookside Avenue, adjacent to Burke Road, Wallace, Idaho	BOCC
COMMISSIONERS GENERAL WORK SESSION: Thursday, May 20, 2021		
8:00 a.m. to 3:30 p.m.	APPOINTMENT: Idaho Association of Counties Annual Conference @ Coeur d' Alene	BOCC
6:00 p.m.	MEETING: Shoshone County Ambulance District Board Meeting @ Fire District #1	Huber

Executive Session – The Board of County Commissioners may meet to discuss the following items under Idaho Code §74-206. (1) (a) Hiring (b) Personnel (c) Real Property (d) Exempt (f) Litigation. Any person needing **special accommodations** to participate in the above-mentioned meetings should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)752-3331.

PROCEEDINGS COUNTY COMMISSIONERS

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May 19 2021

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 carried unanimously. The Board adjourned from Executive Session and a motion was made by Commissioner Fitzgerald, seconded by Commissioner Hansen to table the Indigent case until next weeks agenda.

(X)

The Board did at site visit to view alleged Nuisance/Encroachments at 42 E Street, 119 Tomsche Ave, 104 Tomsche Ave, E and F Streets, Brookside Avenue, adjacent to Burke Road, Wallace, Idaho at 1:00 p.m. Also in attendance was Matt and Minde Beehner, Shoshone County Public Works Department, Jim Cason, Jessica Stuzke, Stephanie Featherstone, HMM Engineering, Jim Roletto, and Josh McDonald with Shoshone News Press. The BOCC walked E Street, F Street and Tomsche Ave to view each of the alleged encroachment complaints. After viewing each alleged complaint, Commissioner Fitzgerald stated they will schedule a meeting in the next couple weeks to review and discuss each encroachment individually and possible decision based on the merit of each alleged encroachment.

BEFORE THE SHOSHONE COUNTY BOARD OF COUNTY COMMISSIONERS

In the matter of: **CHARLES AND LENAE TATMAN, A PETITION TO VACATE OR BANDON A PORTION OF SHOSHONE COUNTY PUBLIC STREET OR RIGHT-OF-WAY**

Agency Case No. P-100-20

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF DECISION

The PETITION came before the Shoshone County Board of Commissioners on a public hearing originally on October 19, 2020, at which time the case was called, and a partial hearing conducted before the matter was continued to March 23, 2021 at 2:00pm. The Petitioners were present, among many members of the public (a specific sign-in sheet was utilized and is made part of the record).

FINDINGS OF FACT AND CONCLUSION

FINDINGS OF FACT

BOOK 2021-01-60



Photo by JOSH McDONALD

Commissioner Mike Fitzgerald addresses the same group that included fellow commissioners Jay Huber and John Hansen, as well as representatives from Shoshone County Planning and Zoning and Public Works concerning complaints that were leveled against the county by local resident Minde Beehner.

BOCC visits site amid complaint

By JOSH McDONALD
Staff Reporter

BURKE — The Shoshone Board of County Commissioners (BOCC) conducted a walkthrough of several properties on Wednesday afternoon that were recently listed in a complaint from a local resident.

The complainant, Minde Beehner, listed several spots along OT near the Tomsche Avenue corridor that she believes are

encroachments onto various county rights-of-way.

In an email sent to Shoshone County Prosecutor Keisha Oxendine, Beehner mentioned that her complaint was filed to the Shoshone County Sheriff's Office (dated April 15, 2021) and that was similar in nature to a complaint that she had filed with Shoshone County Planning and Zoning in October 2019, but with some additional items.

Things like trees, fences, spigots, basketball hoops and utility poles were all among the listed offenders — even going as far as to list some things on her own property that could be subject to the BOCC's decision making process in the matter.

Beehner alleged in her email to Oxendine that the BOCC has been able to rectify the issues for some time but simply hadn't.

see ROADWAY, A5

photo is off full blockage of cmt Rd!

May 21 2021

no mention of garage

ROADWAY

from A1

"Many of these complaints should have and could have been addressed in the past 18 months while the BOCC spent over (\$12k on 'surveying' costs in this area and ended up with maps and a legal description," Beehner wrote. "The county has the information to say that items I have brought up are encroachments, yet practically nothing has been done."

Wednesday's walkthrough allowed the BOCC to see the spots that Beehner claimed were encroachments in her complaint, but they now have to decide how to go about responding to it.

According to BOCC Chairman Mike Fitzgerald, the three things they will consider in their decision-making process are, do the issues cause a problem for the roadway and its function as a roadway, does it cause a safety issue, or is it hampering any sort of development in the area.

Fitzgerald also pointed out that the county does try to rectify these types of issues whenever they are working on various infrastructure projects in the area in question.

He also acknowledged that Beehner's complaint has merit in the sense that most if not all of the issues listed are in fact encroachments, but also that with the exception of a few of them, a lot of them are happenstance and part of the natural progression of neighborhoods in older, more rural areas.

"What happens is that when properties are plotted 100 years ago and people build on them when the exact property lines aren't clearly known, sometimes things get built on the property line that end up in the public right-of-way," Fitzgerald said. "As we can see, as that neighborhood grew — a number of things ended up in the public right-of-way, some of which are privately owned and some of which are perfectly fine. The question here is, what is the county going to do about it? Typically these things aren't addressed until you have a large improvement project that goes through or until it violates one of those three questions. So the way we look at it is, have the encroachments occurred? Yes. Are they a problem? That's hard to tell."

Beehner believes that the situation should be handled in the same manner as some other

situations that BOCC has addressed in recent years and is frustrated by what she perceives as a lack of required action between them and the people who utilized the affected area.

"Is the county going to sit around (it has been years) until the county has to pay to get encroachments off of Tomsche Ave(nue), Brookside Ave(nue) and others?" Beehner wrote. "I don't believe this is a very good display of fiduciary responsibility! I would like to know how long a taxpayer should be expected to wait to see county ordinances and states codes enforced? It appears to just matter who is asking. The process last fall in Pine Creek didn't seem to take long and the guy up Moon Gulch was given 30 days to remove a gate."

It was also noted by the county that in those previous cases, the encroachments were full blockages of county roads, which is a stark contrast to the items listed in Beehner's complaint.

The BOCC will continue to review the situation, as well as discuss all of their requirements and options with both their legal team, as well as P&Z; and Public Works before they make any sort of decision.

how is
fences &
garage not
a full
blockage of
cnty rds?

PROCEEDINGS COUNTY COMMISSIONERS

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Thursday, June 3, 2021

The Board met pursuant to recessing Wednesday, June 2, 2021.

Present:

Commissioners: Jay Huber

Mike Fitzgerald

John Hansen

Deputy Clerk: Lori J. Teeters

The following proceedings were had to-wit:

(X)

The Board convened at 9:00 a.m. to discuss, review and consider Alleged Nuisances/Encroachments at 42 E. Street, 119 Tomsche Ave, 104 Tomsche Ave, E and F Streets, Brookside Avenue, adjacent to Burke Road, Wallace Idaho. Also in attendance was Matt and Minde Beehner. Commissioner Fitzgerald stated that Shoshone County Prosecuting Attorney, Keisha Oxendine had addressed the alleged nuisance complaints with Minde Beehner prior to this meeting and the Commissioner's would only be addressing the alleged encroachments. Commissioner Fitzgerald stated he would like to address each encroachment individually, but that the encroachments become less defined as you move away from Tomsche Ave. Commissioner Hansen would like to have more defined property lines marking Brookside Ave. The consensus of the Board would be to have a local survey company confirm the properties boundary lines and determine what/if any restrictions or easements are included for E Street, F Street and Tomsche Ave., so they can make a better informed decision on each encroachment. Commissioner Fitzgerald made a motion to direct legal counsel to contact a surveyor to perform the survey, and present the findings to the Board, as well as contact HMH Engineering Consultant, Jim Roletto, to get his opinion on the findings of the survey to address any safety or roadway concerns. Commissioner Hansen seconded the motion. The motion carried unanimously. Once the Board has the been presented with the completed survey, they will schedule a meeting and determine the outcome of the alleged encroachments.

The Board met with Bret Allen, Silver Auto Collision, LLC to discuss, review and consider delinquent fees and interest on four (4) parcels for tax years 2017, 2018 and 2019. After discussion, the Commissioner's decided they would like to reach out to the property owner's and discuss the tax situation with them. Commissioner Fitzgerald made a motion at this time to freeze the interest accruing on the taxes until the following week when they can meet with the property owners. Commissioner Hansen seconded the motion. The motion carried unanimously.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: [Signature]
Chairman

By: Lori J. Teeters
Deputy Clerk

BOCC to address Burke neighborhood complaint

By JOSH McDONALD
Staff Reporter

WALLACE — After a recent site visit and then a few days to discuss the matter among themselves, the Shoshone Board of County Commissioners (BOCC) took the first steps in rectifying some recent complaints from a local resident.

Minde Beehner had submitted a lengthy list of complaints to both the Shoshone County Sheriff's Office, as well as Prosecuting

Attorney Keisha Oxendine in April of this year concerning various encroachments and what she called nuisances in the area of the Tomsche Avenue corridor in Burke Canyon.

Beehner had filed a similar complaint in October 2019.

Among the list of offending encroachments and nuisances were trees, water spigots, utility poles, a basketball hoop,



Fitzgerald

a garage, fences and other various common neighborhood things.

The BOCC got a firsthand look at the site a few weeks ago and Chairman Mike Fitzgerald believes that there is some merit within the complaint, but now has to figure out what should be done — if anything — to rectify it.

"When we went into the field that day, there were some pretty obvious encroachments," Fitzgerald said.

Fitzgerald also cited

concerns over how various property lines and other boundaries seem unclear once you get into the small residential neighborhood.

To figure that part of the equation out, Fitzgerald would like to see the completion of a recent survey that wasn't finished after the person conducting the survey left the firm he was working with at the time and then asked for more money from the county to complete it under his new firm.

See COMPLAINT, A6

COMPLAINT

from A1

Beehner alleged in her emailed complaint to Oxendine that the BOCC has been able to rectify the issues for some time but simply hadn't.

"Many of these complaints should have and could have been addressed in the past 18 months while the BOCC spent over (\$12k on 'surveying' costs in this area and ended up with maps and a legal description," Beehner wrote. "The county has the information to say that items I have brought up are encroachments, yet practically nothing has been done."

The BOCC will also be enlisting the help of engineer Jim Roletto

and plan on having him record his thoughts on the entire area and what he believes needs to be done to rectify Beehner's complaints.

"He (Roletto) will be able to give us some valuable pointers on what's in and what's out," Fitzgerald said. "He'll also be able to point out any safety hazards and the measures needed to rectify them."

Fitzgerald thanked the Beehners, who were in attendance at the Thursday morning meeting, for guiding them through the list of complaints, and was open about seeing things in person is definitely helpful when it comes to making decisions on matters such as these.

The way the BOCC handles situations like these is to look at

three things; Do the issues cause a problem for the roadway and its function as a roadway? Does it cause a safety issue? Or is it hampering any sort of development in the area?

The BOCC concluded the meeting with a motion that included working with Oxendine's office to complete the unfinished survey and to dispatch Roletto to the site to gather information and submit his recommendation(s) — which was unanimously approved.

"I want to resolve this as quick as I can," Fitzgerald said. "These things seem to take an awful lot of people's time. I know I've seen a lot of public requests for information, just for that neighborhood in general."

← This was June 3rd 2021



SHOSHONE COUNTY BOARD OF COMMISSIONERS

■Mike Fitzgerald, District 1 ■Jay Huber, District 2 ■John Hansen, District 3

WEEKLY CALENDAR/AGENDA

	COMMISSIONERS GENERAL WORK SESSION: Monday, May 31, 2021	
	Courthouse Closed for Memorial Day Holiday	
	COMMISSIONERS GENERAL WORK SESSION: Tuesday, June 1, 2021	
9:00 a.m.	MEETING: John Austin with Panhandle Area Council – To discuss and review options for a future Shoshone County Public Safety Facility	
10:00 a.m. to 12:00 p.m.	APPOINTMENT: Silver Valley Transportation Team Annual Meeting @ Idaho Health and Welfare Office, Kellogg	Huber
11:00 a.m.	EXECUTIVE SESSION: per I.C. 74-206(1)(d)(f) to communicate with legal counsel for the purpose of considering records that are exempt from disclosure as well as to communicate re: pending litigation or controversies not yet being litigated but imminently likely to be litigated.	Action Item
1:00 p.m.	SITE VISIT: Real Life Ministries Church, 708 N. Division St, Pinehurst ID - to view parcels being appealed for tax exemption status.	
	COMMISSIONERS REGULAR BUSINESS MEETING AGENDA Wednesday, June 2, 2021	
9:30 a.m.	REGULAR BUSINESS MEETING AND CONSENT AGENDA CALL TO ORDER *Changes to Consent Agenda *Public Comment (Public Comment * this section is reserved for citizens wishing to address the Board regarding a County related issue). OLD BUSINESS: 1. Consideration and Decision of the Minutes of the Commissioners' Public Agenda Session dated Monday, May 24 to Thursday, May 27, 2021. NEW BUSINESS: 1. Consent Agenda - Beer, Wine & Liquor Licenses - Shoshone County Pre-Pays - Lease Agreement between Shoshone County and Dave Kriedeman/The Recycle Center for County parcel #D00000112700 - Resolution 2021-12 Adopting Procurement Policy for Shoshone County 2. Executive Session ID Code 74-206(d): Indigent Cases: Consideration & Decision	Action Item These items will be enacted by one motion unless requested by a Commissioner that one or more items be removed for separate discussion.
11:00 a.m.	MEETING: Ellen Masterson, Shoshone County Treasurer – To discuss, review and consider Department Pay/Wage Matrix	Action Item
	COMMISSIONERS GENERAL WORK SESSION: Thursday, June 3, 2021	
9:00 a.m.	MEETING: To discuss, review and consider Alleged Nuisances/Encroachments: 42 E. Street, 119 Tomsche Ave, 104 Tomsche Ave, E and F Streets, Brookside Avenue, adjacent to Burke Road, Wallace, Idaho	Action Item
10:00 a.m.	MEETING: Silver Auto Collision LLC – to discuss, review and consider delinquent fees and interest on four (4) Parcels for tax years 2017, 2018, and 2019.	Action Item

Executive Session – The Board of County Commissioners may meet to discuss the following items under Idaho Code §74-206. (1) (a) Hiring (b) Personnel (c) Real Property (d) Exempt (f) Litigation. Any person needing **special accommodations** to participate in the above-mentioned meetings should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)752-3331.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2021

Tuesday, November 30, 2021

The Board met pursuant to recessing Monday, November 29, 2021.

Present:

Commissioners: Jay Huber
Mike Fitzgerald

Deputy Clerk:

The following proceedings were had to-wit:

The Board convened at 9:00 a.m. for a Department Supervisors meeting. Also, in attendance was Shoshone County Probation, Mike Smith, Shoshone County Maintenance, Keith Chambers, Shoshone County Public Works, Jim Cason & Jessica Stutzke, Planning and zoning Director, Dan Martinsen, Solid Waste Director, Richard Brenner, Shoshone County Grants Administrator, Colleen Rossen and Matt Beehner. Commissioner Fitzgerald introduced Colleen Rossen as the new Grants Administrator focusing on ARPA Grants. Mike Smith didn't have anything new, it is business as usual. Richard wanted to compliment his staff working the gates, they are friendly and always smiling; Shelby is working with the Assessors office and Treasurer's office, dump basins recently cleaned out, done one every four years or so, so need to schedule a full clean-out; and still hauling 7-8 loads of waste a week; Keith is working on the heat and water stuff at the Sheriff's office, trying to do some of the upgrades; new staff is doing ok but still looking for one more; Jim Cason says the department is ready for winter; there are planned road improvements; Kingston LOMA entrance; Lower Page, Butts Rd near Elk Creek Store, Montgomery Gulch Signage, Sunshine Memorial Barricades; they are at full staff now; waiting on FEMA signoff's; vendor software update waiting on new phones and configuration by BJ – first part of year; Dan is still healing up; fee schedule is published; working on permit fees with Kellogg; no emergencies at this time; Commissioner Fitzgerald says Bruce VanBroeke, ASK, has concerns on access to I-90 – ITD signage issue; Pottsville – more discussions to be scheduled. The meeting adjourned at 9:30 a.m.

The Board convened at 10:00 a.m. to discuss, review and consider Proposals for Survey Work of Brookside Avenue, Canyon Addition, Wallace. Also, in attendance was Matt Beehner.

Commissioner Fitzgerald said they would like to have a conversation with Keisha regarding the Brookside Ave and Canyon Addition proposals before any action is taken. Would like to schedule an Executive Session with legal counsel. Need to discuss both proposals further.

Commissioner Fitzgerald made a motion to table the matter until next week, Commissioner Huber seconded the motion. The motion carried unanimously.

The Board convened at 3:00 p.m. for Executive Session pursuant to Idaho Code 74-206(a) – To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. (b) - To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. A motion was made by Commissioner Fitzgerald to go into Executive Session, seconded by Commissioner Huber.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Wednesday, January 5, 2022

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

Present:

Commissioners:

John Hansen

Jay Huber

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, December 27, 2021 to Friday, December 30, 2021.

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

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: There were no Indigent cases presented.

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PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

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	\$37,664.85
002	Road & Bridge	\$55,303.33
006	District Court	\$1,646.86
0009	Liability Ins	\$48,717.25
0010	Self-Insurance Fund	\$4,837.02
0012	Historical Society	\$50.57
0016	Indigent	\$2,482.06
0018	Park	\$35.84
0020	Appraisal	\$22.16
0023	Solid Waste	\$10,712.27
0037	Snowmobile	\$3,316.96
0038	Waterways Fund	\$140.00
0052	Airport	\$1,134.55
0055	Fish Hatchery	\$358.38
0056	Emergency 911	\$2,321.19
0207	ARPA Grant	\$86.03
0208	Safety Improvement & Signs	\$12,509.41
0215	Title III Trust New 2009	\$471.94
9101	Auditor's Trust	\$6.03
9111	Tax Sale Excess Trust	\$123,088.83
9186	Motor Vehicle Trust	\$184.47
	TOTAL:	\$305,090.00

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/John Hansen s/Jay Huber
Commissioner Commissioner

The Board convened at 10:00 a.m. for a Public re-hearing due to electronic recording equipment failure during the December 7th, 2021 hearing for a request made by Carolyn Collins and Bryan Stepro to appeal the decision granting a Conditional Use Permit, regarding the following application:

File: CU-255-20

Parcel: O-0800-001-008-0; 009B; 009A; 010-0; 011-0; 012-0; 015B

Applicant: Lisa Johnston

Location: 6073 Burke Rd, Wallace

Also, in attendance was Shoshone County Planning & Zoning, Dan Martinsen and Monica Miller, Stephan Collins, Chris Bishoff, Matt and Minde Beehner, Josh McDonald, Shoshone County Newspress via telephone, and other members of the public. Commissioner Huber opened the public hearing, stating the reason the hearing was being re held, and that the Commissioner's would not accept any new testimony other than from the members of the public that spoke at the November hearing. He then asked Dan to present the appeal case to the Board. Dan reiterated the same information he presented at the November hearing, noting for the record the written testimony that was sent in as Exhibits A & B as presented at the November hearing. Carolyn Collins and Bryan Stepro provided testimony as the applicants and Matt Beehner provided testimony in support of the appeal. After hearing the testimony from the Public, Commissioner Huber closed the Public Hearing. After review and some discussion with Commissioner Hansen, Commissioner Huber made a motion to table the hearing until the Board can meet with Legal counsel regarding the appeal, seconded by Commissioner Hansen. The motion carried unanimously.



The Board convened at 11:30 a.m. for continuation on the meeting from November 30, 2021 to discuss, review and make a decision on information presented at the previous meeting regarding Proposals for Survey work of Brookside Avenue, Canyon Addition, Wallace. Also, in attendance

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

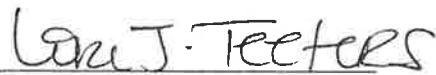
was Matt and Minde Beehner and Bryan Stepro. Commissioner Huber stated that at the November meeting, the Board made a motion to table any decision on the Survey work to be done until they could meet with Legal Counsel. After a December meeting held with Legal in Executive Session and review of the two surveys, Commissioner Hansen made a motion to approve the Survey work to be done and to have Stratton Land Services, Inc. do the Survey. Commissioner Huber seconded, the motion carried unanimously.

The Board convened at 1:00 p.m. to meet with John Elsbury, Latah County Surveyor to discuss, review and consider a joint Ordinance between Latah, Clearwater and Shoshone Counties adjusting the location of the common boundary between the three (3) counties. Mr. Elsbury stated the current boundary line is ill defined and complicated for surveyors. If the ordinance is approved by all 3 counties, Shoshone County would look to gain a total of 266 acres. Clearwater County has not yet signed, they were waiting to see what Shoshone County decided. Commissioner Huber would like to reach out to the Clearwater County Commissioners and review with County legal counsel before moving forward. Commissioner Huber made a motion to table the ordinance to review with legal, seconded by Commissioner Hansen. The motion carried unanimously.

Thereafter, the meeting adjourned.

ATTEST Tamie J. Eberhard
County Clerk

Approved: 
Chairman

By: 
Deputy Clerk



SHOSHONE COUNTY BOARD OF COMMISSIONERS

■Mike Fitzgerald, District 1 ■Jay Huber, District 2 ■John Hansen, District 3

WEEKLY CALENDAR/AGENDA

Monday, May 23, 2022- Thursday, May 26, 2022

COMMISSIONERS GENERAL WORK SESSION: Monday, May 23, 2022		
10:00 a.m.	MEETING: T-O Engineers, Trey Dail, FAA – Environmental Assessment project @ Shoshone County Airport - via teleconference	Action Item
COMMISSIONERS GENERAL WORK SESSION: Tuesday, May 24, 2022		
9:30 a.m.	MEETING: To review, discuss and decision on Purchase Offers for County Parcel #O31500040010, Smelterville, Idaho	Action Item
9:45 a.m.	MEETING: To review, discuss and decision on Purchase of UP Land Res. Corp Parcel #48N04E273850	Action Item
10:00 a.m.	BID OPENINGS: Solid Waste Department – To review, discuss and decision on purchase of One (1) Tractor-Trailer pursuant to Idaho Code:67-2806(2)	Action Item
10:30 a.m.	MEETING: Board of Canvassers – To canvass the votes of the Election held May 17, 2022	Action Item
11:00 a.m.	MEETING: Shoshone County Public Works – Budget Salary discussion	
1:00 p.m.	MEETING: Shoshone County Sheriff, Mike Gunderson – To review, discuss and decision Heating & Air Conditioning unit quote from CSN	Action Item
COMMISSIONERS REGULAR BUSINESS MEETING AGENDA		
Wednesday, May 25, 2022		
9:30 a.m.	REGULAR BUSINESS MEETING AND CONSENT AGENDA CALL TO ORDER *Changes to Consent Agenda *Public Comment (Public Comment * this section is reserved for citizens wishing to address the Board regarding a County related issue). 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 - 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 - Accept Department Supervisor Reports 2. Executive Session ID Code 74-206(d): Indigent Cases: Consideration & Decision	Action Item These items will be enacted by one motion unless requested by a Commissioner that one or more items be removed for separate discussion.
9:45 a.m.	Resolution 2022-20 Establishing Mileage Allowance for Shoshone County Employees	Action Item
9:50 a.m.	Resolution 2022-21 MOU/Agreement between Shoshone County and LHTAC – Idaho Local Bridge Program for bridges in poor or posted condition	Action Item
10:30 a.m.	MEETING: Minde Beehner – To discuss concerns with issues in Canyon Addition to Wallace Subdivision	
11:30 a.m.	MEETING: To discuss, review and decision – National Flood Insurance Program (NFIP) Community Rating System (CRS) participation for Shoshone County	Action Item
COMMISSIONERS GENERAL WORK SESSION: Thursday, May 26, 2022		
12:00 p.m.	APPT: Panhandle Health District Budget Meeting @ Hayden office	Fitzgerald
12:00 p.m.	APPT: S.A.V.E. Committee meeting @ Pinehurst	Huber

Any person needing **special accommodations** to participate in the above-mentioned meetings should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)752-3331.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Wednesday, March 16, 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: Steve and Carolyn Collings, Joe Avery, Matt & Minde Beehner.

PUBLIC COMMENT: Minde wanted to address the Nuisance complaints that she says she has submitted to multiple departments at the County. Minde says in her opinion very few steps have been taken to address it and no real progress has been made. She goes on to quote Commissioners Fitzgerald, Huber and Hansen on statements they have made in meetings and motions that have been approved, expressing that she thinks the record needs to be refreshed on the Nuisance complaints and the Tomsche ave Survey. She quotes the cost of the Tomsche ave Survey that was approved by the Commissioners and says in her opinion the costs the County has spent on other surveys and property disputes outweigh the Public Records Requests her and Matt have submitted to the County.

Matt wanted to address the Herrick Park Subdivision Resolution that was on the agenda last week and would like to note that the Commissioners stated the reason the case file had been delayed in approving was because the legal name was incorrect in the published advertisement, when in fact the reason had been the legal description was written incorrectly in the advertisement.

Joe Avery would like to address the road validations that have been submitted and wanted to use Trapper Creek as a reference. Joe wants to know, if the County wants public access for citizens, why is only a portion of the Trapper Creek road validated, and why does it end in the middle of a person's private property. He states on the East Fork Pine Creek road there are campers and motorhomes parked there that have been abandoned and whose responsibility is it to clean it up. Is it the County's responsibility? Joe uses Trapper Creek as a reference stating that the road is 50 ft wide, the right-of-way or easement that the County owns on that, if there is garbage or abandoned vehicles, who cleans it up and who pays for it. He also would like to know if the County has ownership of Granite Gulch road, and states that ITD has said that Shoshone County owns it. Commissioner Fitzgerald stated that anytime a petition for road validation comes through and is processed, it is at the expense of the County.

Carolyn Collins would like to know if the Burke RV Campground that Lisa Johnston owns has been red-tagged yet, as they are still using one of the cabins for rental.

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

Wednesday, June 8, 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: Matt Beehner

PUBLIC COMMENT: Matt Beehner wanted it noted on record, and read from a transcript on behalf of Minde Beehner, that she feels the minutes for the meeting that was held on May 27th for the Beehner's regarding Canyon Addition Sub-division issues were inaccurate. Commissioner Fitzgerald stated that if Minde wanted to provide a copy of the transcript, Deputy Clerk, Lori Teeters, would put them in the public comment verbatim. Matt said he would ask Minde and let the Commissioners know.

- 1.) Deputy Clerk - Minde wanted to know what the status on their nuisance complaints and the survey from Stratton on E St and F St. Minde Beehner - has stated many times that the complaints are HER complaints, as she is the one that has been doing all the research and work on these issues. Minde also wanted to know why Stratton survey only listed Brookside Ave and not the whole area of concerns as the bid was supposed to be for. She never said Stratton's survey was for E and F streets.
- 2.) Deputy Clerk - Minde wanted it noted that she wasn't happy with the Findings of Fact and things are compounding in the area daily. Minde Beehner - Later in the meeting, after discussing Stratton contract, she brought up the findings of facts that came from a BOCC meeting not hearing on F st. encroachments. She pointed out that things stated as facts in the record, contradicted testimony and evidence that was presented at the F st vacate hearing. That PW made statements as facts, that he has no evidence of. Minde also stated that in the past, Mike Fitzgerald has said he would send out letter to have new projects put on hold until area is figured out. This never happened even when BOCC was notified when new things were taking place.
- 3.) Deputy Clerk - Her and Matt wanted to know how money is being spent for F street surveys and what monies have been spent on surveying to this point. Minde Beehner - Also money has been spent with Alta and HMH not Stratton and HMH to this point. Minde clearly listed what money has been spent on surveying in the area and what it was for. Alta - just over 12 thousand for two exhibit maps and two legal descriptions for someone's personal F street petition to vacate. HMH - almost 6 thousand for some visual

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2022

aids for the site walk and a map showing a reroute of F st. This map, with the exception of the width of the road, is identical to the map that she and Frosty presented to the BOCC, prosecuting attorney, and P&Z many years ago. Total spent on surveying so far almost 18 thousand.

- 4.) Deputy Clerk - Above minutes go on to say – to this point and with HMN and Stratton and inquired if Brookside was included in the survey. Minde didn't think that Brookside was included and that it was just the Canyon Addition. Minde Beehner – Minde said bid put out by legal only says Brookside Ave and DOESN'T address E St., F St., Tomsche Ave or the alley, where 98% of the concerns and issues are. Minde stated she was fine with Brookside being included but all the other areas needed to be include like the BOCC motion states.
- 5.) Deputy Clerk - 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. Minde Beehner - Fitzgerald stated scheduling surveyors is difficult and he had 3 projects waiting on surveyors. He also stated, and it is nowhere in the minutes, that legal told them they had to stop being involved in the process because items would come before them. Legal handled the request for bid and PW is working with Stratton on schedule.
- 6.) Deputy Clerk - Commissioner Fitzgerald stated that the goal of the county is to have the survey completed and pins in the ground so they know the boundaries and lines they will be working on. They would like to see al the addition be surveyed including Brookside, so they can clean up the mess that has been created in the neighborhood. Minde Beehner - Mike Fitzgerald, with other BOCC agreeing, stated the survey was to further define Tomsche. Mike said, the goal sent out by legal was to capture Brookside Ave and incorporate the other so we have a final record of survey and pins in the ground for the area. Mike Fitzgerald went on to say the contract for survey is titled Brookside but the additional areas are in the scope. Mike asked Jim Cason and Jim confirmed that it was all the area. They wil pick up where Alta fell short. Minde named F st, E st and Brrookeside, Tomsche and alley as being surveyed and BOCC said yes.
- 7.) Deputy Clerk - 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. Minde Beehner - This was not stated during the meeting at all.
- 8.) Deputy Clerk - Commissioner Fitzgerald has made a note to check with legal to find out if the survey had been scheduled. Minde Beehner - Mike asked Jim in PW to contact Stratton and see if he is on task not legal. Mike said this needs to get going.

Judd, Debbi

From: mindebeehner@frontier.com
Sent: Friday, June 24, 2022 1:12 PM
To: Judd, Debbi
Subject: Re: Request for Extension 94-9641

Good afternoon,

Thank you for the information I was a bit confused when filling out. I would greatly appreciate you amending our request from 5 to 3 more years. It is my understanding, that after that additional 3 years, if it is necessary, we may apply then for the governmental delay. Can you please confirm that I am correct in my understanding?

Thank you again for the assistance.
Minde Beehner

On Friday, June 24, 2022 at 12:08:27 PM PDT, Judd, Debbi <debbi.judd@idwr.idaho.gov> wrote:

Good afternoon,

The Department received your request for extension for permit 94-9641. The request asks for a 5 year extension. Permits are allowed up to 5 years for the initial development period and this permit has 2 years, which means you are allowed 3 more years for the initial development period. If the Department approves the request for 5 years, you may not get another extension in the future. The request may qualify for a government delay extension which time is calculated by the onset of the delay and approved for how many days of the delay. The Department may consider a government delay once the 5 year initial development period is met. The Department encourages permit holders to avail themselves of all allowable time to develop a permit. If you would like to amend the request to 3 years instead of 5, please reply to this email stating your intention and I will amend the request for you. Please feel free to contact me should you have questions or concerns.

Thanks,

Debbi

Debbi Judd

Technical Records Specialist

debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources

322 E Front St



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 2, 2022

BROOKSIDE DEVELOPMENT LLC
876 BURKE RD
WALLACE ID 83873-2486

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 94-9641

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **August 01, 2025**.

The Department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed pursuant to Idaho Code § 42-218.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Debbi Judd

Technical Records Specialist

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on **August 2, 2022** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME**) to the person listed below:

RE: Preliminary Order in the Matter of Permit No. **94-9641**

**BROOKSIDE DEVELOPMENT LLC
876 BURKE RD
WALLACE ID 83873-2486**



Debbi Judd
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.