



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

May 2, 2023 – 9:00 A.M.

Bonner County Administration Building
1500 Hwy 2, Suite 338, Sandpoint, ID

On Tuesday, May 2, 2023, the Bonner County Commissioners met for their regularly scheduled meeting with Commissioners Bradshaw, Omodt and Williams present. Commissioner Bradshaw called the meeting to order at 9:00 a.m. The Invocation was presented by Bruce Macek and the Pledge of Allegiance followed.

PUBLIC COMMENT – *Allowance of 60 minutes.*

- David Mann, spoke regarding a zone change that was discussed in a Planning Hearing during the prior week. Also spoke regarding wetland setbacks. Commissioner Williams said to speak with Planning in regard to the 40' setback requirement.
- Monica Gunter, spoke regarding where the Fairboard may want the placement of the campground and whether or not Commissioner Omodt has scheduled a promised meeting with the Fairboard members.
- Jessica Frye, said she attended the Fairboard workshop and that it was a nice meeting.
- Brian Domke, requested that the county commissioners request the planning commission to reengage with subarea committees for comp plan amendments.
- Wayne Martin, requested five minutes for public comment.
- Dan Rose, whether there would be another agenda item related to the Solid Waste Capital Improvements Project. Asked for clarification of the selection of nominees for the Natural Resources Committee and Fairboard.
- George Gehrig, spoke regarding an email received about the non-selection of himself for the Natural Resources Committee and questioned the selection process. Provided documents related to the Forest Service which he has concerns about.
- Shari Dovale, would like associated documents attached to the agenda for the public to view, also requested other special meetings to either be on Zoom and/or YouTube.
- Spencer Hutchings, asked if Commissioners Omodt and Bradshaw are under physical duress or financial pressure as to why there is a flip-flop to the fairground campground expansion.
- Doty Glass, stated Commissioner Omodt should stop saying "I, I, I" and it should be "Us, Us, Us."
- Dan Rose, spoke about the republican party platform.
- Fred Arn, asked if there were any studies done that would make sure that the campground expansion would be a viable business that would turn a profit. Commissioner Omodt addressed market rate.
- Theresa Hiesener, reiterated Brian Domke's comment on the subarea committee suggestion. Thanked Commissioner Williams for hosting the Spirit Valley Town Hall. Feels that the Sheriff's Office needs a budgetary increase due to some traffic issues that need to be addressed.
- Monica Gunter, said that the proposed campground expansion is not saving taxpayer money due to the chances of having to tear down at a later date.
- Doug Paterson, spoke about private versus public campgrounds.
- Dimitry Borisov, asked about the Sandpoint Mayor's accusations of citizens being members of the "Taliban." Thinks the board should write a letter to the mayor.

- Wayne Martin, asked about where the money from campground rental goes and what other locations would be possible for the expansion. Commissioner Omodt stated that there has been extensive research on the choice for the location of the expansion that started with the previous board of commissioners.
- George Gehrig, affirmed the comments about the Sandpoint Mayor. Also spoke about the potential conflict of interest of campaign donations from volunteer selection of committees/boards.
- Jennifer Arn, said she has no dog in the fight about the fairgrounds issue, asked about the cost to maintain and volunteered to mow the area to help lower costs.
- Kristina Nicholas Anderson, said she wants the best for the fair and the idea of putting the campground where the house is would not be fiscally responsible due to the large amount of income that is received from rent.
- Spencer Hutchings, asked about the amount of the grant.

Commissioner Bradshaw recessed the meeting for five minutes at 9:59 a.m.
 Commissioner Bradshaw reconvened the meeting at 10:05 a.m.

ADOPT ORDER OF THE AGENDA

Commissioner Omodt made a motion to amend the order of agenda as presented and to strike the Executive Session that was requested by the BOCC Action Item: Discussion/Decision Regarding Records Exempt, Technology Purchasing. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Williams made a motion to adopt the order of agenda as amended. Commissioner Omodt seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

DISTRICT 2 REPORT – Commissioner Williams gave an extensive report of issues and activities.

DISTRICT 3 REPORT – Commissioner Omodt gave an extensive report of issues and activities.

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners’ Minutes for April 25, 2023
- 2) Invoices Over \$5K: Risk Management
- 3) Liquor Licenses: Lake Pend Oreille Cruises, Hope, ID; Talus Rock Retreat, Sandpoint, ID
- 4) Plats for Approval: Summit West Subdivision File #MLD0006-23, Golden Ray Acres File #MLD0102-22, Moose Mountain Subdivision File #MLD0117-21

Commissioner Omodt made a motion to approve the consent agenda as presented. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

CLERK – Michael Rosedale

- 1) Action Item: Discussion/Decision Regarding FY23 Claims Batch #15 \$399,992.62 & Demands in Batch #15 \$267,270.46; **Totaling \$667,263.08**

Commissioner Williams made a motion to approve payment of the FY23 Claims and Demands in Batch #15 Totaling \$667,263.08. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding FY23 EMS Claims Batch #15 \$3,932.54; **Totaling \$3,932.54**
- Commissioner Omodt made a motion to approve payment of the FY23 EMS Claims in Batch #15 Totaling \$3,932.54. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

PROSECUTOR – Bill Wilson

1) Action Item: Discussion/Decision Regarding VAST Unanticipated Revenue; **Resolution**
Commissioner Williams made a motion to approve Resolution #2023-32 authorizing the receipt of unanticipated revenue in the total amount of \$1,000.00 for use by the VAST program in furtherance of its mission to support victims of violence in Bonner County. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

EMERGENCY MANAGEMENT – Bob Howard

1) Action Item: Discussion/Decision Regarding Reimbursable General Service Agreement with Avista, Amendment No. 01
Commissioner Omodt made a motion to approve the Reimbursable General Service Agreement Amendment No. 01 with Avista for the Contract #R-44001 and allow the Chairman to sign. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

JUSTICE SERVICES – Ron Stultz

1) Action Item: Discussion/Decision Regarding Touchscreen and Intercom System, Phase 2; **\$61,323.00**
Commissioner Williams made a motion to approve the cost of Phase 2 for replacement of Touchscreen and Intercom System at Justice Services in the amount of \$61,323.00 as set forth above. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

HUMAN RESOURCES – Cindy Binkerd

1) Action Item: Discussion/Decision Regarding Request to Recruit, Two Positions
Commissioner Omodt made a motion to approve commencing with approval of a recreation of the positions for Receivable Specialist, Treasurer's office; and DMV Director effective May 2, 2023. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

SHERIFF – Daryl Wheeler

1) Action Item: Discussion/Decision Regarding MOU between Jail and Bonner General Health
Commissioner Williams made a motion to approve the Memorandum of Understanding (MOU) between Bonner County Detention Center and Bonner General Health to comply with the Federal mandates of PREA. The agreement will be effective from date of the last signature on the MOU, unless terminated earlier upon 30 days' notice from either party. This has been reviewed by legal. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

2) Action Item: Discussion/Decision Regarding MOU between Jail and Victim Witness Coordinator
Commissioner Omodt made a motion to approve the Memorandum of Understanding (MOU) between Bonner County Detention Center and the Victim Witness Coordinator to comply with the Federal mandates of PREA. The agreement will be effective from date of the last signature on the MOU, unless terminated earlier upon 30 days' notice from either party. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

ROAD & BRIDGE – Jason Topp (Matt Mulder Presented)

1) Action Item: Discussion/Decision Regarding Contract for Design, Eastriver Loop Bridge
Commissioner Williams made a motion to approve this typical ITD professional services agreement with LHTAC & Keller & Associates, Inc. for preliminary design of the Eastriver Loop Bridge and to allow the Board to sign the agreement. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding Possession Agreements for Parcel #1 of ROW, Rapid Lightning Bridge Project; \$500.00

Commissioner Omodt made a motion to approve this possession agreement for the Rapid Lightning Bridge #5 Project Parcel #1 and a payment of \$500.00 to the property owner. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed.

BOCC – Commissioner Williams

- 1) Action Item: Discussion/Decision Regarding the Following Policies:
- 1) Grievance Procedure Policy 900
 - 2) Rules of Employee Conduct Policy 400
 - 3) Discriminatory Workplace Harassment Policy and Complaint Procedure 1001
 - 4) Employee Discipline Policy
 - 5) Whistleblower Policy 2525

Commissioner Williams spoke about the extensive legal review that the policies have gone under and the need to update the antiquated versions. Commissioner Williams made a motion to approve the policies and make them effective as of today, May 2nd, 2023 as recommended by legal counsel. Commissioner Omodt read Robert's Rules into the record in regard to seconding a motion. Commissioner Williams asked Commissioner Omodt to address what his exact concerns are. Commissioner Bradshaw stated that there was not a second so therefore the motion has died.

- 2) Action Item: Discussion/Decision Regarding Fairboard RV Campground Grant Application
- Commissioner Williams stressed that the Fairboard needs to weigh in before the campground grant moves forward. Civil Attorney Scott Bauer addressed the MOU that was signed during the special meeting that was scheduled on 4/27/2023. Sheriff Wheeler spoke to the drawings done by Sewell & Associates. Asked whether any of the elected officials were consulted for future growth. Spoke to the history of development in this area. Commissioner Williams asked Monica Gunter to speak. Monica Gunter said she spoke to Idaho Parks and Recreation in Boise and explained what would happen if the campground expansion would have to be torn down. Scott Bauer added that statutorily, the Fairboard needs to be a part of this process. Commissioner Bradshaw requested a motion. Shari Dovale asked what Phase we are at on this project. Commissioner Omodt explained what was involved in the first phase. Karlene Behringer asked about a proposed justice center and if there would be any court space included. Commissioner Williams talked about the growth need related to a justice center. Brian Domke said as a land planner, the conceptual plan has no merit and that there are very pertinent issues. Commissioner Williams said she was going to do two separate motions. Doty Glass said to listen to "we the people." Commissioner Williams made a motion that the April 27th, 2023 memorandum to engage Sewell & Associates for \$25,000.00 for a property line adjustment be vacated based on the fact that there was no unforeseen circumstances and that we prior that the memorandum of understanding is not a valid document. Commissioner Omodt said this was reviewed by legal and signed by both the Fairboard and Board of County Commissioners. He said that the scope of work was also drafted by legal. Commissioner Williams said that it was reviewed by legal, however there was additional information after that was created, therefore making it not correct. No second. The motion died. Commissioner Williams made a motion with respect to the stated memorandum of understanding dated April 27th, 2023, where in the Bonner County Commissioners identified the piece of land located at 10-57N-2W be used exclusively for the Bonner County Fair exclusively as a campground be vacated based on the information presented in this meeting and in prior meetings and to reiterate that their memorandum does not allow for us to park, we have a fair coming up and it says exclusively for a campground. Commissioner Omodt said he would not second due to similar reasons that have already been stated. No second. The motion died.

The meeting was recessed at 11:23 a.m.

The meeting was reconvened at 11:31 a.m.

EXECUTIVE SESSION – Human Resources

1) Executive Session under Idaho Code § 74-206 (1) (B) Personnel

Action Item: Discussion/Decision Regarding Personnel, District Courts

At 11:31 a.m. Commissioner Omodt made a motion to go into Executive Session under Idaho Code § 74-206 (1) (B) Personnel. Commissioner Omodt seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

The meeting reconvened at 11:46 a.m.

Commissioner Omodt made a motion to proceed as directed. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – Yes. Commissioner Bradshaw – Yes. The motion passed.

The meeting was recessed until 1:00 p.m.

The meeting was reconvened at 1:02 p.m.

THIS ITEM WAS REMOVED:

EXECUTIVE SESSION – BOCC

1) Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt

Action Item: Discussion/Decision Regarding Records Exempt, Technology Purchasing

1:00 P.M. EXECUTIVE SESSION – Sheriff

1) Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt

Action Item: Discussion/Decision Regarding Records Exempt, IT Department Staffing and Budget

At 1:02 p.m. Commissioner Omodt made a motion to go into Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt. Commissioner Omodt seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

The meeting reconvened at 2:22 p.m.

Commissioner Bradshaw adjourned the meeting at 2:22 p.m.

The following is a summary of the Board of County Commissioners
Special Meetings, (including Tax Cancellations, Assistance Meetings/Admin and other) Executive Sessions,
Emergency Meetings and Hearings held during the week of April 25, 2023 – May 1, 2023
Copies of the complete meeting minutes are available upon request.

On Tuesday, April 25, 2023, an EMS Workshop was held pursuant to Idaho Code §74-204 (2).

On Tuesday, April 25, 2023, an Executive Session was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (D) Records Exempt.

On Tuesday, April 25, 2023, an Executive Session was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (B) Personnel.

On Wednesday, April 26, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Omodt made a motion to approve this project, FILE ZC0001-23, requesting a zone change from Suburban to Rural Service Center, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Bradshaw – Yes. The motion passed. Commissioner Omodt made a motion to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 5, Township 55 North, Range 2 West, Boise Meridian, Bonner County, Idaho from Suburban to Rural Service Center, and providing for an effective date. I further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Bradshaw – Yes. The motion passed. Commissioner Omodt made a motion to approve this project, FILE ZC0002-23, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this motion, have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Bradshaw – Yes. The motion passed. Commissioner Omodt made a motion to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 35, Township 54 North, Range 3 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. I further move to authorize the Chair to sign the official supplementary zoning map upon publication of the ordinance. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Bradshaw – Yes. The motion passed.

On Thursday, April 27, 2023 a Special Meeting was held pursuant to Idaho Code §74-204 (2). Commissioner Omodt made a motion that the county approve the Memorandum of Understanding which allows the Bonner County Fair Board exclusive rights to use the Bonner County owned real property as a Campground which is depicted in the map attached to the memorandum. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – No. Commissioner Bradshaw – Yes. The motion passed. Commissioner Omodt made a motion to approve additional work by Sewell and Associates at the Bonner County Fairground and adjacent property, including survey work to plat same, in an amount not to exceed \$25,000. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – No. Commissioner Bradshaw – Yes. The motion passed.

On Thursday, April 27, 2023 a Treasurer Workshop was held pursuant to Idaho Code §74-204 (2).

On Thursday, April 27, 2023 a Planning Appeal and Workshop was held pursuant to Idaho Code §74-204 (2). Commissioner Omodt made a motion to affirm the Hearing Examiners decision this project FILE MOD0001-23 to allow for private community facility use, a reduced wetland setback for proposed cabins and relocate the “event center” building, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this

hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the conditional use permit is to: 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or 2) Appeal the Hearing Examiner's decision to the County Commissioners. Commissioner seconded the motion. Roll Call Vote: Commissioner Omodt – Yes. Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion passed.

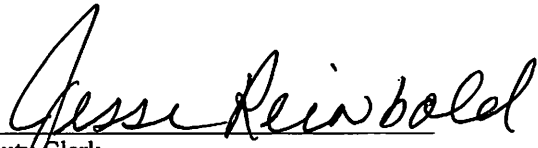
On Monday, May 1, 2023 an Executive Session was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (F) Litigation.

On Monday, May 1, 2023 A Department Head Meeting was held pursuant to Idaho Code §74-204 (2).

On Monday, May 1, 2023 an Insurance Update was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (D) Records Exempt.

ATTEST: Michael W. Rosedale

By 
Chairman Steve Bradshaw

By 
Deputy Clerk

05-10-23
Date