



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

October 17, 2023 – 9:00 A.M.

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

On Tuesday, October 17, 2023, the Bonner County Commissioners met for their regularly scheduled meeting with Commissioners Bradshaw, Omodt, and Williams present. Commissioner Omodt called the meeting to order at 9:00 a.m. The Invocation was presented by Pastor Chris Bassett and the Pledge of Allegiance followed.

PUBLIC COMMENT

- Amy Lunsford – Last week asked about the IT department, through a records request received an email regarding the Sheriff IT department and County IT department. Feels that the Fairgrounds was directed to use the Sheriff's IT. Questioned why the Sheriff has their own IT department. If there is a question or concern regarding hidden data, who would a person go to for a complaint and/or audit. Commissioner Williams responded and discussed.
- Kristina Anderson – Went to last week's Fairboard meeting, the IT issue brought up at that meeting of the Fairboard. Commissioner Williams responded and discussed. The proximity that the Sheriff's IT is closer to the fair, yet their server is at the courthouse, that will make the proximity issue moot. What is the Sheriff's IT hiding about the Fair/Fairboard.
- Susan Bowman – Agenda request as to how Commissioner Omodt became Chair. Commissioner Bradshaw responded.
- Kevin Moore – Appreciation of the Pastor. Discussed the Commissioner Chat prior to this meeting. Questions about Vrbeta, Pack River, Planning and the costs associated with these issues. This costs the citizens more and more.
- Brandon Cramer – In regard to the press release issued by the Fairboard yesterday, what is the competence of the legal opinions being delivered to this board. Were previous lawsuits litigated based on legal opinions. Asked the board to consider where they are getting their legal opinions from, and if they are competent to give legal opinions.
- Doug – Paterson – Please check the microphone.

ADOPT ORDER OF THE AGENDA AS PRESENTED

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

DISTRICT 1 REPORT – Commissioner Bradshaw gave a brief report.

DISTRICT 2 REPORT – Commissioner Williams gave an extensive report of issues and activities. Invited questions and comments from the public.

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

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners’ Minutes for October 10, 2023
- 2) Liquor Licenses: Chevron Downtown, Sandpoint, ID; Express Lane, Sandpoint, ID; Chevron at the Bridge, Sandpoint, ID; Cabinet Mountain Bar & Grill, Clark Fork, ID; 7B Lanes, Sandpoint, ID; Sweet Lou’s Restaurant & Bar, Ponderay, ID; Mitzy’s Lounge, Sandpoint, ID; 1908 Saloon, Sandpoint, ID; Travel America Plaza, Sagle, ID; The Typsy Gypsy, Sandpoint, ID
- 3) Invoices over \$5k: Risk; Sheriff (12 Total, 5 Confidential)

Commissioner Bradshaw made a motion to approve the consent agenda as presented. Commissioner Williams seconded the motion.

Public Comment

- Kevin Moore – Question regarding insurance costs and if the County is still self-insured.

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

CLERK – Jessica Stephany

- 1) Action Item: Discussion/Decision Regarding FY23 Claims Batch #27 \$986,873.66 & Demands in Batch #27 \$120,503.85; **Totaling \$1,107,377.51**

Claims Batch #27	
General Fund	\$ 304,931.03
Road & Bridge	\$ 76,953.16
Airport	\$ 6,242.81
Elections	\$ 511.95
Drug Court	\$ 252.41
District Court	\$ 22,071.35
911 Fund	\$ 41,183.08
Court Interlock	\$ 60.50
Revaluation	\$ 2,024.83
Solid Waste	\$ 5,190.36
Tort	\$ 1,147.37
Weeds	\$ 103.30
Parks & Recreation	\$ 358.57
Justice Fund	\$ 92,660.05
Waterways	\$ 1,325.83
Grants	\$ 411,779.67
Northside Fire	\$ 5,495.00
Spirit Lake Fire	\$ 13,800.00
Auditors Trust	\$ 782.39
Total	\$ 986,873.66
Claims Batch #27	
Demands	\$ 120,503.85

Commissioner Williams made a motion to approve payment of the FY23 Claims and Demands in Batch #27 Totaling \$1,107,377.51. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

- 2) Action Item: Discussion/Decision Regarding FY23 EMS Batch #27 \$19,199.97 & Demands in Batch #27 \$8,993.76; **Totaling: \$28,193.73**

EMS Claims Batch #27	
Ambulance District	\$ 19,199.97
EMS Claims Batch #27	
Demands	\$ 8,993.76

Commissioner Bradshaw made a motion to approve payment of the FY23 EMS Claims and Demands in Batch #27 Totaling \$28,193.73. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

- 3) Action Item: Discussion/Decision Regarding FY24 Claims Batch #1 \$801,433.33 & Demands in Batch #1 \$676,937.91; **Totaling \$1,478,371.24**

Claims Batch #1	
General Fund	\$ 81,821.14
Road & Bridge	\$ 627.00
Airport	\$ 7,335.25
District Court	\$ 1,373.01
911 Fund	\$ 962.34
Indigent & Charity	\$ 839.89
Revaluation	\$ 240.00
Solid Waste	\$ 613,222.60
Tort	\$ 345.00
Parks & Recreation	\$ 22.80
Justice Fund	\$ 69,241.05
Grants	\$ 25,294.50
Self-Insured Medical	\$ 108.75
Total	\$ 801,433.33
Claims Batch #1	
Demands	\$ 676,937.91

Commissioner Williams made a motion to approve payment of the FY24 Claims and Demands in Batch #1 Totaling \$1,478,371.24. Commissioner Bradshaw seconded the motion.

Public Comment

- Doug Paterson – Questions regarding demands in batch

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

- 4) Action Item: Discussion/Decision Regarding FY24 EMS Batch #1 \$3,320.72 & Demands in Batch #1 \$195.58; **Totaling \$3,516.30**

EMS Claims Batch #1	
Ambulance District	\$ 3,320.72
EMS Claims Batch #1	
Demands	\$ 195.58

Commissioner Williams made a motion to approve payment of the FY24 EMS Claims and Demands in Batch #1 Totaling \$3,516.30. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

PARKS & RECREATION – Pete Hughes

- 1) Action Item: Discussion/Decision Regarding Garfield Bay Campground: Annual Fishing Tournament Weekend

Commissioner Williams made a motion to approve opening the Garfield Bay Campground from October 26th-30th to free camping for the general public. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

FACILITIES – Teddi Lupton

- 1) Action Item: Discussion/Decision Regarding Winter Maintenance Contract with Lippert Excavation & Pipeline for the Bonner County Jail Complex & Juvenile Detention Center

Commissioner Bradshaw made a motion to approve the proposed winter maintenance contract with Lippert Excavation & Pipeline for the snow removal at the Bonner County Jail and Juvenile Detention Center.

Commissioner Williams and seconded the motion.

Public Comment

- Doug Paterson – What was spent last year on this contract?

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

- 2) Action Item: Discussion/Decision Regarding Generator Maintenance Contract to be Completed by Western States for the Administration Building, Courthouse, and Multi-use Facility

Commissioner Williams made a motion to approve the contract renewal for generator maintenance from Western States for the Courthouse, Administration Building, and Multi-use generators. Commissioner Bradshaw and seconded the motion.

Public Comment

- Kevin Moore – Clarification on rates.

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

ENGINEERING – Spencer Ferguson

- 1) Action Item: Discussion/Decision Regarding Spending Authority Change from \$5,000 to \$20,000 for EMS Station 1; **Resolution**

Commissioner Bradshaw made a motion to approve Resolution 2023-84 stating Engineering may only pre-obligate the County to third parties in the amount at or below twenty thousand dollars (\$20,000) for the EMS Station Project. Commissioner Williams seconded the motion to advance for discussion.

Public Comment

- Brandon Cramer – Similar proposal brought forth by Solid Waste earlier this year regarding Colburn. Others spoke against this on that item. This is specifically related to engineering. Curious as to why we would need to increase the spending authority at this time.
- Kevin Moore – Setting precedent if this is approved.
- Trisha Bowlin – Is this regarding the meeting held yesterday, is there a plan on this project?
- Amy Lunsford – Disagrees with this, everything should go through the board.

There was a brief discussion among the board.

Commissioner Omodt called a recess for 10 minutes at 10:25 a.m.

Reconvened at 10:35 a.m.

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion passed.

ROAD & BRIDGE – Matt Mulder

1) Action Item: Discussion/Decision Regarding Grader Lease Agreement from Umpqua Bank; \$326,799
Commissioner Williams made a motion to approve entering into the Lease/Purchase agreement with Umpqua Bank and to sign the lease accordingly for one (1) Cat 140 AWD motor grader for the sum of \$326,799 with an annual interest rate of 4.99% for a total of five annual payments of \$32,201. Commissioner Bradshaw seconded the motion.

Public Comment

- Kevin Moore – Probably have 4 or 5 graders, probably also on leases for usage?

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

SOLID WASTE – Spencer Ferguson

1) Action Item: Discussion/Decision Regarding Colburn Improvement Project Change Order #4
Commissioner Bradshaw made a motion that the County approve S&L Undergrounds Inc Change Order #4 in the amount of \$28,201.30 for the tunnel entrance/exit, re-grading and savings for not painting the structural steel inside the building. I further authorize the Chairman to sign administratively. Commissioner Williams seconded the motion to advance for discussion.

Public Comment

- Brandon Cramer – Is the steel raw or is there a coating? Direction of traffic? This is over the allotted budget.
- Kevin Moore – The cost overruns, change orders of project. Due to prior projects the change orders cause taxpayers to pay more. Construction insurance?

There was a brief discussion among the board.

Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt recessed the meeting for 5 minutes at 10:56 a.m.

Reconvened at 11:04 a.m.

EXECUTIVE SESSION – Recreation

1) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding East Bonner Snowmobile Personnel

At 11:04 a.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206 (1) (B) Personnel. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt reconvened the meeting at 11:22 a.m.

Commissioner Bradshaw made a motion to proceed as discussed regarding East Bonner Snowmobile Personnel. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Brief recess at 11:23 a.m.

Reconvened at 11:24 a.m.

EXECUTIVE SESSION – BOCC

- 1) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding Prosecutor’s Office

At 11:25 a.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206 (1) (B) Personnel. Commissioner Omodt 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 reconvened the meeting at 11:49 a.m.

Commissioner Omodt stepped down from the chair and made a motion to proceed as discussed regarding personnel. Commissioner Bradshaw seconded the motion. Brief discussion between the board and Prosecutor Marshall regarding the decision. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion passed.

Public Comment

- Kristina Anderson – Can the decision be released at this time? Was advised not at this time.

Commissioner Omodt recessed the meeting at 12:02 p.m.

- 2) Executive Session under Idaho Code § 74-206 (1) (C) Property Acquisition
Action Item: Discussion/Decision Regarding Acquisition of Property

At 12:03 p.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206 (1) (C) Property Acquisition. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Abstain, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt reconvened the meeting at 12:37 p.m.

Commissioner Bradshaw made a motion to proceed as discussed regarding engage Raphael Barta concerning the acquisition of a property in Bonner County. Commissioner Williams seconded the motion to advance for discussion. Brief discussion among the board. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt recessed the meeting at 12:38 p.m. for 3 minutes

Reconvened at 12:41 p.m.

- 3) Executive Session under Idaho Code §74-206(1)(F) Litigation
Action Item: Discussion/Decision Regarding Fairboard

At 12:41 p.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code 74-206(1)(F) Litigation. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt adjourned the meeting at 1:07 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 October 10, 2023, - October 16, 2023
Copies of the complete meeting minutes are available upon request.

On Tuesday, October 10, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Williams moved to schedule this file to a date and time certain of October and would like to consult with legal regarding this file. Believes this file has an extenuating circumstance and would like legal advisement prior to deciding. Commissioner Omodt amended Commissioner Williams' motion to state that all communication with legal be transmitted to the entire board. Commissioner Williams seconded. Roll call vote: Commissioner Williams – Aye, Commissioner Omodt – Aye. Amendment passes. The Board revisited Commissioner Williams' motion. Roll Call Vote: Commissioner Williams – Aye, Commissioner Omodt – Aye. Amended motion passes.

On Wednesday, October 11, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Williams made a motion to approve this project, FILE AM0012-23, requesting a comprehensive land use plan map amendment from Ag/Forest Land to Rural Residential, on ten acres located off Hines Road in Section 34, Township 59 North, Range 1 West, Boise-Meridian, Bonner County, Idaho, 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 (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in the taking of private property. I amend the findings of fact: 1. The parcel could be served by individual well and septic system. 2. The site has approximately 0.25 acres of mapped slopes that range from 0-30% grade. Mapped slopes greater than 30% are not present on the parcel. 3. Access to the parcel is currently part of a network of developed public roads and private easements. 4. The proposal is not within a mapped critical wildlife habitat. 5. Electricity can be provided by Northern Lights Inc. 6. The properties are within the Northside Fire District. 7. Law enforcement is provided by Bonner County Sheriff's Department. Based upon the findings of fact the following conclusions of law are adopted: Conclusion 1: The proposal is in accord with the following elements of the Bonner County Comprehensive Plan: Property Rights, Population, School Facilities, Transportation, Community Design, Agriculture, Economic Development, Land Use, Natural Resources, Hazardous Areas, Public Services, Transportation, Recreation, Special Areas or Sites, Housing Conclusion 2: This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance. Conclusion 3: The proposal is in accord with the purpose of the Rural Residential comprehensive land use designation. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed. Commissioner Omodt stepped down from the chair and made a motion to approve Resolution #2023-83 amending the Bonner County Projected Land Use Map from Ag/ Forest to Rural-Residential for the parcel outlined in this File AM0012-23, totaling an approximate 10 acres. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed. Commissioner Omodt stepped down from the chair and made a motion to approve Resolution #2023-83 amending the Bonner County Projected Land Use Map from Ag/ Forest to Rural-Residential for the parcel outlined in this File AM0012-23, totaling an approximate 10 acres. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed. Commissioner Omodt stepped down from the chair and made a motion to affirm the staff's administrative decision to deny this project File VA0015-23 requesting for a 28' shoreline setback where 75' is required, finding that it is not in accord with Bonner County Revised Code as enumerated in the following conclusions of law, based upon the evidence submitted up to the time the administrative decision letter was prepared and testimony received at

this meeting. I further move to adopt the findings of fact and conclusions of law as set forth in the administrative decision letter and direct Planning staff to draft written findings and conclusions to reflect this motion and to transmit to all interested parties. This action does not result in the taking of private property. The action that could be taken to obtain the variance is to 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code 2) Pursue such remedies as may be applicable Title 67 Chapter 65 Idaho Code. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed. Commissioner Williams made a motion to approve this FILE AM0014-23 to amend subchapter 12-411 note 8 and subchapter 12-412 note 6 of Title 12, Bonner County Revised Code, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Williams further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.


1. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65, Local Land Use Planning. 2. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..." The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants. 3. The proposed changes provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance. Conclusion 1: The proposed amendment is in accord with Idaho Code, Title 31, Chapter 7. Conclusion 2: The proposed amendment is in accord with Idaho Code Title 67, Chapter 65. Conclusion 3: The proposed amendment is in accord with the general and specific objectives of the Bonner County Comprehensive Plan. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed. Commissioner Omodt stepped down from the chair and 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 subchapter 12-411 note 8 and subchapter 12-412 note 6 of Title 12, Bonner County Revised Code as presented or amended in this hearing, and providing for an effective date. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Absent. The motion passed.

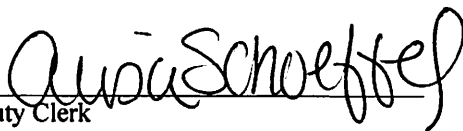
On Thursday, October 12, 2023, a Special Meeting for the Treasurer's Office was held pursuant to Idaho Code §74-204 (4).

On Monday, October 16, 2023, an Engineering Workshop was held pursuant to Idaho Code §74-204 (2). Commissioner Bradshaw stepped down from the Chair and made a motion to nominate Commissioner Omodt as Chair. Commissioner Omodt seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Abstain, Commissioner Bradshaw – Yes. Motion passed. Commissioner Omodt stepped down from the Chair and made a motion to nominate Commissioner Bradshaw as Vice Chair. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Abstain, Commissioner Bradshaw – Yes. Motion passed. Commissioner Omodt stepped down from the chair and made a motion to cancel the administration DMV remodel at this time. Commissioner Williams seconded the motion to advance for

discussion. Discussion followed (audio available). Commissioner Bradshaw made a motion to amend the motion to go forward with the DMV remodel, contact the city and find out about the parking lot and when we get some numbers on that, then move forward. No second, motion dies. Further discussion and concerns amongst the board. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. Motion fails. Commissioner Williams made a motion that engineering put forth a plan for this construction that is also inclusive of this building and then come back to the table and review that plan so that we can make a decision moving forward. Commissioner Omodt seconded the motion to advance for discussion. Brief discussion followed. Roll call vote: Commissioner Omodt – No, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. Motion passed.

ATTEST: Michael W. Rosedale

By 
Chairman Luke Omodt
10/24/2023
Date

By 
Deputy Clerk