



# Bonner County

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## Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

### MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

February 7, 2023 – 9:00 A.M.

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

On Tuesday, February 7, 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 Ken Lawrence and the Pledge of Allegiance followed.

#### **ADOPT ORDER OF THE AGENDA**

Commissioner Omodt made a motion remove BOCC Item #2 Action Item: Discussion/Decision Regarding Reimbursement (FY22) to Assessor Grant Dorman. Commissioner Williams seconded the motion. All in favor. The motion passed.

Commissioner Omodt made a motion to adopt the order of agenda as amended. Commissioner Williams seconded the motion. Commissioner Williams asked for clarification on whether or not the “zoom meeting discussion” should be under Executive Session. Attorney, Bill Wilson spoke regarding the options. Roll Call Vote: Commissioner Omodt: Yes; Commissioner Williams: No. Commissioner Bradshaw: Yes. The motion passed.

**DISTRICT 2 REPORT** – Commissioner Williams spoke about behavioral health support that is available in the county. She encouraged anyone that wishes for the continuance of Zoom to speak up, she read multiple written comments into the record.

**DISTRICT 3 REPORT** – Commissioner Omodt spoke about a site visit at the Lillybrooke Center that he attended. He also addressed the current lawsuits that Bonner County faces. Discussed the IAC Conference that the BOCC attended last week.

#### **PUBLIC COMMENT**

- John Elsbury, Latah County Surveyor, spoke regarding the proposed boundary line adjustment that will come in front of the BOCC at a later date, once it has been legally vetted.
- Randy Stolz, questioned the Planning Commission vacancies.
- Grant Dorman, endorsed the boundary line adjustment spoken of in the beginning.
- Dave Bowman, expressed his support of combining the Planning and Zoning Commissions into one and spoke about RV parks and the density they create. Requests the zoom option for meetings to continue.
- Doug Paterson, feels that “silencing a commissioner” was grossly-unfair and thought the boundary line adjustment public comments should have been agendized in cause a member of the public wanted to provide input. Agrees with Dave Bowman’s comments.
- Jonna Plante, agrees with Dave Bowman relating to the RV park, also agrees with Commissioner Williams relating to not having a zoom meeting discussion under executive session.

- Maureen Paterson, spoke in support of Jonna Plante’s comments that relate to zoom meetings, and supports Dave Bowman’s comments that relate to the RV park.
- Rebecca Holland, appreciated Jonna Plante’s comments.
- Clerk Michael Rosedale, agrees the zoom option should initially be discussed under Executive Session and then discussed at a public meeting later.
- Trisha Bowlin, agrees with the zoom and RV comments.
- Marsha Stephens, is out of state and requests the zoom option to continue.
- Shari Dovale, supports Dave Bowman’s comments related to the combination of Planning and Zoning commissioners and the RV park, agrees that the zoom meetings should continue. Feels that the point of order is disrespectful.
- Jeremy Grimm, supports the continuance of zoom meetings. Agrees with the Dave Bowman comment about RV parks.
- Deanne Fultz, agrees with Dave Bowman’s RV comments and the continuance of zoom meetings.
- Theresa Hiesener, talked about the RV park, supports the zoom meeting option, requests planning and zoning commissions to combine as one, and agrees with the disrespect toward Commissioner Williams.
- Mary Rawlsky, agrees with RV and zoom comments.
- Susan Bowman, agrees with the RV Park amendment, having more “sunlight” as to who gets appointed on the planning and zoning commissions, supports Commissioner Williams’ item #3, the reimbursement for the appeal and supports the combination of commissions. Agrees with the continuance of zoom meetings.
- Reg Crawford, considers zoom very valuable and feels that it should not be discussed under executive session. Would like to see the RV park code amended and disagrees with the point of order.
- Kristina Anderson, spoke asking about the relationship with the Fair Board and whether or not it is appropriate to bring up at this time. Referenced how the Fair board should operate according to Idaho Code. According to the website, there are expired members and therefore questions how they are able to conduct regular business and enter into executive sessions. Supports the continuance of zoom meetings.
- Jennifer Wood, echoes Dave Bowman and Kristina Anderson’s comments. Would like the consideration of using a bigger room for the BOCC Business Meeting.
- Monica Gunter, echoes Dave Bowman’s comments and wishes for the continuance of zoom meetings. Wants Commissioner Williams to always have the ability to talk.
- Jeanette Benedelli, agrees with the wish for the RV park code to be amended.
- Mike Wilson, requests the respect for all commissioners.

**CONSENT AGENDA – Action Item**

- 1) Bonner County Commissioners’ Minutes for January 24, 2023
- 2) Invoices Over \$5K: Recreation, Road & Bridge (2), Sheriff (2), EMS
- 3) Plats for Approval: Osmun Subdivision File #MLD0093-22, ZigZag Estates File #MLD0095-23, Youngstown File #MLD0101-22, Candyland File #MLD0103-22

Commissioner Omodt made a motion to approve the Consent Agenda as presented. Commissioner Bradshaw stepped down from the Chair and seconded the motion. All in favor- Commissioner Omodt and Commissioner Bradshaw. All Opposed – Commissioner Williams. The motion passed.

**CLERK – Michael Rosedale (Nancy Twineham Presented)**

- 1) Action Item: Discussion/Decision Regarding FY23 Claims Batch #9 \$708,032.68 & Demands in Batch #9 \$217,290.15; **Totaling \$925,322.83**

Claims Batch #9		
General Fund	\$	129,520.90
Road & Bridge	\$	107,102.72
Airport	\$	26,597.71

Elections	\$	1,700.24
Drug Court	\$	11.74
District Court	\$	12,031.54
911 Fund	\$	34,610.91
Court Interlock	\$	560.00
Health District	\$	126,887.75
Indigent and Charity	\$	2,350.00
Revaluation	\$	2,408.18
Solid Waste	\$	59,043.95
Tort	\$	89,492.97
Weeds	\$	103.22
Parks & Recreation	\$	38.77
Justice Fund	\$	94,877.75
Priest Lake Snowmobile	\$	11,163.47
Waterways	\$	281.60
Grants	\$	8,249.26
Auditors Trust	\$	1,000.00
Total	\$	708,032.68

Claims Batch #9		
Demands	\$	217,290.15

Commissioner Omodt made a motion to approve payment of the FY23 Claims and Demands in Batch #9 Totaling \$925,322.83. Commissioner Williams seconded the motion. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding FY23 EMS Claims Batch #9 \$109,145.01 & Demands in Batch #9 \$1,500.00; **Totaling \$110,645.01**

EMS Claims Batch #9		
Ambulance District	\$	109,145.01

EMS Claims Batch #9		
Demands	\$	1,500.00

Commissioner Williams made a motion to approve payment of the FY23 EMS Claims & Demands in Batch #9 Totaling \$110,645.01. Commissioner Omodt seconded the motion. All in favor. The motion passed.

**PROSECUTOR – Bill Wilson**

- 1) Action Item: Discussion/Decision Regarding Memorandum of Understanding, City of Ponderay  
 Commissioner Omodt made a motion to approve the MOU with the City of Ponderay as presented and for the Chair to sign administratively. Commissioner Williams seconded the motion. All in favor. The motion passed.

**AIRPORT – Dave Schuck**

- 1) Action Item: Discussion/Decision Regarding Notice to Proceed, 2022 Boyer Road Relocation Project

Commissioner Williams made a motion to issue this notice to proceed. Commissioner Omodt seconded the motion. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding Contract for Maintenance Services for Navigational Aids, Sandpoint Airport; **\$29,341.00**

Commissioner Omodt made a motion to enter into this maintenance agreement and that the Chairman sign administratively. Commissioner Williams seconded the motion. All in favor. The motion passed.

- 3) Action Item: Discussion/Decision Regarding Avigation Easement Modification at Priest River A  
Commissioner Williams made a motion to agree to this easement language modification and that the Chairman sign administratively. Commissioner Omodt seconded the motion. All in favor. The motion passed.

#### **TREASURER – Clorisa Koster**

- 1) Action Item: Discussion/Decision Regarding Access Idaho/Payport Credit Card Addendum O, Elections  
Commissioner Omodt made a motion to approve the Access Idaho/Payport Addendum O to add the Election’s Department to our current contract. This contract has been reviewed by legal. Commissioner Williams seconded the motion. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding Access Idaho/Payport Credit Card Addendum N, Justice Services

Commissioner Williams made a motion to approve the Access Idaho/Payport Addendum N to add the Justice Services Department to our current contract. This contract has been reviewed by legal. Commissioner Omodt seconded the motion. All in favor. The motion passed.

#### **JUSTICE SERVICES – Ron Stultz**

- 1) Action Item: Discussion/Decision Regarding Records Destruction, Juvenile Records Born from 2001-2002;  
**Resolution**

Commissioner Omodt made a motion to approve Resolution #2023-06 ordering the destruction of Bonner County Juvenile Detention facility “temporary records” as described above, held by the Bonner County Juvenile Detention Center, pursuant to Idaho Code Section 31-871 ( c ), as approved by legal. Commissioner Williams seconded the motion. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding Records Destruction, Facility Records from 2019-2020;  
**Resolution**

Commissioner Williams made a motion to approve Resolution #2023-07 the destruction of Bonner County Juvenile Detention facility “temporary records”, as described above, held by the Bonner County Juvenile Detention Center for the years 2019 to 2020, pursuant to Idaho Code Section 31-871 ( c ), as approved by legal. Commissioner Omodt seconded the motion. All in favor. The motion passed.

- 3) Action Item: Discussion/Decision Regarding Records Destruction, Facility Records, 2012; **Resolution**  
Commissioner Omodt made a motion to approve Resolution #2023-08 the destruction of Bonner County Juvenile Detention facility “permanent records”, as described above, held by the Bonner County Juvenile Detention Center for the year 2012, pursuant to Idaho Code Section 31-871 ( c ), as approved by legal. Commissioner Williams seconded the motion. All in favor. The motion passed.

#### **RISK MANAGEMENT – Christian Jostlein**

- 1) Action Item: Discussion/Decision Regarding 2023 Bond Renewal; Blanchard Gravel Pit  
Commissioner Williams made a motion to approve signing the contract for a bond to satisfy requirements from Idaho Dept of Lands. The cost of the renewal will be \$6,944.00. Commissioner Omodt seconded the motion. Commissioner Williams abstained. All in Favor – Commissioner Omodt and Commissioner Bradshaw. The motion passed.

#### **PLANNING – Jake Gabell**

- 1) Action Item: Discussion/Decision Regarding Appointment of Member to the Planning Commission;  
**Resolution**

Commissioner Omodt made a motion to adopt Resolution #2023-09 appointing Matt Linscott to the Planning Commission per BCRC 12-122 filling the vacated Position B. Commissioner Bradshaw stepped down from the Chair and seconded the motion. All in favor- Commissioner Omodt and Commissioner Bradshaw. All Opposed- Commissioner Williams. The motion passed.

**ROAD & BRIDGE – Jason Topp (Matt Mulder Presented)**

- 1) Action Item: Discussion/Decision Regarding 2023 Transportation Plan Update, Professional Services Agreement

Commissioner Williams made a motion to approve this professional services agreement with Welch Comer Engineer, Inc. for the preparation of an updated transportation plan for an amount of \$35,300.00, and to allow the chairman to sign this administratively. Commissioner Omodt seconded the motion. All in favor. The motion passed.

**HUMAN RESOURCES – Cindy Binkerd**

- 1) Action Item: Discussion/Decision Regarding Staffing Requests, Request to Recruit for Six Positions, Two Promotions and One Grade Change

Commissioner Williams made a motion to approve commencing with approval of the following vacated positions: Permit Tech, Planning; Road and Bridge, District 1 Manager; HR Generalist, Human Resources; Transport Deputy and Sheriff's Labor Supervisor, Sheriff's Office; Deputy Public Defender, Public Defenders; And approval of the following staffing changes: Promotion of 2 Deputy Prosecutors from Attorney II to Attorney III for a cost of \$17,532.00; this cost will come out of existing budget. Grade Change for Deputy Public Defender for a cost of \$12,482.57; this cost will come out of existing budget. Commissioner Omodt seconded the motion. All in favor. The motion passed.

- 2) Action Item: Discussion/Decision Regarding Policy Revision, Workplace Conduct 400.4

Commissioner Bradshaw requested a motion to deny. Commissioner Williams made a motion to move to approve the requested revision to the Workplace Conduct Policy, Compliance with Open Meeting Discussions 400.4 effective January 23, 2023. No second, the motion died.

**DMV – Joleen Bass**

- 1) Action Item: Discussion/Decision Regarding Records Destruction, DMV Records, **Resolution**

Commissioner Omodt made a motion to approve Resolution #2023-10 authorizing the DMV Manager to destroy the DMV Office records as listed on Exhibit A. Commissioner Williams seconded the motion. All in favor. The motion passed.

Commissioner Bradshaw asked to remand the next four items to the Prosecutor's Office.

**BOCC – Asia Williams**

- 1) Action Item: Discussion/Decision Regarding Expense Reimbursement (FY22) to Commissioner Williams for September 2022 Idaho Association of Counties Conference, Airfare and Hotel

Commissioner Omodt made a motion to deny the expenses as submitted by Commissioner Williams as a private citizen to choose to go to the September 2022 Idaho Association of Counties Conference, Airfare and Hotel.

Commissioner Bradshaw stepped down from the Chair and seconded the motion. All in favor – Commissioner Omodt and Commissioner Bradshaw. The motion passed.

- 2) ~~Action Item: Discussion/Decision Regarding Reimbursement (FY22) to Assessor Grant Dorman~~

- 3) Action Item: Discussion Decision Regarding Reimbursement for Planning Reconsideration, CUP0030-21, Conditional Use Permit for an Affordable Housing RV Development. Reconsideration request submitted to Planning Department on 9/14/2022 by *Keep Bonner County Rural* on behalf of affected parties in their individual capacities: Penny Kay Lamb, Joshua Keith Emmett, Priscilla Eileen Emmett, Dennis Arthur Walker and Jeanette Walker, billing contact Dave Bowman. *(Dave Bowman Presented)*

Commissioner Williams recused herself from the vote. Commissioner Omodt made a motion to deny the application for reimbursement for Planning Reconsideration, CUP0030-21, Conditional Use Permit for an Affordable Housing

RV Development due to the Planning Department already expending the man hours for the appeal process. Commissioner Bradshaw stepped down from the Chair and seconded the motion. All in favor-Commissioner Omodt and Commissioner Bradshaw. The motion passed.

4) Action Item: Discussion/Decision Regarding the Restoration of Planning and Zoning to a Single Commission

Commissioner Williams made a motion to start the process to restore the Planning and Zoning to a single commission to include the public in the operation of Planning and Zoning. No second. The motion died.

The meeting was recessed at 11:39 a.m.

The meeting was reconvened at 11:50 a.m.

#### **EXECUTIVE SESSION – Technology**

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

Action Item: Discussion/Decision Regarding Ethernet Access Circuit; **\$2,150.00 Monthly**

At 11:50 a.m. Commissioner Omodt made a motion to go into Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Omodt – aye. Commissioner Williams – aye. Commissioner Bradshaw – aye. All in favor. The motion passed.

The meeting was reconvened at 12:05 p.m.

Commissioner Omodt made a motion to proceed as discussed in Executive Session. Commissioner Williams seconded the motion. Commissioner Omodt-Aye. Commissioner Williams-Aye. Commissioner-Bradshaw-Aye. The motion passed.

#### **EXECUTIVE SESSION – Road & Bridge**

1) Executive Session under Idaho Code § 74-206 (1) (C) Real Property

Action Item: Discussion/Decision Regarding Purchase Agreements; **\$2,282.87 & \$1,946.19**

At 12:06 p.m. Commissioner Omodt made a motion to go into Executive Session under Idaho Code § 74-206 (1) (C) Real Property with Road & Bridge members, Jason Topp and Matt Mulder. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Roll Call Vote: Commissioner Omodt – aye. Commissioner Williams did not vote, she left the room. Commissioner Bradshaw – aye. The motion passed.

The meeting was reconvened at 12:20 p.m.

Commissioner Omodt made a motion to approve these purchase agreements for Parcel #2 and Parcel #3 in the amount of \$2,282.87 and \$1,946.19, respectively, for the purchase of right-of-way for Rapid Lightning Bridge #5 and to allow the Chairman to sign the agreements. Commissioner Williams seconded the motion. All in favor. The motion passed.

#### **EXECUTIVE SESSION – Human Resources**

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

Action Item: Discussion/Decision Regarding Personnel, Road & Bridge

Action Item: Discussion/Decision Regarding Personnel, Assessor

At 12:21 p.m. Commissioner Omodt 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 – aye. Commissioner Williams – aye. Commissioner Bradshaw – aye. All in favor. The motion passed.

The meeting was reconvened at 12:35 p.m.

Commissioner Omodt made a motion to proceed as directed for the personnel matter for the Assessor. Commissioner Williams seconded the motion. Roll Call vote: Commissioner Omodt – Aye. Commissioner Williams – Aye. Commissioner Bradshaw – Aye. The motion passed.

#### EXECUTIVE SESSION – BOCC

1) Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt  
Action Item: Discussion/Decision Regarding Zoom Meetings

At 12:39 p.m. Commissioner Omodt made a motion to go into Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt. Commissioner Bradshaw seconded the motion. Roll Call Vote: Commissioner Omodt – aye. Commissioner Williams – no. Commissioner Bradshaw – aye. All in favor. The motion passed.

At 12:54 p.m. the meeting was reconvened.

Commissioner Omodt made a motion to cease utilizing Zoom as a function of county meetings for the Board of County Commissioners in order to protect the county from potential lawsuits. Commissioner Bradshaw stepped down from the Chair and seconded the motion. Commissioner Williams received written statements from multiple constituents, she read a list of names into the record that are in support of the continuance of zoom. There were multiple public comments. Roll Call Vote: Commissioner Omodt – Aye. Commissioner Williams – No. Commissioner Bradshaw – Aye. The motion passed.

Commissioner Bradshaw adjourned the meeting at 1:21 p.m.

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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 January 24, 2023 – February 6, 2023  
Copies of the complete meeting minutes are available upon request.

On Wednesday, January 25, 2023, Assistance was held pursuant to Idaho Code §74-204 (2). The Following File was Discussed: 2008-031, 2014-071, 2019-064.

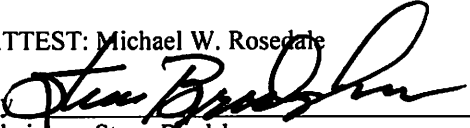
On Wednesday, January 25, 2023, Tax Cancellations were held pursuant to Idaho Code §74-204 (2). The Following File was Discussed: Multiple Parcels.


On Tuesday, January 24, 2023, an Executive Session with Human Resources & PayneWest was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (D) Records Exempt.

On Wednesday, January 25, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Williams made a motion to approve this project, FILE ZC0015-22, requesting a zone change from Rural-5 to Commercial, 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 Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Aye. Commissioner Williams – Aye. Commissioner Bradshaw –

Aye. 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 24, Township 55 North, Range 6 West, Boise Meridian, Bonner County, Idaho from Rural-5 to Commercial, 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 Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Aye. Commissioner Williams – Aye. Commissioner Bradshaw – Aye. The motion passed. Commissioner Omodt made a motion to approve this project, FILE ZC0017-22, requesting a zone change from Agricultural/ Forestry-20 to Rural-10, 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 Williams seconded the motion. Roll Call Vote: Commissioner Omodt – Aye. Commissioner Williams – Aye. Commissioner Bradshaw – Aye. The motion passed. Commissioner Williams 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 14, Township 59 North, Range 2 West, Boise Meridian, Bonner County, Idaho from Agricultural/ Forestry-20 to Rural-10, 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 Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – Aye. Commissioner Williams – Aye. Commissioner Bradshaw – Aye. The motion passed.

On Thursday, January 26, 2023, a Public Defender Appointment was held pursuant to Idaho Code §74-204 (2). Commissioner made a motion to approve Resolution #2023-05 appointing Luke Hagelberg to the position of Public Defender. Commissioner seconded the motion. All in favor. The motion passed.

ATTEST: Michael W. Rose  
By   
Chairman Steve Bradshaw

By   
Deputy Clerk

02-14-23  
Date



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