



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

August 29, 2023 – 9:00 A.M.

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

On Tuesday, August 29, 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 Hollis Stewart and the Pledge of Allegiance followed.

PUBLIC COMMENT

- Wayne Martin – Thanked BOCC for allowing Public Comment. Asked about appointed committees (Planning, Natural Resources, etc.): does the BOCC get reports from the committees between meetings. Brief discussion followed.
- Dimitri Borisov – Public comment: disagree that it was taken away, federal courts have found that the public is allowed to speak during meetings, should not be allowed to be taken away due to feelings.

Commissioner Omodt recessed the meeting for ten minutes at 9:10 a.m.

Commissioner Omodt reconvened the meeting at 9:20 a.m.

ADOPT ORDER OF THE AGENDA AS PRESENTED

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

DISTRICT 1 REPORT – Nothing to report.

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

Spencer Hutchings – Asked about the MOU Commissioner Williams mentioned in her report. Commissioner Williams explained it was regarding the MOU with the Fairgrounds and Auditing. Discussion followed.

Dave Bowman – Stated that this Board has overused Special Meetings and jamming through items that the public is unaware of or opposed to. Decisions should only be made during business meetings. Commissioner Williams believes the meetings should be posted more prominently and zoomed.

Spencer Hutchings – Wonders why the Special Meetings are being held, what is being hidden or what is being done improperly with the short notice meetings. Discussion followed.

Commissioner Omodt stopped comments from Mr. Hutchings due to his accusatory comments toward staff and elected officials. Further discussion followed.

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

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners’ Minutes for August 22, 2023
- 2) Catering Permit: Eichardt’s Pub, Sandpoint, ID
- 3) Plats for Approval: MLD0034-23, Clagstone 35 Estates; MLD0024-23, Hansen Meadows; MLD0031-23, Replat of Lot 3, Bodie Canyon Acres
- 4) Invoices over \$5k: Risk (2); Public Works; Road & Bridge; District Court; Sheriff

Commissioner Williams and made a motion to approve the consent agenda as presented. 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 Transfer of Facilities 2006 Chevy Silverado Pickup, VIN#1GCHK24U16E163354; **Resolution**

Commissioner Williams made a motion to approve Resolution #2023-65, the transfer of a 2006 Chevy Silverado Pickup, VIN#1GCHK24U16E163354 from Facilities to the Sheriff’s Office. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

ROAD & BRIDGE – Jason Topp and Matt Mulder

- 1) Action Item: Discussion/Decision Regarding Acceptance of FY24 Grader Lease Financing
Commissioner Williams made a motion to approve the Road and Bridge Department soliciting a five-year lease agreement with UMPQUA Bank for the lease - purchase of seven (7) 2023 Cat 140 AWD Motor Graders. Financing will be provided for the sum of \$359,000.00 at the 4.99% fixed rate for one (1) grader for a total of five years with an annual payment of \$32,201.00 beginning in October of 2023. Six (6) graders will be financed for the amount of \$2,154,000.00 for a total of five years with a 5.25% max interest rate with a floor of 4.69%. with annual payments of \$198,332.01 beginning in June of 2024. The formal UMPQUA Bank financing agreement will be submitted to the BOCC Board for review and approval at a later date. Commissioner Bradshaw seconded the motion.

Public comment:

Jennifer Kramer: are other graders being retired?

Wayne Martin: question regarding buyback.

Rick Kramer: are new graders being added.

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

- 2) Action Item: Discussion/Decision Regarding Adoption of the 2023 Transportation Plan Update
Commissioner Williams made a motion to adopt the 2023 update to the Bonner County Transportation Plan and to allow the board to sign the document. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

- 3) Action Item: Discussion/Decision Regarding Professional Services Agreement with Century West Engineers; Safety Grant

Commissioner Williams made a motion to approve the Professional Services Agreement for development of Project Ky #23286 – Stop Control Intersections Safety Improvements. Commissioner Bradshaw seconded the motion.

Public comment:

Wayne Martin: clarified the amount of the award.

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

EMERGENCY MANAGEMENT – Bob Howard

- 1) Action Item: Discussion/Decision Regarding All Hazard Mitigation Grant Award

Commissioner Bradshaw made a motion to accept the All-Hazard Mitigation Grant #23NONE017 in the amount of \$38,881.08 with an in-kind match of \$4,320.12 for a total award of \$43,201.21 and to allow the chairman to sign. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

2) Action Item: Discussion/Decision Regarding Grant Administrator; **Resolution**

Commissioner Williams made a motion to approve Resolution #2023-66 designating the Director of Emergency Management as the designated single point contact for this grant for Bonner County. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

BOCC – Jessi Reinbold

1) Action Item: Discussion/Decision Regarding Lakeland Joint School District #272 L2 Certification Extension Request

Commissioner Bradshaw made a motion to approve Lakeland Joint School District #272 L2 Certification extension request. Commissioner Williams seconded the motion to advance for discussion. Discussion amongst the Board regarding levies for the school district. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Abstain, Commissioner Bradshaw – Yes. The motion passed.

BOCC – Asia Williams

1) Action Item: Discussion Regarding Requiring Septic/Sewer Permits Prior to Building Location Permits
Public comment:

Jennifer Kramer: discussed the lack of septic/sewer requirements prior to building location permits being issued. Believes that this is an issue that needs corrected. Further discussion followed.

Matt Linscott: Over several months Planning Staff and PHD have met several times and there have been some changes.

Kathryn Kolberg, PHD: reviewing building land permits currently, being done differently in the past where the location of septic/sewer would be suitable. PHD view that they would rather verify suitable location for sewer/septic prior to building by landowner. PHD does not currently require fees for BLPs.

Commissioner Williams will move forward with scheduling a workshop with Planning and PHD to discuss septic/sewer requirements prior to a building location permit being issued. Discussion followed between the Board and Jake Gabell, Planning Director.

Commissioner Omodt recessed the meeting at 10:45 a.m. for 5 minutes.

Commissioner Omodt reconvened the meeting at 10:53 a.m.

10:30 A.M. EXECUTIVE SESSION – Risk Management

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

At 10:53 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 11:11 a.m.

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

Commissioner Omodt recessed the meeting at 11:12 a.m. for 5 minutes.

Commissioner Omodt reconvened the meeting at 11:19 a.m.

EXECUTIVE SESSION – Human Resources

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

Action Item: Discussion/Decision Regarding Juvenile Detention

At 11:19 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 11:31 a.m.

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

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

Action Item: Discussion/Decision Regarding Road & Bridge

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

Commissioner Omodt reconvened the meeting at 12:08 p.m.

Commissioner Williams made a motion to proceed as discussed regarding Road & Bridge. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

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

Action Item: Discussion/Decision Regarding Mid-Year COLA

At 12:09 a.m. Commissioner Williams made a motion to go into Executive Session under Idaho Code § 74-206 (1) (B) Personnel. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt reconvened the meeting at 12:30 p.m.

Commissioner Omodt stepped down from the chair made a motion to proceed as discussed regarding Mid-Year COLA for Juvenile Detention, Justice Services, and the Bailiffs. Commissioner Williams seconded the motion to advance for discussion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt recessed the meeting at 12:31 p.m. for 5 minutes.

Commissioner Omodt reconvened the meeting at 12:34 p.m.

EXECUTIVE SESSION – Risk Management

- 1) Executive Session under Idaho Code § 74-206(1)(F) Litigation

Action Item: Discussion/Decision Regarding Active Litigation

At 12:34 a.m. Commissioner Williams made a motion to go into Executive Session under Idaho Code § 74-206 (1) (B) Personnel. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt reconvened the meeting at 12:41 p.m.

Commissioner Omodt adjourned the meeting at 12:41 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 August 22, 2023 – August 28, 2023
Copies of the complete meeting minutes are available upon request.

On Tuesday, August 22, 2023, an Executive Session was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (F) Litigation.

On Wednesday, August 23, 2023, Assistance was held pursuant to Idaho Code §74-204 (2).

On Wednesday, August 23, 2023, Tax Cancellations were held pursuant to Idaho Code §74-204 (2). Approved: RP56N02W090201; RP537010060040; RP55N03W117202; Denied: RP60N05W245151

On Wednesday, August 23, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Bradshaw made a motion to reverse the hearing examiners decision and stated the reasoning. Commissioner Williams seconded the motion for the purposes of advancing for discussion. There was no further discussion. Roll Call Vote: Commissioner Omodt – No, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion failed. Commissioner Williams made a motion to affirm the Hearing Examiner’s decision to deny this project FILE V0008-23, a reduced setback of 10’, where 25’ is required. Commissioner Omodt seconded the motion. Roll Call Vote: Commissioner Omodt – yes, Commissioner Williams – yes, Commissioner Bradshaw – No. The motion passed. Commissioner Williams made a motion to approve this project, FILE ZC0005-23, 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. 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 the hearing) 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 the taking of private property. Commissioner Bradshaw stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. 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 6, Township 55 North, Range 5 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date. Commissioner Omodt further moved 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 – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed. Commissioner Williams made a motion to affirm the Planning staff’s administrative decision on this project File CC0002-23, noting that the parcel RP58N01W047650A described in Instrument #972065, Bonner County Records, as a 4.387-acre parcel did not result from a division of land complying with the applicable provisions of the Bonner County Revised Code in effect at the time the division occurred, therefore not existing as a single separate legal parcel of land for the purposes of regulating land use in Bonner County. The decision is based upon the evidence submitted up to the time the Staff Memo was prepared and testimony received at this meeting. This action does not

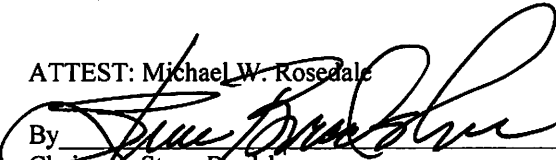
result in the taking of private property. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. All in favor. The motion passed. Note: The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code.

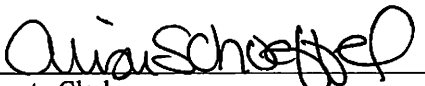
On Thursday, August 24, 2023, an Executive Session was held pursuant to Idaho Code § 74-206 (1) (D) Records Exempt & 74-206 (1) (B) Personnel

On Thursday, August 24, 2023, a Special Meeting for the Risk Insurance Proposal was held pursuant to Idaho Code §74-204 (4). Commissioner Williams made a motion to bind the insurance contract with Redman & Company Contract for October 1, 2023-September 30, 2024, Liability Insurance at the cost of \$434,205. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Aye, Commissioner Williams – Aye, Commissioner Bradshaw – Aye. All in favor the motion passed.

On Thursday, August 24, 2023, an Idaho Public Defense Commission Quarterly Update was held pursuant to Idaho Code §74-204 (2).

ATTEST: Michael W. Rosedale

By 
Chairman Steve Bradshaw

By 
Deputy Clerk

09-05-2023
Date