



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

October 31, 2023 – 9:00 A.M.

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

On Tuesday, October 31, 2023, the Bonner County Commissioners met for their regularly scheduled meeting with Commissioners Bradshaw and Omodt present, Commissioner Williams on Zoom. Commissioner Omodt called the meeting to order at 9:00 a.m. The Invocation was presented by Pastor Hollis Stewart followed by a moment of silence for late Fair Director Darcey Smith and the Pledge of Allegiance.

PUBLIC COMMENT

- Kristina Nicholas Anderson – Announced a small event for the community to remember Darcey Smith today. Comments about the Fair and the broken trust between electeds and the public. Request that all Executive Sessions be in person only and not via Zoom/telephone.
- Amy Lunsford – Comments, concerns, and questions regarding the Fair and investigation after receiving records requested by PRR.
- Darla Fletcher – Would like transparency in actions not words, there are a lot of trust issues. Comments and concerns regarding the Fair and Fairboard and the Fair office never being open.
- Kevin Moore – Would like more definitiveness regarding Vrbeta litigation.
- Jim Leighty – Comments regarding the Fair and late Fair Director. Requested an apology from the Sheriff for Darcey Smith.

ADOPT ORDER OF THE AGENDA AS AMENDED

Commissioner Omodt stepped down from the chair and made a motion to amend the order of the Agenda and to strike the Sheriff's item Regarding Destruction of Sheriff's Records; Resolution at the request of the Sheriff's Office and to further add an emergency Executive Session, Records Exempt, to discuss insurance and this has received authorization that it does in fact constitute an emergency from our legal counsel. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed. Commissioner Omodt stepped down from the chair and made a motion to adopt the order of agenda as amended. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

DISTRICT 1 REPORT – No report at this time.

DISTRICT 2 REPORT – Commissioner William's report was read by the Clerk, there were no questions

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

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners' Minutes for October 24, 2023
- 2) Liquor Licenses: Priest Lake Golf Course, Priest Lake, ID; Ivano's Catering, Sandpoint, ID; Trinity at City Beach, Sandpoint, ID; Boondox Bar & Grill, Westmond, ID; Priest River Corner Store, Priest River, ID;

Willow Bay North, Priest River, ID; Hydra SOS Inc, Sandpoint, ID; Dover Bay Cafe, Dover, ID; The Fat Pig, Sandpoint, ID; Litehouse Specialty Food Store, Sandpoint, ID; Jalapenos Mexican Restaurant, Sandpoint, ID; 219 Lounge, Sandpoint, ID; 113 Main, Sandpoint, ID; Honey Hive, Sandpoint, ID; The Idaho Club, Sandpoint, ID; Clark Fork Beverage, Clark Fork, ID; Mi Pueblo II, Priest River, ID; Payless Gas, Kootenai, ID; Leonard Paul Store, Coolin, ID; Dairy Depot, Sandpoint, ID

3) Invoices over \$5k: Technology (2 Confidential); Sheriff

Commissioner Bradshaw made a motion to approve the consent agenda as presented. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

CLERK – Michael Rosedale

1) Action Item: Discussion/Decision Regarding FY23 Claims Batch #28 \$65,463.11 & Demands in Batch #28 \$1,920.38, Totaling \$67,383.49

Claims Batch #28	
General Fund	\$ 3,839.80
Road & Bridge	\$ 17,235.43
Airport	\$ 16,963.57
Drug Court	\$ 280.58
District Court	\$ 18,727.89
911 Fund	\$ 1,877.00
Revaluation	\$ 1,723.20
Tort	\$ 39.95
Parks & Recreation	\$ 1,125.00
Justice Fund	\$ 3,090.18
Waterways	\$ 560.51
Total	\$ 65,463.11
Claims Batch #28	
Demands	\$ 1,920.38

Commissioner Bradshaw made a motion to approve payment of the FY23 Claims and Demands in Batch #28 Totaling \$67,383.49. 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.

2) Action Item: Discussion/Decision Regarding FY24 Claims Batch #2 \$1,037,602.70 & Demands in Batch #2 \$666,297.73; Totaling \$1,703,900.43

Claims Batch #2	
General Fund	\$ 490,735.77
Road & Bridge	\$ 42,303.07
Airport	\$ 1,931.61
Elections	\$ 409.49
District Court	\$ 2,624.65
911 Fund	\$ 70,568.43
Health District	\$ 124,373.00

Indigent & Charity	\$	1,175.00
Junior College Tuition	\$	64,375.00
Revaluation	\$	45.00
Solid Waste	\$	12,689.13
Tort	\$	7,695.72
Weeds	\$	192.72
Parks & Recreation	\$	291.10
Justice Fund	\$	152,491.49
Waterways	\$	236.57
Grants	\$	65,464.95
Total	\$	1,037,602.70
Claims Batch #2		
Demands	\$	666,297.73

Commissioner Bradshaw made a motion to approve payment of the FY24 Claims and Demands in Batch #2 Totaling \$1,703,900.43. Commissioner Omodt stepped down from the chair and seconded the motion.

PUBLIC COMMENT

- Dave Bowman – This is a large amount for demands, please clarify.

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

3) Action Item: Discussion/Decision Regarding FY24 EMS Batch #2 \$215,955.83 & Demands in Batch #2 \$250.00, Totaling **\$216,205.83**

EMS Claims Batch #2		
Ambulance District	\$	215,955.83
EMS Claims Batch #2		
Demands	\$	250.00

Commissioner Bradshaw made a motion to approve payment of the FY24 EMS Claims and Demands in Batch #2 Totaling \$216,205.83. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

SOLID WASTE– Bob Howard

1) Action Item: Discussion/Decision Regarding West Pend Oreille Fire District Land Lease
Commissioner Bradshaw made a motion that the County approve lease agreement between Bonner County and West Pend Oreille Fire District in the amount of \$50 per month for the space at 1230 Peninsula Road for the installation of a communication repeater antenna. Commissioner Omodt stepped down from the chair and seconded the motion.

PUBLIC COMMENT

- Kevin Moore – Question about CA Item #3 being confidential
- Dave VanNatter – This really helps out the community and the Fire District

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

2) Action Item: Discussion/Decision Regarding Capital Construction Carryover; **Resolution**
Commissioner Bradshaw made a motion to approve Resolution 2023-85 to move \$2,932,983.19 from FY23 023-9480 to FY24 023-9480 for the carryover of the Colburn Capital Improvements project. Commissioner Omodt stepped down from the chair and seconded the motion. 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 2006 Mirage V Nose Trailer Surplus; **Resolution**
Commissioner Bradshaw made a motion to approve Resolution 2023-86 to surplus the 2006 Mirage Trailer VIN# 5M3BE303961023379 and transfer said Mirage Trailer to Boundary County Emergency Management.
Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

SHERIFF – Daryl Wheeler *REMOVED AT THE REQUEST OF THE SHERIFF'S OFFICE 10/30/2023*

1) Action Item: Discussion/Decision Regarding Destruction of Sheriff's Records; **Resolution**

PLANNING – Jake Gabell

1) Action Item: Discussion/Decision Regarding S003-21, Sundance Acres Subdivision, Preliminary Plat Extension Request

Commissioner Bradshaw made a motion to approve the request for extending the validity of the preliminary plat for a duration of two (2) years from November 12, 2023 to November 11, 2025 for project S0003-21 Sundance Acres.
Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt called a recess for 5 minutes at 9:56 a.m.

PUBLIC COMMENT

- Dave Bowman – Questioned why this is an emergency

Commissioner Omodt reconvened the meeting at 10:03 a.m.

RISK – Christian Jostlein *AMENDED TO Executive Session under Idaho Code § 74-206(1) (D) Records Exempt*

1) Action Item: Discussion/Decision Regarding Purchase Property Insurance from Redman Insurance for 11/1/23 to 10/31/24

At 10:03 a.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206(1) (D) Records Exempt. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt reconvened the meeting at 10:22 a.m.

Discussion with the board and Brian Nate, Redman Insurance.

Commissioner Omodt stepped down from the chair and made a motion to engage Redman Insurance for \$473,070 for property insurance from 11/01/2023 to 10/31/2024 and to use Tort Fund account, insurance liability, 024-6850 to be used to pay for this invoice Commissioner Bradshaw seconded the motion. Brief discussion among the board.

PUBLIC COMMENT

- Dave Bowman – Requested clarification on property versus mobile/marine/personal property coverage
- Trisha Bowlin – Question on value of property, wondering if value went up with inflation
- Fred Arndt – Insurance is based on odds
- Kevin Moore – Three options, going for the middle option

Lengthy comments from Brian Nate regarding coverages and to answer comments from the public.

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

Commissioner Omodt called a 5 minute recess at 10:51 a.m.

EXECUTIVE SESSION – Emergency Management/BonFire

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

At 10:54 a.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206(1)(F) Litigation. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt reconvened the meeting at 10:57 a.m.

Commissioner Bradshaw made a motion to terminate the contract as discussed. Commissioner Omodt stepped down from the chair and seconded the motion. Brief discussion among the board. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

EXECUTIVE SESSION – Human Resources

- 1) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding Assessor’s Office
- 2) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding Solid Waste
- 3) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding Employees Over Max Grade

At 1058 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 – Yes, Commissioner Bradshaw – Yes. The motion passed.

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

Commissioner Bradshaw made a motion to proceed as discussed regarding the Assessor’s Office. Commissioner Omodt stepped down from the chair and seconded the motion. Brief discussion among the board. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Bradshaw made a motion to proceed as discussed regarding Solid Waste. Commissioner Omodt stepped down from the chair and seconded the motion. Brief discussion among the board. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

Commissioner Omodt/Bradshaw adjourned the meeting at 11:21 a.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 24, 2023 – October 30, 2023
Copies of the complete meeting minutes are available upon request.

On Tuesday, October 24, 2023, a Special Meeting for HR, the Clerk, the Treasurer, and the BOCC was held pursuant to Idaho Code §74-204 (4).

On Wednesday, October 25, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Omodt made a motion to approve this petition, FILE #VS0004-22, to vacate only the northern areas of Markham

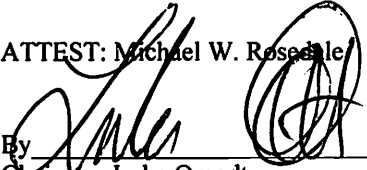
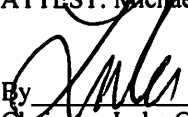
Street, Thomas Street and the alley and to specifically not approve the vacation of Campbell's Street as described and discussed in today's hearing and described on the submitted stamped site plan and legal description, finding that only these are in accord with Idaho Code §40-203 as enumerated in the foregoing 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 and transmit to all interested parties. I further move to direct Planning Staff to draft a Resolution for recording, which includes the rational basis for this decision, as well as the findings of facts and conclusions adopted at this hearing and to present the Resolution for approval at the next business meeting. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Williams seconded the motion Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed. Conclusions of Law: Based upon the findings of fact, the following conclusions of law are adopted: Conclusion 1: This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, 40-203. Conclusion 2: Bonner County has not received objections to the petition or application to vacate the described platted area, other than from Road and Bridge which was addressed in the areas to be vacated. Conclusion 3: The abandonment of the public right-of-way as submitted is in the public's interest, the abandonment of the right-of-way that was not approved is not in the public's interest. Conclusion 4: By granting this petition for vacation of public right of way, real property adjoining the subject highway or public right of way will not be left without access to an established highway or public right of way. The conditions of approval are those listed in the staff report. Commissioner Omodt made a motion to adopt conclusions of law as previously stated. 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 approve this project, FILE ZC0007-23, requesting a zone change from Agricultural/ Forestry-20 to Agricultural/ Forestry-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 (or as amended during the hearing) and direct the planning staff to draft written findings and conclusions of law to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in the taking of land. Zone change findings of fact: • Agricultural/ Forestry activities are viable within the A/F-10 designation. • The parcel does not feature prime agricultural soil. • The parcel is within a network of constructed Bonner County owned and maintained 60' wide gravel right of ways. The parcel is adjacent to a Boner County maintained prescriptive easement. • The parcel is not characterized by mapped slopes 30% and greater. • Fire protection is provided by West Pend Oreille Fire District. • Emergency services are provided by Bonner County Sheriff Department. • Power is provided by Avista Utilities. • The proposal currently has a permitted individual septic system. • The property has two (2) developed springs for water supply. • The parcel is currently 23 acres. Based upon the findings of fact the following conclusions are adopted: Conclusion 1: The proposal is in accord with the following elements of the Bonner County Comprehensive Plan as enumerated in the staff report Conclusion 2: This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and was found to be in compliance. Conclusion 3: The proposal is in accord with the purpose of the Agricultural/ Forestry zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code. Commissioner Omodt seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed. Commissioner Bradshaw 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 the Official Zoning Map of Bonner County by the classification of lands located in Section 9, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho from Agricultural/ Forestry-20 to Agricultural/ Forestry-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 Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

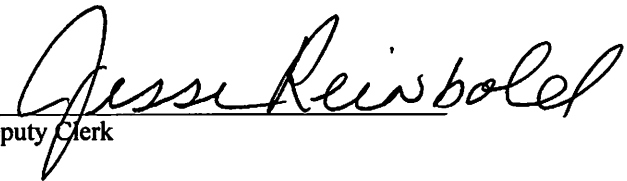
On Thursday, October 26, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Omodt requested that this hearing be continued due to traveling and not being in a position to give this the file the attention that it deserves. Commissioner Omodt made a motion to continue this file to a time and date certain so that I can be present. Commissioner Bradshaw stepped down from the chair and seconded the motion. We will reschedule this for Monday, October 30, 2023 at 1:00 p.m. Roll call vote: Commissioner Omodt - Yes, Commissioner Williams - ***, Commissioner Bradshaw - Yes

On Friday, October 27, 2023, an Executive Session was held pursuant to Idaho Code §74-206(1) (D) Records Exempt.

On Monday, October 30, 2023, an Executive Session was held pursuant to Idaho Code §§74-206 (1)(F) LITIGATION, 74-206 (1)(B) Personnel & 74-206 (1)(D) Records Exempt §74-204 (2) and Idaho Code § 74-206 (1) (F) Litigation.

On Monday, October 30, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Bradshaw made a motion to approve this project, FILE CUP0030-21, requesting a conditional use permit for an RV Park, 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: Conclusion 1: The proposed conditional use permit is in accordance with the general and specific objectives of the Bonner County comprehensive plan. Conclusion 2: This proposal was reviewed for compliance with the criteria and standards set forth at Chapter 4, Subchapter 4.9 and Chapter 3, Subchapter 3.3 of the Bonner County Revised Code, Title 12. Conclusion 3: The proposed use will not create a hazard or will not be dangerous to persons on or adjacent to the property. 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 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 stepped down from the chair and seconded the motion to for discussion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – ***, Commissioner Bradshaw – Yes. The motion passed. Commissioner Omodt stepped down from the chair and made a motion to amend the conditions of approval to require a backup power source, which would be Condition A-13, for the conditions of approval as drafted with the addition of A-13, which would be a backup power source for the pump house. Discussion followed with legal counsel. The amendment in Commissioner Omodt’s motion most certainly does, and would, and must include the deliberations that have occurred during this hearing and for the amended conditions of approval, and we would rely upon staff to be able to draft an appropriate written findings and conclusions that reflect the motion and deliberations, as deliberated here today at this hearing, for clarification. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – ***, Commissioner Bradshaw – Yes. The motion passed.

ATTEST: Michael W. Rosedale

By  _____
Chairman Luke Omodt
Date 11-7-23

By  _____
Deputy Clerk