



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

November 21, 2023 – 9:00 A.M.

Bonner County Administration Building

1500 Hwy 2, Suite 338, Sandpoint, ID

On Tuesday, November 21, 2023, the Bonner County Commissioners met for their regularly scheduled meeting with Commissioners Omodt, Bradshaw, and Williams present. Commissioner Omodt called the meeting to order at 9:05 a.m. The Invocation was presented by Pastor Chris Bassett and the Pledge of Allegiance followed.

PUBLIC COMMENT –

Amy Lunsford – Commented about the public and elected officials at other meetings. Discussed emails from a PRR.

Daniel Michaels – Noted not a lot of good from the meetings, they seem broken and would like to see them mended if that is possible.

Thomas Fletcher – We should find peace and common ground and agreeableness. This requires honesty and an end to the dishonesty.

Dian Welle – We all need peace, if you want peace you need to prepare for war. Comments regarding the fair and Fairboard.

Daniel Welle – We have seen actions on this board that are not appropriate. There is an appearance of impropriety.

Darla Fletcher – Comments regarding court documents/records.

Commissioner Omodt recessed the meeting for 10 minutes at 9:30 a.m.

Reconvened at 9:40 a.m.

Commissioner Omodt recessed the meeting for 20 minutes at 9:41 a.m.

Reconvened at 9:53 a.m.

Kristina L Nicholas Anderson – Comments regarding investigation at the Fair and the need for an audit.

Jonna Plante – Questioned the comments of other members of the public.

Jessica Fry – Comments about the Fairboard.

Spencer Hutchings – Comments about the recess and Fairboard PRR regarding the Fair financial records.

Jennifer Cramer – Would like to see the board work together and the public to hold them accountable.

Susan Bowman – Agreed with Ms. Cramer. Thinks that the board should be governing the County and doing just the business of the County. Discussed prior agenda item regarding property management, wondered when the workshop will be held.

Sheryl Messer – Comments regarding Comp Plan, requested an error on the Comp Plan be corrected. Commenting as a citizen.

Brandon Cramer – Comments about the cost/time of PRR. Would like these PRR to be posted online to help alleviate time/cost. Would like the order of agendas for the Commissioner District Reports be changed to rotational as opposed to in chronological order.

ADOPT ORDER OF THE AGENDA AS AMENDED

Commissioner Bradshaw made a motion to approve the amendment of the Agenda by adding Planning Item 2: Action Item: Discussion/Decision Regarding Engineering Contract with 7B Engineering. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

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

DISTRICT 1 REPORT – Commissioner Bradshaw gave a brief report of issues and activities.

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

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

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners' Minutes for November 14, 2023
- 2) Liquor Licenses: Inn at Priest Lake, Coolin; Smokesmith BAR-B-QUE, Sandpoint; The View Café, Cocolalla; 74 Main Public House, Priest River; Schweitzer Mountain Resort, Sandpoint; Stateline tavern, Oldtown; Lodge at Sandpoint, Sagle; Hill's Resort, Priest Lake; Priest Lake Brewing, Priest Lake (2); Elkins Resort, Priest Lake; Safeway, Sandpoint; Bab's Pizzeria, Sandpoint; Waterfront Express, Sandpoint; The Happy Hour, Kootenai; Klondyke Café and Tavern, Laclede; Dollar General Store #23351, Sagle; Dollar General Store #23769, Priest River
- 3) Invoices Over 5K: Risk, Sheriff's Office Marine, Sheriff's Office (3, 2 Confidential), BOCC
- 4) Plats for Approval: MLD0085-22 Nielsen Subdivision; MLD0041-23 M&M Acres; Final Plat, MLD0062-22 Bowers Estates; Final Plat MLD0117-22 McKnight Estates; Final Plat MLD0178-21 B&C Estates

Commissioner Williams made a motion to amend the consent agenda by removing the BOCC Invoice and correction to the minutes for District 1 Report. Commissioner Bradshaw seconded the motion to amend the Consent Agenda. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – No, Commissioner Bradshaw – No. The motion fails. Commissioner Williams made a motion to amend the consent agenda to make a correction to the minutes for District 1 Report and return it to the Clerk. Commissioner Bradshaw seconded the motion to amend the the Consent Agenda. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries. Commissioner Bradshaw made a motion to approve the consent agenda as amended. Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

JUSTICE SERVICES – Ron Stultz

- 1) Action item: Discussion/Decision Regarding Bonner County Justice Services Department Operating Agreement FY23-24

Commissioner Bradshaw made a motion to approve the Justice Services Operating Agreement, which sets the operating plan for Justice Services for FY23-24 as supported by legislative code. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

PLANNING – Jacob Gabell

- 1) Action item: Discussion/Decision Regarding Right-of-Way Vacation, Thomas Street, Portion of Markham Street and Campbell Street and Alley, File #VS0004-22; **Resolution**

Commissioner Bradshaw made a motion to approve Resolution #2023-93 for Right-of-Way Vacation for Thomas Street and a portion of Markham Street, Campbell Street, and an alley. Commissioner Williams seconded the

motion.

PUBLIC COMMENT

Dave Bowman – Likes the process change within Planning.

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

2) Action Item: Discussion/Decision Regarding Engineering Contract with 7B Engineering

Commissioner Bradshaw made a motion to approve the Professional Services Contract with 7B Engineering.

Commissioner Williams seconded the motion.

PUBLIC COMMENT

Dave Bowman – Is a conflict of interest a pass through, what might be a conflict?

Brandon Cramer – Why an individual could not obtain their own engineering firm?

Susan Bowman – What kind of engineer would be used?

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

ROAD & BRIDGE – Matt Mulder

1) Action item: Discussion/Decision Regarding LHTAC and Local Agreement, Bridges

Commissioner Bradshaw made a motion to approve LHTAC & Local Agreement: Leading Idaho Bridge Program – Bridge #KN20645, KN30225, and KN30235 to replace the Rapid Lightning Bridge #4, Colburn Culver at Grouse Creek Bridge, and the Colburn Culver at Pack River (North) Bridge. Commissioner Williams seconded the motion.

PUBLIC COMMENT

Brandon Cramer – Which bridge on Colburn is being referenced?

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

Commissioner Omodt recessed the meeting for 5 minutes at 10:49 a.m.

Reconvened at 10:56 a.m. Commissioners Omodt and Bradshaw are present, Commissioner Williams was absent.

EXECUTIVE SESSION – Human Resources

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

Action Item: Discussion/Decision Regarding Tuition Reimbursements

At 10:56 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 Williams – Absent, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Reconvened at 11:08 a.m.

Commissioner Bradshaw made a motion to proceed as directed regarding the three tuition reimbursement requests.

Commissioner Omodt stepped down from the chair and seconded the motion. Roll call vote: Commissioner Williams – Absent, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

The meeting was adjourned at 11:09 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 November 14, 2023 – November 20, 2023
Copies of the complete meeting minutes are available upon request.

On Tuesday, November 14, 2023, a USFS Update was held pursuant to Idaho Code §74-204 (2).

On Wednesday, November 15, 2023, Tax Cancellations were held pursuant to Idaho Code §74-204 (2). Approved:
RP57N05W181803

On Wednesday, November 15, 2023, Assistance was held pursuant to Idaho Code §74-204 (2).

On Thursday, November 16, 2023, an Election Canvass was held pursuant to Idaho Code §74-204 (2).

Commissioner Bradshaw made a motion to accept the Bonner County election canvass from the November 7, 2023 Election. Commissioner Williams seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion passed.

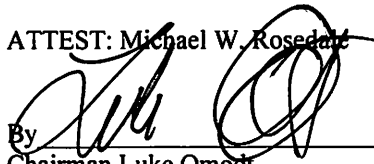
On Thursday, November 16, 2023, an Executive Session was held pursuant to Idaho Code §74-204 (2) and Idaho Code § 74-206 (1) (F) Litigation.


On Thursday, November 16, 2023, a Special Meeting for the BOCC was held pursuant to Idaho Code §74-204 (4). Commissioner Williams made a motion that all actions and decisions from November 7 Executive Session be null, and void based on violations of open meeting law. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion carries and the action items are voided. Commissioner Bradshaw made a motion to allow the expansion of the Holland and Hart contract to address the new Tort Claim. Commissioner Omodt stepped down from the chair and seconded the motion. Extended discussion among the board, legal, Clerk Rosedale, Assessor Englehardt, and Comptroller Twineham (audio available). Commissioner Omodt stepped down from the chair and made a motion to allow for the expansion to allow the expansion of the Holland and Hart contract to address the new Tort Claim as a finding of necessity because this is already being adjudicated in the court of public opinion. Commissioner Bradshaw seconded. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion carries. Commissioner Omodt stepped down from the chair and made a motion for the BOCC to use IC 31-802 in PRR requests as was suggested had to be done in an open meeting by counsel. Commissioner Bradshaw seconded the motion. Discussion with legal and the board. Commissioner Williams made a motion to deny the request for the authority of the board to see my emails. No second, the motion dies. Commissioner Omodt stepped down from the chair and made a motion for the BOCC to use IC 31-802 in PRR requests that are outstanding for the emails between Commissioner Williams and Daryl Wheeler. Commissioner Bradshaw amended the motion to add pending legal interpretation. Commissioner Omodt stepped down from the chair and seconded the amendment. Roll call vote (amendment): Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion for the amendment carries. Roll call vote (amended motion): Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Yes. The motion carries. Commissioner Omodt made a motion to allow the BOCC to consult first with the Bonner County Prosecuting Attorney to seek clarification of Judge Julian's protective order and to potentially hire outside counsel to aid in the drafting of the request. Commissioner Bradshaw seconded the motion. Discussion among the board. Commissioner Omodt stepped down from the chair and made a motion to allow the BOCC to consult with the Bonner County Prosecuting Attorney seeking clarification of Judge Julian's protective order and for the BOCC to potentially hire outside counsel to aid in the drafting of the request to be submitted to the court. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Abstain, Commissioner Bradshaw – Yes. The motion carries. Commissioner Omodt stepped down from the chair and made a motion for the BOCC to receive written counsel from the Bonner County Prosecutor's office regarding the unauthorized

surveillance of BOCC proceedings at the authorization of Bonner County Sheriff's deputies as approved by Bonner County Sheriff, Daryl Wheeler, in the Bonner County Board of Commissioners' Executive Sessions and in in our office. Commissioner Williams seconded the motion. Discussion among the board. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – Yes, Commissioner Bradshaw – Yes. The motion carries. Commissioner Omodt stepped down from the chair and made a motion for the BOCC to remove attorney client privilege from January 9, 2023 from individual commissioners and make it only for the Board of Commissioners as a body. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Omodt – Yes, Commissioner Williams – No, Commissioner Bradshaw – Abstain. The motion fails.

On Thursday, November 16, 2023, a Special Meeting for Engineering was held pursuant to Idaho Code §74-204 (4). Commissioner Omodt stepped down from the chair and made a motion to discontinue the DMV add alternate with the intention of conducting a facility plan for the administration building to incorporate future staffing needs, customer efficiencies, and parking needs by having Engineering conduct a facility study providing concepts for approval. Commissioner Williams seconded the motion to advance for discussion. Lengthy discussion followed. Commissioner Williams called the question. Commissioner Omodt seconded the motion to call the question. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion passed

ATTEST: Michael W. Rosedahl

By  _____
Chairman Luke Omodt

By  _____
Deputy Clerk

11-28-23
Date