



MINUTES OF THE BOARD OF BANNOCK COUNTY COMMISSIONERS

Meeting Details

Date of Meeting:	Tuesday, November 12, 2024
Commissioners present:	Ernie Moser and John Crowder
Clerk of the Board:	Jason C. Dixon
Absent Board Members:	Jeff Hough
Staff present:	Deputy Clerk Nancy Allen, Comptroller Kristi Klauser, and Attorney Brian Trammell

Agenda Details

AGENDA	
1	Regular Business Meeting (action items) BOARD OF COMMISSIONERS MEETING CALL TO ORDER, AGENDA CHANGES & AGENDA APPROVAL (action item)
2	<ul style="list-style-type: none"> Indigent Business may require an Executive Session pursuant to Idaho Code §74-206(1)(d) to consider records exempt from public disclosure (action item)
3	<ul style="list-style-type: none"> Julie Hancock, Elections Administrator, presenting for signature the Certification of the Election held Tuesday, November 5, 2024 (requested 10 minutes) (action item)
4	<ul style="list-style-type: none"> Shanda Crystal, Chief Procurement Officer, requesting to discuss (1) recommendation to award the Exhibit Hall Ceiling Invitation to Bid, and; (2) recommendation to award the Exhibit Hall Fire Suppression Invitation to Bid (requested 5 minutes) (action item)
5	<ul style="list-style-type: none"> Kiel Burmester, Public Works Director, seeking signatures (1) on Sales Agreements with Western States CAT for 2024 Caterpillar 150 AWD Motorgrader, 2024 Caterpillar 950 Medium Wheel Loader, 2024 Caterpillar 420 Backhoe Loader, and; (2) License Agreement with Wadsworth Brothers Construction (requested 5 minutes) (action item)
6	<ul style="list-style-type: none"> Kristi Klauser, Comptroller, request to ratify a manual check for Coast to Coast Carports, Inc. (Sheep barn for the fairgrounds in Downey). The original check was an incorrect amount. (requested 5 minutes) (action item)
7	RESOLUTIONS AND ORDINANCES (action items): 2024-73 Approving Change of Road Name 2024-74 Vacating Easement in the First Addition Space Acres Subdivision
8	LETTERS AND NOTICES (action items): Tax Cancellation Request
9	SIGNATURE ONLY (action items): Memo for 2024 Anniversary Recognition Credit Application for Vestis Uniforms and Workplace Supplies
10	CONSENT AGENDA (action items): <ul style="list-style-type: none"> Manual Checks Alcohol Licenses and Catering Permits Certificate of Residency Approval Salary Rate Approval Forms/Notice of Separation with Potential Executive Session under Idaho Code §74-206(1)(a)&(b) regarding personnel with potential action following adjournment of Executive Session Technology Forms Minutes: Approval of Meeting Minutes for November 5 and 7, 2024, and Certification of Said Minutes

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| 11 | Bid Opening for Exhibit Hall Electrical Invitation to Bid (action item) |
| 12 | Executive Session under Idaho Code §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement with potential action following adjournment of Executive Session (action item) |

Meeting Notes

- 1 9:00 AM Moser called the meeting to order.
- 2 No business.
- 3 9:00 AM Hancock reviewed the election had no major complaints, and a record turnout. Moser was impressed how everything worked out with construction in front of the building. Hancock reported out of the 11,300 early voters, there were only two complaints. The election had 77% of registered voters and 6,400 same day registrations, which does include those with address changes. Crowder commended staff for how the big operation worked out. Crowder moved to approve the canvass. The motion passed.
- 4 9:07 AM Facilities Director Dan Kendall was also present. Crystal recommended awarding the exhibit hall ceiling project to KJ Acoustics in the amount of \$16,185. Crowder moved to award the contract. The motion passed.
9:09 AM Crystal recommended awarding the exhibit hall fire protection project to Legacy Fire in the amount of \$62,775. Crowder moved to award the project. The motion passed.
- 5 9:10 AM Burmester reviewed lease agreements for a road grader, loader, and backhoe, that utilizes trades and buy back. The leases were budgeted for. Crowder moved to approve the three agreements. The motion passed.
9:14 AM Burmester reviewed the license agreement for the Inkom yard for ITD's project. Crowder moved to approve the agreement. The motion passed.
- 6 9:16 AM Klauser reviewed the invoice for Coast-to-Coast and issuance of a manual check. Discussion ensued on additional delays, the forklift rental, and extra costs due to their delay. Crowder moved to ratify the manual check. The motion passed.
- 7 9:20 AM Moser reviewed the resolutions. Crowder moved to approve Resolutions 2024-73 and 74. The motion passed.
- 8 Moser reviewed the tax cancellations, anniversary memo, credit application.
- 9 9:21 AM Crowder moved to approve the tax cancellation requests, memo for 2024 anniversaries, and credit application. The motion passed.
- 10 9:23 AM Moser reviewed the consent agenda included manual checks, alcohol licenses, salary forms, and minutes. Crowder moved to approve the consent agenda. The motion passed.
- 11 10:01 AM Moser reviewed the bid solicitation for the Exhibit Hall Electrical. Procurement Officer Shanda Crystal unsealed the bids and reviewed one bid received from Razor Electric, LLC in the amount of \$144,200. Crowder moved to accept the bid and take it under advisement. The motion passed.
- 12 10:03 AM Planning staff Hal Jensen and Tristan Bourquin and Public Works Director Kiel Burmester appeared. Crowder moved to enter into executive session under Idaho Code §74-206(1)(f) to communicate with legal counsel. The motion passed by roll call vote.
11:06 AM Crowder moved to exit executive session. The motion passed.

Action Item Summary

ACTION/DIRECTION	ASSIGNED TO
Approved canvass of November 2024 election.	Elections
Awarded exhibit hall ceiling bid to KJ Acoustics in the amount of \$16,185. Awarded exhibit hall fire protection bid to Legacy Fire in the amount of \$62,775.	Procurement/Buildings & Grounds/Parks & Rec
Approved lease agreements with Western States for a road grader, loader, and backhoe; and License Agreement.	Public Works/Auditing
Ratified manual check for Coast-to-Coast.	Parks & Rec/Auditing
Approved Resolutions 2024-73 Approving Change of Road Name; and 2024-74 Vacating Easement in the First Addition Space Acres Subdivision.	Clerk
Approved tax cancellation requests, memo for 2024 anniversaries, and credit application.	Resolution/Treasurer/Commission
Approved manual checks, alcohol licenses, salary forms, and minutes through consent.	Resolution/Auditing/Clerk
Accepted bid for review from Razor Electric for Exhibit Hall Electrical project.	Procurement
Approved entry/exit executive session – legal communication.	Clerk

In the Matter of APPROVING)
CHANGE OF ROAD NAME)

R.S. No. 2024-73
November 12, 2024

RESOLUTION

WHEREAS, a public meeting was held on October 31, 2024, to consider an application to change the name of Mornington Drive to Angileen's Way in Canyon Creek Subdivision; and

WHEREAS, the application to change the name of a road was submitted by the developer, Geoffrey Williams; and

WHEREAS, all adjoining owners provided written consent and support for the proposed name change; and

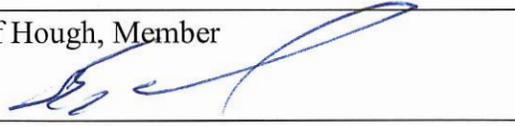
WHEREAS, Bannock County Rural Addressing Ordinance 1985-5, Section 9 allows the Board to consider and grant the road name change;

NOW THEREFORE, BE IT RESOLVED that Mornington Drive in the Canyon Creek Subdivision be changed to Angileen's Way with the developer bearing the cost to replace the road name sign.

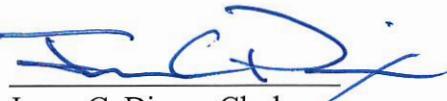
BOARD OF BANNOCK COUNTY COMMISSIONERS


Ernie Moser, Chair

Jeff Hough, Member


John Crowder, Member

ATTEST:


Jason C. Dixon, Clerk

In the Matter of VACATING)
EASEMENT IN THE FIRST ADDITION)
SPACE ACRES SUBDIVISION)

R.S. No. 2024-74
November 12, 2024

RESOLUTION

WHEREAS, a public hearing was held on November 5, 2024, at the hour of 11 a.m. in the chambers of the Bannock County Commissioners to consider the petition to vacate an easement on the land owned by Lionel Todd Hawkins, Lot 4, Block 4 in the First Addition to Space Acres Subdivision.

WHEREAS, the Board heard evidence concerning the application and having considered the file and all evidence presented at the hearing, it hereby makes the following findings and conclusions:

FINDINGS, CONCLUSIONS OF LAW, AND DECISION

APPLICANT: Kent Higgins on behalf of Lionel Todd Hawkins

TYPE OF APPLICATION: Petition for vacation of easement

LOCATION OF EASEMENT: The North fifty feet of Lot 4 Block 4, Space Acres First Addition, Bannock County, Idaho, as the same appears on the Official Plat thereof, recorded March 6, 1973, as Instrument No. 505561

APPLICABLE LAW

1. Bannock County Commissioners are authorized by Idaho Code Title 40, Chapter 2 and Idaho Code Title 50, Chapter 13 to abandon and vacate any highway or public right-of-way in the county system or grant such vacations of platted easement or streets.
2. Idaho Code §50-1325 provides: Easements — Vacation of. Easements shall be vacated in the same manner as streets.
3. Idaho Code §40-203(4)(c) provides: When a county is to consider the abandonment or vacation of any private right-of-way that was accepted as part of a recorded platted subdivision, said abandonment or vacation shall be accomplished pursuant to the provisions of chapter 13, title 50, Idaho Code.
4. Idaho Code §50-1306A(5) provides: In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by first class mail, certified mail, or certified mail with return receipt of the proposed vacation and have agreed to the same in writing.
5. Pursuant to Idaho Code §67-6535(2), a decision must be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance or statutory provisions, pertinent

constitutional principles, and factual information contained in the record.

6. Findings of fact must include a concise and explicit statement of the underlying facts of record supporting the findings, a statement of available procedures and applicable time limits for seeking reconsideration or other administrative relief, be based exclusively on the evidence in the record of the officially noticed proceeding, and all parties served with a copy of the order with a proof of service. Idaho Code §67-5248.
7. Notification to the public, adjacent landowners, and operators of underground facilities must be made according to Idaho Code §40-203.
8. No public right-of-way or parts thereof shall be abandoned or vacated so as to leave any real property adjoining the public right-of-way without access to an established public right-of-way. Idaho Code §40-203(2).
9. Pursuant to Idaho Code §50-1320, Vesting of title on vacation, the part so vacated, if it be a lot or tract, shall vest in the rightful owner, who may have the title thereof according to law;

FINDINGS OF FACT

1. Applicant submitted an application on August 2, 2024, to request the County vacate an easement in the Space Acres Subdivision First Addition. The Official Plat was recorded March 6, 1973, as Instrument No. 505561, indicating, "The streets shown on the Plat are donated and dedicated to the public in fee simple forever. The easements shown on the Plat are not dedicated to the public, but the right to use said easements is perpetually reserved for public utilities, including future roads or streets...."
2. The location of the subdivision and easement are within and under the jurisdiction of Bannock County, Idaho.
3. Notification of the public hearing was sent to adjoining property owners and public utilities and the public hearing notice was published on October 5 and 19, 2024.
4. The public hearing was held on November 5, 2024.
5. There were no written comments submitted prior to the hearing and oral testimony was heard. County staff had no objections. One objection from an adjoining owner was heard and considered.
6. The easement requested for vacation is not currently used or maintained by the County as a public right-of-way. The County does not plan to maintain the easement or develop any roads in said easement. No public utilities have been installed in said easement since its creation in 1973. There appears to be no need for the easement.
7. No access to federal or state land will be denied if the Petition is approved.
8. As a result of vacation, no property will be without access to an established public right-of-way.

9. The requested easement to be vacated lies solely on the owner's property.
10. Ownership of the vacated easement vests in the rightful owner, Lionel Todd Hawkins, having the title thereof.

CONCLUSIONS OF LAW

Vacation of the proposed easement is in the public interest, pursuant to Idaho Code §40-203(1)(h) and (6).

DECISION

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing Findings of Fact and Conclusions of Law, pursuant to Idaho Code Title 40, Chapter 2 and Idaho Code Title 50, Chapter 13, the petition for vacation of the easement is hereby granted. The following easement is hereby vacated and ownership remains with the lot owner:

THE NORTH FIFTY FEET OF LOT 4 BLOCK 4, SPACE ACRES
SUBDIVISION FIRST ADDITION, BANNOCK COUNTY, IDAHO,
AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF,
RECORDED MARCH 6, 1973 AS INSTRUMENT NO. 505561

****Appeal Rights****

Pursuant to Idaho Code §§ 40-203(1)(k) and 67-6535(2)(b), an applicant or affected person seeking judicial review of this decision must first seek reconsideration of the final decision within fourteen (14) days. The written reconsideration request must identify specific deficiencies in this decision for which reconsideration is sought. A written decision whether the reconsideration was affirmed, reversed, or modified must be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

BOARD OF BANNOCK COUNTY COMMISSIONERS


Ernie Moser, Chair


Jeff Hough, Member


John Crowder, Member

ATTEST:


Jason C. Dixon, Clerk

PROOF OF SERVICE

I hereby certify that a copy of this Resolution and Decision was sent to:

Hawkins, Lionel Todd
12700 N Neptune St
Pocatello, ID 83202

Smith, Travis L
12733 N Neptune St
Pocatello, ID 83202

Madsen, Lacey
12676 N Neptune St
Pocatello, ID 83202

Palmer, H Keith
14806 W Saturn St
Pocatello, ID 83202

Space Acres Water Users Assoc
C/O Ankrum, Laramie
6140 Laramie Ln
Pocatello, ID 83202

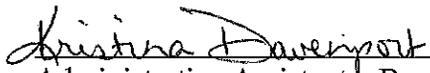
Gregg, Terry
12641 N Neptune St
Pocatello, ID 83202

Armstrong, Russell
14340 W Chubbuck Rd
Chubbuck, ID 83202

Johnson, Wesley E
14830 W Saturn St
Pocatello, ID 83202

Cunningham, Jim R
12675 N Laramie Ln
Pocatello, ID 83202

Kent Higgins
Merrill & Merrill, Chtd
109 North Arthur – 5th
Floor
Pocatello, ID 83204


Administrative Assistant – Bannock County

**BOARD OF BANNOCK COUNTY COMMISSIONERS
MINUTE CERTIFICATION**

We, the Board of Bannock County Commissioners, hereby certify approval of the minutes of the Bannock County Commissioners' meetings inclusive of the dates of November 5 and 7, 2024, as approved during the meeting of November 12, 2024.

BOARD OF BANNOCK COUNTY COMMISSIONERS


Ernie Moser, Chair


Jeff Hough, Member

John Crowder, Member

ATTEST:


Jason C. Dixon, Clerk