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Commissioners' Agenda

The Board of County Commissioners (BOCC) is comprised of the three elected County Commissioners: Ernie Moser (District 1), Jeff Hough (District 2, Chair), and Ken Bullock (District 3). The BOCC generally meets twice weekly: **Tuesdays & Thursdays at 9:00 a.m.** Unless otherwise noted, meetings are generally held in the Commissioner's Chambers at 624 E Center, Room 212, Pocatello, Idaho. During these public meetings, the BOCC may approve contracts, expend funds, hear testimony, make decisions on land use cases, and take care of other County matters.

Times are subject to change within 15 minutes of the stated time.

Tuesday, April 1, 2025

9:00 AM Business Meeting (action items)

Agenda:

- Indigent Business may require an Executive Session pursuant to Idaho Code §74-206(1)(d) to consider records exempt from public disclosure (action item)
- Jason Dixon, Clerk, requesting an Executive Session pursuant to Idaho Code §74-206(1)(c) to acquire an interest in real property not owned by a public agency with potential action following adjournment of Executive Session (requested 5 minutes) (action item)
- Tristan Bourquin, Planning and Development, seeking to discuss a Memorandum of Understanding with Fort hall for Zoning and building permits and regulations (requesting 15 minutes) (action item)
- Shanda Crystal, Procurement, requesting to (1) discuss a potential signature on a change order with Pro Builders, and (2) provide a procurement update (requesting 5 minutes) (action item)
- Kristi Klauser, Auditing, seeking approval of an IRS bill for late tax payment (requested 5 minutes) (action item)

RESOLUTIONS AND ORDINANCES (action items):

Resolution No. 2025-26 Authorization to Dispose Surplus Assets/Property

Resolution No. 2025-27 Adopting the 2025 Comprehensive Plan and Future Land Use Map

Resolution No. 2025-28 Appeal of Planning Council's Denial of Wilkes Conditional Use Permit Application

Resolution No. 2025-29 Approving March 2025 Salaries

Resolution No. 2025-30 Approving January 2025 Alcohol Licenses

County Ordinance 2025-2 Amendment No. 1 to Ordinance No. 2009-5

LETTERS AND NOTICES (action items):

Waiver and Release of Liability with Pine Ridge Mall Common Area/Exterior Common/Parking Lot

Meeting Facility Use Request Form with the City of Chubbuck

SIGNATURE ONLY (action items):

Customer Setup Form

CONSENT AGENDA (action items):

- 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 March 25, 2025, and Certification of Said Minutes

11:00 AM Public Hearing for Road Validation (action item)



BANNOCK COUNTY COMMISSIONERS
 624 E. Center, Pocatello, ID 83201
 Phone: (208) 236-7210 • Fax: (208) 234-7363

ERNIE MOSER
 Commissioner
 1st District

JEFF HOUGH
 Commissioner
 2nd District

KEN BULLOCK
 Commissioner
 3rd District

AGENDA REQUEST FORM

*The Board of Bannock County Commissioners business meetings are generally held on **Tuesday at 9:00 AM** in the Commissioners' Chambers in the Bannock County Courthouse, 624 E. Center, Room 212, Pocatello, Idaho, or as noticed **48 hours** prior to the meeting at <https://www.bannockcounty.us/commissioners/>. Agenda times are subject to change within **15 minutes** of scheduled time. Any person(s) needing special meetings should contact the Commissioner's Office at **208-236-7210**, three to five working days before the meeting.*

E-mail this completed form and any supporting documents to agendarequest@bannockcounty.us by NOON on the Thursday prior to the scheduled meeting.

Name/Department:

Jason Dixon/Clerk

Item to be considered/background:

Executive session pursuant to Idaho Code §74-206(1)(c). Documents will be brought to the meeting for signature.

How much time will be needed? Meeting date requested:

5 minutes

4/1/20

Does this item involve a contract, agreement, external funding application or award acceptance?

YES NO

Have all supporting documents been included with this form?

YES NO

List of attendees:

Please include any supporting documents with your Agenda Session Request Form.

Commissioner Office Only:	
Date: <u>4-1-25</u>	Time: _____

BANNOCK COUNTY COMMISSIONERS

624 E. Center, Pocatello, ID 83201
 Phone: (208) 236-7210 • Fax: (208) 232-7363



ERNIE MOSER
 Commissioner
 1st District

JEFF HOUGH
 Commissioner
 2nd District

KEN BULLOCK
 Commissioner
 3rd District

Business Meeting Agenda Request Form

The Board of Bannock County Commissioners business meetings are generally held on **Tuesday at 9:15 a.m.** in the Commissioners' Chambers in the Bannock County Courthouse, Room 212; 624 E Center Pocatello, Idaho or as noticed **48 hours** prior to the meeting at <https://bannockcounty.us/commissioners/>. The Commissioners also hold meetings throughout the week as coordinated with the Commissioners' staff. Agenda times are subject to change within **15 minutes** of scheduled time. Any person(s) needing special accommodations to participate in public meetings should contact the Commissioners' Office at 208-236-7210, three to five working days before the meeting.

Requestor Name:

Tristan Bourquin

Department:

Planning and Development

Requestor Email:

tristanb@bannockcounty.gov

Item(s) to be considered:

Looking to discuss a possible Memo of Understanding with Fort Hall for zoning and building permits and regulations

Date of meeting being requested:

04/01/2025

Time requested:

15 Minutes

Does the request involve a contract, agreement, external funding, or award acceptance?

No

Contract/Agreement Begin Date:

Contract/Agreement End Date:

List of additional attendees:

Hal Jensen, Alisse Foster, Annie Hughes

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is executed by and between the Shoshone-Bannock Tribes, hereinafter "TRIBES," acting by and through the Chairman of the Fort Hall Business Council, and BINGHAM COUNTY, acting by and through the Chairman of the Bingham County Commission.

WHEREAS, the boundaries of Bingham County overlap the boundaries of the Fort Hall Indian Reservation, hereinafter "Reservation";

WHEREAS, both BINGHAM COUNTY and the TRIBES desire to regulate land use within their respective boundaries;

WHEREAS, the TRIBES and BINGHAM COUNTY desire to develop and maintain a cooperative approach to land use regulation for lands located within the boundaries of both the Reservation and Bingham County;

WHEREAS, on June 29, 1989, the United States Supreme Court announced a plurality opinion in *Brendale v. Yakima Tribes and the Bands of the Yakima Indian Nation*, 492 U.S. 408 (1989), in which the Court concluded that in certain circumstances tribes have authority to regulate the use of non-Indian owned fee land located on a Reservation; and

WHEREAS, by virtue of inherent, retained sovereign powers of the Tribes and by virtue of Article VI, Section 1(a) of the Tribes' 1936 Constitution, the Fort Hall Business Council, acting on behalf of the Tribes, is empowered to execute intergovernmental agreements with the State and its political subdivisions, including Bingham County;

WHEREAS, BINGHAM COUNTY possesses authority under the State-Tribal Relations Act, I.C. 67-4002, to enter into an intergovernmental agreement concerning concurrent regulatory authority with the TRIBES;

WHEREAS, pursuant to the State-Tribal Relations Act, this intergovernmental agreement must comply with the requirements of I.C. 67-2328, and does so by incorporating the following premises:

1. Duration. This agreement shall continue in perpetuity, unless one of the parties give written notice that the agreement is no longer in effect;
2. Organization. No organization is created pursuant to this agreement;
3. Purpose. The purpose of this agreement is formalize the procedure contemplated by Resolution 87-2, so that all zoning and land use matters ~~within the Fort Hall Indian Reservation shall continue to be referred to the~~ Shoshone-Bannock Tribes' Land Use Department;
4. Funding. There is no undertaking that requires a funding arrangement; and,
5. Method. Bingham County Planning and Zoning shall refer all inquiries, applications, complaints, petitions, and all other matters regarding property located within the Reservation boundaries to the Shoshone-Bannock Tribes' Land Use Department;

WHEREAS, in order to provide effective zoning and land use regulation for land located on the Reservation and in Bingham County, there is a need for cooperation, consistency, and certainty; now,

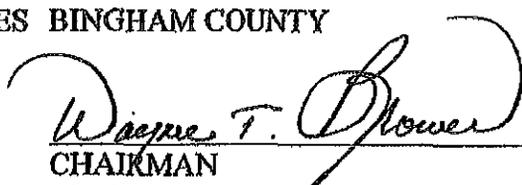
BE IT THEREFORE AGREED by and between the TRIBES and BINGHAM COUNTY:

1. BINGHAM COUNTY and the TRIBES hereby memorialize their agreement that the TRIBES shall exercise regulatory authority over land use and zoning matters arising on the Reservation;
2. BINGHAM COUNTY hereby agrees that consistent with Resolution 87-2, it will defer to the TRIBES during the term of this Agreement the review and acceptance of land uses, including zoning, building permits, and inspections for lands located within the Reservation and further agrees to implement the same application of Resolution 87-2 with respect to all inquiries, applications, complaints, petitions, and all other matters regarding land uses of property located within the Reservation;
3. Nothing in this Agreement shall be construed as a waiver of any jurisdiction BINGHAM COUNTY may have over lands located within the Reservation for the regulatory functions described in the preceding section. This Agreement also shall not be construed as a concession of or admission to exclusive or concurrent jurisdiction of the TRIBES over such lands for those functions; and
4. Nothing in this Agreement is to be construed as a waiver of sovereign immunity, or any of the Tribes' inherent sovereign powers or rights under the 1868 Fort Bridger Treaty or any other provision of law, or a consent to jurisdiction greater than provided by existing law, and that this Agreement is entered into solely for the purpose of achieving cooperative regulation of zoning and land use for land located within the Reservation and Bingham County.

SHOSHONE-BANNOCK TRIBES BINGHAM COUNTY



CHAIRMAN
Fort Hall Business Council



CHAIRMAN
Bingham County Commission

Date signed: 1/14/09

Date signed: 1/6/2009

2711

BANNOCK COUNTY COMMISSIONERS
621 E. Center, Pocatello, ID 83401
Phone: (208) 246-7210 • Fax: (208) 232-7363



ERNIE MOSER
Commissioner
1st District

JEFF HOUGH
Commissioner
2nd District

KEN BULLOCK
Commissioner
3rd District

AGENDA REQUEST FORM

The Board of Bannock County Commissioners business meetings are generally held on **Tuesday at 9:00 AM** in the Commissioners' Chambers in the Bannock County Courthouse, 624 E. Center, Room 212, Pocatello, Idaho, or as noticed **48 hours** prior to the meeting at <https://www.bannockcounty.us/commissioners/>. Agenda times are subject to change within **15 minutes** of scheduled time. Any person(s) needing special meetings should contact the Commissioner's Office at [208-236-7210](tel:208-236-7210), three to five working days before the meeting.

E-mail this completed form and any supporting documents to agendarequest@bannockcounty.us by NOON on the Thursday prior to the scheduled meeting.

Name/Department:

Shanda Crystal/Chief Procurement Officer

Item to be considered/background:

Request to discuss 1) a potential signature on a change order for Pro Builders and 2) procurement update.

How much time will be needed? Meeting date requested:

5 minutes

4/1/25

Does this item involve a contract, agreement, external funding application or award acceptance?

YES NO

Have all supporting documents been included with this form?

YES NO

List of attendees:

Levi Waldron

Please include any supporting documents with your Agenda Session Request Form.

Commissioner Office Only:
Date: 4/1/25 Time: _____



970 W. Cedar
 Pocatello, Idaho 83201
 Office (208) 233-3111
 Fax (208) 233-3113

Bannock County
 Sheriff Addition
 5800 S 5th Ave
 Pocatello, Idaho 83204

March 25, 2025

CHANGE ORDER #2

Add 2 x 8 purlins to existing building as per engineer after discovering the purlins were on 27" spacing which isn't sufficient for new OSB sheathing and roofing load.

Materials:	\$1,261.00
Labor: 52 hrs @ \$85.00	\$4,420.00
Equipment-	\$ 700.00

Subtotal: \$ 6,381.00

Cut in new opening to move existing door to North side as per ADA requirements
 Cut sheets, install new framing to support door and move existing door over to new opening. Provide and install new metal sheets to infill where door is now.

Materials:	\$ 400.00
Labor: 16@\$ 85.00	\$ 1,360.00

Subtotal: \$ 1,760.00

Add New door and frame to replace existing door @ opening #2

Materials:	\$ 1,675.00
Labor:	\$ 1,200.00

Subtotal: \$ 2,875.00

Provide and install keypad access control locks

Materials:	\$ 11,925.00
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Subtotal: \$ 11,925.00

Lower existing receptacle and add TV receptacle in classroom not shown on drawings

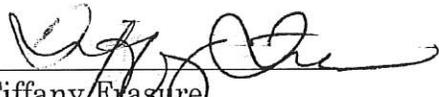
Materials:	\$ 347.00
Labor:	\$ 400.00

Subtotal:	\$ 737.00
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TOTAL COST OF CHANGE ORDER #2	\$ 23,678.00
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Respectfully submitted,

Accepted By:



 Tiffany Frasure

_____ *Jeff Hough*
 Bannock County *4/1/25*

Approved By: 

 Ted Booth, Booth Architecture

4/1/2025	Bids in progress 6	Active Bids 1	Closed Bids 8	Projects in progress 1	Projects Completed 7
Active	Department	Description	Budget Allocated	Status Update	Procurement Metrics
In Progress	Road & Bridge	Chip Seal Aggregate	\$200,000	3/31 finalize bid; 3/25 sent draft ITB for dept review	
In Progress	Road & Bridge	Hot Mix Asphalt	\$	Reviewing potential piggyback options	
In Progress	Detention Center	Diesel Generator/Fuel Tank	\$300,000 Project total	3/18 submit for legal review; 3/17 drafted piggyback on Sourcewell contract with Western States CAT	
In Progress	Road & Bridge	Road Oil	\$	3/18 Submit draft piggyback on PCHD contract for legal review	
In Progress	Road & Bridge	Guardrails	\$	Weighing piggyback vs. bidding out options	
In Progress	Public Works	Engineer Pool		Team is reviewing possibilities for ways to award contract	
Yes	Road & Bridge	Road Striping & Paint	\$200,000	3/26 & 4/2 posted in ISJ; 3/25 submitted to legal for review; 3/24 comments received	
No*	Detention Center	Diesel Generator Installation	\$300,000 Project total	3/17 bids due; 3/11 Addendum #1 issued; 3/3 issued ITB to pre-qualified contractors	
No	Road & Bridge	Magnesium Chloride	\$170,000	3/7 approved piggyback PCHD contract with Road Solutions, LLC; Reviewing potential piggyback on Power County Highway District	
No	Noxious Weed	Noxious Weed Chemicals	\$190,000	2/20 approved piggyback state contract with Wilbur Ellis; Reviewing potential piggyback on State of Idaho contract	
No	Public Works	Bulk County Fuel	\$900,000 FY25-26	2/11 BOCC awarded to Conrad & Bischoff; 1/31 bids due; 1/23 issued addendum #1	

* Project in progress

BANNOCK COUNTY COMMISSIONERS

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Business Meeting Agenda Request Form

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Requestor Name:

Kristi Klauser

Department:

Auditing

Requestor Email:

kristik@bannockcounty.us

Item(s) to be considered:

Approval of IRS bill for late tax payment.

Date of meeting being requested:

04/01/2025

Time requested:

5 Minutes

Does the request involve a contract, agreement, external funding, or award acceptance?

No

Contract/Agreement Begin Date:

Contract/Agreement End Date:

List of additional attendees:

In The Matter of AUTHORIZATION TO)
DISPOSE SURPLUS ASSETS/PROPERTY)

R.S. No 2025-26
April 1, 2025

RESOLUTION

WHEREAS, Idaho Code §§31-807 and 31-808 vest the power and authority to manage real and personal property for the benefit of the County with the Board of County Commissioners; and

WHEREAS, Idaho Code §31-829 provides that whenever any elected official has any personal property belonging to the county under his/her jurisdiction or control which, in his/her judgment, is of no further use to the county, he/she may, with the consent of the Board of County Commissioners, dispose of the property through sale or other means; and

WHEREAS, the following assets/property are of no further use to the County:

Quantity	Description	County Asset Number/VIN
3	Counsel tables	None
1	Large bookshelf	None
1	Small bookshelf	None
9	Office chairs (grey)	None
1	Section office cubicles	None
2	Easels	None
1	Easel paper	None
21	Brown folding chairs	None
2	White boards	None
	Miscellaneous office items	None

and

WHEREAS, it was recommended to dispose of the above items.

NOW THEREFORE, IT IS HEREBY RESOLVED that the above property is declared to be surplus and be disposed of properly.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

ATTEST: _____
Jason C. Dixon, Clerk

In the Matter of ADOPTING THE)
2025 COMPREHENSIVE PLAN)
AND FUTURE LAND USE MAP)

R.S. No. 2025-27
April 1, 2025

RESOLUTION

WHEREAS, the Bannock County Planning and Development Staff and Council have conducted a comprehensive planning process as set forth in Idaho Code §§67-6508 and 6509 for the purpose of revising the Bannock County Comprehensive Plan and Future Land Use Map, and has recommended that a new Comprehensive Plan and Future Land Use Map be adopted for Bannock County; and

WHEREAS, after many months of listening to the community, with public open houses, map-based input, an online survey, written comments, talking with residents at community events and meetings, sending mailers to rural county residents, social media advertisements, email campaigns, and a pop-up window on the county website, a plan was drafted; and

WHEREAS, properly noticed public hearings were held, pursuant to Idaho Code §67-6509, before the Planning Council and before the Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Council, that the 2025 Comprehensive Plan and Future Land Use Map is hereby adopted, a copy of which is attached hereto, and that the 2021 Comprehensive Plan with all amendments, is repealed.

BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

Attest: _____
Jason C. Dixon, Clerk

In the Matter of APPEAL OF PLANNING)
 COUNCIL'S DENIAL OF WILKES)
CONDITIONAL USE PERMIT APPLICATION)

R.S. No. 2025-28
 April 1, 2025

RESOLUTION

WHEREAS, an appeal of the Findings and Order (Instrument No. 22500553) of the Bannock County Planning and Development Council, hereinafter referred to as "Council," regarding the denial of a conditional use permit for Applicant John Wilkes to construct a new commercial sand and gravel mining operation was received; and

WHEREAS, this Board having reviewed the file and evidence presented, hereby makes the following findings and conclusions:

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

APPLICANT: John Wilkes for Owner Russell Johnson

TYPE OF APPLICATION: Conditional Use Permit

APPELLANT: Anthony Budge

PARCEL NUMBERS AND LOCATION: The parcel number is RPR3803048300.

FINDINGS OF FACT

1. The Council denied the conditional use permit ("CUP") application that was submitted on August 6, 2024, at their public hearing held on January 16, 2025.
2. A written decision denying the application for a CUP was signed by the Council Vice Chair on January 16, 2025, and recorded on January 17, 2025, with the requirements needed for a CUP (Instrument No. 22500553) listed.
3. An appeal of Council's decision was filed on February 10, 2025, by Anthony Budge.
4. This Board conducted an "on the record review" of the Council's Findings and Order denying the Applicant's CUP application on March 25, 2025, pursuant to Bannock County Zoning Ordinance 1998-1, Section 550(C).
5. This Board upheld the Council's decision after reviewing the record.

CONCLUSIONS OF LAW

1. The criteria for approving a conditional use permit are found in Section 530.6 of Zoning Ordinance 1998-1 and should be reviewed by the Council.
2. The Board of Bannock County Commissioners is authorized to conduct a review of the record when an appeal is filed, pursuant to Zoning Ordinance 1998-1, Section 550(C).
3. Section 550.1 of Zoning Ordinance 1998-1 provides that any person affected by this decision may request a reconsideration of the appeal decision of the Board of Bannock County Commissioners within 14 days, specifying deficiencies in the decision. A written decision should be sent to the affected person within 60 days, or it is deemed denied.

DECISION

This Board concludes, based on the foregoing Findings of Fact and Conclusions of Law, that the Council considered the standards and criteria in the 2021 Bannock County Comprehensive Plan and Zoning Ordinance 1998-1 for approving a conditional use permit, and that no deficiency exists in their procedures.

NOW, THEREFORE, BE IT RESOLVED, that the decision of the Council to deny the Conditional Use Permit application filed by John Wilkes is upheld.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

ATTEST: _____
Jason C. Dixon, Clerk

In the Matter of APPROVING)
MARCH 2025 SALARIES)

R.S. No. 2025-29
 April 1, 2025

RESOLUTION

WHEREAS, salary approval forms, for the month of March 2025, have been submitted for approval by the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the following salaries are approved by the Board:

Date Approved	Name – Reason for Change Department – Position	Salary & Effective Date
03/04/2025	Elizabeth Esquivel – Replacing Rebecca Green Clerk of the Court – Sr. Administrative Assistant – Courts	\$17.20/hr 03/10/2025
03/04/2025	Bailey Stimpson – Replacing Todd Ramirez Clerk of the Court – Sr. Administrative Assistant – Courts	\$17.20/hr 03/10/2025
03/06/2025	Erica Powell – Replacing Brody Fink Jail – Deputy Detention Division	\$23.00/hr 03/03/2025
03/06/2025	Benjamin Cook – Replacing Andrew Choules Jail – Deputy Detention Division	\$23.00/hr 03/10/2025
03/13/2025	Lillian Conley – Part time Juvenile Detention – On-call Juvenile Detention Deputy	\$19.68/hr 03/24/2025
03/13/2025	Kelly Moellmer – Replacing Tami Kelly Juvenile Justice – Person/Property Prevention Coordinator	\$19.68/hr 03/24/2025
03/13/2025	Jake Patrick – Replacing Aimee Holder Jail – Deputy Detention Division	\$23.00/hr 03/24/2025
03/13/2025	Hayden Klauser – Replacing Lacey Allen Sheriff – Deputy Criminal Division	\$26.35/hr 03/22/2025
03/13/2025	Lacey Allen – Replacing Michael Jons Sheriff – Corporal Criminal Division	\$29.57/hr 03/22/2025
03/18/2025	Holly Shuck – Replacing JoLynn Larsen 4-H – 4-H Assistant	\$15.04/hr 03/31/2025
03/18/2025	Brandalynn Peck – Replacing Karla Holm District Court – Lead Judicial Assistant	\$26.59/hr 03/24/2025
03/25/2025	Monte Steele – Seasonal Noxious Weed – Temp Noxious Weed Control Operator	\$17.05/hr 04/07/2025
03/25/2025	Enoch Houtz – Seasonal Noxious Weed – Temp Noxious Weed Control Operator	\$16.55/hr 04/07/2025
03/25/2025	Mia Campbell – Replacing Susanne Soto Treasurer – Deputy Treasurer	\$16.07/hr 04/07/2025
03/25/2025	Abraham Luca – Replacing Alan Boehme Prosecutor – Assistant Chief Deputy Prosecutor	\$3,636/biweekly 04/07/2025
03/25/2025	Janae Pendrod – Temp Planning & Development – Code Enforcement Officer	\$21.07/hr 04/21/2025

03/27/2025	Madisen Fisher – Part time/Replacing Alexis Jorgenson Family Crt Services/DV Court-High Risk Team Coordinator	\$19.68/hr 04/07/2025
03/27/2025	Annie Ritter – Replacing Brian Nicholson Adult Probation & Pretrial – Probation Officer	\$23.22/hr 04/07/2025

BOARD OF BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

ATTEST: _____
Jason C. Dixon, Clerk

In the Matter of APPROVING)
JANUARY 2025 ALCOHOL LICENSES)

R.S. No. 2025-30
 April 1, 2025

RESOLUTION

WHEREAS, in the month of January 2025, the following applied for the following licenses and have been issued permits by the District Health Department and do not have any disqualifications;

NOW, THEREFORE, BE IT RESOLVED that the following applications for licenses/permits be approved.

DATE APPROVED	LIC #	TOTAL	OWNER/APPLICANT	DBA/Event
01/31/2025	ACP2025-001	\$40.00	Lava Hillside Suites	Skijoring
01/31/2025	ABW-2025-001	\$20.00	Rosa Maria G Zamora	Vicentes Birthday Party

BOARD OF BANNOCK COUNTY COMMISSIONERS

 Jeff Hough, Chair

 Ernie Moser, Member

 Ken Bullock, Member

ATTEST: _____
 Jason C. Dixon, Clerk



COUNTY ORDINANCE 2025-02
Bannock County, Idaho
Amendment No. 1 to Ordinance No. 2009-5
Construction Site Sediment and Erosion Control

AN ORDINANCE AMENDING CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL ORDINANCE NO. 2009-5: Amending section 410(F)(1)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, THAT THE FOLLOWING AMENDMENTS BE MADE TO ORDINANCE NO. 2009-5:

SECTION 1: AMENDMENT

Section 410(F)(1) is amended as follows (remove strikethrough text and add underlined text):

SECTION 410 EROSION CONTROL PERMITS

F. The following construction or land disturbing activities do not require a permit:

1. Minor land disturbance (spatial areas less than ~~one-fourth (1/4) acre~~ 5,000 square feet and confined to 1 residential or commercial lot) activities performed by the property owner or an employee of the property owner, including, but not limited to, individual home gardens, commercial and residential landscaping, and landscaping maintenance and repair work.

SECTION 2: REPEALING CLAUSE

All other ordinances and parts of ordinances in conflict herewith shall be, and the same hereby repealed, including the Comprehensive Plan.

SECTION 3: SEVERABILITY:

If any word, phrase, section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of the Ordinance and it is hereby expressly declared that every other word, phrase, section, subsection, provision, clause or paragraph of the Ordinance enacted, regardless of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 4: EFFECTIVE DATE:

This ordinance shall be in full force and effect upon its passage, approval, and publication.

Adopted this 1st day of April, 2025.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

ATTEST: _____
Jason C. Dixon, Clerk

PUBLIC NOTICE OF BANNOCK COUNTY ORDINANCE ADOPTION

The Board of Commissioners of Bannock County, Idaho, hereby gives notice of the adoption of Ordinance 2025-02. A summary of the Ordinance includes:

AN ORDINANCE AMENDING CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL ORDINANCE NO. 2009-5 – Amending section 410(F)(1) to reflect 5,000 square feet rather than ¼ acre.

The full text of this Ordinance is available in the office of the Bannock County Clerk, 624 E. Center Street, Pocatello, Idaho, Mon-Fri from 8 am – 5 pm.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

ATTEST: _____
Jason C. Dixon, Clerk

This is a true and complete summary of Ordinance 2025-02 and provides adequate notice to the public.

JASON C. DIXON, CLERK

Publication Date: April 5, 2025



BANNOCK COUNTY COMMISSIONERS
 624 E. Center, Pocatello, ID 83201
 Phone: (208) 236-7210 • Fax: (208) 232-7363

ERNIE MOSER
 Commissioner
 1st District

JEFF HOUGH
 Commissioner
 2nd District

KEN BULLOCK
 Commissioner
 3rd District

Business Meeting Agenda Request Form

The Board of Bannock County Commissioners business meetings are generally held on **Tuesday at 9:15 a.m.** in the Commissioners' Chambers in the Bannock County Courthouse, Room 212; 624 E Center Pocatello, Idaho or as noticed **48 hours** prior to the meeting at <https://bannockcounty.us/commissioners/>. The Commissioners also hold meetings throughout the week as coordinated with the Commissioners' staff. Agenda times are subject to change within **15 minutes** of scheduled time. Any person(s) needing special accommodations to participate in public meetings should contact the Commissioners' Office at 208-236-7210, three to five working days before the meeting.

Requestor Name:

Julie Hancock

Department:

Elections

Requestor Email:

julieh@bannockcounty.gov

Item(s) to be considered:

City of Chubbuck Meeting Facility Use Request Form

Date of meeting being requested:

03/27/2025
 4/1

Time requested:

5 Minutes

Does the request involve a contract, agreement, external funding, or award acceptance?

Agreement

Contract/Agreement Begin Date:

Contract/Agreement End Date:

List of additional attendees:



Meeting Facility Use Request Form

Today's Date 3-24-25

Multi-purpose Room Council Chamber

Date Room Requested 5-15-25 Time Requested from 8:00am to 5:00pm
(Include time needed for set up, break down, and clean up time in your request.)

Applicant Group/Organization Bannock County Elections

Responsible Person Name Julie Hancock Secondary Contact Name Brandi McCarron

Address 141 N 6th Ave City Pocatello Zip 83201

Phone (208) 236-7329 or (208) 236-7333

E-mail Address(es) julieh@bannockcounty.gov

of Attendees 50/class

Applicant and City staff will need to coordinate if planning to:

Serve Food Yes No ✓
 Use AV equipment Yes ✓ No
 Zoom Presentation Yes No ✓

Description of Event (attach additional sheets if necessary)

Poll Worker/Chief Judge training for the May 20th Election

Multipurpose Room:		Council Chamber:	
Banquet Style	Max Capacity 78	Banquet Style	Not Available
Classroom Style	Max Capacity 52	Classroom Style	Max Capacity 32
Theater Style	Max Capacity 120	Theater Style	Max Capacity 75

We have round or rectangular tables available for banquets. Classroom capacity is based on use of the training tables.

I understand that room set up, clean up, and tear down is the responsibility of the user. Access and setup instructions will be provided prior to the event.

I understand that a cleaning deposit of \$200 is required if food is served. The deposit will be refunded if no cleaning is required by the City after the event.

I am an authorized representative of the organization/individual named above and I agree to be bound the City of Chubbuck Use of City Meeting Rooms policy and acknowledge receipt of a copy of the policy. The organization/individual listed above shall indemnify and hold harmless the City of Chubbuck, its officers, employees, agents and elected officials from and against any and all claims, suits, actions or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the applicant's use of the facilities or from the conduct of the organization/individual's business, or from any activity, work or thing done, permitted, or suffered by the organization/individual in or about the facilities listed above except claims, suits or actions occasioned by the sole negligence of the City of Chubbuck. The applicant signing this agreement will be considered the responsible party in adhering to the City of Chubbuck Use of Meeting rooms policy including but not limited to payment for damage, theft, or disturbances during use of the facility.

Signature: Jeff Hough

Date: April 1, 2025

Today's Date _____

Applicant Group/Organization _____

Request Approved _____ Request Denied _____

Staff Name _____ Date _____

Reason for Denial _____

Cleaning Deposit Received Date: _____

Check #/Cash: _____

Employee Signature: _____

Cleaning Deposit Returned Date: _____

Cleaning Deposit Retained Amount: _____

Employee Signature: _____

Attach reason for not refunding deposit in full.

BANNOCK COUNTY COMMISSIONERS

624 E. Center, Pocatello, ID 83201
 Phone: (208) 236-7210 • Fax: (208) 232-7363



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Requestor Name:

Julie Hancock

Department:

Elections

Requestor Email:

julieh@bannockcounty.us

Item(s) to be considered:

Pine Ridge Mall Waiver and Release of Liability. This agreement also needs our insurance certificate attached.

Date of meeting being requested:

04/01/2025

Time requested:

5 Minutes

Does the request involve a contract, agreement, external funding, or award acceptance?

Agreement

Contract/Agreement Begin Date:

05/19/2025

Contract/Agreement End Date:

05/21/2025

List of additional attendees:

Pine Ridge Mall
4155 Yellowstone Highway
Chubbuck, ID 83202
O: 208.237.7165
F: 208.237.0591

Pine Ridge Mall Common Area/Exterior Common/Parking Lot

Waiver and Release of Liability

We (I), BANNOCK COUNTY ELECTIONS, in consideration of the (my) use of the Common Area at Pine Ridge Mall, for the period of 5/20/2025 7AM 8PM
Date Time In Time Out

do as hereby release and forever discharge SimonCRE Prospector, LLC, an Arizona Limited Liability Company, and CBRE, Inc., and their affiliates, parents, subsidiaries, officers, directors, agents, employees, shareholders, and assigns from any and all claims, demands, causes of actions, suits, damages, costs and expenses for any and all personal injuries, loss of time, pain and suffering or property damage arising out of, or occurring in connection with, the use of the Common Area.

We (I) recognize and acknowledge that our (my) use of the Pine Ridge Mall Common Area is solely at our (my) own risk, We (I) acknowledge that our (my) use of the Pine Ridge Mall Common Area exposes us (me) to risk of injury or possibly demise. We (I) further understand that this Waiver and Release is absolute as to all claims, demands, causes of actions, suits, damages, costs and expenses which could occur while (we) I am using the Common Area/Exterior Common Area/Parking Lot, except those claims or demands arising out of gross negligence of the Owner or Managing Agent, if any.

I HAVE READ AND FULLY UNDERSTAND THIS DOCUMENT, INCLUDING THE FACT THAT I AM RELEASING AND WAIVING CERTAIN POTENTIAL RIGHTS, AND I AM VOLUNTARILY AND FREELY AGREEING TO THE TERMS AND CONDITIONS SET FORTH.

SIGNED THIS 1st day of April, 2025.

Signature of Lessee

Jeff Hough

Printed Name of Lessee

Contract and License for use of Common Area

SimonCRE Prospector, LLC / CBRE, INC., hereby grants the undersigned (herein "Licensee"), a license to use the Pine Ridge Mall Common Area on the dates and hours indicated below. The Pine Ridge Mall Common Area shall be used for the function listed below and for no other purpose whatsoever.

In consideration of the license to utilize the Pine Ridge Mall Common Area, the undersigned hereby releases and forever discharges **SimonCRE Prospector, LLC / CBRE, INC.** and representatives, affiliates, agents, successors and assigns from any and all liability for all claims, demands, actions, causes of action, damages and costs, including court costs and attorney fees, for any and all personal injuries, loss of time, pain and suffering, property damage and any other loss, damage, expense, arising of its/their use of the Premises.

Licensee hereby agrees to indemnify **SimonCRE Prospector, LLC / CBRE, INC.** and their respective officers, employees, directors, representatives, affiliates, agents, successors and assigns from any and all liability for all damages, fines, penalties, judgments, decrees and costs, including attorney fees and court costs, arising out of the use of the Premises,

Licensee hereby agrees to abide by all rules and regulations established by **SimonCRE Prospector, LLC / CBRE, INC.**, applicable to the authorized use of the Shopping Center and the Common Area. Licensee further agrees that its license to use the Premises may be canceled at any time, without prior notice or warning and it disclaims any recourse in the event of such cancellation and agrees to immediately vacate the Premises upon request.

It is agreed that any damages incurred to the Common Area or its amenities are the responsibility of the organization and persons using the space.

Date of Event: MAY 20TH, 2025

LIST HOURS

Reservation Requested by: BRANDI MCCARRIN

Reservation Times:

Group/Organization: BANNOCK COUNTY

Type of Function: ELECTIONS

Email: brandim@bannockcounty.gov

Phone:

Make checks payable to: SimonCRE Prospector, LLC

Deposit Fee: 0

Total Days

Rental Fee:\$150.00

Rules and Regulations:

- Alcoholic beverages and gambling are strictly prohibited without prior written approval from management.
- All articles and possessions must be removed promptly at the conclusion of the activity (i.e, decorations, paper products, etc.).
- SimonCRE Prospector, LLC / CBRE, INC. are not responsible for loss or damage to user's possessions.
- The group/individual using Pine Ridge Mall common area will be held responsible for any damage done to the premises.
- Posters or signs may be not affixed to the walls of the Common Area/facility/property by tape, pins, staples, or any other means.
- Custodial and maintenance is not available from the mall staff.
- An officer of the user's organization will be required to sign a License Agreement at the time of reservation.
- Organizations may not advertise or announce event in any advertising medium without *prior* approval of Mall Management.
- No DJs, bands, choirs, or any type of live entertainment allowed without prior written approval of management.
- Animals will not be permitted in the Common Area with the exception of service animals.
- All trash from the event must be removed from the Pine Ridge Mall Common Area at the conclusion of the activity.

FAILURE TO COMPLY WITH THE ABOVE RULES COULD RESULT IN REMOVAL FROM THE PINE RIDGE MALL COMMON AREA(S) AND/OR WITHHOLDING THE DEPOSIT FEE.

I have read the above and will comply with the Rules and Regulations of the Pine Ridge Mall Common Area.

Signature/Title: _____ Organization: Bannock County
Date: 4/1/25 Jeff Hough

PINE RIDGE MALL
4155 YELLOWSTONE HIGHWAY
CHUBBUCK, ID 83202

Email agreement to;
maria.nelson@cbre.com

Pine Ridge Mall Common Area/Exterior Common/Parking Lot Insurance Requirements

Commercial Entities

Need insurance certificate showing \$1 million in general liability plus the following additional insured language:

**SimonCRE Prospector,
LLC / CBRE, INC.**

**SimonCRE Prospector,
C/O Pine Ridge Mall
4155 Yellowstone Hwy
Chubbuck, ID 83202**

Individuals

Need a homeowner's policy that extends to offsite locations and shows \$300,000 in general liability plus the following additional insured language:

SimonCRE Prospector,
LLC / CBRE, INC

SimonCRE Prospector,
C/O Pine Ridge Mall
4155 Yellowstone Hwy
Chubbuck, ID 83202

These insurance requirements must be met before any organization will be allowed to use the Pine Ridge Mall Common Area including exterior parking lot areas.

Please send to your insurance provider and have them email maria.nelson@cbre.com the certificate prior to event date.

**BOARD OF BANNOCK COUNTY COMMISSIONERS
MINUTES CERTIFICATION**

We, the Board of Bannock County Commissioners, hereby certify approval of the minutes of the Bannock County Commissioners' meetings inclusive of the date(s) of March 25, 2025, as approved during the meeting of April 1, 2025.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Jeff Hough, Chair

Ernie Moser, Member

Ken Bullock, Member

ATTEST:

Jason C. Dixon, Clerk



MINUTES OF THE BOARD OF BANNOCK COUNTY COMMISSIONERS

Meeting Details

Date of Meeting:	Tuesday, March 25, 2025
Commissioners present:	Ernie Moser, Jeff Hough, and Ken Bullock
Clerk of the Board:	Nancy Allen for Jason C. Dixon
Absent Board Members:	
Staff present:	Deputy Clerk Nancy Allen, and Comptroller Kristi Klauser

Agenda Details

AGENDA	
	Business Meeting (action items)
	Agenda:
1	<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)
2	BOARD OF AMBULANCE DISTRICT
	<ul style="list-style-type: none"> Ryan O'Hearn, Chief of Pocatello Fire, approval of and signature on grant application for Idaho EMSaves (requested 5 minutes) (action item)
3	BOARD OF COUNTY COMMISSIONERS
	<ul style="list-style-type: none"> Kristi Klauser, Auditing, seeking to discuss comments on Title III monies and signature on Resolution 2025-25 Title III Expenditures from Secure Rural Schools and Self-Determination Act of 2000 should the Title III expenditures be approved (requested 5 minutes) (action item)
4	<ul style="list-style-type: none"> Dillon Evans, Solid Waste, requesting approval and potential signature on (1) Work and Financial Plan with the Idaho Department of Correction, and (2) Temporary Access License Agreement with the LDS Church (requested 5 minutes) (action item)
5	<ul style="list-style-type: none"> Shanda Crystal, Procurement, regarding a discussion about (1) a change order for Teton West, and (2) providing a procurement update (requested 5 minutes) (action item)
6	<ul style="list-style-type: none"> Ratify signatures on Resolution No. 2025-24 Posting Weight Limits on Bannock County Highway System (action item)
7	SIGNATURE ONLY (action items):
	Memo to dispose assets
8	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 March 18, 2025, and Certification of Said Minutes
9	Public Hearing for Erosion Control Ordinance and Comprehensive Plan (action items)
10	On the Record Review for Appeal of Council's Decision (action item)

Meeting Notes

- 1 8:59 AM Hough called the meeting to order. Community Resources and Advocacy Director Shantal Laulu presented a cremation application for case number 20250029. Also submitted were releases of lien for case numbers 20190099, 20180365, and 96000400. Moser moved to approve case number 20250029 and the releases of lien. The motion passed.
- 2 9:02 AM Moser moved to enter the Board of Ambulance. The motion passed. O'Hearn reviewed the grant application for a power load cot. Bullock moved to approve the grant application submission. The motion passed. Moser moved to exit the Board of Ambulance. The motion passed.
- 3 9:06 AM Klauser reviewed the proposed use of Title III funds that were published. No comments were received. Hough moved to approve Resolution 2025-25. The motion passed.
- 4 9:08 AM Evans requested contract with the Women's prison. Moser moved to approve the agreement with the Idaho Department of Corrections. The motion passed.
9:10 AM Discussion ensued on a Posi-Shell demonstration on April 16.
- 5 9:13 AM Crystal requested approval of a change order with Teton West to change the substantial completion date to May. Bullock moved to approve the change order. The motion passed.
9:15 AM Crystal gave updates on procurement projects.
- 6 9:16 AM Hough explained the weight limit resolution signed last week. Hough moved to ratify Resolution 2025-24. The motion passed.
- 7 9:17 AM Moser moved to sign the memo to dispose of assets. The motion passed.
- 8 9:17 AM The consent agenda included salary forms and minutes. Bullock moved to approve the consent agenda. The motion passed.
- 9 11:01 AM Assistant Public Works Director Tristan Bourquin and PIO Emma Iannacone were present. Hough reviewed the public hearing purpose and process. Written testimony for erosion control was received from Mike Settell. Moser moved to open the public hearing. The motion passed. Bourquin reviewed an ordinance was adopted in 2009 for pollution discharge, and it only applies to construction in urbanized area of the County. Changes were necessary to comply with the joint permit held with ITD, ISU, Pocatello, and Chubbuck. The changed section was reviewed.
11:04 AM Doug Zitterkopf, Pocatello, discussed commercial gravel work on land owned by the tribe, gravel being pushed into a pond, and suggested if there is going to be erosion control, maybe have a watchdog committee or people watching for the County as an aid to the ordinance.
11:06 AM Larry Labbee, Pocatello, discussed a gravel pit and the road getting torn up. He questioned who had permission and spoke to the state. Hough questioned if this directly tied to ordinance change being considered today. Bourquin explained that a current conditional use permit can be investigated, but this hearing is for changes to the existing ordinance. Moser moved to close the public comment. The motion passed.
11:09 AM Moser moved to approve the proposed changes. The motion passed.

11:10 AM Bourquin reviewed the Comprehensive Plan was last reviewed and adopted in 2021. Community meetings and public outreach has been completed, and changes were made to be geared more toward county rather than rural. A few other changes that will need made were reviewed regarding school districts, the legislative ACI change from 20 to 5 years, changing that PHT did not donate, and Future Land Use Map changes. The Council's recommendation is to approve the updated plan.
11:14 AM Jay Christensen, Pocatello, questioned the location of industrial changes on map. He indicated he is in favor of approving as long as it doesn't change the map. The plan addresses future growth, and should encourage economic development, and be beneficial. He gave comparisons of property taxes for residential versus industrial. He felt that the land needs retained for growth and development.
11:18 AM Dan Harelson, Pocatello, generally supports the comp plan and asked, in the rapidly growing developments, to keep corridors for separation and potential future paths. He provided written testimony

as well. The public supports paths, but once property is developed, it's hard to gain the easements or land needed.

11:20 AM Hough disclosed written comments were received from Dan Harelson, James Bagley, Hannah Sanger, Margie and Lynn Stewart, and John Brady also submitted written.

11:20 AM Moser moved to close the public hearing. The motion passed. Discussion ensued on the process for the comp plan with a lot of labor of heavy lifting. The plan is a moving target and adjustments can be made in the future. Bullock moved to adopt the Comprehensive Plan with the noted changes. The motion passed.

- 10 11:30 AM Assistant Planning Director Tristan Bourquin and PIO Emma Iannacone were present. Hough reviewed the appeal arises from Planning Council's decision on Jan 16 to deny a conditional use permit for a gravel permit. Hough reviewed the process for an on the record review.
- 11:31 AM Bourquin reviewed that Council's decision on Jan 16 did not make affirmative findings for all five criteria for a conditional use permit and denied the application. The appeal claims that criteria (a)-(d) could be made in the affirmative. The transcripts and original packet considered by Council were submitted to this Board for review. Bullock indicated he read through the transcript and felt due diligence was done. He finds no reason to go against the Council's decision. Hough and Moser concurred. Bullock moved to uphold the denial of the CUP application. The motion passed. Hough reviewed the applicant can appeal further.

Action Item Summary

ACTION/DIRECTION	ASSIGNED TO
Approved cremation assistance for case number 20250029 and releases of lien for case numbers 20190099, 20180365, and 96000400.	Indigent
Approved entry/exit Board of Ambulance and submission of EMSaves grant for power cot loader.	Ambulance/Grant Team
Approved Resolution 2025-25 Title III Expenditures from Secure Rural Schools and Self-Determination Act of 2000 and ratified Resolution 2025-24 Posting Weight Limits on Bannock County Highway System.	Clerk
Approved Work and Financial Plan with Idaho Department of Corrections.	Landfill
Approved change order with Teton West.	Procurement
Approved memo to dispose of assets.	Courts/Resolution
Approved salary forms and minutes through consent.	Auditing/Clerk
Approved open/close public hearing and approving erosion control ordinance amendment.	Planning/Ordinance
Approved open/close public hearing for and adoption of the Comprehensive Plan.	Planning/Resolution
Upheld denial of CUP permit for application from John Wilkes for sand and gravel mining operation.	Planning/Resolution