STATE OF IDAHO	) : ss.	Tuesday, April 19, 2022
County of Bingham	)	• •

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

Present:

Chairman Manwaring Commissioner Bair Commissioner Lewis

Lindsey Dalley- Deputy Clerk

### **EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider personnel matters. Commissioner Lewis seconded. All in favor. The Board moved into Executive Session at 1:02 p.m. The Board moved out of Executive Session at 1:25 p.m.

Decision: No decision was made on the record at this time.

#### **EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Bair seconded. All in favor. The Board moved into Executive Session at 1:32 p.m. Commissioner Lewis moved to go out of Executive Session. Commissioner Bair seconded. All voted in favor. The Board moved out of Executive Session at 1:37 p.m.

Decision: Commissioner Bair moved to approve Cremation Case Number 2022-13, per the recommendation of Laura Lora- Indigent Services Director. Commissioner Lewis seconded. All voted in favor. The motion carried.

# PLANNING & DEVELOPMENT

Present:

Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Olsen.

Ms. Olsen asked to first approve the Reason & Decision for Whispering Winds Subdivision, a 4-Lot Short Plat.

Decision: Commissioner Lewis moved to approve the Reason & Decision for a 4-Lot Short Plat known as Whispering Winds Subdivision submitted by Laura Whitten. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Ms. Olsen asked the Board to approve the Decision regarding BJ Driscoll's Motion for Reconsideration of the Board of County Commissioners Reason & Decision regarding its Application to change the zoning designation from "A" Agriculture to "R/A" Residential/Agriculture for the West River Farms, LLC/Bryan & Mary Searle Application.

Decision: Commissioner Lewis moved to approve the Decision regarding BJ Driscoll's Motion for Reconsideration of the Board of County Commissioners Reason & Decision regarding its Application to change the zoning designation from "A" Agriculture to "R/A" Residential/Agriculture for the West River Farms, LLC/Bryan & Mary Searle Application. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Ms. Olsen gave an update regarding the Planning & Zoning Commission agenda and the Building Division.

DISCUSSION & DECISION REGARDING DECLARATION OF DROUGHT FOR BINGHAM COUNTY-REQUESTED BY BRAD MATSEN- ABERDEEN/SPRINGFIELD CANAL COMPANY

Present:

Brad Mattson- Aberdeen/Springfield Canal Company

Scott Reese- Emergency Management/Parks & Recreation

Jeff Gardner- Chief Deputy Sheriff

The Board met to discuss and make a possible decision regarding a declaration of drought for Bingham County. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Mattson.

Mr. Mattson thanked the Board for allowing him to come before them to discuss the drought concern. He stated that it has both rained and snowed a significant amount but unfortunately, it has not helped much. It was scheduled to bring water in today but pushed it back a few more days as it has been raining. Because of the wind, the fall wheat desperately is needing water and therefore will be requesting more water as soon as possible. The spring wheat, beets and potatoes will be wanting to be irrigated shortly after. Unfortunately, there is not a lot of natural flow in the river and it looks as though storage water will be used soon and they are hoping to make it until the end of May. There could possibly be 50-60 days of storage water use before it runs out, which would barely get to the end of August at the best. Without a declaration, it does not allow irrigation districts to use certain groundwater wells. This declaration will give growers other things to apply for help from the Idaho Department of Water Resources.

He explained that he is before the Board today to ask that they consider a Drought Declaration that would be sent to the Governor, which would be similar to the Drought Declaration from last year. This Drought Declaration would be beneficial for many irrigation districts as it would give them the opportunity to use groundwater wells, along with several growers that would be willing to turning wells on to put the water back in the canal to assist in finishing the season. This declaration needs to be signed in order to move forward with doing so.

Mr. Reese stated that Jefferson County signed and approved a Drought Declaration yesterday and he has provided the Board with a copy of the same.

Decision: Commissioner Bair moved to authorize Lindsey Dalley, Commission Clerk, and John Dewey, Legal Counsel to draft a Drought Declaration for Bingham County as requested by Brad Mattson. Commissioner Lewis added that she would add an Appeal to the Director of the Idaho Department of Water Resources and the Governor of the State of Idaho to declare a Drought Emergency. Commissioner Lewis then seconded the motion. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY APRIL 20, 2022

PAMELA W. ECKHÁŘĎŤ, ČLERK

Lindsey Dalley- Deputy Clerk--

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )

: ss. Wednesday, April 20, 2022

County of Bingham )

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

Present: Chairman Manwaring

Commissioner Bair Commissioner Lewis

Lindsey Dalley- Deputy Clerk

#### **CASH WARRANTS**

Cash Warrants were approved in the amount of \$251.49, \$1,440.00 and \$32,594.52, for a total of \$34,286.01.

### TAX MATTERS

The Board met to make a decision regarding the submitted Tax Inquiry for the following parcel number and reasons:

MH353S01KU0090 Mobile Home is Gone

Decision: Commissioner Lewis moved to approve the Tax Inquiry as presented, for the total amount of \$169.61, Commissioner Bair seconded. All voted in favor. The motion carried.

## SHERIFF'S OFFICE

Present: Jeff Gardner- Chief Deputy Sheriff

John Dewey- County Legal Counsel/Human Resources Director Scott Reese- Emergency Management/Parks & Recreation

The Board met to discuss updates within the Sheriff's Office.

## **PUBLIC WORKS**

Present: Dusty Whited- Public Works

John Dewey- County Legal Counsel

Luke Jolley- HLE

Gordon Simpson-Eastern Idaho Aeromodelers

Ed Gygli- Eastern Idaho Aeromodelers

Tiffany Olsen- Planning & Development Director

Troy Lenhart- Road & Bridge Supervisor

The Board met with Dusty Whited to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Mr. Gordon Simpson to discuss his request.

Mr. Simpson explained that the flying field has been sanctioned by the Aero Modelers Association, which also validates insurance. He stated that he had visited with the surrounding farmers within the area regarding their plan and there were no issues or concerns received from them. Commissioner Bair stated once there is a larger presence in the area, this will decrease the property vandalism occurring.

Further, Mr. Simpson stated he met with the Bureau of Land Management, who informed him that as they did not install the fence, they are not responsible for replacing, the County would be. Chairman Manwaring stated that he went and looked at the fence and it does not seem that it would take much to repair the current fence rather than installing a new fence. Mr. Simpson stated that the Bureau of Land Management had advised that the fence would need to be built to their standards and be wildlife friendly.

Mr. Gygli explained that there have been a few developments since the last meeting they held with the Board, wherein there has been a development close to the flying field in Pocatello. A company moved in, which requires Idaho Power to string a power line at the end of the runway. Because of this, the field in Bingham County will be used more.

A brief discussion was held in regards to paving/laying gravel for a new entrance road. The current road would work if need be but it would be beneficial if it were aligned with the runway. He referred to the map provided to the Board, wherein the proposed road is shown and he would like to know if the Road and Bridge Department could assist with this project. Mr. Whited asked Legal Counsel for his input but stated that the Model Airplane Club would be its own entity and he is not sure that the County should be spending public funds on one specific entity. Chairman Manwaring stated the road is something they could possibly look at but with the fence needs to be repaired and he would be willing to meet a few other individuals at the site to assist in fixing the fence. Commissioner Lewis asked Mr. Simpson if he had discussed the new road proposal with the Bureau of Land Management, to which he confirmed that he had not but the existing road would work for them. Mr. Dewey stated where the County is Lessee, it would be in the benefit of the public. This is not a prohibition and what needs to be done can be done but should be concurred with the Bureau of Land Management. Commissioner Bair stated that the County should be fair and treat all entities the same.

Commissioner Bair stated there might be grants to assist in making this property more of a permanent place. Commissioner Lewis reminded all attendees that Bingham County does not own this property and any changes or developments need to be approved by the Bureau of Land Management. The more the flying field is used, the vandalism should decrease.

It was reiterated that Mr. Gygli would need to meet with Legal Counsel regarding verbiage to be placed on the new sign, to be sure that requirements are met. Mr. Simpson would also be in touch regarding fixing the current fence. Chairman Manwaring and Commissioner Bair both stated they would be happy to help repair the fence as well.

Next, discussion was held regarding the possible addition to the Bingham County Approach Spacing Standards. Mr. Jolley, HLE, stated that he drafted an additional letter, which would be an addendum to be added and would address concerns that have been brought up. The proposed letter reads as follows:

This letter is in response to the meeting held on April 6, 2022 to discuss added verbiage to the Approach Spacing Standards. The following verbiage that HLE would like to be considered to be added to the standards.

Bingham County has numerous existing roadways throughout the County, many locations have existing conditions that do not meet the current Approach Spacing Standards. These existing conditions are comprised of existing residential and commercial buildings with approaches that do not meet the current approach spacing requirements. The spacing discrepancies are approach to approach, approach to intersection, intersection to intersection or a combination of these scenarios in various areas in the County. Since the current Approach Spacing Standards prohibit some existing parcel/lot owners from right of Ingress/Egress, if an undeveloped existing parcel/lot has existing conditions (multiple parcel/lot approach to approach and/or approach to intersection and/or intersection to intersection spacings that do not meet the Approach Spacing Standard) bordering upstream (on the same side of the roadway), then the existing undeveloped parcel/lot shall be allowed a one approach to said parcel/lot. This approach shall be located at the furthest distance away from the nearest upstream and downstream existing approaches.

Said letter was signed and stamped by Luke Jolley, Professional Engineer for HLE.

Chairman Manwaring stated it has been an issue in the past regarding Ag approaches that farmers have used to pumps and fields, and now cannot build a home on that property. Mr. Jolley stated if the Board would like to add that verbiage, he would be more than happy to do so. Commissioner Lewis stated her concern would be that it is allowed for one but subdividing into more than one approach would be concerning, especially for an Ag approach. Mr. Jolley stated the safest thing with roadways is a controlled intersection. He would rather see a controlled intersection, as opposed to an approach with four residences that is not controlled but could have the requirement to place a stop sign on the approach as well. A controlled intersection would include a stop sign, yield sign or a signal light.

Ms. Olsen provided her input by stating if the County were trying to regulate the distance, this addendum would not do that. The term "existing conditions" is very vague and it could be interpreted in a number of applications. She would prefer to see something by a functional classification rather than on any functional classification within the County, to limit the number of approaches that may be closer than they should be according to the engineered study. This states on a case by case basis, the instance will be reviewed to argue that the case can be made that an approach could be put in.

Mr. Whited stated along with the engineered study that was completed, the addendum before the Board today was prepared by the same engineering firm and stamped accordingly. Mr. Dewey explained having the stamp of an engineer is important as it is clearly stating that an engineer has approved.

After further discussion, it was stated that HLE should work with staff and Legal Counsel in order to get further clarification within the wording to be sure that there are no future issues.

Decision: Commissioner Lewis moved to table the decision regarding the proposed Addendum to the Approach Spacing Standards, wherein HLE and Staff will need to clarify language and add any necessary language. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of a Crusher Cone in the amount of \$6,823.63, to be paid from Fund 02-46-491-01. Said purchase will be made from Modern Machinery in Pocatello.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a Crusher Cone in the amount of \$6,823.63, to be paid from Fund 02-46-491-01. Said purchase will be made from Modern Machinery in Pocatello. Commissioner Lewis seconded. All voted in favor. The motion carried.

Next, discussion was held in regards to the purchase of a culvert for the McTucker Boat Ramp Road. Mr. Whited stated this was discussed with the Bureau of Reclamation and they are in a situation where they can only spend \$10,000.00 on a culvert. The proposal made by the Bureau of Reclamation was to pay \$9,500.00 of the cost for the culvert and Bingham County would pay the remaining amount owed of \$4,120.00. The Bureau of Reclamation will also pay Bingham County \$2,500.00 for road maintenance this fiscal year and after October 1st the County would bill them for an additional \$2,500.00 for road maintenance. When it is all said and done, they would have paid the County an access of the total cost. Mr. Whited confirmed that he has discussed this proposal with Legal Counsel and he has no issues. It was clarified on the record that the County would install the culvert.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for a culvert for McTucker in the amount of \$4,120.00, to be paid out of Fund: 20-40-645-00 and the Bureau of Reclamation has agreed to pay the remaining \$9,500.00. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of a 2019 Peterbilt Semi Tractor in the amount of \$ 133,000.00, to be paid out of Fund 23-70-803-00. Mr. Whited stated this was brought before the Board previously wherein is was approved to purchase a tractor in the amount of

\$130,000.00 but that tractor was sold before it was picked up. This is for clarification to be sure an additional \$3,000.00 could be spent.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a 2019 Peterbilt Semi Tractor in the amount of \$133,000.00, to be paid out of Fund: 23-70-803-00. Commissioner Lewis seconded. All voted in favor. The motion carried.

Lastly, Mr. Whited explained a proposed speed limit reduction for Butte Road, which is due to determine a safe and reasonable speed limit for 900 E. Butte Road from 1200 North to 1300 N, due to increased development and growth over the years and allow a safe stopping sight distance. He stated that he had met with the City of Shelley and they would be willing to place speed signs on their end of the road.

Decision: Commissioner Lewis moved to direct the Public Works Director to change the speed limit on 900 E. Butte Road from 1200 N to 1300 N, to 35 MPH and work with the City of Shelley to get their section of the road posted properly. Commissioner Bair seconded. All voted in favor. The motion carried.

A brief discussion was held regarding mountain roads

PRIOR APPROVAL FOR PAYMENT ON COUNTY LEASE VEHICLES

The Board met to discuss and approve or deny the Prior Approval for Major Purchase, submitted by Chief Deputy Sheriff Jeff Gardiner, in regards to vehicle lease payments in the amount of \$51,221.49, to be paid out Fund 05-02-801-00.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for vehicle lease payments in the amount of \$51,221.49, to be paid from Fund: 05-02-801-00. Commissioner Lewis seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY APRIL 22, 2022

MILLIAN MANUARING, CHAIRMAN WHITNEY MANUARING, CHAIRMAN STATE OF IDAHO

THE MOTION PASSED TO DISMISS UNTIL FRIDAY APRIL 22, 2022

WHITNEY MANUARING, CHAIRMAN STATE OF IDAHO

MILLIAN MANUARING, CHAIRMAN WHITNEY WHITN

: ss. Friday, April 22, 2022 County of Bingham )

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

Present: Chairman Manwaring

Commissioner Bair Commissioner Lewis

Lindsey Dalley- Deputy Clerk

**CLAIMS** 

Claims were approved in the amount of \$620,323.83.

JAIL MEDICAL

Jail Medical was approved in the amount of \$320.56.

# PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

**Employee Status Sheet:** 

**Patrol Deputy** 

### TAX MATTER

RECORDED: A Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No. 744820.

Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms as presented. Commissioner Lewis seconded. All voted in favor. The motion carried.

APPROVAL OF BINGHAM COUNTY RESOLUTION 2022-17 & 2022-18

Chairman Manwaring stated the two Resolution's that are before the Board today were discussed during a previous meeting held on April 19, 2022, wherein Brad Mattson requested that the County pass a Drought Declaration. These resolutions have been reviewed and approve by Legal Counsel. There was no motion made as this was previously approved but will be executed as of today and approved as follows:

Instrument # 744785

Ex-Officio Recorder Deputy

BINGHAM COUNTY 4-22-2022 01:55:01 PM No. of Pages: 2

4-22-2022 01:55:01 PM No. 01 Pages: 2 Recorded for : BINGHAM COUNTY PAMELA W. ECKHARDT Fee: 0.00

· RW

# BINGHAM COUNTY EX RESOLUTION NO. 2022-17

### A RESOLUTION DECLARING DROUGHT DISASTER EMERGENCY

WHEREAS, Idaho Code §31-801, grants general powers and duties, subject to the restrictions of law, to the Board of County Commissioners in their respective counties; and

WHEREAS, Idaho Code §31-828, grants the Board of Commissioners authority "to do and perform all other acts... which may be necessary to the full discharge of the duties of the Chief Executive authority of the County Government"; and

WHEREAS, Idaho Code §42-222A, authorizes the Director of the Department of Water Resources, following the Declaration of a Drought Emergency for an area designated by the Director and approved by the Governor, to allow temporary changes of point of diversion, place and purpose of use of valid existing water rights, so long as said changes will not injure existing water rights; and

WHEREAS, Idaho Code §46-1011, provides that the Chairman of the Board of County Commissioners may declare a local disaster emergency, which may be continued in excess of seven days with consent of the Board of County Commissioners; and

WHEREAS, Idaho Code 46-1002(3) provides, in part, that a "disaster" includes the imminent threat of "disaster: or condition threatening property which requires state emergency assistance to supplement local efforts to protect property or to avert or lessen the threat of "disaster"; and

WHEREAS, NRCS indicates below normal snowpack and precipitation in surrounding drainages and forecasts below normal streamflow in the Upper Snake River Basin and predicts reduction of water storage in 2022; and the National Weather Services predicts above normal temperatures and below normal precipitation for the summer of 2022; and

WHEREAS; the Board finds that the current low water levels pose an imminent threat of disaster to agriculture in Bingham County, which constitutes an emergency as defined in Idaho Code §46-1002(4);

NOW THEREFORE, BE IT RESOLVED, that good cause having been shown, the Board of County Commissioners hereby declares that a local drought emergency exists in Bingham County and hereby consents to said Declaration and orders and ratifies the same. The Board further orders that this Declaration of Local Drought Disaster Emergency shall remain in effect until the end of the 2022 irrigation season, or until otherwise terminated by Resolution of the Board of County Commissioners, whichever occurs earlier.

This Resolution shall be in full force immediately as of April 19, 2022, as approved by the Board of County Commissioners

DATED this 19th day of April 2022.

BINGHAM COUNTY COMMISSION

ATTEST: COUNTY

1. Gebbut Al

Pamela W. Eckhardt Bingham County Clerk Mark R. Bair, Commissioner

Jessica L. Lewis, Commissioner

Instrument # 744/86
BINGHAM COUNTY
4-22-2022 02:04:05 PM No. of Pages: 2
RECORDED OF BINGHAM COUNTY
PAMELA W. ECKHARDT Fee: 0.00
Ex-Officio Reporter Deputy

# BINGHAM COUNTY RESOLUTION NO. 2022-18

A RESOLUTION REQUESTING DECLARATION OF DROUGHT EMERGENCY BY THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES AND THE GOVERNOR OF THE STATE OF IDAHO.

WHEREAS, the United States Drought Monitor Index classifies of Bingham County as being in "Moderate Drought" conditions and surrounded by areas of "Severe Drought";

WHEREAS, a Drought Emergency Declaration would allow Bingham County to pursue administrative actions to lessen the severe impacts of drought and limited water supplies in the county;

WHEREAS, canal companies in Bingham County and the Bingham Ground Water District rely on both natural flow and storage capacity in the Upper Snake River Reservoir System, both of which have been severely impacted by drought;

WHEREAS, current water supplies are predicted to fall well short of crop water requirements;

WHEREAS, the long term weather outlook projected by both NOAA and USBR shows no significant precipitation producing events in the near future:

WHEREAS, Idaho Code § 42-222A provides that upon declaration of a drought emergency for an area designated by the Director of the Department of Water Resources and approved by the Governor, the Director of the Department of Water Resources may allow certain temporary changes in the point of diversion, place of use and purpose of use for valid existing water rights and temporary exchanges of water rights.

THEREFORE, BE IT RESOLVED that the Board of Commissioners for Bingham County declares a drought emergency for Bingham County effective immediately and expiring the end of the 2022 Irrigation Season, unless extended or terminated by action of the Board; and

BE IT FURTHER RESOLVED that the Board of Commissioners appeals to the Director of the Idaho Department of Water Resources and the Governor of the State of Idaho to declare a drought emergency pursuant to Idaho Code § 42-222A and to grant relief provided by that Code until such drought conditions subside.

Bingham County Resolution 2022-18

DATED this 19th day of April 2022.

BINGHAM COUNTY COMMISSION

ATTEST:

Jamel 11 Yell

Pamela W Eckhardt Bingham County Clerk Mark R. Bair, Commissioner

Whitney Manwaying, Chairman

Jess ca Lewis, Commissioner

Bingham County Resolution 2022-18

# APPROVAL OF BINGHAM COUNTY ORDINANCE 2022-09

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve Bingham County Ordinance 2022-09, an Ordinance amending the zoning designation from "R/A" Residential/Agriculture to "C2" Heavy Commercial and the Comprehensive Plan Map Designation from Residential/Residential Agriculture to Multi-Use on 5.20 Acres, submitted by Kent & Carolee Carlson.

Decision: Commissioner Lewis moved to approve Bingham County Ordinance 2022-09, an Ordinance amending the zoning designation from "R/A" Residential/Agriculture to "C2" Heavy Commercial and the Comprehensive Plan Map Designation from Residential/Residential Agriculture to Multi-Use on 5.20 Acres, submitted by Kent & Carolee Carlson. Commissioner Bair seconded. All voted in favor. The motion carried and said Ordinance was passed/recorded as follows:

Instrument # 744824

BINGHAM COUNTY

4-25-2022 09:39:06 AM No. of Pages: 2
Recorded for: BINGHAM COUNTY COMMISSIONERS
PAMELA W. ECKHARDT Fee: 0.00 ()

BINGHAM COUNTY Ex-Officio Recorder Deputy

AN ORDINANCE AMENDING THE ZONING DESIGNATION FROM "R/A"
RESIDENTIAL/AGRICULTURE to "C2" HEAVY COMMERCIAL AND THE
COMPREHENSIVE PLAN MAP DESIGNATION FROM RESIDENTIAL/RESIDENTIAL
AGRICULTURE TO MULTI-USE ON 5.20 ACRES, SUBMITTED BY KENT AND CAROLEE
CARLSON.

BE IT ORDAINED by the Board of County Commissioners of Bingham County, Idaho, as follows:

Section 1: The Bingham County Zoning Designation from "R/A" Residential/Agriculture to "C2" Heavy Commercial and the Comprehensive Plan Map is hereby amended from Residential/Residential Agriculture to Heavy Commercial, to comply with the recent change in zoning, classification from Residential/Agriculture to Heavy Commercial, for the following described real property. The real property to which this Comprehensive Plan Map amendment applies is described as follows:

Property is located West of 585 Fir Street, Shelley, Idaho. Parcel No. RP0478017.

## Legal Description:

Part of the Government Lot 2, Section 32, Township 1 North, Range 37 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at a point on the westerly right-of-way line of Hanson Avenue that is \$.00°19'30"E. 1802.69 feet along the locally accepted north-south centerline through the section and N.89"32'29"W. 33.00 feet from the North Quarter corner of said Section 32 (said North Quarter corner also being N.00°19'30"W. 2638.77 feet from the locally accepted Center Quarter corner of said Section 32) and running thence N.89°32'29"W. 1066.46 feet to the centerline of the Cedar Point Canal; thence S.40°59'45"W. 310.00 feet to the north line of the property as described in Ordinance No. 86-2, recorded in the Bingham County courthouse as Instrument No. 343872; thence S.89°31'25"E. 949.37 feet to the west line of the property as described in Warranty Deed, Instrument No. 570483; thence along the boundary of said property the following two (2) courses: (1) N.00°27'31"E. 175.89 feet; thence (2) S.89°32'29"E. 319.38 feet to a point that is 33.00 feet perpendicular to the locally accepted north-south centerline through the section; thence N.00°19'30"W. 60.01 feet parallel with and 33.00 feet perpendicular to said locally accepted north-south centerline through the section to the point of beginning.

#### ALSO:

Commencing at the North Quarter corner of Section 32, Township 1 North, Range 37 East of the Boise Meridian, Bingham County, Idaho (said North Quarter corner being N.00°19'30"W. 2638.77 feet from the locally accepted Center Quarter corner of said Section 32) thence S.00°19'30"E. 1802.69 feet along the locally accepted north-south centerline through the section, thence N.89°32'29"W. 1099.46 feet to the centerline of the Cedar Point Canal, thence S.40°59'45"W. 361.68 feet along said centerline to the west line of the Southeast Quarter of the Northwest Quarter of said Section 32 and the TRUE POINT OF BEGINNING; thence along said centerline of the Cedar Point Canal the following five (5) courses: (1)

Bingham County Ordinance 2022-09

Page 1 of 2

S.40°59'45"W. 261.59 feet; thence (2) S.44°12'37"W. 126.31 feet; thence (3) S.50°27'30"W. 94.29 feet; thence (4) S.57°16'07"W. 58.02 feet; thence (5) S.53°09'36"W. 111.38 feet to a point on a non-tangent curve on the north line of West Fir Street; thence along said north line of West Fir Street the following two (2) courses: (1) 100.72 feet along said curve to the right, Curve Data: Delta = 4°38'35", Radius = 1199.80 feet, Chord bearing = N.87°25'57"E. 100.69 feet; thence (2) S.89°31'25"E. 369.40 feet to the west line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 32; thence N.00°02'55"E. 444.73 feet along said west line to the TRUE POINT OF BEGINNING.

Total acreage = 7.153 acres.

Section 2: This Ordinance shall become effective upon its publication in the manner required by law.

Passed and Approved by the Board of County Commissioners, County of Bingham, State of Idaho, at a Public Hearing held on the 8<sup>th</sup> day of March 2022.

Signed this 22<sup>nd</sup>day of April 2022.

BOARD OF COUNTY COMMISSIONERS BINGHAM COUNTY, IDAHO

Pamela Eckhardt Bingham County Clerk Whitney Manwarian Chairman

Mark R. Bair, Commissioner

Jessica Lewis, Commissioner

# APPROVAL OF RESOLUTION 2022-16

The Board met to approve Bingham County Resolution 2022-16, a resolution declaring certain Bingham County property no longer necessary for use in Bingham County, specifically for the Bingham County Courts.

Decision: Commissioner Bair moved to approve Bingham County Resolution 2022-16, a resolution declaring certain Bingham County property no longer necessary for use in Bingham County, specifically for the Bingham County Courts. Commissioner Lewis seconded. All voted in favor. The motion carried and said resolution was approved as follows:

# BINGHAM COUNTY **RESOLUTION NO. 2022-16**

A FORMAL RESOLUTION DECLARING CERTAIN BINGHAM COUNTY PROPERTY NOT NECESSARY FOR USE IN BINGHAM COUNTY, IDAHO

WHEREAS, The Bingham County Commissioners have the authority to manage county property, (Idaho Code §31-807);

WHEREAS, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

THEREFORE BE IT HEREBY RESOLVED, by the Board of County Commissioners, Bingham County, Idaho, that the following items may be sold as excess property:

# **BINGHAM COUNTY COURTS**

Four (4) old time clocks

One (1) floor heater

One (1) Lanier and one (1) Panasonic small cassette tape transcribing machine Three (3) foot petals for transcribing machine

DATED this 22nd day of April 2022.

BINGHAM COUNTY COMMISSION

ATTEST:

Pamela W. Eckhardt

Bingham County Clerk

Mark R. Bair, Commissioner

Whitney Manwaring/Chairman

Jessica L. Lewis, Commissioner

# APPROVAL OF COMMISSIONER MINUTES FOR MARCH 14-31, 2022

The Board met to approve Commissioner Minutes for March 14-31, 2022. Chairman Manwaring reiterated on the record that all Commissioners have reviewed said minutes and the necessary changes have been made.

Decision: Commissioner Lewis moved to approve the Commissioner Minutes from March 14-31, 2022. Commissioner Bair seconded. All voted in favor. The motion carried.

FINAL PAYMENT TO STARR COMPANY FOR THE ROAD & BRIDGE SHOP PROJECT

The Board approved the final payment to Starr Company in the amount of \$142,840.49, which is the final payment for the Road and Bridge Shop Project.

Decision: Commissioner Bair moved to approve the final payment to STARR Corporation in the amount of \$142,000.00 for the Road and Bridge Shop. Commissioner Lewis seconded. All voted in favor. The motion carried.

REQUEST TO HOLD DEMOLITION DERBY AT THE NORTH BINGHAM PARK- REQUESTED BY EDDY AND CASSIE CARD

Present:

John Dewey- County Legal Counsel

Scott Reese- Parks & Recreation/Emergency Management

Lt. Bryan Jorgenson- Sheriff's Office Tyler Draney- Parks & Recreation Eddy Card- 208 Demolition Derby LLC Cassie Card- 208 Demolition Derby LLC

The Board met to discuss the submitted request to hold the Shelley Classic Demolition Derby at North Bingham Park. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Card.

Mr. Card stated they are before the Board to ask permission to allow the use of North Bingham Park to hold the Shelley Classic Demolition Derby, which is scheduled for September 24, 2022, one week after Spud Days is held in the City of Shelley. The date was change so as to not interfere with the events involved with Spud Days.

Mr. Card explained there has been a few changes regarding entrance and exit of individuals. Instead of having individuals pay at the gate, they will have them park first and pay at admissions. This will help keep vehicles off the road as well. Chairman Manwaring stated that he had attended last year and he noticed the amount of vehicles there were on the road, which was a bit of a concern.

Mr. Card explained further signage that would be placed and stated they would be bringing additional bleachers from the Bannock County Fairgrounds in order to have extra seating.

Mr. Reese stated his only concern would be to be sure, there are no pits by the tree line, to not interfere with any reunions or festivities that may be occurring. In addition, the well house shall be more protected and secured. Mr. Card stated they would be happy to place a fencing around it.

Lieutenant Jorgensen stated his only concern would be the traffic and getting vehicles off the main highway and asked how many security officers there would be. Mr. Card explained they had six security officers and two County officers last year, along with Kaylee Gardner who assisted with traffic control. It was explained that they would post on Facebook stating the specific directions for entrance and exit.

Commissioner Bair asked Mr. Card if he has spoken with either Sandy Downs or the Fairgrounds into possibly holding this event at either of those places. Mr. Card stated that he had spoken with Brandon Bird who stated they were extremely booked and was not interested in holding the event at the

fairgrounds and Sandy Downs stated they were fully booked as well. Commissioner Bair stated he does not believe that North Bingham Park is the best location to hold a demolition derby.

Commissioner Lewis stated she has no issues with the proposal and asked for clarification regarding the fee paid last year in the amount of \$500.00 and if the Board would again charge that fee.

Chairman Manwaring stated he attended the event last year and thought things ran very well. There were a few issues, which have been addressed and cured this year. He has no issue with this proposal.

Decision: Commissioner Lewis moved to allow use of North Bingham County Park for the Shelley Classic Demolition Derby to be held on September 24, 2022. There will be a Hold Harmless Agreement signed between the parties and the \$500.00 fee will need to be paid. The 208 Demolition Derby will also be required to work with the Parks Director regarding the water line issue in the arena. Chairman Manwaring seconded. All in favor- Commissioner Lewis and Chairman Manwaring. All opposed- Commissioner Bair.

DISCUSSION & DECISION REGARDING REPAIRS AT THE BINGHAM COUNTY MUSEUM-REQUESTED BY HEATHER MCPHIE & REVIEW AND APPROVAL OF BINGHAM COUNTY HISTORICAL SOCIETY LEASE

Present:

Heather McPhie- Historical Society Director

Susan Nalley- Historical Society Board Member

Eric Jackson- Building Maintenance Pam Eckhardt- County Clerk

John Dewey- County Legal Counsel

The Board met to hold discussion and make a decision regarding repairs at the Bingham County Museum and Review and possible approval of the Bingham County Historical Society. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. McPhie.

Ms. McPhie stated she is excited about what is occurring at the museum and feels as though the museum could eventually bring in funding. She stated that Idaho State University has a Career Paths Internship Program, wherein it has been approved to become part of the program. The college would provide salary for an intern to come work for the organization, wherein Denise Mickelsen has been assigned to help the County. She has been working as the museum curator and brings a lot of knowledge.

Ms. McPhie stated in looking at the museum and wanting to make it more appealing to locals and visitors. She would like to do something similar to the Museum of Idaho and have different displays at different times, which they would like to have a military display, bridal display and a back to school display. If displays are being made and information is put out to the public, it would pull people in from the local community. They are planning to be open more hours, which will be extremely important during the summer. The intern is paid for thirty hours per week and she would be assisting with guided tours as well.

Ms. McPhie stated they have pulled the pink carpet out of the study, which is approximately 160 square feet. This has been a topic of discussion for some time and the intern has agreed to assist in pulling out the carpet but underneath the carpet is tile, which has asbestos in it. Ms. McPhie stated that Healthy Home Environment agreed to donate time in order to complete the asbestos sampling report. They have since completed the report, which states the tile does have asbestos and the glue used to place the tile has asbestos as well and did get into the flooring underneath. At this time, the flooring needs to be torn out and be replaced. She is hopeful to receive donations for the flooring as she has spoken to several places within the County and they are willing to help. The removal of asbestos is \$2,000.00 but she currently has \$750.00 in cash donations, along with another \$500.00 check donation coming in the mail, a few more donations that should be coming. Meaning that the museum would have approximately \$1,500.00 to put towards the project. She is hopeful that the County could provide funding in order to proceed with this project and get the museum ready to open.

Next, discussion was held in regards to the front porch and the need to have it rebuilt. She spoke with Pratt Lumber and they may be able to donate lumber for the project. Commissioner Bair asked if the porch would need to have a handicap access ramp if the porch is rebuilt. Mr. Jackson stated the Museum is to stay close to the original condition, wherein when adding on sometimes that is not feasible. Clerk Eckhardt stated when the Architect came, the best access is off the North side of the building. The idea is to make it affect the look of the building as little as possible. Ms. McPhie agreed that keeping the museum, as close to its original look is important. This was discussed previously but was placed on hold once it was apparent how much remodeling would need to be done in order to make the building ADA compliant.

Next, discussion was held in regards to replacement of the roof of the museum, wherein the Idaho Heritage Trust recommended applying for a grant in the amount of \$10,000.00 to assist with the project, which she has done. The bid received from Rudy's Roofing was for approximately \$36,934.00 to redo all of the shingled areas. Clerk Eckhardt explained there is \$20,000.00 in the fund balance for the Historical Society and have not used much the last two years as the museum was closed. This funding could be used towards the roofing project.

Clerk Eckhardt stated the main decision to be made today is the flooring and asbestos issue. Mc. McPhie explained within the lease is states they need the permission of the Board prior to making any changes. She would like permission to have the asbestos removed and permission to replace the flooring.

After discussion, it was decided that the County would assist with \$500.00 to assist with removal of the flooring with asbestos and \$500.00 to assist with the new flooring. Ms. McPhie will also be fundraising to assist with the project.

Decision: Commissioner Bair moved to approve \$500.00 for removal of flooring with asbestos and \$500.00 towards putting a new floor in the Historical Museum, to be paid from Fund: 12-00-494-00. In addition, to allow permission to have the work completed. Commissioner Lewis seconded. All voted in favor. The motion carried.

PRIOR APPROVAL FOR PURCHASE OF RESURFACING OF THE BLACKTOP AREAS AT THE COUNTY COURTHOUSE & EXTENSION OFFICE

Present: Eric Jackson- Building Maintenance

Pam Eckhardt- County Clerk

The Board met to discuss the submitted Prior Approval for Major Purchase of resurfacing of the blacktop areas at the County Courthouse and Extension Office. Chairman Manwaring welcomed all to the meeting and stated that two bids have been received and reviewed from Imperial Asphalt and Klinger Asphalt, wherein the lowest bid was received from Imperial Asphalt in the amount of \$5,051.31.

Mr. Jackson stated his recommendation would be to approve the bid received from Imperial Asphalt.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for resurfacing of the blacktop at the Courthouse and Extension Office. Said purchase is in the amount of \$5,051.31, to be paid from Fund: 01-10-494-00. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION AND POSSIBLE DECISION REGARDING REQUEST TO PURCHASE EXISTING DIGITAL RECORDED DOCUMENTS AND ACCESS TO NON-DIGITAL RECORDED DOCUMENTS BY KIMMELL TITLE PLANT SOLUTIONS

Present: Pam Eckhardt- County Clerk

John Dewey- County Legal Counsel Paul Rogers- Prosecuting Attorney

The Board met to discuss and make a decision regarding the request from Kimmell Title Plant Solutions to purchase existing digital recorded documents and access to non-digital recorded documents. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated she was approached by Kimmell Title Plant Solutions, who has officially submitted a request for all land documents digitized thus far, which is 600,762 as of April 15, 2022. Scott Mensching will place them on a hard drive to provide. They are also requesting to be able to come and set up in the basement between May 2<sup>nd</sup> and May 20<sup>th</sup>, wherein they will digitize any documents that are not scanned in currently.

Per Idaho Code Section 31-3205(3), this would fall under the negotiated fees of the Clerk. Currently, recorded documents are \$1.00 per page for a copy or if they are on a reoccurring basis, it is .5 cents per page.

She is proposing \$20,000.00, and copies of the documents scanned and believes this would be valuable to the County.

There were no questions or concerns from the Board at this time.

Decision: Commissioner Bair moved to approve the negotiated fee of \$20,000.00, plus copies of documents that are scanned on site per Idaho Code Section 31-3205(3). Commissioner Lewis seconded. All voted in favor. The motion carried.

DECISION REGARDING WAIVER OF CENTRAL TRANSFER STATION FEES FOR THE JUST SERVE COUNTY CLEAN-UP PROJECT

The Board met to make a decision regarding the waiver of Central Transfer Station fees for the Just Serve County clean-up project. Chairman Manwaring explained this matter was previously discussed and there were no concerns.

Decision: Commissioner Lewis moved to waive fees at all landfills pertaining to the Just Serve County clean-up project. Commissioner Bair seconded. All voted in favor. The motion carried.

# **EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider personnel matters. Commissioner Lewis seconded. All in favor. The Board moved into Executive Session at 10:07 a.m. The Board moved out of Executive Session at 10:24 a.m.

Decision: Commissioner Lewis moved to accept the proposal from Paul Rogers to increase the pay of two Deputy Prosecuting Attorney's to \$65,000.00 per year to match the new hire coming in at said amount. Commissioner Bair seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY APRIL 27, 2022

PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Deputy Clerk----

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO

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Wednesday, April 27, 2022

**County of Bingham** 

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

Present:

Chairman Manwaring Commissioner Bair Commissioner Lewis

Lindsey Dalley- Deputy Clerk

### **COLLEGE OF EASTERN IDAHO**

A Certificate of Residency was approved by the Board and sent to the College of Eastern Idaho for the following student: Errict R. Bean.

#### INDIGENT MATTER

RECORDED: A Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No: 744935.

Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents as presented. Commissioner Lewis seconded. All voted in favor. The motion carried.

## APPROVAL OF ALCOHOL LICENSE

The Board met to approve the Alcohol License for Cheers n Beers Bar and Restaurant.

Decision: Commissioner Lewis moved to approve the Alcohol License for Cheers n Beers Bar and Restaurant. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING WATER RIGHTS ON THE SOUTHSIDE OF NORTH BINGHAM COUNTY PARK- REQUESTED BY SCOTT REESE- PARKS & RECREATION

Present:

Joan Winston- IDEAS

Jacqi Sullivan- IDEAS

Scott Reese- Parks & Recreation John Dewey- County Legal Counsel Tyler Draney- Parks & Recreation

The Board met to hold a discussion and make a decision regarding water rights on the Southside of the North Bingham County Park. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Mr. Reese.

Mr. Reese stated that he is looking for guidance on how the Board would like him to proceed with North Bingham Park. They are preparing to turn on water and do not have water rights to the flying field and other side of the tree line.

Chairman Manwaring explained that several years ago, there was water being pumped out of the river and the County did not have enough rights for the North half of the park. The County ended up renting and buying water rights. Last year, discussion has been held regarding water rights, wherein Chairman explained that the City of Shelley was going to take over the North portion of the park but backed out at the last minute. The County was under the impression that the City of Shelley would transfer water rights once the transfer occurred.

Joan Winston stated they have a restroom and water the community garden but it is on a system that goes directly on the plants and takes approximately 45 minutes to rotate, which she does by hand. Originally, there was a pivot that was placed that the County knew about and was a part of. That has since been replaced and what they currently have is phenomenal for water usage. Chairman Manwaring stated that was several years and was donated by a pivot company. It was removed when lightening hit it. He believes water was being pumped out of the river, which is not allowed. The County went through a significant amount of research in attempt to get water rights.

Commissioner Bair asked Legal Counsel if there was a possibility that the County could rent water from the City of Shelley if they are not using all of the water on the farm across the street from North Bingham County Park. Commissioner Lewis stated the issue in the past has been that the County is not a part of the Snake River Irrigation District and therefore cannot rent from water rights across the street.

After further discussion, Legal Counsel will contact Kristin Moore with the Idaho Department of Water Resources to see what can be done regarding this water issue.

Lastly, a brief discussion was held regarding a contract or lease with IDEAS, to which there is not a current document signed. Legal Counsel will work with IDEAS to get a document prepared and ready for signatures.

#### **PUBLIC WORKS**

Present:

Dusty Whited- Public Works Director

Pam Eckhardt- County Clerk

John Dewey- County Legal Counsel

Gary Evans- Atomic City

The Board met with Dusty Whited to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated that he wanted to report to the Board that David Romrell had surveyed the lot that is located next to the well in Atomic City and unfortunately, the power pole is on the property of Gary Evans. In speaking with Mr. Evans, he would like to have the pole relocated. If the County were going to keep the system, he would work with the County on this issue but since the County will be selling the water system and he is unsure who would be purchasing the system, this would not be feasible. Commissioner Lewis asked if the County could purchase that portion of property from Mr. Evans, wherein Mr. Whited explained this is the reason for having this item on the agenda and that he would like direction from the Board as to how they wish to proceed. He explained the other issue is the underground power line that goes to the well cuts through more of his property. Therefore, it would not just be purchasing land that the power pole is on but would be a good size corner piece of his property. He stated that he could have Mr. Romrell survey the portion of ground and see if Mr. Evans is willing to sell to the County.

Clerk Eckhardt explained that she spoke with Mr. Evans and he is not interested in an easement or selling to the County. Mr. Dewey stated that this should be further discussed in an Executive Session.

Mr. Whited stated it would be approximately \$10,000.00 to move the power pole. He stated that he would contact Idaho Power to discuss the cost to move the power pole and that he would need to contact an electrician to move the underground wiring. Chairman Manwaring stated that he would like Mr. Whited to contact the Department of Environmental Quality, as he believes that they are beginning to require that

systems are running properly. Mr. Dewey stated that he had spoken with Department of Environmental Quality, who informed him that the only thing that would stop the County from selling was the loan that was outstanding.

Mr. Gary Evans joined the meeting and Mr. Whited asked if he would be willing to sell the portion of his property where the power pole is located. Mr. Evans stated he would rather have the power pole moved to where it should be. Clerk Eckhardt added that Mr. Evans is the only non-city resident connected to the Atomic City Water System, besides the Bureau of Land Management. Prior to the disincorporation of Atomic City, Mr. Evans was paying \$55.00 as opposed to the \$37.00 but has since been decreased to the \$37.00. Mr. Evans stated he would like the power pole to be moved properly. Mr. Whited confirmed that Mr. Evans would not have any issues with Idaho Power being on his property in order to move the power pole. Mr. Whited stated that he would contact Idaho Power and an electrician to obtain the cost

Lastly, Mr. Whited explained that the mountain roads are set to open on Sunday. Instead of sending an employee out on Sunday to move signs, Mr. Whited will move the signs on Friday and let the mountain roads open on Sunday.

#### ROCKY MOUNTAIN POWER UPDATE- PRESENTED BY TIM SOLOMON

Present:

Tim Solomon- Rocky Mountain Power

The Board met with Tim Solomon to receive an update regarding Rocky Mountain Power.

### **EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider Personnel Matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider Personnel Matters. Commissioner Lewis seconded. All in favor. The Board moved into Executive Session at 11:20 a.m. The Board moved out of Executive Session at 11:28 a.m.

Decision: Commissioner Lewis moved to appoint Brian Williams as Interim Lead for the Shelley area beginning May  $2^{\rm nd}$  until the position can be filled full time and will be a minimum of 5% increase. This is an exception to what the policy says regarding working out of class. Chairman Manwaring seconded. Both voted in favor. The motion carried.

# CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses \$311,360.87	Tort\$178,036.00
Road & Bridge\$396,096.56	Veterans Memorial\$101.40
Airport\$20.86	Weeds\$4,974.21
Justice Fund\$362,789.57	Emergency Communication\$70,893.54
District Court\$71,916.00	Road & Bridge Special
Preventative Health.\$14,000.00	Projects\$33.33
Historical Society\$11,250.00	Waterways\$811.66
Indigent	Drug Court Fund\$3,440.69
Parks & Recreation\$37,132.64	Consolidated Elections\$6,410.69
Revaluation \$36,878.69	
Solid Waste \$165,258.23	

THE MOTION PASSED TO DISMISS UNTIL MONDAY MAY 2, 2022

PAMELA W. ECKHARDT, CLERK Lindsey Dalley- Deputy Clerk-----

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