

STATE OF IDAHO        )  
                              : ss.               Monday, January 3, 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 \$30,120.48.

**Decision: Commissioner Lewis moved to approve Claims in the amount of \$30,120.48. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVAL OF COUNTY VESSEL FUND REPORT & RESOLUTION 2022-03

Present:               Pam Eckhardt- County Clerk

The Board met to approve the County Vessel Fund Report for the Idaho Department of Parks and Recreation. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained the Bingham County Vessel Fund has a surplus of \$55,701.00 from monies provided from the Idaho Department of Parks and Recreation.

The specific purpose expenditure of \$55,701.00 will go to the following:

- 1) \$32,515.00 to complete the remaining funds needed to purchase the Wooldridge 20 ft. Search and Rescue jet boat added to Fiscal year 2020 retained funds of \$57,485.00 for a total of \$90,000.00.
- 2) \$23,816.00 for upgrading of the marina boat docks at Sportsman's Park and repairs of existing docks and ramp area.

**Decision: Commissioner Bair moved to approve the County Vessel Fund Report and adopt Bingham County Resolution 2022-03, a resolution approving the specific purpose expenditure from the Bingham County Vessel Fund from Fiscal Year 2021 in the amount of \$55,701.00. Commissioner Lewis seconded. All voted in favor and Bingham County Resolution 2022-03 was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-03**

**A RESOLUTION APPROVING THE SPECIFIC PURPOSE EXPENDITURE FROM  
THE BINGHAM COUNTY VESSEL FUND FROM FY 2021**

WHEREAS, Bingham County Vessel Fund has a surplus of \$55,701 from monies provided from the Idaho Department of Parks and Recreation.

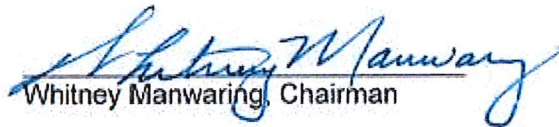
NOW, THEREFORE, it is hereby resolved:

That the specific purpose expenditure of \$55,701 will go towards the following:

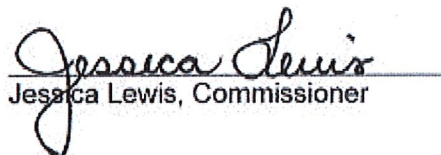
1. \$32,515 to complete the remaining funds needed to purchase the Wooldridge 20 ft. search and rescue jet boat added to FY 2020 retained funds of \$57,485 for a total of \$90,000.
2. \$23,816 for upgrading of the marina boat docks at Sportsman's Park and repairs of existing docks and ramp area.

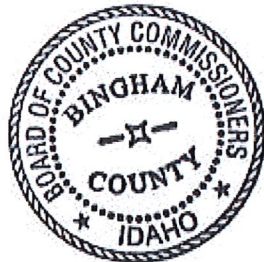
DATED January 3, 2022

BINGHAM COUNTY COMMISSION

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Jessica Lewis, Commissioner



ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

STAFF MEETING

Present: Pam Eckhardt- County Clerk  
Patty Walters- Payroll  
Donavan Harrington- County Assessor  
Debbie Cunningham- Chief Deputy Assessor  
Dusty Whited- Public Works Director  
Nick Hirschi- County Coroner  
Jimmy Roberts- Chief Deputy Coroner  
Scott Reese- Emergency Management/Parks & Recreation  
Sheri Landon- Magistrate/District Court  
Laraine Pope- Human Resources Technician  
Eric Jackson- Building Maintenance  
Tiffany Olsen- Planning & Development Director  
Shawn Hill- Probation Services  
Paul Rogers- Prosecuting Attorney  
Chief Deputy Sheriff Jeff Gardner  
Barbara Marlatt- Chief Deputy Treasurer  
Laura Lora- Indigent Services  
Julie Buck- Extension Office

Via Zoom: Cody Lewis- Drug Court Coordinator

Excused: Scott Mensching- IT Department  
Scott Gay- City of Blackfoot Chief of Police  
Marc Carroll- City of Blackfoot Mayor

The Commissioners met with department heads and Elected Officials for the January 2022 Staff Meeting. Chairman Manwaring conducted the Staff Meeting.

Pledge of Allegiance: Chairman Manwaring.

Approval of Minutes for Staff Meeting held on December 6, 2021: Correction "4-H Enrollment is opening" to "4-H Enrollment is open". The Minutes were approved with said change.

Employee Years of Service Recognition: Commissioner Bair recognized Dusty Whited for five years of service to Bingham County. Dusty is a great employee and does a great job. He is not afraid to work as many hours as it takes to get the job done. He took on a large project last year with the new Road and Bridge Shop and is a huge asset to Bingham County.

Barbara Marlatt recognized Allison Porter for fifteen years of service to Bingham County. She is a great employee and an asset to Bingham County.

Chairman Manwaring: Welcome to 2022. There were several challenges last year and he hopes everyone has a great and healthy year. The snow has been a challenge and there is more coming. He thanked the Road and Bridge crew for all of their hard work in keeping the roads clear.

Commissioner Bair: Thanked the Road and Bridge crew as they have been working for ten straight days to keep the roads clear. He also thanked Law Enforcement for their hard work during this time of year with the slick roads and accidents.

Chairman Manwaring added that he would like to thank Eric Jackson for keeping the sidewalks and parking lot at the courthouse clear.

Commissioner Lewis: Stated she appreciates Bingham County and our community. There have been many positive comments regarding Public Works and hopes they know how much they are appreciated.

Clerk Eckhardt: Stated she has been working to reconstruct the County website and is to the point where branding should be discussed. She has submitted several photos taken by Jeff Katseanes and is working to submit drone footage to be used on the front page. During the last meeting with EvoGov, discussion was held in regard to the Bingham County logo. She gave a brief history regarding how the logo was first awarded and stated that she has realized there are several departments who are not using the most current logo. The goal is to have all departments using the same logo to be consistent. She presented a drafted logo provided by EvoGov and asked that all department heads fill out the sheet provided to state their thoughts regarding the logo presented today or if they would like to leave the logo as is.

Patty Walters: Stated she is working on W-2 forms in order to get those out by January 31, 2022. She is also working to complete 1095c forms, which will be mailed to each employee. If there are any address changes to be made, please get them to Human Resources and Payroll as soon as possible. The Commissioner signature cut off and Payroll cut off is January 21, 2022.

Donavan Harrington: No updates at this time.

Debbie Cunningham: No updates at this time.

Dusty Whited: Reminded everyone to be patient with the Road and Bridge Department as the wind has been bad and they have been plowing constantly. If there are any roads that are closed in or close to being closed in, please contact him.

Nick Hirschi: No updates at this time.

Jimmy Roberts: No updates at this time.

Scott Reese: No updates at this time.

Sheri Landon: No updates at this time.

Laraine Pope: No updates at this time.

Eric Jackson: Stated his department is finally moving into their new office this week.

Tiffany Olsen: Stated there has been a lot of new construction within Bingham County. From January through December 2021, there have been 199 permits for new homes, 32 permits for manufactured homes, 117 permits for shops, 20 permits for shops with living components, 92 miscellaneous permits, 32 new commercial permits and 29 permits for ag exempt structures, for a total of 521 permits. Last year they approved 419 permits, which is a large increase. The Planning & Development Department increased their fees in October and again in January, which has increased revenue. They are continuing to do between 15-25 inspections per day.

Shawn Hill: No updates at this time.

Cody Lewis: Stated Felony Drug Court Graduation will be held on January 25, 2022 at 4:00 p.m., and Misdemeanor Drug Court Graduation will be held January 27, 2022 and 4:00 p.m. He would like to thank Misdemeanor Probation for helping with felony drug testing for clients.

Paul Rogers: Stated the Courthouse will be busy next week as they have a Jury Trial that could last for 3-5 days. There is a 48-hour and 72-hour time limit on in-custodies and mental holds, therefore Judges, Clerks and his office work to meet those timelines. He thanked Sheri Landon and her staff for helping the Prosecutors Office with tracking documents over the holiday break.

Chief Deputy Sheriff Jeff Gardner: No updates at this time.

Barbara Marlatt: No updates at this time.

Laura Lora: No updates at this time.

Julie Buck: Stated that online canning class will begin in January, diabetes class in February and Know Your Government for youth is in March. She explained she had to contact law enforcement, as there was graffiti tagged on the side of their building but it has since been removed.

Danette Miller: Candidate filing will begin February 28, 2022 and conclude on March 11, 2022, for the Primary Election held in May. She added that her office would be attending a conference in Boise for the remainder of this week.

Chairman Manwaring stated next Staff Meeting is scheduled for Monday, February 7, 2022 at 8:30 a.m.

Nothing further.

#### PROBATION DEPARTMENT

Present: Shawn Hill- Probation Services

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

Mr. Hill explained he is requesting to surplus the 2011 Buick La Crosse within their department fleet as it has continuous issues and does not run well. Chairman Manwaring stated this would be done via adoption of Bingham County Resolution 2022-02 and entertained a motion.

**Decision: Commissioner Lewis moved to adopt Bingham County Resolution 2022-02, a resolution declaring certain Bingham County property not necessary for use in Bingham County, which is for a 2011 Buick La Crosse. Commissioner Bair seconded. All voted in favor. The motion carried and**

Resolution 2022-02 was adopted as follows:

**BINGHAM COUNTY  
RESOLUTION NO. 2022-02**

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);

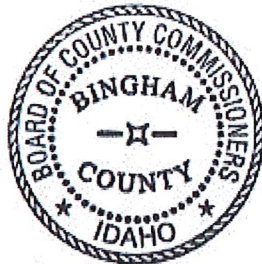
**WHEREAS**, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

**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 PROBATION DEPARTMENT**

Vin #	Year	Make	Model
1G4GD5E35CF105195	2011	Buick	La Crosse

DATED this 3<sup>rd</sup> day of January 2022.



ATTEST:

*Pamela Eckhardt*  
 Pamela W. Eckhardt  
 Bingham County Clerk

BINGHAM COUNTY COMMISSION

*Whitney Manwaring*  
 Whitney Manwaring, Chairman

*Mark R. Bair*  
 Mark R. Bair, Commissioner

*Jessica Lewis*  
 Jessica L. Lewis, Commissioner

BUILDING MAINTENANCE

Present: Eric Jackson- Building Maintenance

The Board met with Eric Jackson to discuss department updates.

Discussion was held in regards to future positions within the Building Maintenance Department, wherein Chairman Manwaring stated they were going to add an additional assistant position after the 1<sup>st</sup> of January. Mr. Jackson explained that he may be retiring at the end of the year and would propose that this new position be advertised as a Building Maintenance Assistant Supervisor or Manager in order to attract more applicants for the position. After discussion, the Board advised Mr. Jackson to work with Legal Counsel in order to add this position between his current position of Supervisor and the Building Maintenance Assistant.

ASSESSOR'S OFFICE

Present: Donovan Harrington- County Assessor  
Debbie Cunningham- Chief Deputy Assessor  
Donna Grant- Citizen  
John Dewey- County Legal Counsel

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

Mr. Harrington first explained the request made by Ms. Grant to waive the Solid Waste Fees charged to her in the amount of \$50.00. Ms. Grant live on the Fort Hall Indian Reservation and pays \$120.00 per year for Solid Waste to them.

Discussion was held in regard to what document shall be provided to the Board for proof that Ms. Grant pays for Solid Waste through Fort Hall, in order to waive the \$50.00 Solid Waste fee for Bingham County. Mr. Dewey recommended the Board require proof either via copy of a receipt or photograph of the sticker provided by Fort Hall and is to be placed on her vehicle window.

**Decision: Commissioner Lewis moved to forgive the Solid Waste Fee for Donna Grant, Parcel Number MH7003001, in the amount of \$50.00, as she pays \$120.00 per year for Solid Waste to Fort Hall. The proper documentation will be signed once prepared and the payment to Fort Hall is verified. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVAL OF BID FOR CLEANING SERVICES

Present: John Dewey- County Legal Counsel

The Board met to award the bid for cleaning services. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Dewey.

Mr. Dewey explained there was one bid received from AAA Giles Janitorial and Carpet Cleaning LLC, for \$148,800.00. Once said bid is approved and awarded, Mr. Dewey will work with Mr. Giles to execute the agreement to move forward.

**Decision: Commissioner Bair moved to award the bid for cleaning services to AAA Giles Janitorial and Carpet Cleaning, LLC, in the amount of \$148,800.00 annually. Commissioner Lewis seconded. All voted in favor. The motion carried.**

DISCUSSION & DECISION REGARDING OVERTIME HOLIDAY PAY FOR ROAD & BRIDGE EMPLOYEES WHO WERE REQUIRED TO WORK CHRISTMAS DAY AND NEW YEARS DAY

Present:           Dusty Whited- Public Works Director  
                  Troy Lenhart- Road & Bridge Supervisor  
                  Laraine Pope- Human Resources Technician  
                  John Dewey- County Legal Counsel  
                  Patty Walters- Payroll  
                  Laura Lora- Payroll  
                  Sheri Landon- Magistrate/District Court

The Board met to discuss and make a decision regarding overtime holiday pay for Bingham County Road & Bridge employees who were required to work Christmas Day and New Years Day. Chairman Manwaring welcomed all to the meeting and stated Commissioner Bair contacted him over the holiday to address his concern regarding the Road and Bridge employees who had plowed snow on Christmas Day and New Years Day.

Patty Walters stated within Section 16 of the Employee Handbook, there is specific wording pertaining to holiday callback. She explained the issue is the specific day that Road and Bridge took their Christmas holiday.

Commissioner Lewis read from the Employee Handbook, which states "Employees that are called into work on a County recognized holiday due to an emergency shall be compensated at a rate of 1 ½ times the normal rate". Ms. Walters asked if this would be by the holiday schedule of Road and Bridge, which is the 23<sup>rd</sup>, or by the County holiday schedule. Mr. Dewey explained that the County recognized holiday for Road and Bridge was the 23<sup>rd</sup> based upon an agreement of the Board, therefore if they were required to work on their County recognized holiday, which would give them the benefit of the holiday callback pay.

Troy Lenhart stated the main issue is several of the employees did not work Thursday the 23<sup>rd</sup> of December and if they would have, there would not be an issue. Ms. Walters added each employee has to work forty hours in order to be paid 1 ½ times.

Ms. Walters proposed that they switch the Road and Bridge holiday to match the County holiday and make the 23<sup>rd</sup> their usual day off. That way this would give the employees to earn the holiday callback.

Commissioner Bair stated if an employee works on any of the twelve County holidays, no matter how many hours they have worked, they should be compensated for 1 ½ times. Mr. Dewey explained that within the holiday callback section, it could specifically state that any County recognized holiday or December 25<sup>th</sup>, in order to have this situation covered.

Mr. Dewey explained this would be a change to make within policy. Commissioner Lewis proposed paying double time, which would be more than overtime for Christmas Day.

Mr. Whited stated it has been proposed to give those individuals that worked on a holiday, a one-time bonus and explained there are overtime savings within the Public Works budget to cover these funds. Discussion was held in regards to the amount of said one-time bonus, wherein there was not a specific amount decided but could be anywhere from \$75.00 to \$100.00.

Mr. Dewey will work on potential wording pertaining to the holiday callback section within the Policy Handbook. He would bring this before the Personnel Board for approval and would bring before the Board of Commissioners once approved. It was stated this would be retroactive to cover this year and would come in a separate check, along with a thank you from the Board.



DISCUSSION & DECISION REGARDING AFTER HOURS VEHICLE ACCIDENTS

Present: Dusty Whited- Public Works Director  
Laraine Pope- Human Resources Director  
John Dewey- County Legal Counsel  
Troy Lenhart- Road & Bridge Director  
Donavan Harrington- County Assessor

The Board met to discuss and make a possible decision regarding the process to follow pertaining to an after hour's vehicle accident. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Discussion was held in regards to an accident that occurred with a snowplow on Christmas Day. The Employee Policy requires any employee involved in an accident to take a UA test. Mr. Whited explained that he had attempted to contact HR Director, wherein he did not receive a returned call. His concern is with the snow season and bad roads, the department would be without this specific employee. He made the decision to allow that employee to work without a UA test as he knows the background and knows there is not an issue. Mr. Whited explained that he would like to request that the hospital release results to the department head in order to prevent this situation from happening in the future.

Mr. Dewey stated pursuant to policy, the employee should have been tested either way. In the future, he would like to reach out to the hospital to speak with them regarding the possibility of releasing the results to the specific department head. Lastly, Mr. Dewey explained there is not a specific policy regarding an employee returning to work following an accident. He will work on additional wording to add this section for clarification.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, JANUARY 5, 2022



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Deputy Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Wednesday, January 5, 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 Bingham County students: Jacob B. Cox and Kayla L. Christensen.

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

#### APPROVAL OF DECEMBER 2021 COMMISSIONER MINUTES

The Board met to approve Commissioner Minutes from December 2021. Chairman Manwaring welcomed all to the meeting, stated the Board has reviewed said minutes and entertained a motion.

**Decision: Commissioner Lewis moved to approve the Commissioner Minutes for December 2021. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### TAX MATTERS

The Board met to approve/deny submitted Tax Inquiries for value adjustment, which were as follows and for the following reasons:

- RP2099100- Owners signed up for Homeowners Exemption in 2021
- MH352530CA080- Owners signed up for Homeowners Exemption in 2021
- RP0177708- Owners signed up for Homeowners Exemption in 2021
- RP3044800- Owners signed up for Homeowners Exemption in 2021
- MH344S36EA005A- Owners signed up for Homeowners Exemption in 2021
- RP0534106- Owners signed up for Homeowners Exemption in 2021
- RP1266400- Owners signed up for Homeowners Exemption in 2021
- RP1204500- Owners signed up for Homeowners Exemption in 2021
- MH371N29RW0170- Owners signed up for Homeowners Exemption in 2021

**Decision: Commissioner Bair moved to approve the Tax Inquiries as presented today. Commissioner Lewis seconded. All voted in favor. The motion carried.**

#### SHERIFF'S OFFICE

Present: Chief Deputy Sheriff Jeff Gardner

The Board met with Chief Deputy Sheriff Jeff Gardner to discuss updates within the Sheriff's Office and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Gardner.

Chief Deputy Gardner explained the Prior Approval for Major Purchase in the estimated amount of \$274,000.00, to pay lease payments for vehicles and taser's, to be paid out of two different funds (\$20,000.00 from Fund 05-02-556 and \$250,000.00 from Fund 05-02-801). This is an annual payment and there are a few to still be paid in the future but this is a majority of the payments.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for payment on leased vehicles and taser's, with \$20,000.00 to be paid from Fund 05-02-556 and \$250,000.00 to be paid from Fund 05-02-801. Commissioner Bair seconded. All voted in favor. The motion carried.**

Chief Deputy Gardner stated the current population in the jail is 108 inmates.

Chief Deputy Gardner stated today he would be meeting with Commission Clerk Lindsey Dalley to finalize the Request for Qualifications for publication and to set a Public Hearing pertaining to the jail expansion.

#### PUBLIC WORKS

Present: Derrick Goings- Solid Waste Director

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

Mr. Goings explained the Prior Approval for the payment on the second half of the new semi garbage trailer for the Solid Waste Department in the amount of \$45,829.77, to be paid from Fund 23-70-803-00.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for the second half of the new semi garbage trailer for Solid Waste Department in the amount of \$451829.77 to be paid from Fund 23-70-803-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### DISCUSSION & DECISION TO RATIFY THE LEASE AGREEMENT WITH ACELA, INC

Present: John Dewey- County Legal Counsel  
Jimmy Roberts- Chief Deputy Coroner  
Nick Hirschi- County Coroner

The Board met to discuss and make a decision regarding the lease agreement with Acela, Inc. Chairman Manwaring welcomed all to the meeting and turned the time over to Nick Hirschi.

Mr. Hirschi explained the County should not have to put forward any funding and this will all be covered by FEMA Lease for the amount of \$129,990.00. This would begin as a lease for the duration of six months and at the end of the lease, the County would be subject to purchasing of the trailer for \$1.00. Mr. Hirschi confirmed that the cost would be paid prior to the trailer is delivered. This trailer will hold twenty-four units and has a generator/cooling unit.

Mr. Dewey explained that he had reviewed the Lease Agreement and he would like to have documentation stating that once the lease is completed, the County will be subject to purchase of the trailer for \$1.00.

Mr. Hirschi added that his intent would be to store the unit here on County property and he would like to draft a Memorandum of Understanding, wherein the trailer would be available for use by surrounding counties or funeral homes when needed.

**Decision: Commissioner Bair moved to approve the Lease Agreement with Acela, Inc., pertaining to the lease for a 24-foot mobile morgue expansion trailer. The Lease is for \$129,990.00, subject to purchase for \$1.00 after Lease. This approval is subject to final review of the Lease and Commissioner Lewis added that FEMA would cover all cost. Commissioner Lewis seconded. All voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board met in Executive Session pursuant to Idaho Code Section 74-206 (1)(a) & (b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session. Commissioner Bair seconded. The Board moved into Executive Session at 10:31 a.m. The Board moved out of Executive Session at 11:30 a.m.

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

#### APPROVAL OF REASON & DECISION FOR A 2-LOT SHORT PLAT KNOWN AS TWO MULE ACRES SUBDIVISION, SUBMITTED BY DON & PHYLLIS HANSEN

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve the Reason & Decision for a 2-Lot Short Plat to be known as Two Mule Acres Subdivision, submitted by Don & Phyllis Hansen. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Olsen.

Ms. Olsen gave a brief overview on the matter and stated that all parties have reviewed and made the necessary changes to the document.

**Decision: Commissioner Lewis moved to approve the Reason & Decision for a 2-Lot Short Plat known as Two Mule Acres Subdivision, Submitted by Don & Phyllis Hansen. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVAL OF REASON & DECISION FOR ZONING MODIFICATION FROM "A" AGRICULTURE TO "C2" HEAVY COMMERCIAL ON PARCEL NO. RP0233410, SUBMITTED BY RYAN & NATALIE RAYMOND & APPROVAL OF BINGHAM COUNTY ORDINANCE 2022-01

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve the Reason & Decision for Zoning Modification from "A" Agriculture to "C2" Heavy Commercial on Parcel No. RP0233410, submitted by Ryan & Natalie Raymond and approve Bingham County Ordinance 2022-01. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Olsen.

Ms. Olsen gave a brief overview on the matter, stated that all parties have reviewed and made the necessary changes to the document.

**Decision: Commissioner Bair moved to approve the Reason & Decision for Zoning Modification from "A" Agriculture to "C2" Heavy Commercial on Parcel No. RP0233410, submitted by Ryan & Natalie Raymond. Commissioner Lewis seconded. All voted in favor. The motion carried.**

**Decision: Commissioner Lewis moved to approve Bingham County Ordinance 2022-01, an ordinance amending the General Bingham County Zoning Ordinance 2021-08 and accompanying zoning map by changing the zoning use district of the below described real property from its present classification as "A" Agriculture to "C2" Heavy Commercial. Commissioner Bair seconded. All voted in favor. The motion carried and said ordinance was adopted as follows:**

**Instrument # 741278**

BINGHAM COUNTY  
1-7-2022 11:16:13 AM No. of Pages: 1  
Recorded for : BINGHAM COUNTY COMMISSIONERS  
PAMELA W. ECKHARDT Fee: 0.00  
Ex-Officio Recorder Deputy

**BINGHAM COUNTY  
ORDINANCE 2022-01**

**AN ORDINANCE AMENDING THE GENERAL BINGHAM COUNTY ZONING ORDINANCE 2012-08 AND ACCOMPANYING ZONING MAP BY CHANGING THE ZONING USE DISTRICT OF THE BELOW-DESCRIBED REAL PROPERTY FROM ITS PRESENT CLASSIFICATION AS "A" AGRICULTURE TO "C2" HEAVY COMMERCIAL.**

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

Section 1: The Bingham County Zoning Ordinance and Zoning Map are hereby amended by changing the zoning use district of the following described real property from its present classification as "A" Agriculture to "C2" Heavy Commercial. The real property to which this zoning amendment applies is described as follows:

Part of Lot 2 (Northwest quarter Northeast quarter) of Section 4, Township 3 South, Range 34 East Boise Meridian, Bingham County, Idaho described as:  
Beginning at a point that is North 89°33'47" West 1796.17 feet along the section line from the Northeast corner of said Section 4;  
thence South 00°00'56" East 217.60 feet;  
thence South 89°33'47" East 200.00 feet;  
thence North 00°00'57" West 217.60 feet;  
thence North 89°33'47" West 200.00 feet to the point of beginning.  
EXCEPT State Highway 39.


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 21<sup>st</sup> day of December 2021.

Signed this 5 day of January 2022.

**BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO**

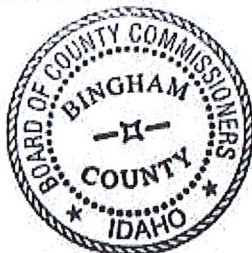
ATTEST:

  
Pamela Eckhardt  
Bingham County Clerk

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Jessica Lewis, Commissioner



RIVER RUN ESTATES SUBDIVISION 1-4

Present: Tiffany Olsen- Planning & Development Director  
Troy Lenhart- Road & Bridge Supervisor  
David Gillmore- Citizen  
Chris Street- HLE  
John Dewey- County Legal Counsel  
Jose Nava- HLE  
Kaleb Phelps- Applicant  
Lisa Phelps- Applicant  
Donavan Harrington- County Assessor  
Brian Ricks- Surrounding landowner  
Lance Griffith- Surrounding landowner

The Board met to hold a meeting to receive the Planning & Zoning Commission's recommendation to approve the River Run Estates Subdivision, Divisions 1-4, located South of 1400 North Country Club and West of 7502 W. Hanson Lane, Shelley and request for decision. Chairman Manwaring welcomed all to the meeting and introductions were held. Chairman Manwaring reminded all attendees that there would be no new testimony received today and turned the time over to Planning and Development Director, Tiffany Olsen.

Director Olsen read the River Run Estates Division 1 Staff Report into the record at this time. Ms. Olsen reiterated that she would be the only individual to answer questions during this meeting. Should the Board need further information or clarification, the process should be followed to remand this matter back to the Planning & Zoning Commission.

Commissioner Bair asked Director Olsen if the private easement approved via ordinance requires the County to take over the road. Director Olsen confirmed that five or more lots, it is not required that the County take over maintaining the road.

Commissioner Lewis asked how the County would ensure there is emergency service turnaround if it is outside of the plat. Mr. Dewey explained it would be difficult to enforce the plat when it comes to any features outside of the subdivision. Ms. Olsen added the turnaround would be required for any lot outside of the subdivision and if an easement is extended, there would need to be an agreement between the two parcel owners, along with the fire chief.

Director Olsen continued with presentation of the Staff Report for Division 1 at this time.

Commissioner Bair asked if when the easement was granted, if it was an easement that could be assumed by the County, to which Director Olsen stated that it is a personal easement and not would not assumed by the County.

Next, Director Olsen read the River Run Estates Division 2-4 Staff Report into the record at this time.

Commissioner Lewis asked for clarification pertaining to Exhibit T-5 in the Government Agency comment section. Dusty Whited, Bingham County Public Works Director, stated all ditches should be re-piped to Idaho State Public Works Standards, which is not something that is usually mentioned in a Government Agency comment. Director Olsen stated this condition would be part of a road acceptance procedure for 695 E, if/when constructed by the Developer to County Road Standards, and that any piping done within the Right-Of-Way is to be buried pursuant to the Idaho State Public Works Standards.

Commissioner Bair expressed his concern regarding the "*Will-Not-Serve*" letter for connection to sanitary sewer services, issued by the Eastern Idaho Regional Waste Water Authority ("EIRWWA") as this Agency does not issue "*Will-not-Serve*" letters. Commissioner Bair stated he would like to place this item on the next EIRWWA Board Meeting Agenda to receive additional information and legal advice from their Counsel regarding this decision by the EIRWWA Manager, Scott Barry. Mr. Dewey stated if this meeting were to

occur, Commissioner Bair may be receiving additional information which was not given to the Planning & Zoning Commission, and therefore that would be problematic; the best remedy would be to remand this matter to the Planning & Zoning Commission for the questions and concerns to be answered by the EIRWWA Manager and/or Board and any additional information then could be considered by the Board of County Commissioners as part of the Remand Record. Mr. Dewey further provided that the Planning & Zoning Commission has the ability to require an individual from EIRWWA to attend the meeting to convey the additional information.

Chairman Manwaring asked Commissioner Bair if he thought that Mr. Barry submitted a letter to which he did not have the authority to do. Commissioner Bair agreed and stated that legal counsel for EIRWWA was not aware the "Will-not-Serve" letter was issued. Chairman Manwaring responded by stating his thoughts are that if Mr. Barry submitted a document where he did not have the authority to do so, it is the same thing as not submitting a letter at all. Commissioner Bair stated he is unsure how much consideration the Planning & Zoning Commission gave to that letter and is unsure if that influenced their final decision to recommend approval of the Subdivision.

Chairman Manwaring asked Director Olsen how far this property is from the City of Impact Area, to which Director Olsen confirmed it is approximately 800 feet. She explained there was conversation regarding the sanitary sewer within the area and referred to Page 14 of Exhibit S-8 (Planning & Zoning Commission Minutes) within the River Run Estates Division 1, when Commissioner Croft asked Mr. Street if he knew the reason why EIRWWA denied connection. Mr. Street stated that he did not have those discussions personally but Mr. Phelps had and believed it was because the connection was greater than 300 feet. Commissioner Lewis stated a concern of hers is that there was no reason explained within the "Will-not-Serve" letter and 300 feet is not defined in Bingham County Code or IDAPA.

Commissioner Bair explained during preparation of maps pertaining to EIRWWA's desire to become a Sewer District, 300 feet on each side of the EIRWWA line(s) was the area boundary and perhaps Mr. Barry was confused with that distance and the request before him in which he issued the "Will-not-Serve" letter. In all discussions held during the EIRWWA Board Meetings, it is not 300 feet; it is a "reasonable distance" to be determined by the entity considering the Decision. Director Olsen responded by stating if that is a component of the Decision made and if the Board requires additional information or clarification, that would be a reason for remand to the Planning & Zoning Commission for additional fact finding.

Chairman Manwaring stated that 800 feet is out a ways and believes it would come down to what each Commissioner believes is "reasonable".

Commissioner Bair explained that his concern is when you look at the area shown on Exhibit A-19, which is the Utility Map, the parcel is within close proximity to the City of Shelley and can see at some point in the near future, there will be more development extending in this direction. The proposed subdivision is close to the Snake River and he is concerned that if the Board does not require the first subdivision to connect to sewer services, it would not be fair to require development in the future to pay for the connection, as it could also be greater than 800 feet.

Commissioner Lewis stated there was a letter received from Eastern Idaho Regional Waste Water stated they would not provide services. Without additional information, it should not be required without knowing why they would not provide services.

Chairman Manwaring explained when reviewing information, there was no concern from the Planning & Zoning Commission, which could be an issue. If Mr. Barry did not have the latitude to sign said letter without the Board approval, it is as though it does not exist.

Commissioner Lewis stated her biggest worry is there are eight private easements being proposed, which is large number for a development and is a safety concern to her. She stated there was testimony received stating there was an emergency on a construction site near the proposed Division 1, and the location could not be found, as it is confusing on how to get so some of the parcels. She questioned how emergency services could provide safe and timely response if easements are not mapped on our GIS system.

Additionally, Commissioner Lewis placed emphasis on extending 695 E through to Hanson Street and that would help a lot to get from one parcel to another in a safe, timely, and organized manner. Commissioner Lewis acknowledged there are costs to doing so, in road development, but safety is important to the County. Next, she stated another concern is the maintenance for all eight easements, if approved. The County is not responsible for private road maintenance, but that does not mean that the County will not hear about it or that it will be fair when someone buys a parcel and then will have to figure out how to plow or maintain snow. She is aware that this would be a civil issue but she is not sure she can defend that this many easements in a Development is what is best for the County and its citizens.

Chairman Manwaring stated that all homes have an address, which converts into the proper addressing systems, in order for fire and ambulance services to know the proper routes to take.

Commissioner Lewis confirmed if a County road was constructed from 695 East, easements would come off the County road and not County Club Road. She further clarified that addressing a home depends on which road/easement the home faces and that with this number of easements, there will be a number of addresses, new easements numbered/named, and potentially some existing home owner's addresses could change.

Commissioner Lewis addressed another concern pertaining to the emergency easement and proposed barrier, wherein the County could attempt in enforcing those at the time of construction (i.e. building permits) but it would not be an easy task. Next, she explained there is not a turnaround for Division 3, Lot 1 and she is unsure if that was overlooked. Commissioner Lewis reiterated that recently, there was an easement for access and emergency services were unable to find the house, after several attempts, which is a large concern for the safety of citizens.

Chairman Manwaring stated one of the conditions was that there be written approval from the Shelley Fire Chief. Commissioner Lewis was unsure if Chief Adams overlooked that the temporary turnaround was not listed for that specific lot or what occurred and would like more information on why he would approve it as presented. Chief Adams asked if he could speak to that matter, to which legal counsel informed him there would be no testimony received during this meeting. Director Olsen stated she believes this was an oversight but the Board has the ability to require a turnaround for Lot 1 but written permission would be needed from both lot owners since one lot would be located outside of the subdivision but it is possible. Additionally, the Board found it would be wise to have the Fire Chief sign the Plat he reviews to validate permission, as there have been a number of proposed plats produced.

Commissioner Bair stated that he has never seen a proposed subdivision that is so cut up. It is the Boards responsibility to be sure there is orderly growth and this does not seem orderly to him.

Chairman Manwaring stated the Board approved the Variance last year and it was known that this would be coming.

Director Olsen read from the page 19 of Exhibit CC-1 within the Staff Report for Division 2-4 wherein it states, "In determining the acceptance of the proposed subdivision, the commission shall consider the objectives of the ordinance and, at a minimum the following:

- a. Recommendations for conditions of approval that would minimize adverse conditions, if any.
- b. The reasons for recommending the approval, conditional approval, modification or denial.
- c. The proposed subdivision to be consistent with the Comprehensive Plan.
- d. The availability of public or private services to accommodate the proposed subdivision.
- e. The public financial capability of supporting services for the proposed subdivision.
- f. Any other health, safety, or environmental problems that may be brought to the commission's attention.
- g. The recommendation of a city if the proposed development is located within a City Impact Area or within one mile of a city not having a valid impact area.

Director Olsen further stated the orderly growth and accessibility fits in with all of those items.

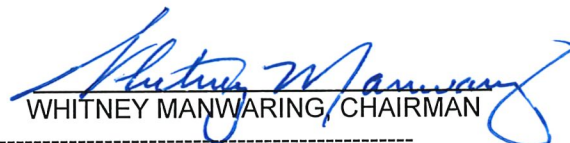


Chairman Manwaring stated it is a puzzle but they made the lots the best they could with what was available. He confirmed there was nothing further to add and asked legal counsel if these matters could be addressed as one, to which Mr. Dewey confirmed. Chairman Manwaring entertained a motion at this time.

**Decision:** In conclusion, based upon the information noted above, Commissioner Bair was not ready to make a Final Decision on the Subdivision Application and moved to remand River Run Estates Divisions 1-4 back to the Planning & Zoning Commission for additional information following the procedures set forth in Bingham County Code Section 10-3-7. Specifically, from the Eastern Idaho Regional Waste Water Authority concerning the basis for the "Will-not-Serve" letter. Commissioner Lewis amended the motion to include additional information and cost pertaining to connection of the roads from Hanson to 695 E with County development standards. Commissioner Bair accepted the amendment made by Commissioner Lewis and additionally amended the motion to include additional information and cost pertaining to bringing the sanitary sewer line into Division 1. Commissioner Lewis added that she would like additional clarification from Chief Randy Adams pertaining to the temporary turnaround for Division 3 and if it was left out by error and overall approval of the plats. Commissioner Lewis then seconded the motion with the three conditions to be reviewed by the Planning & Zoning Commission. All in favor- Commissioner Bair and Commissioner Lewis. All opposed- Chairman Manwaring.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, JANUARY 7, 2022

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Deputy Clerk-----

STATE OF IDAHO        )  
                              : ss.               Friday, January 7, 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 \$166,724.20.

**PERSONNEL ACTION FORMS**

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

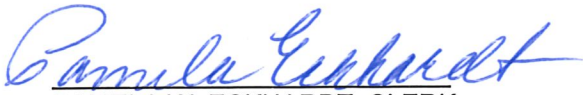
Salary Increase:       Civil Corporal  
                              Patrol Deputy  
                              Detective  
                              Detective  
                              Detention Corporal  
                              Patrol Deputy  
                              Deputy Treasurer

Database/Records Clerk  
Detention Deputy  
Juvenile Probation Chief Administrator  
New Employee Status: Appraiser Trainee  
Mechanic  
Truck Driver- Solid Waste

MEDICAL INDIGENT MATTER

RECORDED: A Notice of Lien and Application for Financial Assistance was signed and recorded as Instrument No. 741277.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, JANUARY 10, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.            Monday, January 10, 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 in Executive Session pursuant to Idaho Code Section 74-206 (1)(a) & (b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session. Commissioner Bair seconded. The Board moved into Executive Session at 9:00 a.m. The Board moved out of Executive Session at 9:29 a.m.

**Decision: Chairman Manwaring explained that Commissioner Bair will address the matter pertaining to the Public Works Department and John Dewey would address the matter pertaining to the IT Department.**

TREASURER'S OFFICE

Present:               Tanna Beal- County Treasurer  
                              Pam Eckhardt- County Clerk

The Board met with Tanna Beal to discuss department updates.

**DISCUSSION & DECISION REGARDING REDISTRICTING OF COMMISSIONER PRECINCTS AND PRIOR APPROVAL FOR MAJOR PURCHASE OF TWELVE ELECTRONIC POLL BOOKS**

Present:               Danette Miller- Elections Office  
                              Pam Eckhardt- County Clerk

Kelli Robbins- Elections Clerk

The Board met hold discussion and possible make a decision regarding the redistricting of Commissioner Precincts and the Prior Approval for Major Purchase of twelve electronic poll books. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Miller.

Ms. Miller explained the Secretary of State has HAVA Security Funding from the Federal Government, which is allocated Idaho for updating equipment. \$36,611.89 was allocated with a \$15,954.88 match. The remainder of the match is \$12,662.54 and she is requesting approval to purchase twelve additional electronic poll books. They would like to have one electronic poll book for each of the mapper and chief judge in order to keep things moving during elections.

The quote received from Tenex was in the amount of \$17,600.00 for sixteen new electronic poll books. Commissioner Bair asked if the additional twelve electronic poll books, would give them enough for all needed precincts. Ms. Miller stated they could use an additional three electronic poll books. Commissioner Bair suggested that she go ahead and order what the amount of poll books needed, instead of waiting until a later date. Ms. Miller confirmed that she would add the additional electronic poll books to the Prior Approval documentation and provide to the Commissioner Clerk for signature by the Board.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of 16 Electronic Polling Books in the amount of \$17,600.00. A portion of that cost will be reimbursed by HAVA Security funds, other funds will be out of Fund 60-00-806-00. The Prior Approval form will be signed once prepared. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, a discussion was held in regards to the Commissioner Precincts and possible redistricting. Ms. Miller explained that said proposal is being made in order to equalize population for the Commissioner Districts.

Chairman Manwaring stated the current populations are not far from being in compliance and he would be in favor of leaving the districts the same.

Commissioner Lewis stated the Election's Office did a great job and the proposals brought to the Board are the closest as possible to being in compliance.

**Decision: Commissioner Bair moved to accept the proposed boundaries to equalize population for the Commissioner Districts. Commissioner Lewis seconded. All voted in favor. The motion carried. Ms. Miller will draft a resolution to be signed at a later date.**

APPROVAL OF FINAL PLAT FOR 1<sup>ST</sup> AMENDED LEGACY HAVEN SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director  
Chris Street- HLE

The Board met to approve the Final Plat for 1<sup>st</sup> Amended Legacy Haven Subdivision. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Olsen

**Decision: Chairman Manwaring signed the Final Plat for the 1<sup>st</sup> Amended Legacy Haven Subdivision.**

APPROVAL OF FINAL PLAT FOR MORELAND ESTATES DIVISION 2

Present: Tiffany Olsen- Planning & Development Director  
Chris Street- HLE

The Board met to approve the Final Plat for Moreland Estates Division 2. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Olsen.

Ms. Olsen gave a brief overview of Moreland Estates Division 2.

**Decision: Chairman Manwaring signed the Final Plat for Moreland Estates Division 2.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY JANUARY 12, 2022

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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Wednesday, January 12, 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 SOUTHERN IDAHO

A Certificate of Residency was approved by the Board and sent to the College of Southern Idaho for the following Bingham County students: Kelsey R. Tarpley, Maria A. Partida, Mariela Rivas, Juan Rivera and Taylor L. Cannon.

COLLEGE OF EASTERN IDAHO

A Certificate of Residency was approved by the Board and sent to the College of Eastern Idaho for the following Bingham County students: Andrea M. Svendsen and Gabriela A. Garcia.

MEDICAL INDIGENT MATTER

RECORDED: A Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No. 741456.

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

TAX MATTERS

The Board met to discuss and approve/deny submitted Tax Inquiries for value adjustment, which were for the following parcels and reasons:

- RP3074300- Owners signed up for the Homeowners Exemption in 2021.
- RP3058500- Name change was done on the incorrect parcel. Owner should have received a tax notice.
- MH371N29RW008A- Owners signed up for the Homeowners Exemption in 2021.

**Decision: Commissioner Lewis moved to approve the Tax Inquiries as presented today. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### SHERIFF'S OFFICE

Present: Chief Deputy Sheriff Jeff Gardner  
John Dewey- County Legal Counsel  
Via Zoom: Sheriff Craig Rowland

The Board met to discuss updates within the Sheriff's Office. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Gardner.

Chief Deputy Gardner gave an update pertaining to the jail and stated there are currently 100 inmates. There has been one positive case of Covid-19 within the inmate population and one Detention Deputy.

A brief discussion was held in regards to the City of Aberdeen and billing pertaining to internet and services. The proposal made by the City of Aberdeen is that they follow the same process as the City of Blackfoot, wherein the cleaning, shred bins and heating would be billed to the County and the city would be billed for internet and IT services provided.

Discussion was held in regards to replacement of radios for all emergency services within Bingham County.

Discussion was held in regards to the selection committee pertaining to the Bingham County Jail Expansion project. John Dewey explained that there would need to be a selection committee formed and stated there is no explanation as to who should be on the committee. The Board will start thinking about who should be a part of this committee and it will be placed on the agenda for approval at a later date.

#### PUBLIC WORKS

Present: Dusty Whited- Public Works Director

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 explained the submitted Prior Approval for Major Purchase of a new road grader. There will be no cost for this fiscal year, as the lease payment would be covered by the trade in. Therefore, the first lease payment would not be due until next fiscal year and would be budgeted for. The grader being traded in is a 1999 and has approximately 16,000 hours of work. Mr. Whited stated the second grader would need traded in before too long as well.

Mr. Whited reiterated that he would like to get this equipment purchased as soon as possible with cost increasing and availability may be low next year.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase to lease a new road grader. There will be a trade in of the old grader, which will cover the lease payment for the first year and no funds will be due from this budget. First payment will be next Fiscal Year. Commissioner Lewis seconded. All voted in favor. The motion carried.**

Next, Mr. Whited discussed the sign on bonus for Public Works employees. Previously, the sign on bonus was specified for truck drivers and mechanics. Seeing that it is hard to hire currently, he is proposing this bonus be extended to all positions, not including administrative positions. Mr. Whited clarified that the newly hired mechanic would fall into the category of receiving said bonus, to which the Board agreed that he would.

**Decision: All Commissioners were in agreement that all sign on bonus would be given to any Public Works employees except for administrative positions. The Commission Clerk will provide Human Resources with a copy of the minutes from this meeting for their records.**

Discussion was held in regards to the Bridge Inspection Report completed by the Idaho Transportation Department for the Ferry Butte Bridge. This is a shared bridge with Fort Hall and the County would ask that they pay one half of the engineering and all cost for repairs for the project.

Commissioner Bair was appointed to be Temporary Chairman for the afternoon meetings.

#### PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director

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

Director Olsen gave an update regarding the Planning and Zoning Commission, Building Division, permit analysis, along with accomplishments of 2021 and goals for 2022.

#### PUBLIC HEARING REGARDING REQUEST TO VACATE LOT 1, BLOCK 1 OF SHARLYN PARK SUBDIVISION DIVISION 1, SUBMITTED BY RICHARD & KERMA HILL

Present: Tiffany Olsen- Planning & Development Director  
John Dewey- County Legal Counsel  
Royce Hutchinson- Landowner  
Richard Hill- Applicant  
Kerma Hill- Applicant  
David Romrell- County Surveyor

The Board held a Public Hearing in regards to the submitted request to vacate Lot 1, Block 1 of Sharlyn Park Subdivision, Division 1, submitted by Richard & Kerma Hill. Chairman Manwaring welcomed all to the meeting and introductions were held at this time. He explained this matter was set for a previous Public Hearing but was rescheduled, as there was an issue with notifications.

Planning & Development Director Tiffany Olsen reviewed the packet of information before the board for decision. She explained the request is to vacate Lot 1, Block 1 within Sharlyn Park Subdivision, Division 1, which is 0.23 acres and that acreage will become a part of Parcel 1, which will be redefined within the legal description and join the 1.23 acres to the east and identified as Parcel 1. In the event this vacation is approved, there will be two parcels outside of the subdivision.

Chairman Manwaring turned the time over to Richard Hill, Applicant, for his testimony regarding the request. Mr. Hill explained the purpose of removing the lot from the subdivision is to do a line change between two lots they own. They are currently building on the lot to the North, which is currently 104 feet wide and they like to widen said lot to 130 feet. Mr. Hill stated there was a house there previously, which was burnt down by the Fire Department to allow them to build a new home. Previously, there was not an ordinance to allow a simple line change between a subdivision lot and an original lot. In order to do so, the most feasible way was to remove the lot from the subdivision.

Mr. Hill stated the only concerns they have received was if removing this lot from the subdivision, they would no longer have to follow covenants. Chairman Manwaring stated that was a question he had. Mr. Hill stated he would have no issue with registering the restricted covenants of the subdivision with the lot.

A brief discussion was held in regards to irrigation rights as eventually there will be a pressurized irrigation system for the subdivision and if the lot were removed, it would have no water rights. Chairman Manwaring asked if flood irrigation would be available if the ditch was moved to the frontage. Mr. Hill confirmed that he

would be able to flood irrigate and that John Fairchild would plan on the lot participating in the irrigation system.

Commissioner Bair asked Mr. Hill if Sharlyn Park has private wells and septic, to which he confirmed is correct.

Chairman Manwaring asked if there were any testimony in favor. Mr. Hutchinson stated he was in favor but had a question regarding how the developer can develop the subdivision and advertise there is a secondary water on his sign, when he has lived in his home for eight years and has not seen secondary water. Anyone living outside of the perimeter is told to put a pump into the ditch and use as much water as needed. Chairman Manwaring stated there was a stipulation that the water system was to be installed within the existing lots and the new lots within Sharlyn Park. Commissioner Bair added that it was part of the approval for phase 2, that the water issue be fixed within phase 1.

Ms. Olsen explained it was a condition within the Development Agreement for Sharlyn Park Division 3 that the pressurized irrigation system be brought to standards and have water flow for the entire subdivision. The Developer provided a Bond for Improvements and building permits can be approved for up to one-half of the lots while they work to continuing roads, pressurized irrigation and other infrastructure. In order to allow building permits to exceed that one-half of the lots, all of the infrastructure accepted and satisfied before releasing the Development Agreement. The Development Agreement has a timeline of two years.

At this time, Chairman Manwaring confirmed there were no testimony in neutral nor in opposition and public testimony was closed as this time in order to hold Commissioners discussion.

Chairman Manwaring stated that the Applicant has answered his questions regarding the covenants and following the Homeowners Association.

Commissioner Bair asked if there were any other restrictions other than following the Homeowners Association Covenants. To which there were none.

Commissioner Lewis stated her questions have been answered and she has no issues.

**Decision: Commissioner Lewis moved to approve the vacation of Lot 1, Block 1 of the Sharlyn Park Subdivision, Division 1, with the stipulation that the protective covenants including the irrigation is part of the vacation process. Commissioner Bair seconded. All voted in favor. The motion carried.**

Chairman Manwaring moved to appoint Commissioner Bair as Temporary Chairman due to Commissioner Manwaring being absent for the afternoon meetings. Commissioner Lewis seconded. All voted in favor.

#### EXECUTIVE SESSION

The Commissioners met in 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 at 2:02 p.m. Commissioner Bair seconded. Both Commissioners voted in favor. The motion carried. The Board moved out of Executive Session at 2:14 p.m.

**Decision: Commissioner Bair stated per the recommendation of Laura Lora- Indigent Services Director, Case Number 2021-26 is denied as the applicant is not a resident as defined in Idaho Statute 31-3502-24, wherein it was verified that the applicant is here temporarily on a work visa. Second reason being that the applicant has other resources available as defined in Idaho Statute 31-3502-25. The applicant appears to have disposable income to make a payment and lastly, the applicant did not cooperate with the Department Of Health and Welfare.**

**Next, Case Number 2021-29 is denied as the medical records and medical claims were incomplete and untimely as defined by Idaho Statute 31-3504-5, order for medical records and claims was faxed**

successfully to Bingham Memorial Hospital on 12/28/2021 and records were due on or before 7/17/2022. Medical records were received on 1/10/2022 and the medical claim was not submitted.

Lastly, Case Number 2021-30 is denied as the medical records and medical claims were incomplete and untimely as defined by Idaho Statute 31-3504-5, order for medical records and claims was faxed successfully to Bingham Memorial Hospital on 12/28/2021 and records were due on or before 1/7/2022. Medical records and claims were not ever received.

## HUMAN RESOURCES

Present: John Dewey- Human Resources Director/County Legal Counsel  
Pam Eckhardt- County Clerk  
Gina Perschon-County Auditor/Recorder  
Scott Mensching- IT Director

The Board met with John Dewey to discuss department updates and other agenda items. Commissioner Bair welcomed all to the meeting and turned the time over to Mr. Dewey.

Mr. Dewey asked to first address the IT Support Specialist matter and the range to be offered. He explained the position is currently vacant and needs to be posted as soon as possible. Mr. Mensching explained this position is currently posted at a grade N16 but he would like to have the ability to offer a full range to hire good help. Mr. Dewey added the previous employee was at an N16, step 2 and there would be significant salary savings within the budget to cover the range offered.

**Decision: Both Commissioners were in favor of giving Mr. Mensching the ability to offer a full range but would like to confirm the funds are within the budget to cover the range prior to an offer being made.**

Next, discussion was held in regards to unclaimed County funds and law enforcement funds. Clerk Eckhardt explained there is an amount of unclaimed funds from law enforcement evidence. Some funds are from recovered stolen property, seized evidence but a forfeiture was not completed through the courts. This can be treated as other unclaimed property and send it to the state but some of the individuals do owe court fines and she would like to shift funds over to pay on those fines. Mr. Dewey stated he did not see any specific requirements on what you can do with any amounts under \$50.00.

Gina Perschon explained in 2010 Computer Arts created a program where you can track unclaimed funds under \$50.00. Any funds over the \$50.00 threshold are sent to the state and anything under are placed into this fund. Over the last ten years, approximately \$5,200.00 has accumulated. She believes that the funds should be held for at least five years, which is what the state does as the ability for individuals to claim is still there.

In evidence there is approximately \$2,000.00 after being added together. Commissioner Bair would like to see those funds placed into a victims compensation fund or pay on fines owed. Clerk Eckhardt explained she would rather send all funds to the state and she is not aware if the city has any funds within there.

Mr. Dewey stated if the funding were handed over to the state, they would handle all submitted claims, which would be easier for the County to not handle them.

After the discussion, the Board decided that any funds over \$50.00 would be sent to the state and any funding under \$50.00 will be placed into the fund to be tracked by Gina Perschon. Mr. Dewey will look into this further and Clerk Eckhardt will work with law enforcement to work through the process of sending funds to the state and any funds under \$50.00 will be addressed after a plan it in place to use said funds.

Next, discussion was held regarding changes to be made to the Employee Handbook pertaining specifically to holiday section. Mr. Dewey explained he sent the proposed changes to the Personnel Board and received



no negative feedback. There are several policies regarding holiday call back and holiday hours, that are unclear. This amendment is to simply clean up the wording.

**Decision: Commissioner Lewis moved to update the Personnel Policy regarding holidays in order to clean up wording as presented. Commissioner Bair seconded. Both Commissioners voted in favor. The motion carried. This will be adopted via Resolution, which is as follow:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-06  
A RESOLUTION AMENDING THE  
BINGHAM COUNTY EMPLOYEE HANDBOOK**

Be it ordained by the Board of County Commissioners of Bingham County, Idaho:

1. At an Open Meeting held on Friday, October 1, 2021 the Board of County Commissioners unanimously voted to amend Section 16.4.3 and Section 18.3.
2. Bingham County Personnel Handbook, Section 16.4.3 and Section 18.3 are hereby amended within the Bingham County Employee Handbook and the subsequent subsections of these sections will be renumbered accordingly.
3. Bingham County Personnel Handbook, each section as explained above will now be as follows:

**16.4.3 Holiday Emergency Call Back**

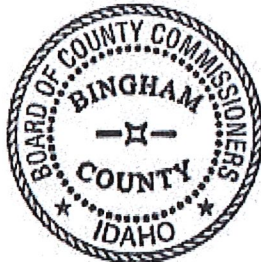
Employees who are called in to work on the day the county observes a county-recognized holiday due to an emergency shall be compensated at the rate of 1.5x the normal rate of pay for the hours worked, in addition to the maximum number of holiday hours granted by the county for that particular holiday. Example: The county grants eight (8) hours pay for a certain. An employee is called in and works for three (3) hours. The employee shall receive the eight (8) hours holiday pay plus 4.5 hours of call-back pay (3 x 1.5). In addition, employees who are called in to work on Thanksgiving Day, Christmas day, or New Year's Day, whether or not those days coincide with the county-observed holiday, may be awarded a merit bonus by the Board of County Commissioners.


**18.3 Holidays**

Employees who are required to work on holidays are eligible for holiday call back pay and/or a merit bonus per Section 16.4.3.

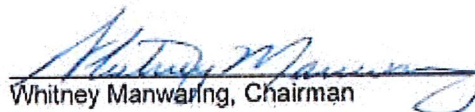
Passed and Adopted this 12<sup>th</sup> day of January 2022.

ATTEST:

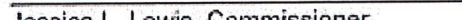


  
Pamela W. Eckhardt  
Bingham County Clerk

BINGHAM COUNTY COMMISSIONERS

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Jessica L. Lewis, Commissioner

Next, discussion was held regarding the Building Maintenance Department position, which was discussed during budget time. Mr. Dewey stated the budget was for an additional position and he gathered from conversations held that this would be an assistant supervisor position but was unsure of the pay grade to be offered. Commissioner Lewis recalled during budget discussions it was proposed to be the same as the position of Building Maintenance Assistant. Commissioner Bair stated if the position will be a supervisor position, you cannot have the pay be the same as an assistant position.

After further conversation, it was decided that Mr. Dewey would meet with Eric Jackson to discuss further regarding salary ranger and explain his recommendation would be to advertise for another Building Maintenance Specialist. This matter will be tabled for a later date.

Lastly, discussion was held pertaining to the Agreement between Bingham County and AAA Giles Cleaning & Janitorial Services. Mr. Dewey explained that Mr. Giles would like to extend the agreement time to a three-year contract term, which would renew automatically after. Commissioner Lewis stated she is in favor of the contract being for three years and Mr. Dewey added that it would lock in the price, which is a benefit to Bingham County.

Mr. Dewey stated there is a sixty-day notice to end the contract if something occurs. This Agreement will automatically renew unless one party notifies the other party ninety days prior to end of the fiscal year.

**Decision: Commissioner Lewis moved to approve the Agreement between Bingham County and AAA Giles Cleaning with the term beginning on January 1, 2022 and ending on October 1, 2024, which will have an automatic renewal and payment will be due monthly. Commissioner Bair seconded. Both Commissioners voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY JANUARY 14, 2022

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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, January 14, 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 \$411,089.78.

PERSONNEL ACTION FORMS

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

New Employee Status Sheet:   System Support Specialist

Salary Increase Form:            Bailiff  
   Deputy Court Clerk  
   Deputy Court Clerk  
   Senior Auditor  
   Deputy Clerk/Elections Director  
   Deputy Treasurer  
   Motor Vehicle Specialist  
   GIS Admin Manager  
   Jail Secretary  
   Surveyor/GIS Supervisor

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

COLLEGE OF SOUTHERN IDAHO

A Certificate of Residency was approved and sent to the College of Southern Idaho for the following Bingham County student: Karen K. Oates.

TAX MATTERS

RECORDED: A Notice of Lien and Application for Financial Assistance was signed by the Board and recorded as Instrument No. 741502.

RESOLUTION 2022-04

The Board met to approve Bingham County Resolution 2022-04, a resolution approving the redistricting of Commissioner Precincts.

**Decision: Commissioner Lewis moved to approve Bingham County Resolution 2022-04 as presented. Commissioner Bair seconded. All voted in favor and said resolution was approved as follows:**

BINGHAM COUNTY RESOLUTION 2022-04

RESOLUTION ESTABLISHING BINGHAM COUNTY COMMISSIONER DISTRICTS  
IN COMPLIANCE WITH IDAHO CODE 31-704

**WHEREAS**, the Board of County Commissioners is required by Idaho Code 31-704 to district the County "into three (3) districts, as nearly equal in population as may be, to be known as County Commissioners' Districts, numbers one (1), two (2), and three (3) respectively" (See 'Commissioner District' map attached as Exhibit A); and,

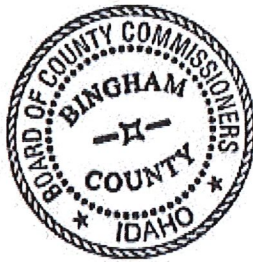
**WHEREAS**, Census data provided to the Board presented the need for an adjustment to ensure equitable population numbers in each of these three (3) Commissioners' Districts;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the Bingham County Commissioner Districts be established as follows:

**District 1** to include Precincts 7, 8, 10, 13, 14, 19, 21, 23, 27 and 28; **District 2** to include Precincts 1, 2, 3, 4, 5, 6, and 9; and **District 3** to include Precincts 11, 12, 15, 16, 17, 18, 20, 22, 24, 25, and 26.

**IT IS THEREFORE RESOLVED** and made effective on the date of signing this 14th day of January, 2022

BINGHAM COUNTY COMMISSIONERS



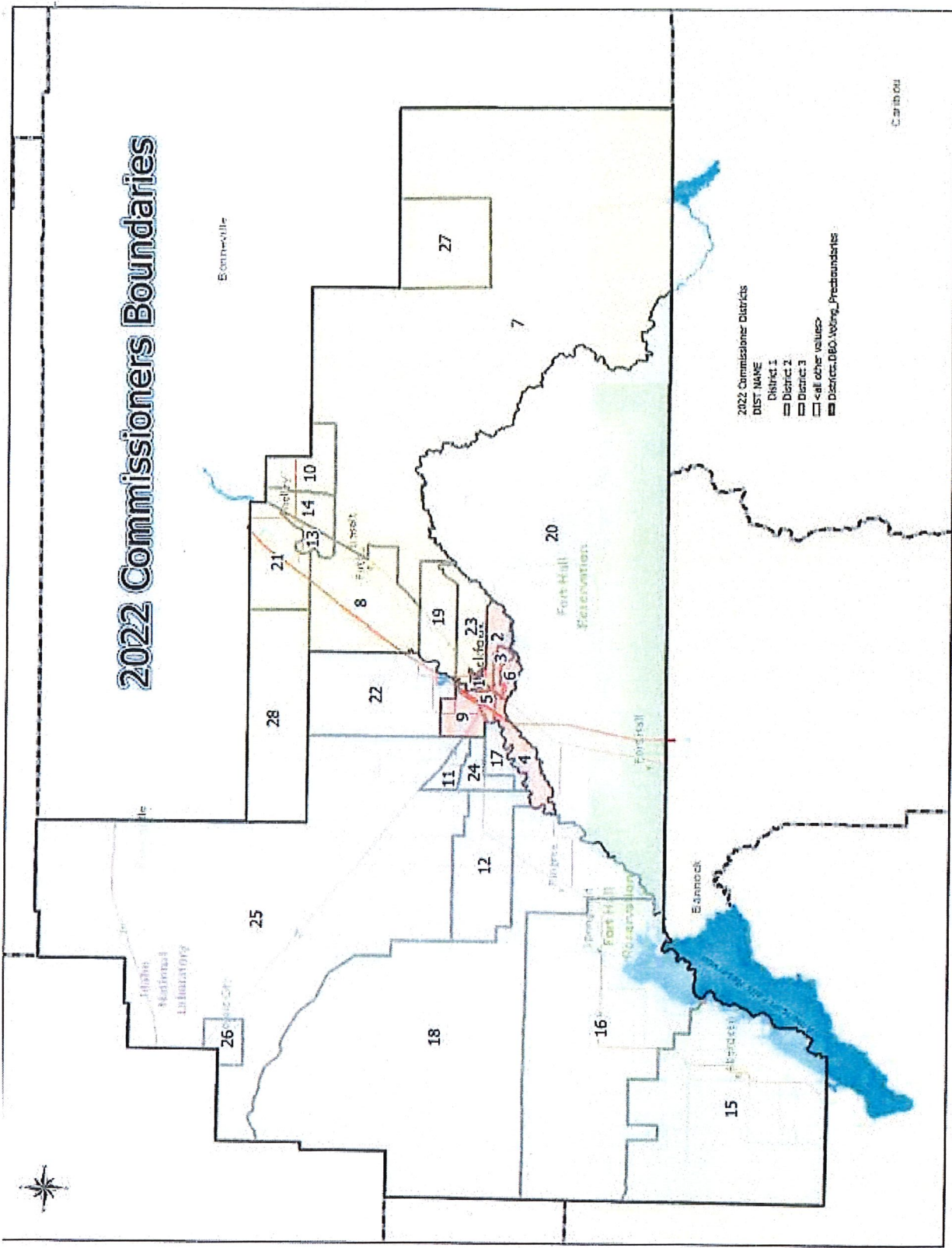
ATTEST:

*Pamela Eckhardt*  
Pamela W. Eckhardt, Clerk

*Whitney Manwaring*  
WHITNEY MANWARING, Chairman

*Mark R. Bair*  
MARK R. BAIR, Commissioner

*Jessica Lewis*  
JESSICA LEWIS, Commissioner



PRIOR APPROVAL FOR MAJOR PURCHASE- PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
David Romrell- County Surveyor

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase of mannequin's to be used for CPR training. Said purchase is for the amount of \$2,219.09 and will be paid from Fund 02-40-449-06.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of mannequins for the amount of \$2,219.09 and will be paid from Fund 02-40-449-06. Commissioner Lewis seconded. All voted in favor. The motion carried.**

DISCUSSION & DECISION REGARDING ACCEPTANCE OF A DEED COVERING EXISTING COUNTY ROAD, SPECIFICALLY 1325 WEST & 750 SOUTH, FROM LANDOWNER

Present: David Romrell- County Surveyor  
Dusty Whited- Public Works Director

The Board met to have a discussion and make a decision regarding acceptance of a deed covering an existing County road, specifically 1325 West and 750 South, from landowner. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Romrell.

Mr. Romrell explained the Belk's are interested in deeding the existing roadway on 1325 West and 750 South. He would locate existing asphalt, split it and go 25 feet either side. Any property they own would be deeded to the County and would be receiving the full fifty foot width on the north south section of Caldwell Lane and on the east west section would receive approximately eight feet, which would widen to forty feet based upon where the section control is.

Mr. Romrell stated this does them no good of keeping this and they would be interested in the possibility of deeding to the County. Commissioner Bair asked if this is a County easement, to which Mr. Romrell confirmed that it is a County road and is paved.

**Decision: Commissioner Lewis moved to accept a deed from the Belk's for the right-of-way at 1325 West 750 South. Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY JANUARY 19, 2022



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



WHITNEY MANWARING, CHAIRMAN