

STATE OF IDAHO )  
 : ss. Wednesday, March 2, 2022  
County of Bingham )

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

Present: Chairman Manwaring  
Commissioner Bair  
Lindsey Dalley- Deputy Clerk  
Excused: Commissioner Lewis

CASH WARRANTS

Cash Warrants were approved in the amount of \$262,489.93.

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents as presented. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

INDIGENT MATTER

RECORDED: A Notice of Lien and Application for Financial Assistance was approved and recorded as Instrument No. 743057.

APPROVAL OF COMMISSIONER MINUTES FROM FEBRUARY 1-11, 2022

The Board met to approve Commissioner Minutes from February 1-11, 2022. Chairman Manwaring stated that all three Commissioners have reviewed said minutes and made necessary changes.

**Decision: Commissioner Bair moved to approve the Commissioner Minutes from February 1-11, 2022 as presented. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

TAX MATTERS

The Board met to approve/deny submitted Tax Inquiry for value adjustment, which was as follows:

MH342S26MC0100

**Decision: Commissioner Bair moved to approve the submitted Tax Inquiry for MH342S23MC0100, due to the home being destroyed and no longer on the property. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

SHERIFF'S OFFICE

Present: Chief Deputy Sheriff Jeff Gardner

The Board met with Chief Deputy Jeff Gardner to discuss updates within the Sheriff's Office.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
Derrick Goings- Solid Waste Supervisor  
Donavan Harrington- Bidder  
Danny Crumley- Bidder

The Board met with Dusty Whited to discuss department updates and other agenda items pertaining to the Public Works Department. Chairman Manwaring welcomed all to the meeting and proceeded to open submitted bids for the Solid Waste Hauling Contract for Bingham County.

Bids received and opened at this time were as follows:

- 1) DC Construction- Danny Crumley \$20.00 per mile
- 2) Superior Transportation \$4.20 per mile
- 3) Eagle Transportation \$6.00 per mile
- 4) Great Rift Transportation \$5.25 per mile
- 5) Harrington Heavy Haul \$4.00 per mile

Mr. Whited stated the intent of this contract would be for a direction of five years, with a ninety-day termination policy. Mr. Dewey added these timelines are negotiable.

Chairman Manwaring stated that a decision would not be made today as Legal Counsel will need to review all bids to be sure requirements are met and will be placed on the agenda for decision on a later date.

Chairman Manwaring briefly explained that Mr. Whited had stated the need for a new sign truck, which will be placed on the agenda for next Wednesday for approval. There is one available wherein a Purchase Agreement should be signed but does not intend that the County will purchase the truck.

Mr. Whited discussed the Prior Approval for Major Purchase of a retroreflectometer in the amount of \$12,055.00, which would be used to test the reflectivity of signs throughout Bingham County. It is required that signs are up to state guidelines. He added that there was previous discussion with Commissioner Bair and that there may be a possibility to purchase with ARPA Funding but he would speak with Clerk Eckhardt.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a retroreflectometer in the amount of \$12,055.00. Mr. Whited will check with Clerk Eckhardt to see if this could be purchased with ARPA Funding. If not, further discussion would be held to determine how this would be paid. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

Next, Mr. Whited discussed the submitted Prior Approval for Major Purchase of a Semi Tractor for Solid Waste in the amount of \$110,950.00. He explained regardless of how the Solid Waste Hauling Contract awarding concludes, it is important that Solid Waste have one tractor. Currently if one needs to be worked on, Road and Bridge has to drop a belly dump to cover. This specific tractor being purchased is a used tractor out of Oregon with approximately 200,000 miles and is privately owned. If this is approved, this tractor will be inspected by Peterbilt to determine its worth and that it is in good condition.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a Semi Tractor for Solid Waste in the amount of \$110,950.00 from Peterbilt of Utah, to be paid from Fund 23-70-803-00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

Discussion was held regarding the Financial Assurance obligation as part of the Solid Waste facilities, wherein Mr. Whited stated that Keller and Associates was hired to perform this review as State requires that Bingham County cannot do its own post closure estimate. Said amount is for the amount of

\$894,000.00. Instead of Bingham County completing this review, every three years Keller and Associates will be hired to project the third-party closure cost. The number projected by Keller and Associates will be the amount used for the next two years.

**Decision: Commissioner Bair moved to approve the closure and post closure Financial Assurance Report for Rattlesnake and Fielding Landfills, submitted by Keller and Associates in the amount of \$894,000.00**

Lastly, Chairman Manwaring stated there was to be a Public Hearing held for public comment and possible adoption regarding Bingham County Ordinance 2022-07, an Ordinance to update and codify Bingham County Ordinance 7-3-3, approaches and intersections, to reflect changes adopted in Bingham County Ordinance 2021-11 (Passed on November 1, 2021).

**Decision: Commissioner Bair moved to approve Bingham County Ordinance 2022-07, an Ordinance to update and codify Bingham County Ordinance 7-3-3, approaches and intersections, to reflect changes adopted in Bingham County Ordinance 2021-11 (Passed on November 1, 2021). Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried and said ordinance was adopted/recorded as follows:**



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 Bair moved to go into Executive Session. Chairman Manwaring seconded. Both Commissioners voted in favor and the Board moved into Executive Session at 2:07 p.m. The Board moved out of Executive Session at 2:32 p.m.

**Decision: Commissioner Bair moved to approve Case Number 2022-6, an emergency cremation case. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

**Commissioner Bair moved to deny Case Number 2022-4, due to lack of records. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

**Commissioner Bair moved to deny Case Number 2022-5, due to lack of records. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

COVID-19 SICK LEAVE POLICY

Present: John Dewey- Human Resources Director  
Laraine Pope- Human Resources Technician  
Debbie Cunningham- Chief Deputy Assessor

The Board met to hold a discussion and make a possible decision regarding the elimination of the Covid-19 Sick Leave Policy. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Dewey.

Mr. Dewey stated that this matter had been discussed previously but the number of Covid-19 cases were extremely high. At this time, this is back before the Board for further determination on how to proceed. He reiterated that Covid-19 leave hours have been hard to track due to at home test results.

Mr. Dewey stated his recommendation would be to eliminate the Covid-19 Sick Leave Policy and require all County employees to use paid time off if they are sick.

**Decision: Commissioner Bair moved to eliminate the Covid-19 Sick Leave Policy at this time. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried. Mr. Dewey reiterated that he would send out an email to all County employees informing them of this change.**

RANGELAND FIRE PROTECTION AGREEMENT

Present: Chief Gray- Blackfoot Fire  
Marc Carroll- City of Blackfoot Mayor

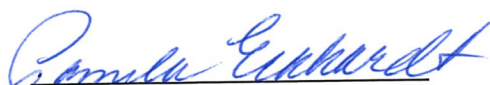
The Board met with Chief Gray to hold discussion regarding the Rangeland Fire Protection Agreement. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Gray.

Mayor Carroll briefly stated that the City of Blackfoot is currently working on a five and ten year plan pertaining to ambulance replacement. It is important to determine a strategy in order to work on savings for this matter, which should also include radio replacement. These items are important to the City and County for the safety of its citizens.

Next, Chief Gray stated that he would like to put together a Rangeland Fire Protection Agreement pertaining to the specific area of Atomic City and its surrounding rangeland. This agreement would be supported by the Bureau of Land Management but would be beneficial to have farmers and ranchers involved as well. Chairman Manwaring agreed this would be a good direction to move forward and stated that the County would be willing to send out a letter to farmers and ranchers within the area to inform them of this agreement and determine their willingness to join. The Board will work with the Commission Clerk, Lindsey Dalley, to

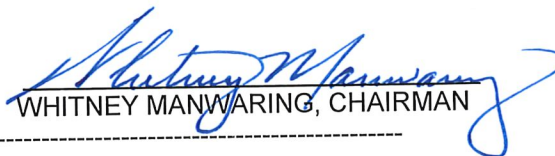
put together a list of individuals to received notice. Ms. Dalley will also work with Chief Gray to determine the content of said letter and once that is completed, Chief Gray will set up the necessary trainings.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MARCH 4, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Deputy Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, March 4, 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

**APPROVAL TO PAY OFF ATOMIC CITY WATER SYSTEM USDA LOAN**

Present:               Pam Eckhardt- County Clerk

The Board met with Clerk Eckhardt to discuss and make a possible decision regarding the payoff for the Atomic City Water System USDA Loan. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained that the USDA Loan is the last debt for the former Atomic City, for \$23,263.01, if paid before March 18, 2022. This would be paid out of the Atomic City Closing Trust. There is currently \$35,321.05 in this fund.

**Decision: Commissioner Bair moved to approve the payoff of the Atomic City Water System USDA Loan in the amount of \$23,263.01, to be paid from Fund 9208-00-559-00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

**CLAIMS**

Claims were approved in the amount of \$178,668.32

**PERSONNEL ACTION FORMS**

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

Salary Increase Form:               Secretary 4-H Programs  
  Detention Deputy  
  Patrol Deputy  
  Weed Superintendent  
  Solid Waste Operator  
  Solid Waste Operator  
  Systems & Network Administrator  
  Purchasing Clerk  
  Truck Driver  
  Park Maintenance Worker

**Decision: Commissioner Bair moved to approve Claims, Cash Warrants, Administrative Documents and Personnel Action Forms as presented. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

RESOLUTION 2022-10

The Board met to approve Bingham County Resolution 2022-10, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Bingham County Sheriff's Office, a 2010 Hyundai ELN.

**Decision: Commissioner Bair moved to approve Bingham County Resolution 2022-10, a formal Resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried and Resolution 2022-10 was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-10**

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 SHERIFF'S DEPARTMENT**

Vin #	Year	Make	Model
KMHDU4AD7AU103095	2010	HYUN	ELN

DATED this 4 day of March 2022.



ATTEST:

*Pamela W. Eckhardt*

Pamela W. Eckhardt  
Bingham County Clerk

BINGHAM COUNTY COMMISSION

*Whitney Manwaring*  
Whitney Manwaring, Chairman


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

\_\_\_\_\_  
Jessica L. Lewis, Commissioner



THE MOTION PASSED TO DISMISS UNTIL MONDAY MARCH 7, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Deputy Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Monday, March 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

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. Commissioner Bair seconded. All voted in favor and the Board moved into Executive Session at 8:15 a.m. The Board moved out of Executive Session at 8:21 a.m.

**Decision: Commissioner Lewis moved to approve Cremation Application Case No. 2022-08 per the recommendation of Laura Lora- Indigent Services Director. Commissioner Bair seconded. All voted in favor. The motion carried.**

STAFF MEETING

Present:                   Pam Eckhardt- County Clerk  
                              Danette Miller- Elections  
                              Patty Walters- Payroll  
                              Donavan Harrington- County Assessor  
                              Debbie Cunningham- Chief Deputy Assessor  
                              Dusty Whited- Public Works Director  
                              Tanna Beal- County Treasurer  
                              Nick Hirschi- County Coroner  
                              Scott Reese- Emergency Management/Parks & Recreation  
                              Laraine Pope- Human Resources Technician  
                              John Dewey- Human Resources/County Legal Counsel  
                              Eric Jackson- Building Maintenance Director  
                              Tiffany Olsen- Planning & Development Director  
                              Mark Gough- Probation Department  
                              Chief Deputy Sheriff Jeff Gardner  
                              Laura Lora- Indigent Services  
                              Sheri Landon- Magistrate/District Court  
                              Scott Mensching- IT Department  
                              Dave Thomas- IT Department  
                              Danette Miller- Election Office

Via Zoom:               Cody Lewis- Drug Court Coordinator  
                              Julie Buck- Extension Office

Excused: Scott Gay- City of Blackfoot Chief of Police  
Marc Carroll- City of Blackfoot Mayor  
Paul Rogers- Prosecuting Attorney

The Commissioners met with Department Heads and Elected Officials for March 2022 Staff Meeting. Commissioner Lewis conducted Staff Meeting.

Pledge of Allegiance: Commissioner Lewis

Approval of Minutes for Staff Meeting held on February 7, 2022: Commissioner Lewis confirmed there were no changes to be made and the minutes were approved as written.

Special Presentation: None.

Employee Years of Service Recognition: John Dewey recognized Laraine Pope for five years of service to Bingham County. He stated that Laraine works hard, is a dedicated employee and is incredibly professional. She puts out a great image of Bingham County to both its employees and interacting with citizens. Laraine added that it is a pleasure working for Bingham County.

Dusty Whited recognized Bo Jacobsen for five years of service to Bingham County. Bo was the first employee that Dusty hired after he started with the County. Bo started as a truck driver and is now the lead over the crushing crew. Bo has also become First Aid Certified and is now able to provide CPR training to the Public Works employees.

Chairman Manwaring: Stated that he would like to welcome back Commissioner Lewis from her Governmental Exchange trip. Susan Nalley has extended the Food Drive for the Blackfoot Senior Center until March 14, 2022.

Commissioner Bair: Stated that he had completed the ICRMP Trainings and he would encourage all Department Heads to get those completed. There is a lot of information that has been covered in previous trainings but there was also great new information. The first training is to be completed by March 15, 2022.

Last month he attended the National Association of Counties Legislative Conference and one specific program discussed is called Mental Health First Aid. As soon as additional information pertaining to the program is released, he will have Lindsey Dalley send that out to all employees. This is an extremely important program and believes could be very useful.

Commissioner Lewis: Stated that she was nominated by Dusty Manwaring and had the opportunity to spend the last week in Northern Ireland for the American Council and Young Political Leaders. Herself and seven other leaders throughout the United States spent the week meeting with the Northern Ireland Assembly. The 70's, 80's and 90's were a tough time for Northern Ireland as they had a lot of religious fighting and at the end of the 90's President Clinton helped negotiate peace. One of the individuals she was able to meet is Alex Masqui, Northern Irelands Speaker, who shared his story and that he was a member of the IRA, spent most of his time checking for car bombs, he has been shot multiple times and his home was bombed. What stuck out the most about him was when peace was being negotiated; he sat down with the individuals who had attacked him. He was asked how he could freely do that knowing what they had done, to which he explained that as an elected member of assembly, it is his job to do what is best for the people and not what is best for him. This stood out to her and that he could take away the personal effect and do what is best for the people he was representing.

Clerk Eckhardt: Stated that she would be following up with EvoGov on progression of the website and meetings with each Department Head.

Danette Miller: Stated the filing deadline for County Office or Precinct Committee is Friday March 11, 2022, by 5:00 p.m. There is an Election tomorrow for the Aberdeen and Shelley Supplemental Levy.

Lastly, the ability to view who has filed for State Offices thus far is available on the Secretary of State Website.

Clerk Eckhardt added last week the Committee approved a bill to go to the House in order to eliminate ballot boxes for counties. This is being fought as the boxes come in handy.

Patty Walters: Stated the Commissioner cutoff date is March 18, 2022 and if there are any wage increases or promotions, please get them to Human Resources prior to this date. The cutoff date for payroll is March 23, 2022 and timesheets are due that day. She has followed up in regards to the 1095C forms and has not received an update. Once she does, she will forward that information onto the employees.

Donavan Harrington: No updates at this time.

Dusty Whited: Stated there are currently four vacant positions and would like everyone to spread the word.

Nick Hirschi: No updates at this time.

Scott Reese: No updates at this time.

Sheri Landon: Stated that Jury Trials are proceeding now and there was two held last week with one four-day trial this week.

John Dewey: No updates at this time.

Eric Jackson: Stated Jason Marlow will be starting on March 14<sup>th</sup> and it will be nice to have the additional help. If there are any issues with heating or cooling in any department, please contact him on his cell phone.

Tiffany Olsen: No updates at this time.

Mark Gough: No updates at this time.

Cody Lewis: Stated that Felony Drug Court Graduation is scheduled for March 29<sup>th</sup> at 4:00 and Misdemeanor Drug Court Graduation is scheduled for March 31<sup>st</sup> at 4:00 p.m.

Commissioner Lewis gave an update on behalf of Paul Rogers and stated there is currently two vacant position in his office, one Legal Assistant and one Prosecuting Attorney. There is a four-day Jury Trial scheduled this week and it will be busy.

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

Tanna Beal: No updates at this time.

Laura Lora: No updates at this time.

Julie Buck: Stated that beef weigh in was yesterday. Reed is currently involved with pasture school and there is currently an opening for an FTF 4-H Intern for full time for the amount of 400 hours. If you have youth with twelve hours of college experience, please have them contact Krista Cernyar. There are open classes for pressure canning and freezer meals. If anyone is interested, please contact her for more information. Lastly Alpine 4-H Camp will be held June 13-15.

Scott Mensching: Introduced Dave Thomas as the new IT Employee and stated he has twenty years of IT experience. There will be another hire starting on March 14, which will make them fully staffed.

David Thomas: Introduced himself and stated he is enjoying the opportunity in being part of the Bingham County team.

Commissioner Lewis stated next Staff Meeting is scheduled for Monday, April 4, 2022 at 8:30 a.m.

Nothing further at this time.

#### PROBATION DEPARTMENT

Present: Shane Boyle- Idaho Department of Juvenile Corrections  
Mark Gough- Probation Department  
Pam Eckhardt- County Clerk

The Board met with Mark Gough and Shane Boyle to receive an update and reports regarding the Idaho Juvenile Offender System and the Idaho Department of Juvenile Corrections.

#### SOLID WASTE HAULING CONTRACT

Present: Dusty Whited- Public Works Director  
Derrick Goings- Solid Waste Supervisor  
Laraine Pope- Human Resources Technician  
John Dewey- County Legal Counsel  
Donavan Harrington- Bidder

The Board met to approve and award the Solid Waste Hauling Contract. Chairman Manwaring welcomed all to the meeting and explained that all submitted bids had been opened last week and sent to Legal Counsel for his review. Chairman Manwaring turned the time over to Mr. Dewey for further explanation.

Mr. Dewey stated that he has evaluated all submitted bids and has provided the board with his legal advice, which is not for public consumption at this time. If the Board follows said legal advice, it would be on the record upon agreement of the Board.

Mr. Whited stated that he and Mr. Goings would move forward in following the advice given by Legal Counsel.

Chairman Manwaring stated within the contract, it was required that any company bidding must have four trucks, wherein the Lowest Bidder, Harrington Heavy Haul, stated they have three trucks. He asked Mr. Whited if there was an issue with the weight that can be hauled, to which Mr. Whited confirmed there was and the bid specification requires 24-25 ton's, which would require tag axles and a license to haul 102.

Commissioner Bair asked Legal Counsel if negotiations were allowed to be done with the lowest bidder, to which Mr. Dewey stated the allowance for negotiation is possible but there is a fairness issue, to allowing a bid that does not meet specifications, additional time to make changes.

Commissioner Lewis asked Mr. Dewey to explain the issue with the approved line of credit, wherein Mr. Dewey explained that they need to have an approved existing line of credit to meet the equipment requirements as well as the employee requirements.

Chairman Manwaring stated if any bidder does not meet the requirements put forth, there is an issue with awarding to that specific bidder.

Mr. Dewey discussed his analysis for the record and stated the first questions was whether or not the bidder currently has in possession or has immediate access to obtain the equipment to perform the required tasks within the contract. The low bid response was detailing the history of the company, with an indication that they currently own three trucks, which is one less than the bid solicitation requires. The

response gives no indication whether the company has the immediate ability to obtain at least one more truck in order to meet the minimum requirements.

The second question was whether or not there was an approved line of financial credit with a bank to obtain the necessary equipment and the answer submitted was that they had a long-standing relationship with a bank and has an individual they work with pertaining to loans, which is not responsive to the question as to whether or not there is an approved line of credit to obtain necessary equipment.

The third question was whether or not they have the ability to obtain the necessary skilled workforce, wherein they currently have two employees but would hire additional employees and does not give the County an indication of whether the bidder has the immediate ability to obtain the necessary workforce. On a side note, it does not appear that even the County has the immediate ability to hire truck drivers.

Mr. Dewey stated his recommendation is that based upon the information as presented, the Board does not have responses showing that Harrington Heavy Haul has met the bid specifications. The information that the Board did receive, shows that they do not meet the bid specifications.

Commissioner Bair had no questions or issues at this time.

Commissioner Lewis had no questions or issues at this time.

Chairman Manwaring explained in the Boards position, there is a reason that all bids received are turned over to Legal Counsel for review, which is to seek these specific issues and be sure requirements are met.

Commissioner Bair stated that he would rather deny all bids, place out for further bidding or look into the County hauling their own solid waste.

Mr. Dewey stated there would be no justification to rebid, although the Board could choose to reject all submitted bids and haul itself.

Mr. Whited stated the he has worked extensively to put together numbers as if the County were to haul its own solid waste but as John spoke to them earlier, managing three additional trucks and employee is not an issue but the issue is if drivers could be acquired. There is a shortage of employees currently and if Road and Bridge drivers were placed specifically to haul solid waste, there would be a loss of certain services, which would in turn affect the citizens of Bingham County.

Mr. Dewey explained that if you would like to go with a company to which is not the lowest bid, the reasons need to be stated on the record. Aside from the fact that it is very clear that failure to meet the bid specifications, there is not a lot of guidance.

Chairman Manwaring clarified if either party are not complying with the agreement, there is a 90-day opt out.

Mr. Whited stated that contracting out Solid Waste Hauling is what is best for both the employees and Bingham County Citizens rather than hauling ourselves as a county.

Commissioner Lewis added that contracting out is the best choice and she would follow the recommendation made by Mr. Whited.

Commissioner Bair stated that his preference would be to negotiate with the lowest bidder to cure the requirements that were not met in the bid solicitation process.

Chairman Manwaring stated that allowing additional negotiations would not be fair to the other bidders. He would like to follow recommendation made by Legal Counsel.

**Decision: Commissioner Lewis moved to award the Bid for Solid Waste Hauling Contract to Superior Transportation at \$4.20 per mile, being the lowest conforming bid as it was determined that Harrington Heavy Haul was a non-conforming bid by not having the required amount of trucks needed, number of employees and an approved line of credit. Chairman Manwaring seconded. All in favor- Chairman Manwaring and Commissioner Lewis. All opposed- Commissioner Bair.**

#### BUILDING MAINTENANCE

Present: Eric Jackson- Building Maintenance Director

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

Mr. Jackson discussed the submitted Prior Approval for Major Purchase of carpet installation for Commission Chambers, for the amount of \$4,649.74 submitted by Carpet Direct and Flooring LLC. Mr. Jackson explained that he had requested a quote from Blackfoot Paint & Glass but they were not able to purchase the carpet for Commissioners sitting area. The quote received from Carpet Direct and Flooring, LLC, does include removal of old carpet.

Mr. Jackson stated the new hire for the Building Maintenance Department, Jason Marlow, will start on the 14<sup>th</sup> of March.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of installation from Carpet Direct and Flooring LLC, to replace carpet in Commission Chambers for the amount of \$4,649.74. Said purchase will be paid out of Fund 01-10-494-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### ASSESSOR'S OFFICE

Present: Donovan Harrington- County Assessor  
Pam Eckhardt- County Clerk  
Audrey Barzee- Assessor's Office

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 presented Tax Exemption Applications pursuant to Idaho Code §63-602C, Fraternal, Benevolent or Charitable Limited Liability Companies, Corporations or Societies, which were as follows:

**American Legion Post No. 59**  
180 S. Main Street, Aberdeen

**Decision: Commissioner Lewis moved to approve Tax Exemption Applications pursuant to Idaho Code §63-602C, Fraternal, Benevolent or Charitable Limited Liability Companies, Corporations or Societies as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington presented Tax Exemption Applications pursuant to Idaho Code §63-602N, Irrigation water and structures, which were as follows:

**Martel Lee Smith II**  
RP2119901 Irrigation Ditch or System- Shelley

**Decision: there was not a decision made at this time and this matter will be tabled for another date in order to gather additional information.**

Lastly, Mr. Harrington presented Tax Exemption Applications pursuant to Idaho Code §63-602B, Religious Limited Liability Companies, Corporations or Societies, which were as follows:

**Calvary of Blackfoot, Inc**

RP1262402                      689 S Fisher Ave, Blackfoot  
 RP1160000

**Church of Jesus Christ of Latter-day Saints**

RP0089000      Church 2120 W Hwy 39 (Springfield)  
 RP0147700      Church 1533 Hwy 39 Pingree  
 RP0204900      Church 101 N 900 W Blackfoot (West Stake Center)  
 RP0214000      Seminary building near Snake River High School (920 W Highway 39)  
 RP0216100      Church 99 N 900 W Blackfoot (West Stake Center)  
 RP0219800      Church 95 N 740 W Blackfoot (Northwest Stake Center)  
 RP0262802      Church 701 W 300 S Blackfoot (Riverton)  
 RP0262811      Portion of parking lot adjacent to church in Riverton  
 RP0262816      Church 701 W 300 S Blackfoot (Riverton)  
 RP0289400      Church 403 N 150 W Blackfoot (Rose)  
 RP0311101      South Stake Shelter and Fields                      259 N 300 W  
 RP0451100      Church Shelley  
 RP0451125      Grass area adjacent to Church above in Shelley  
 RP0459302      Ball fields near Riverview Elementary Shelley  
 RP0489500      Church 1101 E 1250 N Shelley  
 RP0577100      Girls camp area in Wolverine  
 RP0578605      Area in Wolverine  
 RP0578608      Girls camp area in Wolverine  
 RP1017400      352 N Ash Blackfoot                      Deseret Industries  
 RP1041200      Church 187 N Ash Blackfoot  
 RP1062000      Church 845 Grant St. Blackfoot  
 RP1062100      Parking lot adjacent to church above facing Sexton  
 RP1062200      Parking lot adjacent to church above on Grant  
 RP1096700      Church 520 N Shilling Blackfoot  
 RP1158800      Seminary Building near Blackfoot High School on S Fisher St  
 RP1186800      Grass area adjacent to Church at 660 Teton  
 RP1285701      Family History Center Mitchell Road Blackfoot  
 RP1302600      Church 660 Teton Blackfoot  
 RP1309600      Shelter and Fields adjacent for church on Mt Putnam Dr  
 RP1326000      Church 1650 Highland Blackfoot (includes fields)  
 RP1330002      Parcel in the field adjacent for the church above on Highland  
 RP1332736      Church 1000 W Riverton Blackfoot  
 RP1343600      Church 1289 Mt Putnam Blackfoot  
 RP2001900      Church 325 E Locust Shelley  
 RP2012600      Church 184 N Park Shelley  
 RP2084303      Seminary Building near Shelley High School  
 RP2088900      Church 513 S Park Shelley  
 RP2091802      Church 675 S Milton Shelley  
 RP3044900      Church 149 W Central Aberdeen  
 RP3059800      Seminary Building near Aberdeen High School (203 S 4th W)  
 RP4010400      Seminary Building near Firth High School (252 W Center)  
 RP4019100      Church 744 N 600 E Firth  
 RP4019300      Portion of Shelter and Fields for church above in Firth  
 RP5003600      Church 823 N 675 E Basalt  
 RP7013800      Shelter and Fields at 1080 E Quarry Rd for church at 792 N 1090 E Shelley

- RP7014400 Church 792 N 1090 E Shelley (1080 E Quarry)
- RP7020201 Church 155 N 380 W Blackfoot (Groveland)
- RP7022900 Church 732 W 175 N Blackfoot (Moreland)
- RP7040400 Shelter and field adjacent to Riverside Church
- RP7040801 Church 7 N 700 W Blackfoot (Riverside)
- RP7053300 Church 1059 W 100 S Blackfoot (Thomas)
- RP7053800 Portion of parking lot adjacent to above church in Thomas
- RP7055400 Church 337 N 200 E Blackfoot (Wapello)

**Roman Catholic Diocese of Boise**

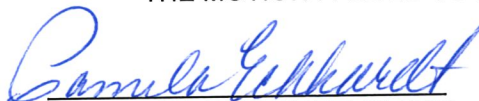
- RP1051801 Building next to church leased to SEICCA at \$1,000/month.
- RP1066104 Parrish pavilion and grounds
- RP1066106 grounds behind church
- RP1052300 St Bernard's Church and education center campus
- RP1052700 Parrish office and meeting rooms (former extension office)
- RP3082100 Church in Aberdeen
- RP3080000 Church grounds in Aberdeen
- RP7001500 Church in Fort Hall
- RP0139401 Church in Pingree

**Assembly of God Idaho**

- RP1042100 288 W Pacific, Blackfoot

**Decision: Commissioner Bair moved to approve the Tax Exemption Applications pursuant to Idaho Code §63-602B, Religious Limited Liability Companies, Corporations or Societies as presented. Commissioner Lewis seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY MARCH 8, 2022

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

  
 WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                               : ss.            Tuesday, March 8, 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

PUBLIC HEARING REGARDING THE ZONING MODIFICATION FROM "A' AGRICULTURE TO "C2" HEAVY COMMERCIAL AND A COMPREHENSIVE PLAN MAP AMENDMENT IF APPROVED FROM RESIDENTIAL/RESIDENTIAL AGRICULTURE TO MULTI-USE SUBMITTED BY KENT AND CAROLEE CARLSON

- Present:
- Tiffany Olsen- Planning & Development Director
  - Blake Jolley- Connect Engineering
  - Sesha Hammond- Citizen
  - Bart Wattenbarger- Citizen
  - Kent Carlson- Applicant



Carolee Carlson- Applicant  
Chris Street- HLE

The Board met to hold a Public Hearing regarding the zoning modification from "A Agriculture to "C2" Heavy Commercial and a Comprehensive Plan Map Amendment if approved from Residential/Residential Agriculture to Multi-Use Submitted by Kent and Carolee Carlson. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Tiffany Olsen for presentation of the Staff Report.

Director Olsen presented the Staff Report at this time.

Chairman Manwaring explained that comments made by Sandy Gaydusek, Clerk for the City of Shelley, stated in their Government Agency comment that this request is irrelevant at this point but there are traffic and safety concerns. Chairman Manwaring stated that those concerns are not addressed during the Zone Change process but would be part of a development or subdivision application once submitted when more information about use and travel will be reviewed. Additionally, this parcel is adjacent to the City of Shelley's City boundaries therefore the property owner, when requesting utilities, will be required to connect to the City of Shelley's water and sewer systems as per the County and City Area of City Impact Agreement.

Commissioner Lewis asked Director Olsen for clarification that most of the property is already designated as "C2" and that the Applicants are wanting to have the entire property designated as "C2" so that when it is annexed into the City of Shelley it will all be one zoning designation. Director Olsen confirmed this statement.

Commissioner Bair stated there have been several concerns regarding traffic because of the schools and asked Director Olsen when the appropriate time would be to require that a traffic study be conducted and asked if that could be a condition, if this Zone Change is approved today. Director Olsen explained where the two streets for any access points are within the City of Shelley's jurisdiction, it would not be appropriate for the County to conduct or request a traffic study as these are not the County's jurisdiction; rather, at the time there is a development, the Applicants intend on seeking annexation and traffic and safety analysis should be conducted by the City. However, Director Olsen commented that a concern could be memorialized as a part of the motion to convey the importance of that analysis to the City, when developed. Director Olsen reiterated that there are no County roads that provide access to the parcel as currently provided for.

Commissioner Bair asked Director Olsen for clarification if there was one small portion in the flood plain, to which Director Olsen stated the specific portion shown on the maps is indeed along the Snake River but the parcel is not part of the flood plain area.

Mr. Dusty Whited, Bingham County Public Works Director, stated the classification referred to earlier by one of the Planning & Zoning Commissioners was incorrectly stated thinking that the section of Fir Street in question was still County road. Fir Street, to the West, turns into Shelley West, which is a County road.

Chairman Manwaring stated there was testimony given regarding the safety of kids and traffic. Another issue mentioned was that there is a walking path with no curb and there are many miles of walking and bike paths in the County that subdivisions and driveways go over, to which he asked Mr. Whited to address. Mr. Whited stated with the current walking path, there are several places where it is used and at the time of any future development, a traffic study is likely to be conducted which would determine what type of crossing is needed to ensure safety of pedestrians, etc. The analysis greatly depends on density of the proposed development, land use, and so forth.

Chairman Manwaring turned the time over to the Applicant's Representative, Blake Jolley, for his testimony.

Blake Jolley, Professional Engineer with Connect Engineering and the Applicants Representative, stated the zoning request is to go up against the canal on the easterly side and follow the canal back down, which will go to the center of the canal. As mentioned, if this is developed, the Applicants will go to the City of

Shelley to be annexed into their corporate limits. This Zoning Modification would make a clean application to the City of Shelley and would not need further clarification. As far as the spacing of accesses proposed across from the school, they will want to see access come into the property to the South. The reason they extended the access to Hansen Street is that most likely the access would take place on the West side of the apartments. It is clear if and when development occurs, it would require annexation into the City of Shelley and connecting to City services.

Testimony in favor was provided by Carolee Carlson, the Applicant, who testified by explaining that the commercial ground was put in prior to the properties where the Fire Station and the Library were sold, which both have been annexed into the City of Shelley. She stated they have owned the land for fifty years and as Mr. Jolley stated, are trying to clean up boundaries.

Commissioner Lewis asked if having the zoning designations the same would make for an easier application when going to the City level, to which Ms. Carlson confirmed as accurate.

Commissioner Bair stated the Comprehensive Plan is proposed to be Multi-Use and he is curious as to what the thinking was behind this determination. Ms. Olsen stated it was previously discussed to increase Multi-Use areas along corridors and highways, wherein she anticipates with a Comprehensive Plan Map amendment that a majority of this specific area would see the same Multi-Use corridor, which would allow for any designations within the Comprehensive Plan and any zoning district.

Chairman Manwaring confirmed there was no further testimony in favor and none in neutral. Testimony in opposition called at this time.

Sesha Hammond testified in opposition and stated her concern is the Applicant stated they are simply squaring up their land and does not understand why they are attempting to get access on Hanson Street. She explained that she understands the access on Fir Street but why not move that land back to where they have sold their land to the (put in the name of the Library here) Library and go across to have two accesses on Fir Street. At that point, the Applicants would not have to worry about the traffic safety and children walking from Hansen to the Skate Park, library or school. During public testimony received from the library, wherein they stated they were neutral as they could gain another access road but they also stated they might lose frontage on their property. Ms. Hammond also had concerns regarding adequate service of roadways and that Hansen is not an adequate road for a heavy commercial zoning designation. This creates traffic issues as citizens use Hanson Street to get their children to and from school and extra-curricular activities. This application is against the Comprehensive Plan and the proposed rezoning will affect the property rights of those within the area, as there will be more lights and traffic congestion. Lastly, Ms. Hammond explained that the characteristics of the land are Ag and Residential, with no commercial businesses located in the area.

Chairman Manwaring confirmed there was no further testimony in opposition and turned the time over to the Applicant's Representative for rebuttal.

Mr. Jolley stated when a Zoning Application comes forth, it is tough not to think about what may be coming in the future but this request fits the designations within the area currently. He is unaware of any plans being approved for the library at this point. They may have conceptual ideas but as times changes, they may modify their layout to accommodate things that are taking place in the area. If annexed into the City of Shelley, the Applicants may approach the Library District with modifications to access as things progress.

Discussion was held regarding commercial traffic and when the need would come for a Traffic Study to be conducted. Mr. Jolley added this timeframe would be unknown until the development process commences. Chairman Manwaring added once this is annexed into the City of Shelley, the City will have their requirements for development that will need to be met.

Commissioner Lewis stated "C2" Heavy Commercial can be several things and traffic cannot be determined until you know exactly what will be developed in the area. Mr. Jolley agreed and stated there is a broad range of allowed uses.

With nothing further, Chairman Manwaring closed the Public Hearing and moved to the Commissioners discussion and deliberation.

Chairman Manwaring stated there were concerns regarding safety of the children walking to school on Hanson Street, which is a concern to the Board but the hearing being held today is specific to the Zone Change from "R/A" to "C2". Chairman Manwaring asked Commissioner Bair to address the testimony received in regards to the sewer system being completely full.

Commissioner Bair stated the capacity of the Eastern Idaho Waste Water Authority is currently 2 million gallons and the flow is usually between 1.5 and 1.6 million. There have been a significant amount of ERU's sold and if all were used, it would be close to capacity. There is current engineering being done to add onto the plant, which would double the capacity to 4 million gallons. He believes there is American Rescue Plan Act funding available and set aside within the budget for Department of Environmental Quality to assist with the plant expansion. This expansion would occur inside the existing building but as stated would double the capacity.

Commissioner Bair stated that Zone Change decisions are difficult because the rights of property owners are being weighed with the rights of the surrounding property owners. In this instance, a majority is already "C2" and he understands the Applicant has planned. There was a question about accesses but at this is not the time to address those questions and concerns, as there is not a plan for development. He stated he would be in favor of the Zoning Modification and Comprehensive Plan Amendment to Multi-Use, which will give the property owners more options.

Commissioner Lewis stated that she appreciates Mr. Jolley being transparent regarding their plan for access. A majority of the property is "C2", so changing 5 acres will not change much.

Chairman Manwaring stated that the Board shall include in their discussion the following code criteria and consider if the request for a Zone Change from "R/A" Residential/Agriculture to "C2" Heavy Commercial, complies as defined in Bingham County Code Section 10-4-2(F).

The purpose of the C2 Zone is to provide for the development of businesses and service establishments, which are incompatible in community shopping areas. This zone requires relatively large size lots and easy highway access and should be removed from residential areas with:

1. Adequate service by major roadways.

The Board found no major concerns and that there is adequate service by major roadways. Chairman Manwaring stated Fir Street is a minor arterial and comes from the interstate to Highway 91.

2. Location that minimizes potential traffic problems.

The Board found that the City of Shelley would make this conclusion once development proceeds and is annexed into the City of Shelley's corporate limits. The Board stated traffic will be addressed at the time of development and the Developer has stated they are aware that traffic is a concern.

3. Compatibility with existing uses.

The Board found no concerns and that there is already "C2" Heavy Commercial surrounding this property.

4. Protection from encroachment of residential uses.

The Board found no concerns.

5. Accessibility to adequate utilities.

The Board found there to be access to adequate utilities.

Further, the Board reviewed if the request for a Zone Change from "R/A" Residential/Agriculture to "C2" Heavy Commercial complies with the specific purpose of the Comprehensive Plan Map area, by promoting the health, safety and general welfare of the people of the County. The Applicants are seeking a modification to the Comprehensive Plan Map from Agriculture to Multi-Use as follows:

- a. To protect property rights, property values and the use of property.

The Board found that all property owners have the right to do what they feel is the best use of the property. Commissioner Lewis added the request is to be a Multi-Use area, wherein there is already multiple uses in the area.

- b. To ensure that adequate public facilities and services are provided to the people at a reasonable cost.

The Board had no input as they have no control over the cost of services provided. Commissioner Bair stated per Exhibit A-15, it shows the sewer line that follows the canal and when developed, will have services available.

- c. To ensure that the economy of the County is protected and enhanced.

The Board founds no concerns at this time and Commissioner Lewis added there were no concerns addressed by the Planning & Zoning Commission.

- d. To ensure that the important environmental features of the County are protected and enhanced.

The Board found no concerns at this time. Commissioner Lewis added that this would be hard to determine until it is apparent what is being developed.

- e. To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.

The Board found no concerns. Commissioner Bair added the intention is to continue farming until development is implemented.

- f. To encourage urban and urban-type development within or near incorporated cities.

The Board found no concern at this time. Chairman Manwaring stated it is adjacent to the City of Shelley and is within the Area of City Impact boundaries.

- g. To avoid undue concentration of population and overcrowding of land.

The Board found no concerns and this change would not cause overcrowding at this time.

- h. To ensure that the development on land is commensurate with the physical characteristics of land.

The Board found no concerns as nothing would change and it is similar to what is in the area already.

- i. To protect life and property in areas subject to natural hazards and disasters.

The Board found no concerns and that this property is not in the flood zone.

- j. To protect fish, wildlife and recreation resources.

The Board found no concerns and it was reiterated that there were no concerns received from the Governmental Agencies noticed.

- k. To avoid undue water and air pollution.

The Board found no concerns and Commissioner Lewis stated the Board relies on input received from the Governmental Agencies and there were none received.

- l. To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis.

The Board found no concern. There were no concerns or input received from the school district pertaining to this request.

Chairman Manwaring stated that Randy Adams, Shelley Fire Chief, has reviewed these plans to determine what would be best to suppress fires. He suggested suggesting or highly recommending within the motion that during development, to work on accesses.

Commissioner Bair clarified that the western border is going to be the canal, which is shown in the plat.

Commissioner Lewis stated she is unsure if the City of Shelley considers if there would be development, during their decision-making process.

Director Olsen stated they do receive notices as a Government Agency Notice and if the motion were conditioned with any kind of recommendation for traffic study during development, she would be sure to pass that along to the City of Shelley to be sure they are aware.

**Decision: Commissioner Lewis moved to uphold the Planning & Zoning Commission's recommendation for the approval of Zone Change for 5.2 acres located West of 585 W. Fir Street., Shelley, Idaho, parcel No. RP0478017, owned by Kent and Carolee Carlson from "R/A" Residential/Agriculture to "C2" Heavy Commercial zoning district and the modification of the Comprehensive Plan to reflect this area as Multi-Use. Also it has been recommended if this is annexed into the City of Shelley, once development uses are known, that there be a traffic study and the safety of traffic exiting onto Hanson Road be closely looked at. Commissioner Bair seconded. All Commissioners voted in favor. The motion carried.**

Upon denial or approval of a Zone Change with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b) the Applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

PLANNING AND DEVELOPMENT

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

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 Director Tiffany Olsen.

Director Olsen first asked the Board to consider approval of Final Plat for 3<sup>rd</sup> Amended Freeway Park Subdivision.

**Decision: Commissioner Bair moved to approve the Final Plat for the 3<sup>rd</sup> Amended Freeway Park Subdivision. Commissioner Lewis seconded. All voted in favor. The motion carried.**

Next, Director Olsen gave an update regarding the upcoming Planning & Zoning Commission Schedule and the Building Division.

Next, discussion was held in regards to the Commissioners Fee Schedule, specifically the fee for Motion to Reconsider. Director Olsen explained there had been instances wherein the \$150.00 fee, was charged in error. Mr. BJ Driscoll filed a Request for Reconsideration on the West River Farms/ Searle Zone Change and when asked to pay the \$150.00 fee, he contended that it would not be appropriate to charge a fee. In review of the Bingham County Commissioner Fee Schedule and noted that it states, "Motion to Reconsider not explicitly enumerated by other Ordinances or Idaho Code". These Motion's for Reconsideration are enumerated by Idaho Code and therefore, it would be appropriate to refund those who have paid said fee in the past.

**Decision: Commissioner Lewis moved to reimburse any applicants that paid a fee for Motion to Reconsideration in error pursuant to the Commissioners Fee Schedule. Commissioner Bair seconded. All voted in favor. The motion carried.**

Lastly, Director Olsen stated she would as the Board to consider approval of the Reason & Decisions drafted pertaining to the Request for Zoning Modification submitted by Russell & Mary Ann Johnson.

**Decision: Commissioner Bair moved to approve the Reason & Decision for Zoning Modification from "A" Agriculture to "R/A" and the Bingham County Comprehensive Plan Map Designation from Agriculture to Residential/Residential Agriculture on 1.5 acres of a 9.51-acre parcel submitted by Russell & Mary Ann Johnson. Commissioner Lewis seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MARCH 9, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Wednesday, March 9, 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 \$500.00

JAIL MEDICAL

Jail Medical was approved in the amount of \$590.77.

NORTH IDAHO COLLEGE

A Certificate of Residency was approved and sent to North Idaho College for the following Bingham County Student: Taryn M. Leavitt.

COLLEGE OF SOUTHERN IDAHO

A Certificate of Residency was approved and sent to the College of Southern Idaho for the following Bingham County Student: Bryson T. Leatham.

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Forms as presented. Commissioner Lewis 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. Commissioner Lewis seconded. All voted in favor and the Board moved into Executive Session at 8:16 a.m. The Board moved out of Executive Session at 8:30 a.m.

**Decision: Scott Reese will work with Human Resources to take care of the issue with an employee at Sportsman's Park in Aberdeen.**

**Commissioner Lewis moved to increase pay for the Detective in question to N21, Step 8 (\$25.55) as of today and on his anniversary date in September will move to the new pay scale and increase to S4, S4 (\$27.50). Commissioner Bair 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.

Chairman Manwaring opened the Statement of Qualifications received from Lombard Conrad Architects, to which is the company that assisted with the original proposed plans for this expansion on the jail. The submitted packet would be provided to Legal Counsel for further review. This matter will be placed on the agenda for decision on a later date.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
David Romrell- County Surveyor  
Pam Eckhardt- County Clerk  
Scott Reese- Parks and Recreation/Emergency Management

Tyler Draine- Parks & Recreation  
Rance Butler- Landowner  
Patricia Anderson- Landowner  
Shannon Knodle- Landowner  
Donna Knodle- Landowner  
Karl Slayton- Landowner  
Brent Hatch- Landowner

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 discussion commenced regarding the drainage of sub water on Rich Lane causing issues on the property of Shannon Knodle. Chairman Manwaring explained that Ms. Knodle had contacted him in regards to a drainage ditch issue on Rich Lane.

Ms. Knodle stated her biggest concern is the drainage from the sub water and explained the pasture on her property was inundated with ground water causing the ground to be non-usable if not fixed.

Mr. Rance Butler explained that he could not find specific documentation but that his father had informed him that the Ball Family, Taylor Family and the County had come to an agreement that the drainage ditch would be cleaned out in order to keep the road dry.

Ms. Knodle added that both sides of her property are flooded, including the pasture that Rance Butler used to grow hay. They are no longer able to grow hay as when the hay is cut, you cannot get into the pasture without the equipment sinking because of the mud. She added that she was unaware of this issue until her father passed.

Mr. Slayton explained that his father in law had talked to him about the easement and drainage ditch. After his death, that prompted him to figure out why the ditch is not being cleaned out, causing issues.

Mr. Butler stated all they are requesting is to get the drainage ditch where it is functional in order to drain.

Commissioner Bair asked Mr. Whited what would occur if there were a culvert that was plugged, to which Mr. Whited explained there are no culverts that cross driveways on the County culvert layer and the only culverts on the County Culvert layer are ones that cross roads. Typically, all culverts that run in the right of way for approaches fall under the responsibility of the landowner. Mr. Whited added that the County has no way of servicing or cleaning culverts but do replace them.

Brent Hatch added that the County had put in the drainage ditch down the road and does not believe that it has ever been cleaned. It has worsened over the years and the bottom is built up 1 or 1 ½ feet. It would help both the Knodle's and the Butlers, as they are the landowners who have the issues during the fall with sub-water.

Mr. Whited stated on Rich Lane, the drainage on the North side is a shallow drainage but the South side is hard to tell because of the snow but it is a steep and deep drainage. Additional research should be done in order to determine if there is an agreement on any of the surrounding properties. He added that Lindsey Dalley has searched all Commissioner Minutes and the only information found that it was agreed by the County to pay George and Anna Ball for the drainage along Rich Lane. The County has prescriptive right-of-way but before anything can be done, he would like verification of easement. It may take additional time to complete research but that is the direction he would recommend.

Clerk Eckhardt and the Commission Clerk, Lindsey Dalley, will do further research to see if there are any documents with information and a plan will be put together on a later date and they will keep in touch with the attendees within this meeting. Chairman Manwaring stated it would be beneficial to get together with all individuals to come up with a plan to cure this issue.

Next, discussion was held in regards to the Atomic City Water System, wherein Clerk Eckhardt stated that a contract needs to be signed between Bingham County and BLM. In the past, they were concerned that



they were overcharged as they were being billed for \$220.00 and not \$110.00. The proposal made by BLM is that the extra funds paid previously would cover this upcoming summer and no money would be owed until 2023. Clerk Eckhardt reiterated that there is not an agreement in place and she has no way to inform BLM that there is any other agreement.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase for a retroreflectometer in the amount of \$12,055.00, which is being proposed to be paid with American Rescue Plan Act Funding.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for a retroreflectometer in the amount of \$12,055.00 to be paid from Fund 51-00-559-00 (ARPA Funding). Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of a Ford F550 truck to replace the sign truck. This one is located in Utah and would be picked up tomorrow. This would be paid via Cash Warrant in the amount of \$66,294.00 and will be paid out of Fund 02-40-803-00.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of a Ford F550 for a new sign truck in the amount of \$66,294.00 and will be paid out of Fund 02-40-803-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

**Decision: Commissioner Lewis moved to approve the remove of well liner on the secondary Atomic City Well in the amount of \$1,200.00 and will be paid from Fund 9208-00-559-00, which is the Atomic City Closing Trust. Commissioner Bair seconded. All voted in favor. The motion carried.**

Lastly, Mr. Whited explained the submitted Credit Application for Larry H. Miller, which will allow them to purchase truck parts as needed.

**Decision: Commissioner Bair moved to approve the Credit Application for Larry H. Miller, which will allow Bingham County Road and Bridge to purchase truck parts. Commissioner Lewis seconded. All voted in favor. The motion carried.**

#### SEARCH AND RESCUE SETTLEMENT

Via Phone: Mike Fresh- Search and Rescue

The Board met to discuss and make a possible decision regarding acceptance of settlement offer for the Search and Rescue Building.

Chairman Manwaring explained several years ago the County paid Trusst Builders for work completed on the Search and Rescue Building. Search and Rescue is a vital part of Bingham County when it comes to emergency situations. Last year, they were unable to hold their fundraiser due to Covid-19 but this year they were able to.

The proposal is to accept \$40,000.00 for full settlement and forgive \$7,349.80.

Mr. Fresh thanked the Board of Commissioners as the building has been a huge difference for the community.

Commissioner Bair thanked Mr. Fresh for everything that Search and Rescue does for Bingham County and make sure that all members know they are appreciated.

Commissioner Lewis added this is a great partnership and is something that benefits Bingham County.

**Decision: Commissioner Bair moved to accept the settlement of \$40,000.00 for final payment for the Search and Rescue Building, wherein \$7,349.80 would be excused. Commissioner Lewis seconded. All voted in favor. The motion carried.**

PROBATION DEPARTMENT

Present: Shawn Hill- Probation Director  
Laraine Pope- Human Resources Technician

The Board met to discuss and make a possible decision regarding the Probation Department taking over Felony Drug Testing for felony level offenders within the Idaho Department of Corrections. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Hill.

Mr. Hill stated this email had been forwarded to him a few months back, wherein he was asked to review and provide his thoughts. He spoke with John Dewey and did some research and while he recognizes there is revenue that would come to Bingham County and the important of having a positive relationship with this agency but the bottom line is that this would put a strain on his staff. He informed Mr. Dewey that he would not like to take on this additional task, as it is not in the best interest of his staff or in the best interest of Bingham County. If the Board would like him to do so, he would find a way to make it work but as stated previously he does not believe this is in the best benefit for Bingham County.


**Decision: Commission Clerk, Lindsey Dalley, will draft a letter to send informing them of the Boards decision to not take on felony drug testing for the Idaho Department of Corrections at this time, as it is not in the best interest of his staff or Bingham County.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MARCH 11, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Deputy Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Friday, March 11, 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 \$513,044.78.

PERSONNEL ACTION FORMS

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

Employee Status Sheet: Patrol Deputy  
Salary Increase Form: Deputy Court Clerk  
Deputy Court Clerk/Archivist

**Decision: Commissioner Lewis moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms as presented, which include Claims in the amount of \$513,044.78. Commissioner Bair seconded. All voted in favor. The motion carried.**

RESOLUTION 2022-011

The Board met to adopt Bingham County Resolution 2022-11, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho.

**Decision: Commissioner Bair moved to adopt Bingham County Resolution 2022-11, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Emergency Management Department. Commissioner Lewis seconded. All voted in favor and said resolution was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-11**

**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);

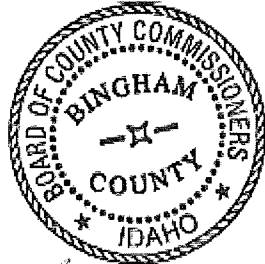
**WHEREAS**, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

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

**EMERGENCY MANAGEMENT DEPARTMENT**

**One (1)      HP Color Laserjet Printer 3700dtn**

**DATED this 11 day of March 2022.**



ATTEST:

*Pamela W. 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

TAX MATTERS

The Board met to approve/deny a submitted Tax Inquiry for value adjustment for year 2021, which is as follows and for the following reasons:

MH353S10A10010- Home is no longer on the property

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

APPROVAL OF COMMISSIONER MINUTES FOR FEBRUARY 12-28, 2022

The Board met to approve Commissioner Minutes for February 12-28, 2022. Chairman Manwaring stated for the record that all three Commissioners had reviewed the minutes and any necessary changes have been made.


**Decision: Commissioner Bair moved to approve the Commissioner Minutes for February 12-28, 2022. Commissioner Lewis seconded. All voted in favor. The motion carried.**

ORDINANCE 2022-08

Present: Tiffany Olsen- Planning & Development Director

The Board met to adopt Bingham County Ordinance 2022-08, an ordinance amending the General Bingham County Zoning Ordinance 2012-08 and accompanying Zoning Map by changing the zoning district of the below-described real property from its present classification as "A" Agriculture to "R/A" Residential/Agriculture and the Bingham County Comprehensive Plan Map designation from Agriculture to Residential/Residential Agriculture.

**Decision: Commissioner Lewis moved to adopt Bingham County Ordinance 2022-08, an ordinance amending the General Bingham County Zoning Ordinance 2012-08 and accompanying Zoning Map by changing the zoning district of the below-described real property from its present classification as "A" Agriculture to "R/A" Residential/Agriculture and the Bingham County Comprehensive Plan Map designation from Agriculture to Residential/Residential Agriculture. Said ordinance was adopted and recorded as follows:**

**Instrument # 743347**  
BINGHAM COUNTY  
3-11-2022 09:37:28 AM No. of Pages: 2  
Recorded for : BINGHAM COUNTY COMMISSIONERS  
PAMELA W. ECKHARDT Fee: 0.00  
Ex-Officio Recorder Deputy 

**BINGHAM COUNTY  
ORDINANCE 2022-08**

**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 "R/A" RESIDENTIAL/AGRICULTURE AND THE BINGHAM COUNTY COMPREHENSIVE PLAN MAP DESIGNATION FROM AGRICULTURE TO RESIDENTIAL/RESIDENTIAL AGRICULTURE**

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 "R/A" Residential/Agriculture and the Bingham County Comprehensive Plan Map designation from Agriculture to Residential/Residential Agriculture. The real property to which this zoning amendment applies is described as follows:

Part of the E 1/2 SW 1/4 Section 5 Township 3 South Range 34 East B.M. Bingham County, Idaho described as:

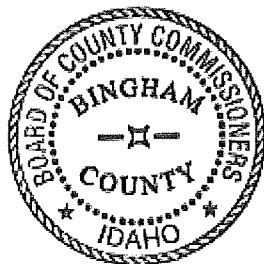
Commencing at the SW corner of Section 5; Thence, S 89°28'04" E 1324.67 feet along the Section line to the SW corner of the E 1/2 SW 1/4; Thence, N 00°19'37" E 354.32 feet to the SW corner of deed instrument 323611; Thence, S 89°42'29" E 15.00 feet; Thence, N 00°19'37" E 334.93 feet to a point on the North line of deed instrument 300676; Thence, S 89°03'03" E 402.63 feet to the Point of Beginning; Thence, S 89° 03' 03" E 21.10 feet; to an angle point on the North line of deed instrument 300676; Thence, S 46°37'53" E 410.73 feet along the Northerly line of deed instrument 300676; Thence, N 89°27'59" W 114.70 feet; Thence, S 00°19'37" W 106.88 feet; Thence, N 89° 28' 04" W 188.39 feet; Thence, N 04° 34' 12" W 54.49 feet; Thence N 02° 00' 29" W 332.33 feet to the Point of Beginning.

Parcel contains 1.53 acres more or less.

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 22<sup>nd</sup> day of February 2022.**

**Signed this 11<sup>th</sup> day of March 2022.**



ATTEST:

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

Pamela Eckhardt  
Bingham County Clerk

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Whitney Manwaring, Chairman

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Mark R. Bair, Commissioner

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Jessica Lewis, Commissioner

CANVASS FOR THE MARCH 8, 2022 LEVY ELECTION

Present: Danette Miller- Election's Office Director  
Megan Kearsley- Election Office  
Kelli Robbins- Election Office

The Board met to approve the Canvass for the March 8, 2022 School Supplemental Levy Election for Aberdeen and Shelley School Districts. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Miller.

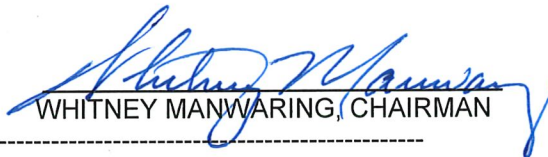
Ms. Miller presented the Canvass packet for the Board and there were no further questions at this time.

**Decision: Commissioner Bair moved to approve the Canvass for the Match 8, 2022 School Supplemental Levy Election as presented. Commissioner Lewis seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY MARCH 14, 2022



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



WHITNEY MANWARING, CHAIRMAN