

STATE OF IDAHO )  
 : ss. Tuesday, May 17, 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

**PRIOR APPROVAL- BUILDING MAINTENANCE**

Present: Eric Jackson- Building Maintenance

The Board met to discuss the submitted Prior Approval for Major Purchase for landscape rock to cover flowerbeds and tree, to include ground covering in the amount of \$2,020.00 to be paid from Fund: 01-10-494-00. Mr. Jackson added this is specifically for the Courthouse Annex building.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of landscape rock to cover flowerbeds and tree, to include ground covering in the amount of \$2,020.00 to be paid from Fund: 01-10-494-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, the Board discussed the submitted Prior Approval for Major Purchase of a breaker for the electrical panel for the jail kitchen, in the amount of \$3,064.00 and would be paid from Fund 05-03-500-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a breaker for the jail kitchen electrical panel in the amount of \$3,064.00, to be paid from Fund 05-03-500-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Lastly, the Board discussed the submitted Prior Approval for Major Purchase of a pump, plumbing supplies and labor for work to be completed on the sewer within the Jail. Said purchase would be for an amount not to exceed \$3,000.00.

**Decision: Commissioner Bair moved to approve the Prior Approval for major purchase of a pump, plumbing supplies and labor for work to be completed on the sewer within the jail. Said purchase is not to exceed \$3,000.00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

**PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE ZONING AMENDMENT, REQUESTED BY TRACIE & TRUMAN WILCOX, FOR A 4.04 ACRES FROM RESIDENTIAL/AGRICULTURE TO RESIDENTIAL, REGARDING PARCEL NOS. RP8038700, RP8038600, RP8038500 AND DECISION BY THE BOARD**

Present: Chris Street- HLE  
Addie Jo Harris- Planner  
John Dewey- County Legal Counsel  
Steve Eskew- Homeowner  
Sue Eskew- Homeowner  
Jeff Shoemaker- Homeowner

The Board met to hold a Public Hearing to receive the Planning & Zoning Commission's recommendation to approve the Zoning Amendment, requested by Tracie and Truman Wilcox, for 4.04 acres from

Residential/Agriculture to Residential, regarding Parcel Nos RP8038700, RP8038600, RP8038500 and Decision regarding the same. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Addie Jo Harris, Planner with the Planning & Development Office

Ms. Harris presented the Staff Report at this time.

Commissioner Bair asked how the lots being presented are smaller than one (1) acre lots, to which Commissioner Lewis stated it is an older subdivision and that is more than likely the reasoning.

Commissioner Bair asked Ms. Harris since this property is in the Blackfoot Area of Impact, what that would affect. Ms. Harris stated that the City of Blackfoot was sent notice, wherein there was no response or concern was submitted.

Chris Street, Applicant's Representative, stated the Staff Report is very thorough but he would like to reiterate that the subdivision these parcels are in, have existing non-conforming uses. The parcels being proposed are similar in size to the existing lots across the street. This will allow connection to the sewer and is directly adjacent to Residential zones across the street. Commissioner Bair asked Mr. Street how far the sewer line is from this property, to which Mr. Street stated the sewer line is in the middle of the road but that water is a ways down the road, therefore will be public sewer and private wells.

Commissioner Lewis asked is the "C2" area has old buildings located, to which Mr. Street stated the Applicants actually have their home in that area and he is unsure as to why it is zoned "C2" and confirmed this is being changed to move the property lines.

Mr. Street stated the Applicant's would like to reduce their lot size of what they own and sell the remainder.

Chairman Manwaring asked if the pasture is flood irrigated, to which Mr. Street stated that a portion is flood irrigated and they do have a pressurized system. They do also have surface water rights, which will stay on the parcels.

No Testimony was received in favor, neutral nor in opposition to this Application.

Mr. Street added that they will be putting Covenants, Conditions and Restrictions together but explained this was not addressed during the Planning and Zoning Hearing.

Mr. Shoemaker stated that he would like to give a neutral comment. Chairman Manwaring confirmed with Legal Counsel that it was okay to allow his testimony, to which Legal Counsel stated he should be allowed as Mr. Street rebutted without having any testimony to rebut. Mr. Shoemaker stated after reviewing the Application, his main concern is moving manufactured homes into the area. He explained that he had mentioned this concern to Mr. Wilcox several weeks ago and was advised that he there would be restrictions. This is the main reason as to why he is speaking; to be sure, all discussions are on the record. He further explained there was a dollar amount restriction in place. Chairman Manwaring asked if Ponderosa Acres has restrictions, to which Mr. Shoemaker stated he has lived there ten (10) years and this is the first time that he has seen restrictions as far as the type of housing.

Chairman Manwaring confirmed that Mr. Street had no rebuttal and the Hearing was closed. The Board moved into Commission discussion.

Commissioner Lewis stated she believes that this specific area is zoned incorrectly. Chairman Manwaring added several years ago, the multi-use corridor was put in place because there were so many different used in the area.

The purpose of the "R" Zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas, which are best suited for residential purposes that have the following and were addressed by the Board as follows:

1. Close proximity to existing town sites to which are contiguous to another "R" or "R/A" Zone.
  - a. Chairman Manwaring stated this property is contiguous to similar zones and as Commissioner Bair stated, the City of Blackfoot was notified, wherein no concern was submitted.
2. Lot size compatible with existing lot sizes in the immediate vicinity.
  - a. Commissioner Bair stated he has no concerns and that the lot size is compatible with the existing lot sizes within the immediate vicinity.
3. Accessibility of municipal services or the possibility of extension of service in the foreseeable future.
  - a. Commissioner Lewis stated there is sewer services close by and the water is within 1.8 miles.
4. Compatibility with existing uses in the immediate vicinity.
  - a. The Board found no concerns at this time. Commissioner Lewis stated this property is already a subdivision, this is just a re-plat.
5. Protection from incompatible uses.
  - a. The Board found that there will be no change and therefore, there is no concern.
6. Adequate service by roadways.
  - a. The Board found no concern at this time. Chairman Manwaring stated that Bingham County Public Works Director had no issues.

**Decision: Commissioner Bair moved to recommend approval to amend the zoning amendment requested by Tracie and Truman Wilcox to amend the zoning designation of approximately 4.04 acres located at 460 W. Highway 39, Blackfoot Idaho, for the intended purpose of a proposed re-plat to be known as 1<sup>st</sup> Amended Ponderosa Acres for residential development of a higher density as presented today, in accordance with the requirements of Bingham County Code 10, zoning regulations and subject to all applicable laws in regulations. Commissioner Lewis asked to include the zoning amendment. Commissioner Bair added that this would be rezoned from "C2" Heavy Commercial and Residential/Agriculture to Residential. Commissioner Lewis seconded. All voted in favor. The motion carried.**

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE 1<sup>ST</sup> AMENDED PONDEROSA ACRES SUBDIVISION PLAT

Present: Addie Jo Harris- Planner  
Chris Street- HLE  
Steve Eskew- Homeowner  
Sue Eskew- Homeowner  
Jeff Shoemaker- Homeowner  
Tiffany Olsen- Planning & Development Director

The Board held a meeting to receive the Planning and Zoning Commission's recommendation to approve the 1<sup>st</sup> Amended Ponderosa Acres Subdivision Plat. Chairman Manwaring welcomed all to the meeting and turned the time over to Addie Jo Harris- Planner.

Ms. Harris presented the Staff Report at this time.

Commissioner Bair stated there was concern expressed by Mr. Shoemaker in regards to manufactured homes not being placed and he would assume that could be a condition. Commissioner Lewis responded by stating that the Board is not able to do that as it would be violating fair housing. Ms. Olsen stated adding restricted covenants would be a civil item between the landowners and the subdivision, when the lots are sold. Based upon the lot size, if approved, the lot would be of an appropriate area regulation with the sewer services to accommodate a manufactured home.

A brief discussion was held regarding irrigation water, wherein Ms. Harris confirmed that the water would be pressurized and the Water Rights would be assessed by the United Canal Company. Ms. Olsen added an updated plat would be provided with the Surveyors corrections made and since that was one of the items, irrigation would need to be provided to the lot as it had been before. It would be verified that the irrigation easement and the appropriate notations made on that plat. Commissioner Bair asked if underground water rights transfer with the property when it is sold, to which Legal Counsel stated he would assume that this would be a civil matter.

Ms. Olsen stated there has been testimony from Spencer Larsen with the Peoples Canal, who indicated the appropriate method would be to create a Homeowners Association, which would have a manager, who would do the collection for water funding but the water rights themselves are in the name of the subdivision and that would transfer with title to any future lot owner.

Chairman Manwaring confirmed that there is enough room for each property have their own driveways, to which Ms. Olsen confirmed.

Commissioner Bair assed that the Planning & Zoning Commission was thorough in reviewing all regulations and requirements to be met and he would agree with their findings.

There were no further questions or concerns addressed at this time and Chairman Manwaring requested a motion.

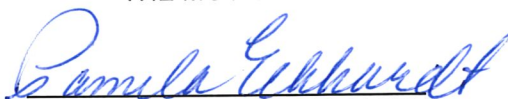
**Decision: Commissioner Lewis moved to approve the 1<sup>st</sup> Amended Ponderosa Acres Subdivision on 4.04 acres as described, based upon the information within the record presented and the Reason & Decision of the Planning & Zoning Commission and condition that there will be a CCNR created similar to the original subdivision. Commissioner Bair seconded. All voted in favor. The motion carried.**

PLANNING & DEVELOPMENT UPDATE

Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Harris- Planner

The Board met with Tiffany Olsen and Addie Jo Harris to discuss department updates.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MAY 18, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, May 18, 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

**MEDICAL INDIGENCY REIMBURSEMENT AGREEMENT**

The Commissioners met regarding Case No 2020-06 who agreed to pay \$39,926.94 in the amount of \$25.00 per month until entire reimbursement has been paid. A Medical Indigency Reimbursement Agreement was signed on this date.

**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.**

**REQUEST TO USE PATRIOT FIELD ON JUNE 14, 2022, FLAG DAY, FOR A CEREMONY PRESENTED BY THE BLACKFOOT ELKS CLUB- REQUESTED BY BRUCE BRADSHAW**

Present: Bruce Bradshaw

The Board met to hold discussion and make a decision regarding the request to use Patriot Field for a ceremony presented by the Blackfoot Elks Club on June 14, 2022. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Bradshaw.

Mr. Bradshaw stated that he would like to request permission to use Patriot Field to hold a Flag Day Ceremony on June 14<sup>th</sup>, to be presented by the Blackfoot Elks Lodge. This has been held at Patriot Field for the last several years and has continued to go well.

There were no concern at this time and Chairman Manwaring requested a motion.

**Decision: Commissioner Bair moved to approve the request from the Blackfoot Elks Lodge to have a Flag Day Ceremony at Patriot Field on June 14, 2022. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

**SHERIFF'S OFFICE**

Present: Chief Deputy Sheriff Jeff Gardner  
Scott Reese- Emergency Management/ Parks & Recreation  
Tyler Draney- Parks & Recreation

The Board met 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 stated the current jail population is 108, with 4 inmates being housed in Jefferson County.

DARE Day is scheduled for today and would be held at the Eastern Idaho State Fairgrounds today.

Mr. Reese briefly explained the Addendum before the Board today for approval, which is in regards to allowing the Parks & Recreation Department to take electronic payments. This Addendum has been approved by Legal Counsel, who had no issues.

**Decision: Commissioner Bair moved to approve Addendum E, to the Service Legal Agreement for Electronic Transaction, specific to the Parks & Recreation Department. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

#### 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.

Discussion was held in regards to the upcoming fuel budget, wherein it was stated with the cost of fuel, there would be a major increase. He has spoken with the employees in attempt to keep the cost down but it has not made a big difference. He spoke with Clerk Eckhardt, who recommended to use the reserve account if needed. Commissioner Bair agreed and advised Mr. Whited that he should project the budget as needed during the budget process.

Next, discussion was held in regards to the submitted Prior Approval for Major Purchase of Chemical for killing weeds, in the amount of \$24,434.00, to be paid from Fund 27-60-630-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of Chemical for killing weeds, in the amount of \$24,434.00, to be paid from Fund 27-60-630-00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider Personnel Matters. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 9:45 a.m. The Board moved out of Executive Session at 9:59 a.m.

**Decision: No decision was made on the record.**

#### SPYGLASS

The Board met to hold an update meeting with the auditors from Spyglass.

#### HUMAN RESOURCES

Present: John Dewey- Human Resources Director

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

Mr. Dewey stated that he would like to discuss potential changes to be made to the Employee Handbook, specifically regarding separation and paid time off/leave time bank, which should be adopted via resolution. He further explained this matter was taken before the personnel board, who had no issues. Therefore, he ask that the Board adopt Bingham County Resolution 2022-22, a resolution amending the Bingham County Employee Handbook, specifically Section 17.8 and Section 17.10.2.

**Decision: Commissioner Bair moved to approve Bingham County Resolution 2022-22, a resolution amending the Bingham County Handbook, as presented by Mr. John Dewey. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was approved as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-22  
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 Wednesday, May 18, 2022 the Board of County Commissioners unanimously voted to amend Section 17.8 and 17.10.2.
2. Bingham County Personnel Handbook, Section 17.8 and 17.10.2, 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:

**17.8 Separation of Employment / Change in Job Assignment**

Employees who separate employment with a minimum of three years of full-time service with the County shall receive a pay-out of 30% of their total accrued PTO, but may not be paid out for more than 80 hours of PTO. Employees who separate after having completed ten years of employment will be paid out 30% of their accrued PTO. Those eligible to retire (via the rule of 80 or 90 per PERSI, or per the Social Security Administration's full retirement age) from the County will be paid out 80 hours or one-third (1/3) of all accrued PTO, whichever is less, as long as they have a minimum of three (3) years of service with the County. All payouts are based on the hourly rate at the time of separation. Scheduled or unscheduled PTO use cannot be used to extend an employee's termination or retirement date, or the date on which they went to part-time status. Those full-time employees who transfer to a part-time or Elected Official position will also have their PTO paid out as explained above. Upon receiving payout at separation, you may elect to place part or all of it in a 401(k), or receive the payout as a lump sum payment. If an employee passes away while employed at Bingham County, his/her PTO will not be paid out.

**17.10.2 Separation of Employment**

Employees who separate employment with a minimum of three years of full-time service with the County shall receive a pay-out of 30% of their total accrued LTB, but may not be paid out for more than 80 hours of LTB. Employees who separate after having completed ten years of employment will be paid out 30% of their accrued LTB. Those eligible to retire (via the rule of 80 or 90 per PERSI or per the Social Security Administration's full retirement age) from the County will be paid out one-third (1/3) of all LTB hours will be paid to the employee, as long as they have a minimum of ten (10) years of service with the County. All payouts are based on the hourly rate at the time of separation. Upon receiving a LTB payout, the employee may elect to place part or all of it in a 401(k), or receive the payout as a lump sum payment. If an employee passes away during County employment, his/her unused LTB will not be paid out.



Passed and Adopted this 18<sup>th</sup> day of May 2022.

BINGHAM COUNTY COMMISSION



ATTEST:

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Pamela W. Eckhardt  
Bingham County Clerk

  
Jessica L. Lewis, Commissioner

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE GREG'S SUBDIVISION, LOCATED AT THE END OF LOVELL LANE, BLACKFOOT, IDAHO

Present: Addie Jo Harris- Planning & Development  
Jon Gregory- Developer

The Board met to hold a meeting to receive the Planning & Zoning Commission's recommendation to approve the Greg's Subdivision. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Addie Jo Harris, Planning & Development.

Ms. Harris presented the Staff Report at this time.

Chairman Manwaring stated there is water from the United Canal Company and Trego Ditch, which would be delivered by irrigation system from the Parsons Ditch but asked Mr. Gregory if the two canal companies come into the one ditch. Mr. Gregory confirmed and stated that they connect on Thomas Road.

Commissioner Bair added that he has reviewed the subdivision regulations, wherein staff comments were made and he agrees with said comments. It appears to him that all requirements have been met and he is in favor of this Application.

Chairman Manwaring stated this Application fits the criteria and all regulations were met.

**Decision: Commissioner Bair moved to uphold the recommendation of the Planning & Zoning Commission to approve the Greg's Subdivision, to be 6-lots and approximately 8.3 acres. This property is zoned Residential and located at 533 W 37 S, at the end of Lovell Lane. This is based upon the record as presented and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE BUTLER FAMILY ESTATES SUBDIVISION, LOCATED NORTH OF 726 E 1500 N., SHELLEY, IDAHO

Present: Addie Jo Harris- Planning & Development  
Chris Street- HLE

The Board met to receive the Planning & Zoning Commission's recommendation to approve the Butler Family Estates Subdivision, located North of 726 E. 1500 N., Shelley, Idaho. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Addie Jo Harris.

Ms. Harris presented the Staff Report at this time.

Discussion was held in regards to the access, to which Ms. Harris explained if it was an easement, it would only have to be 50 feet of road frontage but it is not. Ms. Harris stated that the Applicant wanted to build a subdivision behind the lot in question and that did not happen. Therefore, he split the lot after he sold the large farm ground behind the lot. Ms. Harris stated this is not an easement because it is a flag lot that goes directly to the county road and therefore, access will be a private lane and not an easement.

There were no further questions for Ms. Harris and the meeting moved into Commissioner Discussion. Commissioner Bair stated that he has reviewed all subdivision regulations within Bingham County Code 10-14-4 and he agrees that the Application is complete.

**Decision: Commissioner Bair moved to uphold the decision of the Planning & Zoning Commission to approve the 1-Lot Subdivision, to be known as Butler Family Subdivision. This is on approximately .88 acres and is zoned Residential. This motion is based upon the record presented**

**and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE THE ANDRADE SUBDIVISION, LOCATED AT 262 N 500 W., BLACKFOOT, IDAHO.

Present: Addie Jo Harris- Planning & Development  
Chris Street- HLE

The Board met to receive the Planning & Zoning Commission's recommendation to approve the Andrade Subdivision, located at 262 N. 500 W., Blackfoot, Idaho. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Addie Jo Harris.

Ms. Harris presented the Staff Report at this time.

Commissioner Bair stated that Dave Romrell, County Surveyor, had several changes that should have been made and asked Ms. Harris if those changes have been made, to which was confirmed as completed.

Chairman Manwaring stated that all requirements have been made and concerns have been addressed, therefore he has no issues and entertained a motion at this time.

**Decision: Commissioner Bair moved to uphold the recommendation of the Planning & Zoning Commission to approve a 2-Lot Subdivision, to be known as Andrade Subdivision. This property is located at 262 N. 500 W., in Blackfoot, Idaho. This motion is based upon the record as presented and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL THURSDAY MAY 19, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Deputy Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Thursday, May 19, 2022  
County of Bingham )

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

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

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE PAPA D SUBDIVISION, LOCATED DIRECTLY NORTH FROM 351 W. 300 N., BLACKFOOT, IDAHO, PARCEL NO. RP0299406

Present: Kent Oram- Applicant  
Tiffany Olsen- Planning & Development Director  
Jake Robinson- DIOPTRA  
Darrell Hanners- DIOPTRA

The Board held a meeting to receive the Planning & Zoning Commission's recommendation to approve the Papa D Subdivision, located directly North from 351 W. 300 N., Blackfoot, Idaho, Parcel No. RP0299406. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Planning & Development Director, Tiffany Olsen.

Director Olsen presented the Staff Report for the record at this time.

Commissioner Bair stated the request is for a 4-Lot Subdivision but only three lots will be built on and asked why it was included if there will not be a change in use. Director Olsen explained that it might be progressive looking to create at the lot in the event that they would like it to be a buildable lot in the future. Commissioner Bair confirmed with Ms. Olsen that there would be a private easement and not a public road, to which she stated, was correct. He also asked Director Olsen if Dusty Whited, Public Works Director, has measured the roads, to which she stated that Mr. Whited has not provided any comments and she believes there are no issues. Mr. Oram added that Mickelsen's had worked with Mr. Whited to be sure there were no issues and the distance is appropriate.

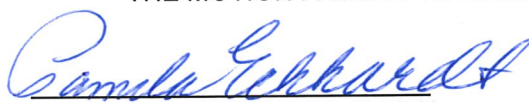
Lastly, Commissioner Bair stated on the notes located on the Preliminary Plat, it states that Lot 5, Block 1 would be dedicated to Bingham County for Tressell Road Right-Of-Way. Director Olsen stated it would be looking at the frontage along Lot 4, along Tressell Road. Commissioner Bair asked why this is occurring, to which Director Olsen explained that it is dedicated Right-Of-Way via the Plat in the event that there would need to be any maintenance or future road expansion.

Chairman Manwaring asked if there were any division rights, to which Director Olsen stated Mr. Oram had two division rights and had exercised both in order to start the process of building permits. Those two parcels would be brought back in during the Final Plat.

There were no further concerns or comments and Chairman Manwaring entertained a motion at this time.

**Decision: Commissioner Bair moved to uphold the recommendation to approve the proposal from the Oram Family Estate Trust, to develop a 4-Lot Subdivision to be known as Papa D Subdivision located directly North from 351 W. 300 N., Blackfoot, Idaho, on 41.58 acres. This is based up on the record as presented and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MAY 20, 2022



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Deputy Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.           Friday, May 20, 2022  
County of Bingham    )

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

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

CLAIMS

Claims were approved in the amount of \$60,656.46.

PERSONNEL ACTION FORMS

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

Employee Status Sheet:	Park Maintenance Worker Motor Vehicle Clerk to Deeds Clerk Building Inspector
Salary Increase Form:	Deputy Court Clerk

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

APPROVAL OF CANVASS FROM THE MAY 17, 2022 PRIMARY ELECTION

Present: Danette Miller- Elections Director  
Megan Kearsley- Elections Clerk  
Pam Eckhardt- County Clerk  
Jimmy Roberts- Coroner Candidate  
Eric Jackson- Commissioner Candidate  
Kelly Jackson- Wife of Eric Jackson

The Board met to review and approve the Canvass from the May 17, 2022 Primary Election. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Danette Miller.

Ms. Miller presented the Canvass Report from the May 17, 2022 Primary Election at this time. She added that she would like to publicly thank the Commissioners and the Election Clerks for all of their hard work and support, as well as County Clerk Pam Eckhardt.

**Decision: Commissioner Bair moved to approve the Canvass from the May 19, 2022 Primary Election as presented. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried and the final voting statistics for the Bingham County Primary Election held on May 17, 2022 were as follows:**

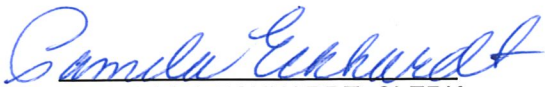
**BINGHAM COUNTY RESULTS  
PRIMARY ELECTION  
MAY 17, 2022**

Precinct	VOTING STATISTICS				
	Total Number of Registered Voters at Cutoff	Number Election Day Registrants	Total Number of Registered Voters	Number of Ballots Cast	% of Registered Voters That Voted
BLACKFOOT 1	852	7	859	273	31.8%
BLACKFOOT 2	905	13	918	281	30.6%
BLACKFOOT 3	917	16	933	279	29.9%
BLACKFOOT 4	1,061	15	1,076	334	31.0%
BLACKFOOT 5	1,197	16	1,213	364	30.0%
BLACKFOOT 6	1,016	17	1,033	354	34.3%
FIRTH 7	1,183	36	1,219	487	40.0%
FIRTH 8	1,057	15	1,072	357	33.3%
GROVELAND 9	1,078	26	1,104	399	36.1%
JAMESTON 10	953	13	966	317	32.8%
MORELAND 11	590	9	599	245	40.9%
ROCKFORD 12	812	17	829	389	46.9%
SHELLEY 13	1,174	19	1,193	359	30.1%
SHELLEY 14	1,176	30	1,206	411	34.1%
ABERDEEN 15	876	26	902	265	29.4%
SPRINGFIELD/STERLING 16	344	8	352	173	49.1%
RIVERSIDE 17	928	46	974	393	40.3%
PINGREE 18	599	22	621	285	45.9%
WAPELLO 19	487	13	500	187	37.4%
FORT HALL 20	949	4	953	84	8.8%
SHELLEY WEST 21	1,284	16	1,300	387	29.8%
GROVELAND 22	978	17	995	405	40.7%
BLACKFOOT 23	546	12	558	199	35.7%
RIVERSIDE 24	702	17	719	308	42.8%
MORELAND 25	733	26	759	351	46.2%
ATOMIC CITY 26	22	0	22	7	31.8%
BONNEVILLE 27	0	0	0	0	0.0%
MORGAN'S PASTURE 28	3	0	3	2	66.7%
<b>CO. TOTAL</b>	<b>22,422</b>	<b>456</b>	<b>22,878</b>	<b>7,895</b>	<b>34.5%</b>

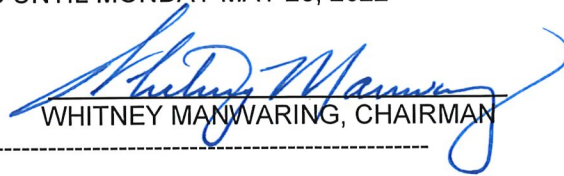
Total # absentee ballots cast 666

Total # of early vote ballots cast 518

THE MOTION PASSED TO DISMISS UNTIL MONDAY MAY 23, 2022



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Monday, May 23, 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

DISCUSSION REGARDING THE FUNCTIONING OF THE CORONER'S OFFICE AND REVIEW OF THE DUTIES OF THE CHIEF DEPUTY CORONER- REQUESTED BY JAMES "JIMMY" ROBERTS

Present:               Jimmy Roberts- Chief Deputy Coroner  
                              Chief Deputy Sheriff Jeff Gardner  
                              Laraine Pope- Human Resources Technician

The Board met with Jimmy Roberts to hold discussion regarding the duties of the Chief Deputy Coroner position and the functioning of the Coroner's Office. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Coroner, Jimmy Roberts.

Mr. Roberts explained that he currently has two vacant Deputy Coroner positions, as well as one more stepping down and he would like to initiate the process of having the candidates apply/background checks. Commissioner Bair stated that he would like to hold off on this process until Mr. Roberts is sworn in as Coroner.

A brief discussion was held regarding the work relationship between law enforcement and the Coroner's Office, wherein Chairman Manwaring stated it is important that both parties be on the scene during an investigation in order to log things into evidence and remain on the same page when it comes to investigations.

Mr. Roberts was given the permission to initiate the background check on his potential candidates but would wait until after he is sworn in, in order to appoint the Deputy Coroner positions.

**PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE ZONING AMENDMENT, REQUESTED BY GALE LIM CONSTRUCTION, LLC AND ROD ALBERTSON, FOR 18.83 ACRES FROM AGRICULTURE TO RESIDENTIAL/AGRICULTURE AND A COMPREHENSIVE PLAN MAP AMENDMENT FROM AGRICULTURE TO RESIDENTIAL/RESIDENTIAL AGRICULTURE, REGARDING PARCEL NOS. RP 017740, RP0177406, RP0177407, RP0177404 AND DECISION BY THE BOARD**

Present:               Tiffany Olsen- Planning & Development Director  
                              Eric Jackson- Citizen  
                              Chris Street- HLE  
                              Dusty Whited- Public Works Director  
                              John Dewey- County Legal Counsel  
                              Kurt Smith- Citizen

Kory Bonney- Citizen  
Gale Lim- Applicant  
Dennis Leavitt- Citizen  
Rod Albertson- Applicant  
Daynon Leavitt- Citizen  
Bonny Moses- Citizen

The Board met to hold a Public Hearing to receive the Planning & Zoning Commission's recommendation to approve the Zoning Amendment Application, requested by Gale Lim Construction, LLC and Rod Albertson, for 18.83 acres from Agriculture to Residential/Agriculture and a Comprehensive Plan Map Amendment from Agriculture to Residential/Residential Agriculture. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Olsen.

Director Olsen presented the Staff Report at this time.

Chris Street, Applicant's Representative, testified that the Comprehensive Plan and Zoning Map are out of date. This would make the two Residential/Agriculture zones contiguous and by doing so, does not diminish the agriculture ground that is adjacent but protects the property. This will give 16 lots and will have adequate roadways, along with great homes.

Commissioner Bair asked Mr. Street if a traffic study had been conducted, to which Mr. Street confirmed had been conducted from March 29 through April 11.

Rod Albertson testified stating the plan was to create a subdivision for families who want to reside in the Snake River School District. All plans have been reviewed and fall within the rights and legalities of what the Planning & Zoning Commission asked.

Gale Lim, Applicant, testified stating there is a need for housing in the Snake River School District and anyone who purchases would have the ability to have a small garden. This would be a positive thing for the community.

Eric Jackson gave testimony in neutral and asked who would be liable to pay for future infrastructure to put in a water system or treatment center, if the need arises. Chairman Manwaring responded stating in the past, there was a Developer that came before the Board and it was denied due to the amount of homes going in. Later on, the Developer and Landowner came to the agreement to put in the second well with Groveland Sewer and Water District.

Daynon Leavitt gave testimony in opposition stating that he collected 81 signatures from individuals that are in opposition to this Application. He explained that placing 16 homes on such a small area would be too much, which would also affect agriculture that comes up and down the road. Also during harvest time, traffic increases and could be a safety issue. Therefore, he is asking that the zoning be left as is and allow 4-5 homes to be built rather than the 16.

Bonny Moses gave testimony in opposition and stated she lives in the corner house and has for 46 years. All individuals that built homes on the North Side did so for a reason and none of them are looking to develop. They bought the property to live the lifestyle they wanted and this would be a huge impact. Chairman Manwaring referred to the letter submitted by Ms. Moses, wherein she stated the Browning Bee Company and they use cellars for storage during the wintertime and asked Ms. Moses if this development would have an adverse effect on the company. Ms. Moses stated that she would not think there would be an adverse effect during the wintertime as bees are not as active.

Chris Street, Applicant's Representative, gave his rebuttal statement by clarifying that the irrigation is from surface water with the People's Canal. He also stated that changing the zone to R/A would not affect their operations. Lastly, in the State of Idaho, you cannot interfere with a farmer's right to farm.

There was no further testimony at this time and the meeting moved into the Commissioners discussion.



Chairman Manwaring stated the request for a zoning amendment from "A" Agriculture to "R/A" Residential/Agriculture comply with the specific purpose of the Residential/Residential Agricultural Area requested for this parcel, by promoting the health, safety and general welfare of the people of the County as follows:

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

Commissioner Bair stated that Zone Changes are one of the most difficult decisions to be made as both the property owner and surrounding property owners have property rights. In this case, he stated that he does believe that property rights are protected.

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

Chairman Manwaring stated this property is located 3.7 miles from the Groveland Sewer and Water and would not be feasible. He added that it is the Health Department that does test wells and at times will not fit. Commissioner Bair added that he would agree and that services are not available at a reasonable cost.

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

Chairman Manwaring stated that the housing market has increased. Individuals have the ability to file an Appeal with the Board of Equalization but it depends if they are selling or buying a home as to how it will affect their situation.

Commissioner Bair added that the economy of the County is driven by Agriculture but the flipside is that residential has been adding to the tax base more and he is not sure that you could say one is more important than the other.

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

Chairman Manwaring stated this property is not within the flood plain nor is it in the high nitrate area, which would not affect residential use of the properties.

Commissioner Bair stated the most important thing is to have clean water but the county does have the responsibility to protect water as much as possible. He is not nearly as concern with that issue on this property.

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

Chairman Manwaring stated that each parcel will be one acre and still allows an individual to have a garden or a few livestock.

Commissioner Bair added the Land Use Planning Act states that prime agriculture ground is to be protected but do not state how many acres would classify to be prime agriculture ground. The size of acreage makes a difference in his mind as to what is or what is not prime agriculture ground.

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

The Board found no concerns.

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

Chairman Manwaring stated this area is Residential/Agriculture and Agriculture, which to him would not be overcrowding.

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

Chairman Manwaring stated, if approved, this Zone Change would not change the characteristics of the land.

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

Chairman Manwaring stated that natural hazards and disasters may occur and there is no control over that but this parcel is not within the flood plain.

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

The Board found no concerns.

- k. To avoid undue water and air pollution.

The Board found no concerns.

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

Chairman Manwaring stated that notice was sent to the School District, wherein no comment was received. This is the case with every Public Hearing and the Board has yet to receive feedback from the School Districts.

Ken Smith attempted to give input that he had received from Mr. Kress with the Blackfoot School District, to which Legal Counsel advised that testimony was no longer allowed at this time.

Discussion continued wherein Commissioner Bair stated that the Area of Impact was brought up in testimony. Development is supposed to happen within the City or the Area of Impact in order to be sure that utilities are available. There are complaints where dirt is carried out onto the roads and housing does have an affect on farming without a question. The issue is that this is a Zone Change and if approved, it creates an island of Residential/Agriculture when all surrounding property is Agriculture.

Commissioner Bair added that he fully intended to make a motion to deny this Application based upon the discussion held regarding the Comprehensive Plan Map Designation, but he has since reviewed the information again and on page 7 of 10 (Exhibit S-1) it states, other than Zone Changes, a requested development cannot be denied solely for non-compliance with the Comprehensive Plan. If this Application meets the criteria of the Zone Change from Agriculture to Residential/Agriculture, that is the criteria to be used.

There were no further statements at this time and Chairman Manwaring entertained a motion at this time.

**Decision: Commissioner Bair moved to uphold the decision of the Planning & Zoning Commission and approve the Zone Change and Comprehensive Plan Change from Agriculture to Residential/Agriculture on 18.83 acres, located Southeast of intersection of 700 West and 350 North, which was submitted by Gale Lim and Rod Albertson. This motion is based upon the Reason & Decisions of the Planning & Zoning Commission and the record as presented today. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE LAVA RIDGE COVE SUBDIVISION PLAT.

Present: Tiffany Olsen- Planning & Development Director  
Daynon Leavitt- Citizen  
Dennis Leavitt- Citizen  
Gale Lim- Applicant  
Kory Bonney- Citizen  
Eric Jackson- Citizen  
Chris Street- HLE  
Rod Albertson- Applicant

The Board held a meeting to receive the Planning & Zoning Commission's recommendation to approve the Lava Ridge Cove Subdivision Plat. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Tiffany Olsen.

Director Olsen presented the Staff Report for the record at this time.

Chairman Manwaring clarified a few minor changes to be added onto the Preliminary Plat such as irrigation, which will be a buried pressurized system and there will be an entrance and exit off of both Williams and Lemhi Road.

Commissioner Bair briefly stated his concern regarding both the Lim's and the County both having a gravel pit within ¼ of a mile but it does not meet the criteria to be a major issue. Other than that, it appears as though Staff has gone through and addressed all concerns, to which he agrees.

**Decision: Commissioner Bair moved to uphold the recommendation made by the Planning & Zoning Commission to approve the Lava Ridge Subdivision Plat, based upon the Reason & Decision and the record as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF FINAL PLAT FOR H&H SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve the Final Plat for H&H Subdivision. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen for a brief synopsis on the matter before the Board.

**Decision: Commissioner Bair moved to approve the Final Plat for H&H Subdivision. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MAY 25, 2022

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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, May 25, 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

**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 student: Ross M. Mecham.

**SHERIFF'S OFFICE**

Present: Jeff Gardner- Chief Deputy Sheriff

The Board met 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 stated the current jail population is 113 inmates and 3 inmates who are currently being housed in Jefferson County, due to being over capacity.

Lastly, Chief Deputy Gardner gave a brief explanation regarding the Maintenance Agreement from Day Wireless pertaining to the camera systems within the Courthouse, Extension Office, Probation, Road & Bridge and the Server Rooms. The amount of this Maintenance Agreement is \$10,254.00

**Decision: Commissioner Bair moved to approve the Maintenance Agreement with Day Wireless for camera system, in the amount of \$10,254.00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**PUBLIC WORKS**

Present: Dusty Whited- Public Works Director  
Derrick Goings- Solid Waste Supervisor  
Colter Hollinshead- Keller Associates

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 gave a presentation of the Landfill Planning Report prepared by Keller Associates in regards to the landfills located in Rattlesnake and Aberdeen.

Lastly, a brief discussion was held regarding Bingham County Resolution 2022-21, a resolution authorizing acceptance of offer of dedication of road rights-of-way and public improvements shown on the Moreland Estates Division No.2 in Bingham County, Idaho.

**Decision: Commissioner Bair moved to approve Bingham County Resolution 2022-21, a resolution authorizing acceptance of offer of dedication of road rights-of-way and public improvements shown on the Moreland Estates Division No.2 in Bingham County, Idaho. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was approved as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-21**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF  
ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE  
MORELAND ESTATES DIVISION NO.2  
BINGHAM COUNTY, IDAHO**

**WHEREAS**, The Bingham County Commissioners have the authority to accept and confirm the dedication of a road right-of-way to be open for public travel, (Idaho Code § 50-1313);

**WHEREAS**, The Bingham County Commissioners accepted the Final Plat for Moreland Estates Division No. 2, at an open meeting held on January 10, 2022 and signed for on January 10, 2022; and

**WHEREAS**, The Final Plat for Moreland Estates Division No. 2 was recorded in the Bingham County Clerk's Office as Instrument Number 741366 and is attached as Exhibit "A"; and

**WHEREAS**, The Bingham County Public Works Director has acknowledged that the Bingham County road standards have been met and recommends that roadways within Moreland Estates Division No.2 also known as 190 N. (Jones Way) be accepted as a public road right-of-ways; and

**THEREFORE BE IT HEREBY RESOLVED**, at a Public Meeting held on May 18, 2022, the Board of County Commissioners, Bingham County, Idaho that it is in the public's interest and accepted roadways within Moreland Estates Division No.2 also known as 190 N. (Jones Way) as a public road right-of-ways, it will be added to the county highway system.

**SIGNED this 18<sup>th</sup> day of May 2022.**



ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

**BINGHAM COUNTY COMMISSION**

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

\_\_\_\_\_  
Jessica Lewis, Commissioner





DISCUSSION & DECISION REGARDING POSSIBLE FORMATION OF A RANGELAND FIRE PROTECTION ASSOCIATION- MEETING WITH RICK FINIS OF THE SOUTH IDAHO FIRE PROGRAM

Present: Rick Finis- South Idaho Fire Program  
Dusty Whited- Public Works Director  
David Rafferty- Chairman of the Henry's Creek RFPA  
Zac Brouillette- Acting AFMO for BLM  
Katina Hoffer- Fire Services Coordinator for Idaho Department of Lands  
Kevin Gray- Blackfoot Fire Chief

The Board met to hold discussion and possible decision regarding the formation of a Rangeland Fire Protection Program within Bingham County. Chairman Manwaring welcomed all to the meeting, introductions were held and he briefly explained this meeting was planned to get connection made with farmers who may be interested.

Mr. Finis stated there are currently 10 RFP's and 400 trained members throughout the State of Idaho. The RFPA is a non-profit association and established under Idaho Code Title 38, which means it is registered through the Secretary of State, will set up Articles of Incorporation, By-Laws and have a Board of Directors. Once established, the BLM Districts provide basic training, along with re-occurring training.

Chief Gray stating he is hopeful that individuals would be motivated to create the RFPA and have individuals join. It is unfortunate but sometimes it takes a large fire to occur in order to get individuals involved with an association such as an RFPA but it is extremely important.

Mr. Rafferty added the key to having a successful RFPA is the relationship built with larger agencies, who are able to assist in the event there is a large fire.

Mr. Finis stated there are several Rural Fire Capacity Grants available to assist with this process and the South Idaho Fire Program may be able to provide certain equipment or engines if available.

Chief Gray stated it may be beneficial to have all parties meet at a location in order to deliver documents to the farmers and discuss risks, along with what is available. The most beneficial area to have an RFPA in place is from Atomic City and Aberdeen to County Line. Chairman Manwaring stated it would be beneficial to get information together and delivered before the winter months in order to have this prepared for next fire season.

Ms. Hoffer stated equipment could be available through the Fire Fighters Program by application.

After discussion, a meeting will be planned previous to the winter months in order to get this association started and inform surrounding farmers of the opportunity.

OPEN MEETING FOR RECOUNT OF BALLOTS FOR PRECINT 16 COMMITTEE PERSON

Present: Pam Eckhardt- County Clerk  
Danette Miller- Election s  
Jeff Gardner- Chief Deputy Sheriff  
Dan Cravens  
Brandy Powell  
Erika Barney  
Lynette George  
Kelli Robbins

The Board held an Open Meeting to hold a recount of ballots for the Precinct 16 Committee Person due to a tie.



## BINGHAM COUNTY CLERK

**Pamela W. Eckhardt**  
Clerk of the District Court  
Ex-Officio Auditor and Recorder  
(208)782-3160  
peckhardt@cn.bingham.id.us

May 25, 2022

### **Certification of Re-Count of Votes Cast for Precinct #16 Precinct Committeeman from the Republican May 17, 2022 Election**

To Whom It May Concern,

I, Pamela Eckhardt, am the duly elected Clerk of the District Court. I observed the re-count of votes cast in the above described election performed today, May 25, 2022 beginning at 1:30 p.m. The hand re-count was under the direction of the Bingham County Elections Office with the following election judges and clerks:

Brandy Powell  
Erika Barney  
Lynette George  
Danette Miller  
Kelli Robbins

Present to observe the re-count were:

Jordan Johns – Candidate  
Dan Cravens – Republican Central Committee Chairman  
Chief Deputy Sheriff - Jeff Gardner  
Whitney Manwaring – Commission Chair  
Mark Bair – Commissioner  
Lindsey Dalley – Commission Clerk  
Ladd Carter – Candidate, was not present or any representative on his behalf

The re-count matched the Election Day totals for Jordan Johns – 81 votes, Ladd Carter – 81 votes, and 9 under votes. I observed no improprieties in the re-count procedure, and I hereby certify that the re-count concluded at 2:00 p.m. on May 25, 2022. Therefore, Ladd Carter, the winner of the coin toss held on Monday, May 23, 2022, will remain the declared winner of the Precinct #16 Precinct Committeeman.

Regards,



Pamela Eckhardt  
Bingham County Clerk

TAX DEED HEARING

Present: Tanna Beal- Treasurer

The Board held a Tax Deed Hearing in order to address two properties up for tax deed. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Beal.

Ms. Beal explained there are two properties, which are both bare ground. Both owners or family of the owners stated the County could go ahead and take the properties. One is due to a Medicare lien through the state, wherein they will collect the access proceeds once the sale takes place. The other was four years ago, wherein the property owner contacted the County and he asked to give the property to the County, wherein she informed him that he would have to go through the tax deed process.

Chairman Manwaring referred to the property that has a Medicare Lien on and asked Ms. Beal if Medicare would be first to receive proceeds. Ms. Beal explained that the County would collect taxes owed and cost incurred during the auction process, after which the remainder would go to Medicare.

Chairman Manwaring stated the County Commissioners are satisfied that the County Tax Collector has fulfilled the requirements of Idaho Code Section 63-1005. The County shall without further notice, immediately direct the County Tax Collector to issue and record a Tax Deed in favor of the County.

Nothing further.

MEMORANDUM OF AGREEMENT- PROBATION SERVICES

Present: Mark Gough- Probation  
Shawn Hill- Probation

The Board met to discuss and make a decision regarding the Memorandum of Agreement for Community based alternative services and substance use disorder services program. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Gough.

Mr. Gough explained this is a yearly Memorandum of Agreement signed in which services funds received from the Idaho Department of Juvenile Correction, along with other resources that are available.

**Decision: Commissioner Bair moved to approve the Memorandum of Agreement for community based alternative services and substance use disorder services program, as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL THURSDAY MAY 26, 2022



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Thursday, May 26, 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


**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 pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 8:32 a.m. Commissioner Bair moved to go out of Executive Session at 8:40 a.m. Chairman Manwaring seconded. The Board moved out of Executive Session at 8:40 a.m.

**Decision: Commissioner Bair moved to follow the recommendation made by Laura Lora- Indigent Services Director, to deny Case Number 2022-11, due to lack of cooperation. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MAY 27, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Friday, May 27, 2022  
County of Bingham )

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


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

**CLAIMS**

Claims were approved in the amount of \$308,604.13.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY MAY 31, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                                  : ss.                Tuesday, May 31, 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

**EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider Personnel Matters. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 2:00 p.m. Chairman Manwaring moved to go out of Executive Session and Commissioner Bair seconded. The Board moved out of Executive Session at 2:34 p.m.

Chairman Manwaring explained that discussion was held regarding several positions within the Planning & Development Department and explained there would be reclassifications coming from Human Resources to follow policy.

Commissioner Bair clarified with Legal Counsel if he would need to be specific with grade and step details, to which Legal Counsel stated it is not necessary for that much detail but to direct staff to proceed with reclassification process and name the specific positions.

**Decision: Commissioner Bair moved to direct staff to work with Human Resources to reclassify for three positions, which is for the new Planner. Clarification was made on the record by Ms. Olsen who stated that the Planner position is a new hire and would not be a reclassification. The Assistant Planning and Development Director/Lead Planner, Permit Technician/Assistant Planner and the Lead Building Inspector would be the positions to be reclassified. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.**

Chairman Manwaring clarified with salary savings and revenue coming into the Planning & Development Department, there are no concerns in regards to funding for the proposed reclassifications.

Commissioner Bair asked if when the reclassification is ready, the Board would reconvene to confirm the grade and step for each position. Mr. Dewey stated his assumption would be that the approval given by the Board today is enough for the proposed wages to be added into the FY 2023 budget but during that process, Human Resources will work to get everything approved.

Nothing further.

**EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a) &(b), to consider Personnel Matters. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 2:49 p.m. Chairman Manwaring moved to go out of Executive Session and Commissioner Bair seconded. The Board moved out of Executive Session at 3:09 p.m.


Chairman Manwaring stated that David Cousin, current Chief Deputy Prosecutor, has taken a Judge position in Soda Springs. A applicant has accepted the position and Mr. Rogers is proposing to hire said applicant starting at \$79,000.00 per year.

**Decision: Commissioner Bair moved to approve the recommendation from Paul Rogers to hire the new Chief Deputy Prosecutor starting at \$79,000.00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses \$479,863.97	Veterans Memorial.....\$93.93
Road & Bridge.....\$267,387.93	Weeds.....\$6,046.34
Justice Fund.....\$389,701.39	Emergency Communication...\$41,512.82
District Court.....\$68,086.00	Road & Bridge Special
Preventative Health.\$152,715.25	Projects.....\$7,267.74
Historical Society.....\$11,705.20	Waterways.....\$862.50
Indigent.....\$71,284.77	ARPA.....\$8,700.00
Parks & Recreation\$13,345.14	Drug Court Fund.....\$3,929.72
Revaluation.....\$26,816.77	Consolidated Elections.....\$7,327.58
Solid Waste .....\$319,829.72	

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, JULY 1, 2022

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

  
 WHITNEY MANWARING, CHAIRMAN