

STATE OF IDAHO )  
 : ss. Wednesday, September 21, 2022  
County of Bingham )

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

Present: Chairman Manwaring  
Commissioner Lewis  
Lindsey Dalley- Commission Clerk  
Via Zoom: Commissioner Bair

**CASH WARRANTS**

Cash Warrants were approved in the amount of \$1,650.82.

**JAIL MEDICAL**

Jail Medical was approved in the amount of \$2,384.99.

**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: Carson S. Lilya.

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

**DISCUSSION & DECISION TO WAIVE CENTRAL TRANSFER STATION FEES FOR THE SEPTEMBER 11, 2022 PROJECT BY JUST SERVE FOR CLEANING UP THE RIVERSIDE SCHOOL YARD**

The Board met to discuss and make a decision as to whether or not the Central Transfer Station fees should be waived for the September 11, 2022 project.

**Decision: Chairman Manwaring moved to waive all Central Transfer Station fees for the September 11, 2022 project done by Just Serve to clean up the Riverside schoolyard. Commissioner Bair seconded. Both voted in favor. The motion carried.**

**APPROVAL OF COMMISSIONER MINUTES FROM JULY 1-13, 2022**

The Board met to approve Commissioner Minutes from July 1-13, 2022.

**Decision: Chairman Manwaring moved to approve the Commissioner Minutes from July 1-13, 2022. Commissioner Bair seconded. Both voted in favor. The motion carried.**

**APPROVAL OF ALCOHOL LICENSE'S**

The Board met to approve Alcohol License's, which were as follows:

Stokes Fresh Food Market	License No. 6
Our Place Quick Stop	License No. 7

**Decision: Chairman Manwaring moved to approve Alcohol License's as presented. Commissioner Bair seconded. Both voted in favor. The motion carried.**

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider record that are exempt from public disclosure. Commissioner Bair seconded. All voted in favor. The Board moved into Executive Session at 8:15 a.m. Commissioner Lewis moved to go out of Executive Session. Commissioner Bair seconded. All voted in favor. The Board moved out of Executive Session at 8:30 a.m.

**Decision: Chairman Manwaring stated the Board met with Justin Oleson & Brian Holly in Executive Session to discuss a property that currently has indigent liens (Case Numbers 2013-132 & 2013-140). Mr. Oleson will draft a proposal for settlement to submit to the Board for consideration.**

SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff  
Laraine Pope- Human Resources  
Wes Wheatley- Blackfoot City Police Captain  
Gordon Croft- Blackfoot City Police Chief

The Board met with Sheriff Jeff Gardner to discuss department updates.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair seconded. All voted in favor. The Board moved into Executive Session at 8:40 a.m. Commissioner Lewis moved to go out of Executive Session. Commissioner Bair seconded. All voted in favor. The Board moved out of Executive Session at 10:18 a.m.

**Decision: Chairman Manwaring stated there were a few discussions held with Clerk Eckhardt. In moving forward, Paul Rogers will review of documentation and Commissioner Lewis will speak with the Planning & Development Director in regards to the discussion.**

APPROVAL OF RENEWAL FOR THE PLANNING & DEVELOPMENT SOFTWARE OPENGOV-REQUESTED BY SCOTT MENSCHING

Present: Scott Mensching- IT Director

The Board met with Scott Mensching to discuss the submitted Prior Approval for Major Purchase of renewal of the OpenGov Software for Planning & Development in the amount of \$25,537.00 to be paid out of Fund 01-14-524-20.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of renewal of the OpenGov Software in the amount of \$25,537.00, to be paid out of Fund 01-14-524-20. Commissioner Bair seconded. All voted in favor. The motion carried.**

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE THE GREAT WESTERN SUBDIVISION PRELIMINARY PLAT

Present: Tiffany Olsen- Planning & Development Director  
Paul Rogers- Prosecuting Attorney  
Blake Jolley- Connect Engineering  
Heath Mitchell- Connect Engineering

Derrick Dye- MHD Development

The Board held a meeting to receive the Planning & Zoning Commissions recommendation to approve the Great Western Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Tiffany Olsen, Planning & Development Director.

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

Chairman Manwaring stated David Mundt expressed concerns regarding the access being directly across from the potato cellars and the speed limit, which was addressed by Mr. Whited wherein it is not currently posted and therefore the speed limit is 55 mph. When development proceeds and families are moving in, a traffic study should be completed in order to further address these concerns. He stated that Blake Jolley will have communications with adjacent property owners in regards to access and that truck traffic is a concern during harvest time but it is possible that the individuals harvesting could place signage stating that harvesting is occurring in order to keep speed limited.

Discussion was held in regards to approval from an effected irrigation district, wherein Commissioner Bair suggested a letter be received prior to and shown on Final Plat, showing the change. Chairman Manwaring concurred and stated that all parties should sign the letter showing what was agreed upon and the reasoning.

Commissioner Lewis stated the access point was a concern and asked if the Developers were able to speak with the Public Works Department since the Planning & Zoning Commission , wherein Director Olsen stated that discussion was held and Mr. Whited looked at the potential access being moved to the West side. As previously indicated, Mr. Whited concurred there is a steep slope, along with another crossing that would need to be made and felt that access on the West side would not be appropriate.

Commissioner Lewis stated the pressurized irrigation is not addressed on the Plat and asked if there was discussion as to where the placement would be. Director Olsen responded that she was unsure at this time but the location would be indicated on the Final Plat.

**Decision: Commissioner Lewis moved to uphold the decision of the Planning & Zoning Commission to approve a development by MHD Development to be known as Great Western Subdivision, based on the record presented and discussion held today, with the following conditions previously placed by the Planning & Zoning Commission:**

1. **The Final Plat shall show the roads are for future connections; and**
2. **The Final Plat shall show the rerouting of the main pivot wire and mainline with easements; and**
3. **The Right to Farm Act be placed on the Final Plat.**

**Commissioner Bair seconded. All voted in favor. The motion carried.**

**Request for Reconsideration/Judicial Review:** 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 (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director

The Board met with Laraine Pope to discuss department update.

TREASURERS OFFICE

Present: Tanna Beal- County Treasurer

The Board met with Tanna Beal to discuss department update pursuant to Idaho Code Section 31-2113, which requires the Treasurer to provide the Commissioners with a quarterly report.

PRIOR APPROVAL FOR MAJOR PURCHASE OF EQUIPMENT FOR CRASH INVESTIGATION TRAINING- REQUESTED BY SHERIFF GARDNER

Present: Jeff Gardner- Sheriff Gardner


The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase of equipment for crash investigation equipment in the amount of \$27,352.00, to be paid out of the Sheriff's Trust.

Sheriff Gardner explained this is to replace outdated equipment.

**Decision: Commissioner Lewis moved to approve the Prior Approval for crash investigation equipment in the amount of \$27,352.00, to be paid out of the Sheriff's Trust. Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY SEPTEMBER 23, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, September 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  
Commissioner Lewis  
Lindsey Dalley- Commission Clerk

CLAIMS

Claims were approved in the amount of \$227,496.31.

PERSONNEL ACTION FORMS

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

Salary Increase Form:	Equipment Operator in Training
Employee Status Sheet:	Patrol Deputy to SRO
	Scale House Operator to Lead Scale House Operator
	Solid Waste Scale Operator
	Road & Bridge Lead
	Equipment Operator
	Solid Waste Operator
	Road & Bridge Truck Driver
	Road & Bridge Truck Driver
	Road & Bridge Senior Mechanic
	Road & Bridge Mechanic
	Road & Bridge Senior Mechanic
	Road & Bridge Equipment Operator
	Solid Waste Lead Operator
	Road & Bridge Truck Driver
	Equipment Operator in Training
	Solid Waste Lead Operator
	Road & Bridge Lead
	Road & Bridge Lead
	Senior Mechanic

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

ALCOHOL LICENSE

The Board approved Alcohol License, which was as follows:

Bridge Street Saloon	License No. 9
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**Decision: Commissioner Lewis moved to approve the Alcohol License as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

DISCUSSION & POSSIBLE DECISION REGARDING THE AGREEMENT WITH THE CITY OF SHELLEY FOR NORTH BINGHAM PARK

Present: Pamela Eckhardt- County Clerk  
Paul Rogers- Prosecuting Attorney

The Board met to hold discussion and make a possible decision regarding the proposed Agreement with the City of Shelley in regards to North Bingham Park. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Rogers.

Mr. Rogers explained the current concern was in regards to the water rights. As the contract sits, it reads as follows, "excluded items unless otherwise agreed upon by the parties, are no items of personal property owned by the transfer or located on the property shall be included in the sale. The parties further agree that items not amounting to fixtures, constructed or located on the property by the tenant shall not be included in the sale. Number one is water rights, wherein no water rights are being transferred pursuant to this agreement. Transferor, Bingham County, shall disconnect the irrigation lines that have been servicing the property from its well but agrees to maintain the connection to the restrooms located on the property for a period of not more than two years. After such time, Transferor, will be under no obligation to provide water

to Shelley for any purpose. Shelley shall obtain ground and surface water rights sufficient for the needs of the property within two years of execution of this agreement. Until Shelley obtains sufficient water rights for the property, Shelley may continue to use water belonging to Bingham County through the connection to the existing restrooms exclusively for the purpose of operating those restrooms.”

Chairman Manwaring addressed the proposal for Section 8 (5.1), which says the City of Shelley shall pay for the closing costs, wherein the City of Shelley has proposed that the closing costs be split between the parties. The Board had no issues and agreed.

Next, Section 6.3 needs to be amended as it states that the City of Shelley will furnish a title policy to Bingham County, which should be reversed, as Bingham County would furnish a title policy to the City of Shelley. The Board had no issues and agreed.

Next, Section 12 discusses the parties' obligations to indemnify each other and needs to be revised. Mr. Rogers stated that Bingham County would need to check the City of Shelley's authority to agree to indemnify anybody for anything. Mr. Rogers nor the Board had issues with this proposed change.

Next, the City of Shelley stated they would like to add wording that there would be a shared water right agreement in moving forward to secure water for the Historical Park. This water right will divert through the County's well and into the Historical Park's manifold. Commissioner Lewis stated that the County does not have water rights and that she believes it needs to remain in place for the restroom but that is it. Commissioner Bair stated if the point of diversion was changed from their well to the County well but he is not in favor of that, as all utilities would need to be split. Chairman Manwaring concurred. Mr. Rogers confirmed that they are in favor of the current wording and no change should be made as proposed. Tyler Draney, Parks & Recreation, also agreed that wording should remain the same.

Lastly, the City of Shelley would also like to incorporate the boundary change for the South side, as they would like to lock the park at night to prevent vandalism. They would like to be able to place a rolling gate from the valve house to the East and then connect it to the equipment yard, wherein the County would have to either come onto the City property to access the equipment or put in a new gate to the equipment yard on the North side. Tyler Draney, Parks & Recreation, stated that should not be an issue. Mr. Reese added this would be an easy fix and the County should do that either way. Commissioner Lewis stated she would like further clarification as to where the gate would be installed. Mr. Rogers asked that Mr. Draney and Mr. Reese draft their proposal as to where they would like the gate to be placed. Once received, Mr. Rogers will provide the proposal to the City of Shelley in order to move forward.

#### APPROVAL OF CONFLICT PUBLIC DEFENDER CONTRACT FOR STEVE LARSEN

The Board met to approve the Conflict Public Defender Contract for Steve Larsen.

**Decision: Commissioner Lewis moved to approve the Conflict Public Defender Contract for Steve Larsen. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### CERTIFICATION OF TAXING DISTRICT LEVIES- REQUESTED BY CLERK ECKHARDT

Present: Pamela Eckhardt- County Clerk  
Paul Rogers- Prosecuting Attorney

The Board met to certify Taxing District Levies. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated per Idaho Code Section 63-808, that the Board will certify the levies and explained that 98% of every levy rate has gone down and the only one that has increased is the City of Aberdeen, as they had no change in their values.

**Decision: Commissioner Lewis moved to certify the Taxing District Levies presented by Clerk Eckhardt. Commissioner Bair seconded. All voted in favor. The motion carried.**

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider record that are exempt from public disclosure. Commissioner Bair seconded. All voted in favor. The Board moved into Executive Session at 8:56 a.m. Commissioner Lewis moved to go out of Executive Session. Commissioner Bair seconded. All voted in favor. The Board moved out of Executive Session at 9:02 a.m.

**Decision: Per the recommendation of Susan Denny, Indigent Services, Commissioner Lewis moved to approve the Cremation Application for Case Number 2022-24. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL THURSDAY SEPTEMBER 29, 2022

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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.            Thursday, September 29, 2022  
County of Bingham    )

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

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

PUBLIC WORKS DEPARTMENT

- Present:           Jim Mullen- Keller Associates
- Dusty Whited- Public Works Director
- Troy Lenhart- Road & Bridge Supervisor
- Paul Rogers- Prosecuting Attorney
- Ott Clark- Farm Bureau Insurance

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

Mr. Whited explained the he had submitted an application for the Idaho Transportation Department grant to fund this project, which was awarded and all funding has been received.

Mr. Mullen explained that he is before the Board today to be sure that the public is aware and it is on record that things are changing. There are three additional routes that will be added, which are Ferry Butte Road, Haun Road and Homestead/Driscoll Road. They will look at weight restrictions of any structures not currently inventoried by ITD, any extra length limitation, route capacity limitations, vertical clearance restriction and time of travel restrictions. There is a guide used for the classification, which is provided to the Board in order to make the proper designation.

Chairman Manwaring asked Mr. Mullen if after the road is assessed, it is determined if the road needs maintenance. Mr. Mullen stated that was correct. Mr. Whited added as part of the assessment, there is a plan to video each route and in the future if something happened, there would be footage to use for comparison.

Mr. Whited stated the projected time for completion is approximately 4 months.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of 200 tons road salt in the amount of \$10,640.00, to be paid from Fund 32-00-646-01.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of 200 tons of road salt in the amount of \$10,640.00, to be paid from Fund 32-00-646-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, Mr. Whited explained the Prior Approval for Major Purchase of signage in the amount of \$32,137.09, to be paid from Fund 02-40-643-00 and explained this purchase is to restock inventory.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of signage in the amount of \$32,137.09, to restock inventory. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board held an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Lewis 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 9:49 a.m. Commissioner Lewis moved to go out of Executive Session. Chairman Manwaring seconded. Both voted in favor. The Board moved out of Executive Session at 10:01 a.m.

**Decision: Commissioner Lewis moved to approve the pay offer for the new Scale House Attendant to N10, Step 2 (\$15.57). This employee has worked for the County as a part-time employee. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### DISCUSSION REGARDING NON-COMPLIANCE OF CODE FOR DRIVEWAY APPROACH OF HOME - REQUESTED BY CASEY & COURTNEY HOWELL

Present: Justin Oleson- Attorney  
Courtney Howell- Homeowner  
Casey Howell- Homeowner  
Dusty Whited- Public Works Director  
Tiffany Olsen- Planning & Development Director  
Paul Rogers- Prosecuting Attorney  
Laraine Pope- Human Resource Director  
Troy Lenhart- Road & Bridge Supervisor

The Board met to hold a meeting in order to discuss the non-compliance of code for the driveway approach for the home of Casey & Courtney Howell. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Mr. Oleson.

Mr. Oleson stated the Howells purchased a home that was built by Scott Briscoe and there were disputes over the quality of the construction. There was a lawsuit filed and a settlement as the result of said lawsuit. After the settlement, Mr. Briscoe submitted a complaint with Road and Bridge regarding the concrete at the Howells home being too close to the asphalt. The Howells researched other homes in the Groveland area and have been able to provide several other homes that are also not in compliance rather



that be with concrete or the position of mailboxes. Mr. Olsen stated he understands the reasoning behind the ordinance and so that the snowplows do not hit the concrete causing damage to the plows. When laying their concrete, the Howells contacted the Road & Bridge Department to receive regulations and were informed that as long as the concrete is below the asphalt so it would not be an issue with the plows, there would be no issue. They made sure that the concrete was leveled two-inches below the asphalt. Technically, it is non-compliant but there has to be a better way to solve the problem other than the selective enforcement.

Chairman Manwaring stated there are several homes throughout the County and until a complaint is submitted, the County is unaware. Chairman Manwaring asked Ms. Howell who she spoke with that informed them so long as the concrete is below the asphalt, there would not be an issue. Ms. Howell stated she spoke with the woman in the Road & Bridge Office. They held a lengthy conversation and the woman also informed Ms. Howell that there are always mailboxes out of compliance, along with telling her they do not enforce unless there is an issue with the plow, they would take on the liability and they would be held responsible to pay for the damage.

Mr. Whited stated that he had spoken with his staff and Ms. Howell had spoken with his office staff, wherein they both informed him that they would not have said that. They both are very aware of the Ordinance and he does not know that either of them would be in the practice of giving out information such as this. Ms. Howell stated she knows of other individuals that have contacted the Road & Bridge Department and were informed the same.

Mr. Oleson stated the Howells are aware if there is damage done to the plow, they would be held liable and have no issue with that. Mr. Oleson asked the Board if there was a way they could be granted a variance from this ordinance or to sign a document accepting the liability, so they do not have to remove all of their concrete.

Ms. Howell stated in the Supreme Court E-Library it reads, "In order for an Ordinance to be valid in substance, it must not contravene the constitution or any statute, must not be unfair or oppressive, must not be partial or discriminatory or must not prohibit but may regulate trade and must be general and consistent with public policy." Mr. Rogers asked Ms. Howell where she was reading from, to which she stated the website stated the Supreme Court but she was not sure as to which one that would be.

Mr. Whited stated if Mr. and Mrs. Howell do not believe the Ordinance is a legal Ordinance that would be a different process in order to challenge the Ordinance. At this time, there is a standing Ordinance that the County is required to follow that. Mr. Whited stated he would like to also confirm on the record that he did not inform the Howells who submitted the complaint against them.

Mr. Rogers reiterated for the record that the Howells home is located at 338 W. 155 N., there are approximately 35 homes in the subdivision and there are several of those homes that are non-compliant. The driveway of the Howell home reaches the road and they are being asked to remove 13 feet of the concrete driveway, which is 25 feet from the center of the road. This would need to be replaced with gravel or asphalt, which Mr. Howell stated would be costly.

Mr. Rogers stated the County enforces the removal and believes at this point best process is to challenge the Ordinance, have all individuals in agreement sign and file a Petition with the Board to change the Ordinance. After which should be published in the newspaper, as well as a Public Hearing held to receive input from the public before any changes are made. In the meantime, the Board may grant a stay on this matter in order to give the Howells the appropriate time to draft, gather signatures and file said Petition.

The date in which the Howells were to have their driveway either torn out or fixed was September 15, 2022, which was placed on hold until this meeting could be held with the Board.

Mr. Whited stated by state law if there is anything in the right of way that does damage to a piece of County equipment, that homeowner is held liable for the damage done. If this Ordinance were to be amended, it would put several citizens in a liability situation that they may not be aware of.

Commissioner Lewis stated the Ordinance could be amended to state that this is to protect the County and if there is damage done, the homeowner would be liable, not the County.

Ms. Howell stated if they were to remove their driveway and place asphalt, and while plowing there was damage done to the plow, would they still be liable. Mr. Rogers stated they would not be as they would be in compliance with the Ordinance.

Chairman Manwaring stated in the past Public Hearings are held to address these types of issues and there are no citizens that attend to voice their concern, which makes it challenging.

Commissioner Lewis suggested that Mr. Whited contact other counties to see what they have in place for instances such as this.

**In moving forward on this matter, the Board will grant a stay on this issue, a Status Conference will be scheduled for November 16, 2022 at 9:00 a.m., and is the deadline to have a petition filed with the Commission Clerk. If there is not a petition filed, the driveway shall be removed by November 30, 2022.**

ACCEPTANCE OF TWO ROAD SEGMENTS IN THE SILVER LEAF SUBDIVISION # 4 VIA RESOLUTION 2022-34 REQUESTED BY DUSTY WHITED, PUBLIC WORKS DIRECTOR & RELEASE OF 5/6<sup>TH</sup> OF THE DEVELOPERS FINANCIAL SECURITY AFTER ACCEPTANCE OF SILVER LEAF SUBDIVISION, DIVISION 4'S IMPROVEMENTS- REQUESTED BY TIFFANY OLSEN, PLANNING & DEVELOPMENT DIRECTOR

Present: Tiffany Olsen- Planning & Development Director  
Dusty Whited- Public Works Director  
Paul Rogers- Prosecuting Attorney  
Pamela Eckhardt- County Clerk

The Board met to accept two road segments in the Silver Leaf Subdivision #4 via Resolution 2022-34. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated he has received all testing and has made sure that the road signs are correct. They are now prepared to make a recommendation to accept the portion of road within Silver Leaf Subdivision #4 as a County road.

Director Olsen added developer has provided a check for 120 times the construction value, which was \$209,073.72, to which they will receive 5/6 of that amount back and the remaining amount will be held until one-year from today's date for the warranty period. She has drafted a Partial Satisfaction document for the Board's consideration today, which will authorize that the 5/6 of the financial guarantee be returned in the amount of \$174,228.09.

**Decision: Commissioner Lewis moved to adopt Bingham County Resolution 2022-34, a Resolution authorizing acceptance of offer of dedication of road rights of way and public improvements shown on the Silver Leaf Subdivision No. 4. Chairman Manwaring seconded. Both voted in favor. The motion carried and said Resolution was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-34**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF  
ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE SILVER  
LEAF SUBDIVISION NO. 4  
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 Silver Leaf Subdivision No. 4, at an open meeting held and signed for on September 22, 2021; and

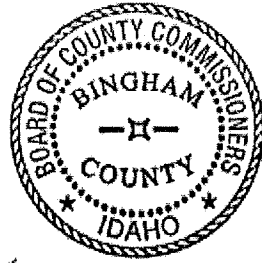
**WHEREAS**, The Final Plat for Silver Leaf Subdivision No. 4, was recorded in the Bingham County Clerk's Office as Instrument Number 737393 and is attached as Exhibit "A"; and

**WHEREAS**, The Bingham County Public Works Director has acknowledged that Bingham County Road Standards have been met and recommends that 675 W (Lewis Lane) from 45 S to 60 S and 60 S (Anderson Lane) from 675 W to the end (about 650 W); and

**WHEREAS**, A Professional Engineer has acknowledged that irrigation lines were connected to the existing irrigation system and is fully functional, as per the attached Letter from Luke Jolley, HLE and is attached as Exhibit "B"; and

**THEREFORE BE IT HEREBY RESOLVED**, at a Public Meeting held on September 29, 2022, the Board of County Commissioners, Bingham County, Idaho that it is in the public's interest and accepted 675 W (Lewis Lane) from 45 S to 60 S and 60 S (Anderson Lane) from 675 W to the end (about 650 W).

**SIGNED this 29<sup>th</sup> day of September 2022.**



**BINGHAM COUNTY COMMISSION**

ATTEST:

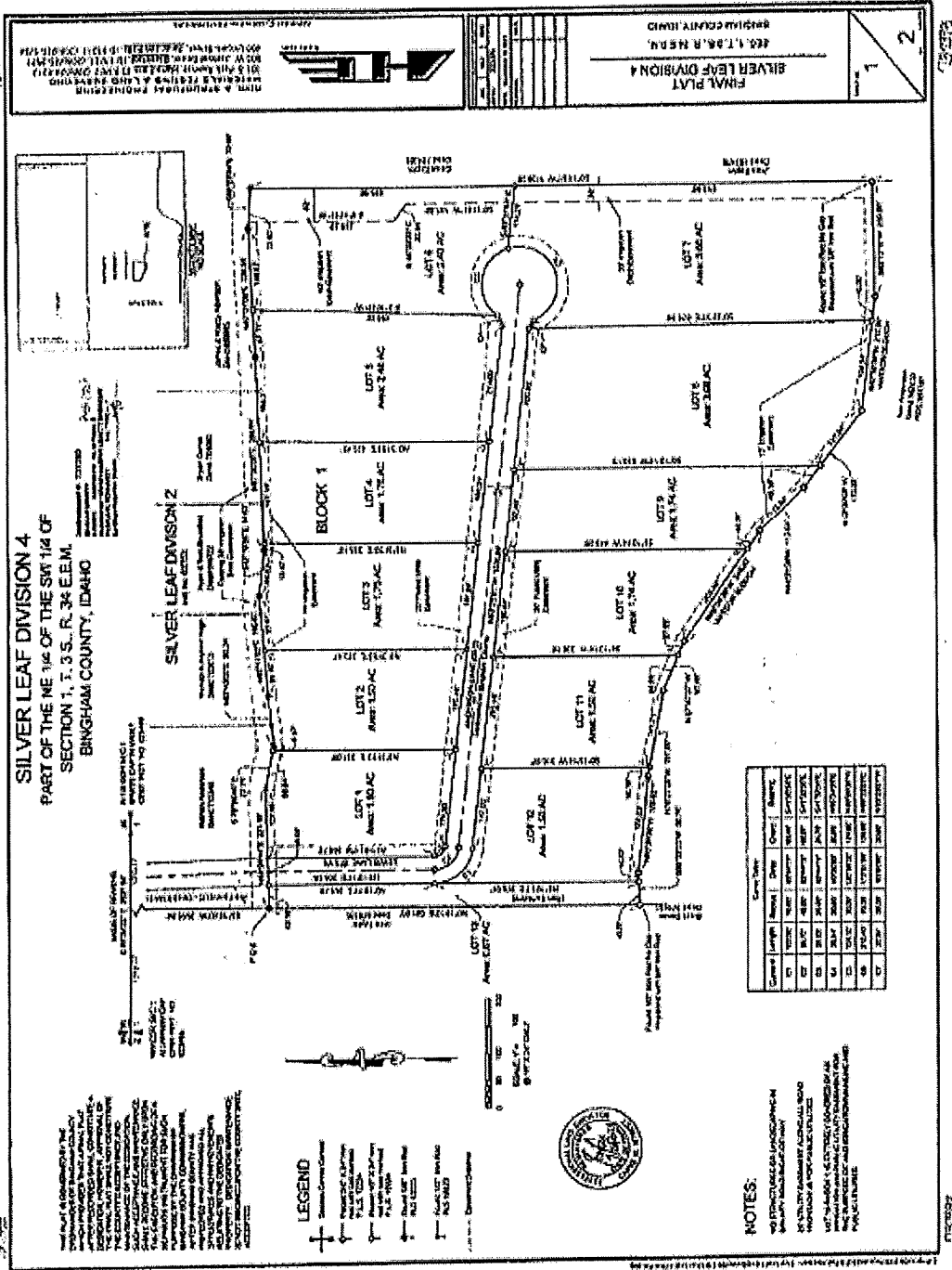
*Pamela Eckhardt*  
Pamela W. Eckhardt  
Bingham County Clerk

*Whitney Manwaring*  
Whitney Manwaring, Chairman

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

*Jessica Lewis*  
Jessica Lewis, Commissioner

“EXHIBIT A”





"EXHIBIT B"



**CIVIL & STRUCTURAL ENGINEERING  
MATERIALS TESTING & LAND SURVEYING**  
101 S. Park Avenue, Idaho Falls, ID 83402, (208)524-0212  
800 W. Judicial Street, Blackfoot, ID 83221, (208)785-2977

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August 10, 2022

Re: Silver Leaf 4 Irrigation System

Bingham County,

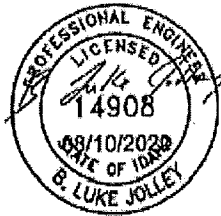
Per the plans the irrigation lines were connected to the existing irrigation system. The irrigation system is fully functional at this time.

If you have any questions please contact me at (208) 705-2977.

Sincerely,

B. Luke Jolley, PE

HLR, Inc.



**Decision: Commissioner Lewis moved to approve the Partial Satisfaction of Development Agreement for Silver Leaf Subdivision Division 4. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

MEETING TO RECEIVE RECOMMENDATION REGARDING THE SUBMITTED REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR FOR THE BINGHAM COUNTY JAIL EXPANSION PROJECT AND DECISION

Present: Jeff Gardner- Bingham County Sheriff  
Ryan Jolley- Chief Deputy Prosecutor  
Gwen Inskeep- County Surveyor  
Pam Eckhardt- County Clerk  
Scott Reese- Parks & Recreation/Emergency Management  
Donavan Harrington- County Assessor  
Cody Gordon- Building Inspector  
Tiffany Olsen- Planning & Development Director

The Board held a meeting to receive recommendation and make a decision regarding the submitted Request for Qualifications for Construction Manager/General Contractor for the Bingham County Jail Expansion Project. Chairman Manwaring welcomed all to the meeting and turned the time over to Sheriff Jeff Gardner.

Sheriff Gardner stated before the Board are the recommendations/scoring sheets received from the Review Committee who included Jeff Steadman, Tiffany Olsen and Scott Reese. He stated that Scott Reese participated as an alternate due to Dusty Whited having a scheduling conflict. All Committee members scored different and for different reasons. One thing he appreciated about Headwaters Construction is they had zero litigation in five years. In reference to Bateman Hall, he knows that they are currently working with Bonneville County on the jail expansion, as well as other jobs completed. It could be concerning that they are currently working the jail expansion for Bonneville County and wonders if they have the ability to handle both projects at the same time. Sheriff Gardner stated he liked the proposal received from Big D Construction but it is a huge concern with the amount of litigation they have from past projects, which Tiffany Olsen eluded to within her scoring sheet as well. He explained that Big D is certainly qualified and that he has talked to Sheriff Humphreys from Fremont County and that company is currently working to complete their jail expansion but as stated before, the biggest concern is the amount of litigation within the last five years. At this time, his recommendation would be either Bateman Hall or Headwaters Construction.

Commissioner Lewis stated Bateman Hall has one of the lowest point totals from Tiffany Olsen and asked what her main concerns were. Ms. Olsen explained on the claims disclosed by Bateman Hall, were all for ineffective work by subcontractors. Therefore, she questioned if they have the ability to select and hire independent qualified subcontractors. She stated they also do not have experience in building a jail facility and did not comply the requests within the Project Approach section. It felt as though their information and submission was very different and more bullet point than explanation. The other submissions told more of a story regarding their work. Bateman Hall stated that their leadership team would show up for site visits and she did not feel as though they had the same hands on approach as the others and did not see that they were using the software that was preferred within the Request for Qualifications. Nor did they comment show they would stay within schedule or budget for the project. She referred to the work completed for Bonneville Elections and wondered if that was completed but is showed as a project from 2015 through 2017, as well as school projects and animal building, which is not close to a project such as ours. Lastly, she explained out of the three, they were the most junior for experience towards a project of this size.

In reference to Headwaters, Ms. Olsen stated she was impressed there was no litigation to which Sheriff Gardner concurred. Sheriff Gardner stated he has seen their work in Teton County, which was impressive. Ms. Olsen stated their submission was an easy read, contains more detail, which is preferred. The pre-construction section was rated 17/20 as they are using smart bid, blue beam, and showed 3-D



mapping, which was impressive. In regards to budget, she rated 14/15 as she enjoyed their value management point of view/budget controls and their synopsis on how they would maintain budget. Headwaters also uses the preferred software and scheduling section was detailed. They have worked in occupied space previously, team members are educated and have experience. Ms. Olsen read several projects completed by Headwaters Construction, such as the St. Anthony's Work Camp, a Public Works Division that was inmate housing. Sheriff Gardner stated he liked their timeline and schedule within Section 6, which was discussed previously by the Board and is extremely important.

Scott Reese stated that Headwaters Construction was his preferred company but all three are capable. A few of the main factors for him are that Headwaters took each point and addressed properly, along with having no litigation. He would be weary in choosing a company that has a significant amount of litigation. Mr. Reese added that Headwaters Construction is also working on the Blackfoot School District project and will be in town, which is an advantage as well.

Chairman Manwaring asked Sheriff Gardner who he believes that Lombard Conrad has been associated with, to which Sheriff Gardner stated that Lombard Conrad has worked with all three companies. Ms. Olsen added that all three companies stated they have worked with Lombard Conrad and are familiar with their team.

Mr. Reese added he was impressed with the communication and transparency from Headwaters Construction during the meetings and how they would like to incorporate not only their subcontractors but also Bingham County. That is a very positive approach to the project of this scope. Ms. Olsen confirmed within their submission that Headwaters Construction stated they would hold weekly onsite meetings.

Chairman Manwaring stated that the awarding company would not gather the cost of the Jail Expansion Project and Sheriff Gardner stated the budget was shown within the Request for Qualifications Packet.

Commissioner Lewis stated that Big D Construction does have the highest average of the three but the large amount of litigation is a concern for her. The next highest average is Headwaters Construction, who has a lot of positive projects and such going for them. Lastly, Bateman Hall does not look as though they have experience in jail projects, which could be a liability for Bingham County and the County would like to be sure that the project is done properly. Therefore, at this time, her preference would be Headwaters Construction.

Chairman Manwaring stated it would be nice to hear further feedback from Jeff Steadman, where he is in the construction business, but he was not able to be in attendance.

Commissioner Lewis asked if a decision was required today or if there could be additional time to receive feedback from Jeff Steadman. Sheriff Gardner stated he believes that the Board could solicit input and he believes the timeframe place did indicate that a decision would be made by September 29, 2022. Unfortunately, last week all parties were gone to conference up until today, which was given to allow all parties to review the submitted Request for Qualifications ahead of time in order to be prepared to make the decision. Therefore, he does not see an issue if the decision is made next week but it would put off the timeline by 4 to 5 days. Commissioner Lewis asked if the decision date was the deadline for the Board, to which Sheriff Gardner stated that was correct.

Scott Reese stated that he spoke with Jeff Steadman, who informed him that they are all capable but that he would prefer working with Bateman Hall, as he had done so previously.

Chairman Manwaring added the most important factor is the amount of litigation and those types of issues. Therefore, he would lean towards Headwaters Construction and Commissioner Lewis concurred.

Sheriff Gardner stated that all three companies would be good but after the discussion held today, his preference would be Headwaters Construction as well. Commissioner Lewis added another large factor for her is the budget control, wherein they are very detailed and is a priority for Bingham County.

There was nothing further and Chairman entertained a motion at this time.

**Decision: After review of the Request for Qualifications for the Bingham County Jail Expansion, Commissioner Lewis moved to appoint Headwaters Construction as the Construction Manager for the Bingham County Jail Expansion Project. Chairman Manwaring seconded. Both voted in favor. Commissioner Bair was not present for this decision. The motion carried.**

DISCUSSION & POSSIBLE DECISION REGARDING CREATION OF LEASE AREAS AT ROCKFORD AIRPORT- REQUESTED BY GWEN INSKEEP, COUNTY SURVEYOR

Present: Gwen Inskeep- County Surveyor  
Earl Preston  
Ryan Jolley- Chief Deputy Prosecuting Attorney  
Scott Reese- Parks & Recreation  
Cody Gordon- Planning & Development Building Inspector  
Tiffany Olsen- Planning & Development Director  
Donavan Harrington- County Assessor

The Board met to discuss creation of lease areas at the Rockford Airport. Chairman Manwaring welcomed all to the meeting and turned the time over to Gwen Inskeep.

Ms. Inskeep stated she is looking for direction from the Board on how to proceed. She explained that Earl Preston is currently leasing 3,200 square feet and is proposing an additional 450 square feet space to add a shaded cover on the South side and would not be enclosed. Ms. Inskeep stated he is also proposing construction of three additional hangers to be leased by others, which is the reason for today's meeting. The location of these proposed hangers are also near the North and East of the runway and would be subject to notification requirements via the FAA Form 7460-1, which should be submitted to ITD Aeronautics Division, and contains all of the information needed by the state to accurately evaluate a structure and its location.

Ms. Inskeep stated that Rockford Airport is a public airport and is currently receiving state funding according to Director from Emergency Management, Scott Reese. The site zone is subject to Bingham County Code 10-4-2 (i), along with Idaho Airport Land Use Guidelines.

The submitted development plan for the Rockford Airport was completed in 2017 by Swiss and Associates for Bingham County, which provides information on current conditions, runway design, current airspace, protrusions, airport deficiencies, needed facilities, stage development program and facility management.

With the request for additional hangers within the airport boundaries by Mr. Preston, she is looking for direction on how to proceed with the definition of a lease area for additional buildings. She stated that platting the airport would require a conditional use permit to comply with Bingham County Land Use Ordinance, along with a zone change and subdivision application. Continuing to lease the areas based on the footprint of the building square footage would require at least a conditional use permit. Knowing that there is still plans to expand the airport and structure locations may need to be strategically placed to meet the airspace protection requirements. She would recommend postponing a subdivision plat until the exterior boundaries are expanded and structural locations are concrete and approved by the state.

Ms. Inskeep stated she spoke with Jennifer, Division of Aeronautics; briefly, prior to this meeting, who recommended the same and explained she would recommend submitting the FAA Form, gain recommendations from the FAA and then proceed with platting or leasing.

Ms. Inskeep stated the current hanger is a protrusion in the airspace based on the development study that was completed but there are remedies. If other structures are allowed, they would give recommendation on if it needed lighting, striping or other items but it is ultimately up to the FAA first and ITD.

Mr. Preston explained the proposed lots have been approved by the FAA via Form 7460. Their request is to have a red light on each end of the building once built, which will be on the north side. The form states if the proposal does not affect the existing protrusion elevation, there is no issue. Ms. Inskeep requested that she be provided the documentation showing that the FAA had approved the proposed lots. If a subdivision as requested, this would assist her in knowing requirements for setback distance from the runway and where the lot lines need to be based on code in order to create the lot. Chairman Manwaring asked how many feet it would need to be from the fence, to which Cody Gordon stated the Idaho Building Code requires 30 feet, unless you do a two-hour fire rated wall.

Commissioner Lewis asked Legal Counsel or Director Olsen what the County requirements are, wherein Director Olsen explained the airport would require a Conditional Use Permit so long as the airport looks like it did prior to 1987, which is when the Zoning Ordinance went into effect, the airport has been in affect prior to that and therefore would be considered a non-conforming use. In the land use chart, an airport or airstrip, private or commercial, would require a Conditional Use Permit. As long as the airport looks like it did prior to 1987, it could continue to operate without additional permitting. Director Olsen referred to Bingham County Code 10-9-1, which states the intent of a non-conforming use is to continue that until those structures are removed but not to encourage expansion unless approved by a Conditional Use Permit. It specifically states, no existing structure devoted to a use not permitted by this title in a zone in which it is located, shall be enlarged, extended, constructed or moved except in changing the structure to a use permitted in a zone where it is located. Director Olsen stated out of formality, she believes it would be wise for the County to apply for a Conditional Use Permit to validate its existence.

Ms. Olsen stated that the County could submit the Application and have Scott Reese attend the Planning & Zoning Commission Public Hearing. Mr. Preston could also attend in support of the Application.

Ms. Inskeep stated the benefit of a subdivision is it would define the common areas, easements and lots in which the buildings are to be placed on. It gives definition to where any restrictions may apply.

Director Olsen stated it would be best to do a Zoning Amendment to Heavy Commercial for liability purposes and a Conditional Use Permit, to be heard at the same time. It may be best to have individual parcels, that way whoever is leasing the parcel can procure the appropriate amount and general liability insurance for a specified area.

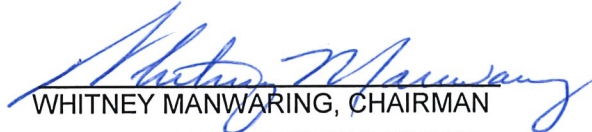
A brief discussion was held in regards to cost, which would be the time to survey, publication costs and notice costs. Director Olsen stated she is not sure how the costs would come from within the County's budget. Director Olsen added that a proposed schedule would be made to confirm the Public Hearing process and Ms. Inskeep could put together a general layout prior to moving forward with a plat. These documents would be presented to the Board as to what could be considered and determine how to proceed. Ms. Inskeep will also wait for a copy of the recommendations from the FAA, to be provided by Mr. Preston.

Chairman Manwaring reverted back to discussion regarding costs and stated it is County property and hopefully in the future, some of those costs could be recouped via lease.

Mr. Reese added he would not have an issue with presenting this Application to the Planning & Zoning Commission.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY SEPTEMBER 30, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Friday, September 30, 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- Commission Clerk

**CLAIMS**

Claims were approved in the amount of \$522,644.23.

**PAYROLL**

Payroll was approved in the amount of \$745,135.51.

**COLLEGE OF SOUTHERN IDAHO**

A Certificate of Residency was approved by the Board and sent to the College of Southern Idaho for the following Bingham County student: Alvaro Jesus Zarate Jr.

**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: Monserrath Castanon.

**PERSONNEL ACTION FORMS**

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

- |                        |                            |
|------------------------|----------------------------|
| Employee Status Sheet: | Truck Driver               |
|                        | Equipment Operator         |
|                        | Truck Driver               |
|                        | Solid Waste Operator       |
|                        | Solid Waste Attendant      |
|                        | Truck Driver               |
|                        | Senior Equipment Operator  |
|                        | Truck Driver               |
|                        | Truck Driver               |
|                        | Solid Waste Lead Operator  |
|                        | Solid Waste Scale Operator |
|                        | Senior Equipment Operator  |
|                        | Crusher Operator           |
|                        | Truck Driver               |
|                        | Truck Driver               |
|                        | Solid Waste Supervisor     |
|                        | Solid Waste Truck Driver   |
|                        | Senior Equipment Operator  |
|                        | Equipment Operator         |
|                        | Crusher Lead               |
|                        | Solid Waste Operator       |
|                        | Senior Equipment Operator  |

	Truck Driver
	Equipment Operator in Training
	Solid Waste Operator
	Sign/Traffic Count Tech
	Equipment Operator in Training
	Solid Waste Operator
New Employee Status Sheet:	Building Inspector
	Scale House Operator

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

APPROVAL OF SALES ORDER AGREEMENT FOR A NEW COPIER/PRINTER FOR THE EXTENSION OFFICE- REQUESTED BY JULIE BUCK & KRISTA CERNYAR

Present: Krista Cernyar- Extension Office

The Board met to approve the Sales Order Agreement for a new copier/printer for the Extension Office. Said purchase is in the amount of \$8,326.00, which is to be split between Fiscal Year 2022 for the amount of \$1,461.00 and Fiscal Year 2023 for \$6,864.00.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase and Sales Order Agreement for a new copier and printer for the Extension Office. Said purchase is in the amount of \$8,326.00, which is to be split between Fiscal Year 2022 for the amount of \$1,461.00 and Fiscal Year 2023 for \$6,864.00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF COMMISSIONER MINUTES FROM JULY 18-29, 2022

The Board met to approve Commissioner Minutes from July 18-29, 2022.

**Decision: Commissioner Lewis moved to approve Commissioner Minutes from July 18-29, 2022. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF ALCOHOL LICENSES

The Board met to approve Alcohol Licenses, which were as follows:

Tumbleweed Saloon	License No. 13
Stoor's Market	License No. 14
El Mirador	License No. 15
Maverik #172	License No. 11
Los Gavilanes Mexican Grill	License No. 10
Ace Hardware Aberdeen	License No.12

Decision: Commissioner Lewis moved to approve Alcohol Licenses as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses .....	\$295,522.51	Veterans Memorial.....	\$631.33
Road & Bridge .....	\$263,873.66	Weeds.....	\$12,510.60
Airport.....	\$30.45	Emergency Communication....	\$44,169.52
Justice Fund .....	\$396,534.32	Road & Bridge Special	
District Court.....	\$57,439.58	Projects.....	\$81,112.87
Historical Society.....	\$11,250.00	Waterways .....	\$1,933.73
Indigent.....	\$64,348.33	PILT.....	\$2,656.00
Parks & Recreation .....	\$15,421.83	Drug Court Fund.....	\$8,418.91
Revaluation.....	\$45,571.81	Consolidated Elections.....	\$2,707.68
Solid Waste .....	\$207,026.51		

THE MOTION PASSED TO DISMISS UNTIL MONDAY OCTOBER 3, 2022



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



WHITNEY MANWARING, CHAIRMAN