

STATE OF IDAHO )  
 : ss. Friday, June 2, 2023  
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- Commission Clerk
- EXCUSED: Commissioner Jackson

**CASH WARRANTS**

Cash Warrants were approved in the amount of \$1,367.21.

**CLAIMS**

Claims were approved in the amount of \$397,683.05.

**COLLEGE OF SOUTHERN IDAHO**

The Board approved a Certificate of Residency, which was sent to the College of Southern Idaho for the following Bingham County student: Matti Jo Nugent.

**PERSONNEL ACTION FORMS**

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

- Salary Increase Form: Deputy Court Clerk  
Equipment Operator  
Purchasing Clerk  
Sr. Equipment Operator  
Equipment Operator in Training  
Legal Assistant/Victim Witness Coordinator  
Probation Officer

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for June 2, 2023. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**APPROVAL OF APRIL 2023 COMMISSIONER MINUTES**

The Board met to approve and sign the Commissioner Minutes for April 2023.

**Decision: Commissioner Bair moved to approve and sign the April 2023 Commissioner Minutes as written. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**MEETING TO REVIEW AND EXECUTE THE DEVELOPMENT AGREEMENT FOR ROSE RIVER ESTATES SUBDIVISION**

- Present: Tiffany Olsen- Planning & Development Director  
Steve VanOrden- Rose River Estates Subdivision

The Board met to review and executive the Development Agreement for Rose River Estates Subdivision.



STATE OF IDAHO        )  
                              : ss.               Monday, June 12, 2023  
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- Commission Clerk  
EXCUSED:               Commissioner Jackson

**STAFF MEETING**

Present:               Pamela Eckhardt- County Clerk  
                              Laura Lora- Payroll/Indigent Services  
                              Donavan Harrington- County Assessor  
                              Dusty Whited- Public Works Director  
                              Scott Reese- Emergency Services/Parks and Recreation  
                              Sheri Landon- Magistrate/District Court  
                              Laraine Pope- Human Resources Director  
                              Tiffany Olsen- Planning & Development Director  
                              Jason Marlow- Building Maintenance Director  
                              Shawn Hill- Probation Services  
                              Mary Reyes- Probation Services  
                              Jordyn Nebeker- Chief Deputy Sheriff  
                              Jeff Gardner- County Sheriff  
                              Paul Rogers- Prosecuting Attorney  
                              Cody Lewis- Drug Court  
                              Danette Miller- Election Director

Excused:               Jimmy Roberts- County Coroner  
                              Tanna Beal- County Treasurer  
                              Grahm Anderson- City of Blackfoot Treasurer  
                              Marc Carroll- City of Blackfoot Mayor  
                              Gordon Croft- City of Blackfoot Police Chief  
                              Julie Buck- Extension Office

The Commissioners met with department heads and Elected Officials for the June 2023 Staff Meeting. Chairman Manwaring conducted the Staff Meeting.

Pledge of Allegiance: Chairman Manwaring conducted.

Approval of Minutes for Staff Meeting held in May 2023: No changes to be made and the Staff Meeting Minutes were approved as written.

Special Presentation: None.

Employee Years of Service Recognition: None.

Commissioner Bair: Stated he attended the Idaho Association of Clerks & Commissioners Conference in Moscow last week and gave a brief review of the same.

Pamela Eckhardt: Stated that budgeting meetings are starting and as of right now the budget is \$2 Million Dollars higher than last year. She reminded all attendees that any salary requests need to be discussed with Laraine Pope- Human Resources Director, prior to meeting with the Board.

Laura Lora: Had no updates at this time.

Donavan Harrington: Stated that Assessment Notices have been mailed out. If anyone receives any questions, please refer them to the Assessors Office.

Dusty Whited: Had no updates at this time.

Scott Reese: Had no updates at this time.

Sheri Landon: Had no updates at this time.

Laraine Pope: Had no updates at this time.

Jason Marlow: Stated that construction on the basement restrooms is complete and they are functioning again. If there are any concerns, please contact him.

Tiffany Olsen: Gave an update on the proposed mine in Wolverine Area and stated there will be an Environmental Impact Statement put out by BLM, wherein comment will be accepted. Planning & Development has received many calls from individuals assuming that BLM is going to approve this project and automatically start working in the area. This project is subject to a Conditional Use Permit and although they are going through this process with BLM, it does not automatically mean that this project will be approved or disapproved. There is still a process to be followed.

Shawn Hill: Had no updates at this time.

Cody Lewis: Stated that there will be three (3) individuals attending the national NADCP conference training in Houston at the end of this month, which is a training for Treatment Courts. Felony Drug Court Graduation will be held June 27, 2023 at 4:00 p.m., and Misdemeanor Drug Court Graduation will be held on June 29, 2023 at 4:00 p.m.

Paul Rogers: Stated that Janet Franklin has left Bingham County but is now the SAUSA Attorney in Pocatello. There is a new Deputy Prosecuting Attorney, Andrew Hart, who will be starting today.

Paul stated that he would like to give a huge shout out to the Court Clerks, Law Enforcement and Jared Anderson, one of the Deputy Prosecutors, as two weeks ago the judge wanted to clear up Jury Trials so all of them were set back to back. Jared Anderson volunteered to take on these Jury Trials and held four Jury Trials within the last two weeks, of which there were two that went to trial. One of those plead guilty the morning that Jury Trial was to be held and the other plead guilty shortly after Jury selection started. If you see Jared Anderson, please commend him for his hard work. It is extremely stressful having Jury Trials back to back for all parties involved.

Sheriff Jeff Gardner: Stated in the Sheriff's Office, they teach and practice a principal called "*Extreme Ownership*". That is what he would like to do today and would like to apologize to all employees, department heads and Elected Officials for the failure to catch a firearm that came through the front door security. This individual was caught by the time they arrived at the courtroom but should have been caught immediately. With that incident, it is recognized that there are practices that needed to be changed, which has happened. Sheriff Gardner stated he hopes that they have made the correct remedies and that will not happen again.

There are several large events coming up such as Celebrate Blackfoot and Aberdeen has a duck race with fireworks at Sportsman's Park, wherein the Sheriff's Office will be involved in those events.

Sheriff Gardner would also like to thank everyone on behalf of himself and his family for the cards, thoughts and prayers after the loss of his father. It means a lot to him and his family.



Chairman Manwaring gave an update on the IT Department and stated that two employees have left and Tyler Robinson has been keeping things going, along with the help of Matt Galloway.

Clerk Eckhardt added that Kory Belnap and Dave Thomas did a great job with assisting and completing the upgrades required by the Supreme Court. She sincerely appreciates their hard work.

Danette Miller: Had no updates at this time.

Chairman Manwaring stated next Staff Meeting is scheduled for Monday, July 3, 2023 at 8:30 a.m.

Nothing further.

**APPROVAL OF BINGHAM COUNTY RESOLUTION 2023-30, DESTRUCTION OF RECORDS FOR THE CLERK'S OFFICE**

The Board met to approve and sign Bingham County Resolution 2023-30, destruction of records for the Clerk's Office.

**Decision: Commissioner Bair moved to approve and sign Bingham County Resolution 2023-30, destruction of records for the Clerk's Office, which are listed within Exhibit A as attached to said resolution. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION 2023-30**

**RESOLUTION REGARDING THE DESTRUCTION OF RECORDS  
FOR THE CLERKS OFFICE**

**WHEREAS** the Bingham County Clerks Office has requested permission to destroy certain records; and

**WHEREAS** the Idaho Code §31-871 empowers the Board of County Commissioners with the responsibility for classifying records for purposes of retention and destruction; and

**WHEREAS** the Clerk's Office has represented that all of the records for which destruction is sought pertain to documents listed in the attached "Exhibit A"; and

**WHEREAS** none of the records for which destruction is requested are those required to be kept by the County permanently and indefinitely pursuant to I.C. §31-709;

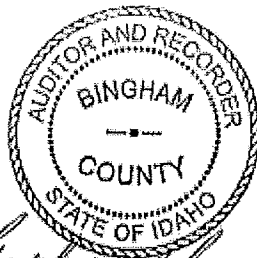
**THEREFORE**, it is hereby resolved that: The Clerks Office files are hereby classified as "temporary," as defined in I.C. §31-871(1)(d). Furthermore, such records may now be destroyed.

**Dated this 12<sup>th</sup> day of June 2023.**

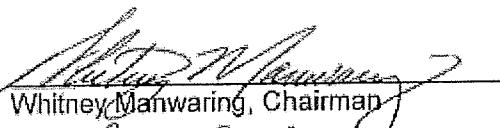
ATTEST:



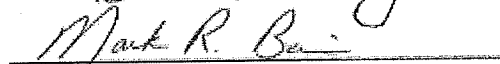
Pamela W. Eckhardt  
Bingham County Clerk



BINGHAM COUNTY COMMISSION

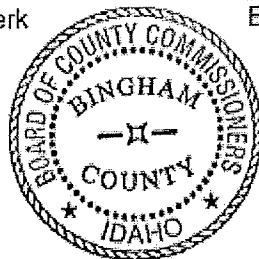


Whitney Manwaring, Chairman



Mark R. Bair, Commissioner

Eric Jackson, Commissioner



"Exhibit A" to Bingham County Resolution 2023-30

- 1998-2012 Miscellaneous Solid Waste Correspondence
- 2004-2019 Solid Waste Credit Applications
- 2002-2012 Juvenile Probation Block Grant Applications/Documents
- 1985-2014 Boat Safety Grant Documents
- 1983-2013 Computer Arts Agreements & Misc. Correspondence
- 1999-2017 ICRMP settlement or case closure letters
- 1999-2020 Certificate of Liability Insurance Documents that are expired
- 1990-1996 Hold Harmless Agreements- Misc. entities
- 1996-2015 Rockford Municipal Airport Block Grant Documents/Minutes
- 1993-1994 Tire Waste Grant documents
- 1978-2013 Sportsman's Park Grant Documents
- 2007-2010 Bingham Memorial Hospital Grant Documents
- 1994-1995 Civic Center Grant Letters
- 2000-2003 Disaster Services Grant Documents
- 1995-1998 CHC Foundation Grant Documents
- 1992-2013 Parks & Recreation Grant Documents
- 1990-2001 Miscellaneous Information regarding Grants
- 1990-2007 Miscellaneous Grant Applications
- 1998-2008 Bingham County Youth Center Grant Documents
- 1999 EPA Infrastructure Grant for Groveland & Moreland Documents
- 1995-1996 Juvenile Grant Documents
- 1990-2005 Juvenile Grant State Block Grant Documents
- 1998-1999 Dawn Enterprises County Assistance with Funds
- 1994-1995 DARE Project Grant Documents
- 1988-2016 Sheriff's Office Grant Miscellaneous Documents
- 1998-2001 Integra Imaging Contracts
- 2000 Blue Cross of Idaho Letter of Record Document
- 1994-2000 Employee Benefit Medical Insurance Documents
- 2000 Letter of Agreement between Preferred Benefits/Benefice & Bingham County
- 1989-2001 Delta Dental Insurance Miscellaneous
- 1991 Employee Benefit- Deferred Compensation Miscellaneous
- 1994 Blue Cross of Idaho Insurance Miscellaneous
- 2004 Combined Insurance Company of Idaho Master Policy Application Form- Life Insurance
- 1991-1995 Life Insurance- Royal Life/United Heritage Miscellaneous Documents
- 1999-2002 Broker's National Insurance Miscellaneous Documents
- 1991 Assessor's Computer Bid Agreements
- 1998-2009 Miscellaneous Office Contracts; IBM, Yost and Idaho Business Systems
- 1997 Gold Medallion Warranty/Service Agreement- HPG Roofing System
- 1994-1996 Valley Office System Agreements
- 1999-2001 US Cellular Contracts
- 1989-1990 Water Softener Information
- 1990-1995 State Probation Office Rental Agreement
- 1992-1997 Postage Machine Agreement
- 1993-1995 Heating/Air Conditioning Contracts
- 1981-1985 Custodial/Janitorial Contracts

- 1983-2001 Service Contracts- Pepsi/Coke Machines
- 1995-1997 Barrlatua Office System Maintenance Agreement
- 1994 County Garage/Storage Facility
- 1993-1998 Contract Labor Agreements
- 2012 County Property Sales & Tax Deed Documents
- 2010 County Property Sales & Tax Deed Documents
- 2008 County Property Sales & Tax Deed Documents
- 1992-2016 Solid Waste Tire Management Documents
- 1999 Tribal Authorization for Use of Radio Frequencies Agreement
- 1990-1993 Telephone 911 Communication Agreement with US West Documents
- 1993-1993 Telephone Agreement with Clark Radio
- 1991-2012 Purchase Agreement with Motorola
- Copy of Resolution 91-3 regarding the 911 Emergency System
- 1990-1998 Equipment Lease for 911 with Clark Radio
- 1990 Bids and Proposals for proposed 911 system
- 1994-2001 Miscellaneous Bids/Proposals for Road and Bridge
- 2001 Draft- Idaho Association of Counties Guidelines for Application for Assistance in Natural Resources Litigation
- 2010 Tax Inquiry Documents
- 2016 Tax Inquiry Documents
- Misc. Board of Equalization Documents
- 2013 Board of Equalization Documents
- 2014 Board of Equalization Documents
- 2015 Board of Equalization Documents
- 1992 ADA Grant Documents
- 1996 Letter regarding offer for the Blackfoot Desert Industries Property (Copy)
- 1995-1997 Court Appointed Counsel Contracts
- 1996-2017 Miscellaneous Weed Control Documents
- 1989-2010 Weed Department Construction Documents
- 1994-2019 Miscellaneous Clerk Documents/IAC Documents
- 1998-1999 Disaster Services- Miscellaneous Flood Planning
- 1997 & 2014 USDA Natural Resources Conservation Service & Agreement
- 2000 Pending file for new telephone system
- 1991-1996 Agreement- Access Long Distance telephone services
- 1992 US West Centrex Telephone Agreement
- 1980-1986 Miscellaneous Telephone Equipment File
- 1993-2010 Miscellaneous Communications regarding Telephone Services
- 1979-1991 City of Aberdeen- Cooperative Agreement
- 1984 Solid Waste RV Disposal Station Agreement
- 1983 Rural Addressing System Agreement
- 2005-2006 Southeastern Counties Cooperative Committee Minutes & Agreement
- 1996 National Association of Counties- Copy of paid claims & Misc. Letters
- 1993-1995 Parks & Recreation- Snowmobile Grooming Agreement & letters
- 1996-2009 Waterways- Corp of Engineers Snake River Streambank Protection
- 1992 Copy of Resolution & Cooperation Agreement between Bingham County & Bonneville County

PROBATION DEPARTMENT

Present: Shawn Hill- Probation Services Director  
 Mary Reyes- Probation Services  
 Pamela Eckhardt- County Clerk

The Board met with Shawn Hill to discuss department updates and review the proposed Fiscal Year 2023-2024 budget.

BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance

The Board met with Jason Marlow to discuss department updates for Building Maintenance, specifically regarding project being completed on the basement locker room/restrooms, janitorial service concerns and a potential maintenance schedule for equipment

DECISION REGARDING BINGHAM COUNTY CONFLICT PUBLIC DEFENDER CONTRACT WITH RICHARD HEARN- REQUESTED BY CLERK ECKHARDT

Present: Pamela Eckhardt- County Clerk

The Board met to hold discussion and make a decision regarding the Conflict Public Defender Contract proposed with Richard Hearn.

Clerk Eckhardt stated that Manuel Murdochs office has dropped their second contract and therefore, Conflict Public Defenders have been being used more often. Mr. Hearn's associate, also a Conflict Public Defender, is on the Idaho Department of Transportation Board and is gone to Boise often. Therefore, Mr. Hearn is going to pick up a portion of his contract and some of the felony contracts. The Board had no major concerns regarding the request.

**Decision: Commissioner Bair moved to approve and sign the Bingham County Conflict Public Defender Contract with Richard Hearn. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL & SIGNING OF LETTER OF INTENT FOR FUNDING TO THE CENTRAL BINGHAM CONSERVATION DISTRICT AND THE NORTH BINGHAM SOIL CONSERVATION DISTRICT

The Board met to approve and sign the letter of intent for funding to the Central Bingham Soil Conservation District and the North Bingham Soil Conservation District.

Discussion was held in regards to the decision made by the Board last year to donate \$3,000.00 to each entity. Clerk Eckhardt confirmed that there was \$3,000.00 budgeted for each entity. The letter of intent submitted by the North Bingham Conservation District stated they are requesting \$2,200.00 but Commission Clerk, Lindsey Dalley, will amend that to state that Bingham County will provide \$3,000.00.


**Decision: Commissioner Bair moved to approve and sign the letter of intent committing \$3,000.00 in funding to both the Central Bingham Conservation District and the North Bingham Soil Conservation District. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

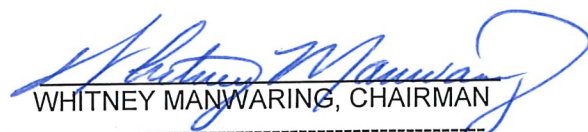
ASSESSOR'S OFFICE

Present: Donovan Harrington- County Assessor  
Debbie Cunningham- Chief Deputy Assessor

The Board met with Donovan Harrington and Debbie Cunningham to discuss department updates, which included difference in appraisal values from 2022 to 2023.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, JUNE 13, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Tuesday, June 13, 2023  
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- Commission Clerk  
EXCUSED: Commissioner Jackson

Chairman Manwaring moved to appoint Commissioner Bair as Temporary Chairman. Commissioner Bair seconded. Both voted in favor. The motion carried.

**PLANNING & DEVELOPMENT**

Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Harris- Assistant Planning & Development Director  
Pamela Eckhardt- County Clerk  
Laraine Pope- Human Resources Director  
Gina Perschon- Chief Deputy Clerk

The Board met with Tiffany Olsen to discuss department updates for Planning & Development, which included update on the Planning & Zoning Commission, Building Division and Code Enforcement.

**MEETING TO RECEIVE COPPER MEADOWS II PLANNED UNIT DEVELOPMENT REQUEST TO GRANT A ONE-TIME EXTENSION OF 12-MONTHS TO FINAL PLAT PURSUANT TO BINGHAM COUNTY CODE SECTION 10-14-5 (E)**

Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Harris- Assistant Planning & Development Director  
Pamela Eckhardt- County Clerk  
Laraine Pope- Human Resources Director  
Gina Perschon- Chief Deputy Clerk

The Board held a meeting to received Copper Meadows II Planned Unit Development Request to grant a one-time extension of 12-months to Final Plat pursuant to Bingham County Code Section 10-14-15 (E). Commissioner Bair welcomed all to the meeting and turned the time over to Director Olsen.

Director Olsen explained that Copper Meadows II is requesting a one-time, twelve-month allowance, to record their Final Plat. They have complied with the Code Section 10-14-5 (E), which indicates that the Final Plat should be recorded within two years from the date of final approval by the Board and would have been September 13, 2021. If approved, the Final Plat would be recorded no later than September 13, 2023. A one-time extension may be requested in writing and may only be granted by the Board of County Commissioners. Said letter is attached and before the Board today for their approval. The Developer is working with the City of Shelley to be sure there is sufficient water and connectivity to the subdivision, which is taking longer than expected. Director Olsen stated she believes there is appropriate justification and where code allows the one-time extension, she would recommend that the Board approve the request.

The Board had no issues or concerns.

**Decision: Commissioner Manwaring moved to approve the one-time extension for Copper Meadows II Planned Unit Development per Bingham County Code Section 10-14-5 (E). Commissioner Bair seconded. Both voted in favor. The motion carried.**

REQUEST TO MODIFY WORK SCHEDULE FOR PLANNING & DEVELOPMENT STAFF TO 4(10) HOUR WORK DAYS PER WEEK, WITH SERVICE AVAILABLE TO THE PUBLIC REMAINING MONDAY-FRIDAY- REQUESTED BY TIFFANY OLSEN

Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Harris- Assistant Planning & Development Director  
Pamela Eckhardt- County Clerk  
Laraine Pope- Human Resources Director  
Gina Perschon- Chief Deputy Clerk

The Board met to hear the request to modify work schedule for Planning & Development Staff to 4(10) hour work days per week, with service available to the public remaining Monday through Friday.

Director Olsen explained the one day off for each department staff would be rotated so that there is consistent coverage in the office. She spoke with all of her staff regarding this proposal and she believes that all are interested. The catalyst is weather and availability, wherein they are currently working on the wind turbine construction and staff is there once if not twice per day. It takes a good amount of time to get to the project site and they start pouring concrete at approximately 4:00 a.m., and it would be nice if staff could be in the field earlier and back in the office earlier. Director Olsen stated this is something that she would like to do year around and would ask that this be implemented and come before the Board around October to discuss how the modified work schedule has been working. It is valuable to have staff in the office when the phone is not ringing and the public is not coming in and out, for them to really accomplish tasks with lack of interruptions.

Director Olsen stated this is not a schedule that she would be following as she will continue to oversee staff but does believe that her staff would like to be considered. She stated that she spoke with Legal Counsel and the Human Resources Director, wherein Human Resources thought there would be no issue as the public nor the Board will notice a difference and there will always be someone in the office. Legal Counsel also thought this proposal is a good idea.

Director Olsen would like to track productivity and efficiency, to determine if the modified schedule is a good fit for their office.

Chairman Manwaring stated that he discussed the request with Tiffany and has concerns about the winter months or shorter days.

Commissioner Bair stated a 3-day weekend is good for moral and as long as the office is covered Monday through Friday, he has no major issues but would also like to address this request with Commissioner Jackson.

There was no decision made at this time and a second meeting will be scheduled for further discussion and decision.

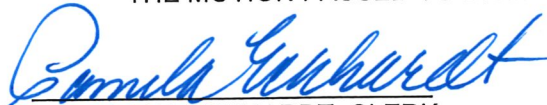
PLANNING & DEVELOPMENT BUDGET

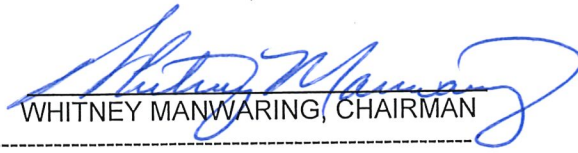
Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Harris- Assistant Planning & Development Director  
Pamela Eckhardt- County Clerk  
Gina Perschon- Chief Deputy Clerk  
Laraine Pope- Human Resources Director

The Board met to review the proposed FY 2024 budget for the Planning & Development Division.



THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, JUNE 14, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, June 14, 2023  
County of Bingham )

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

PRESENT: Chairman Manwaring  
Commissioner Bair  
Commissioner Jackson  
Lindsey Dalley- Commission Clerk

**CASH WARRANTS**

Cash Warrants were approved in the amount of \$5,348.63, \$3,000.00, \$3,000.00, \$24,800.00, for a total of \$36,148.63.

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents for June 14, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**SHERIFF'S OFFICE**

Present: Jeff Gardner- Bingham County Sheriff  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Laraine Pope- Human Resources Director

The Board met with Sheriff Gardner to discuss updates within the Sheriff's Office and other agenda items.

First, Chief Deputy Sheriff Jordyn Nebeker explained the submitted proposal to allow a Sergeant within the Sheriff's Office to work out of class as Lieutenant in the jail. Chief Deputy stated that the Lieutenant over the jail will be retiring soon and they would like to have a plan in place to be sure the proper training is completed. The proposed Sergeant has proven that he has the bandwidth and knowledge to assist the county for the entirety of his career and has started to take on a lot of things outside of his job description to assist the Sheriff's Office in the transition into the new jail expansion.

Ms. Pope stated she is in favor of the proposal and the working out of class would give the opportunity to see how the transition would go and it is important to have positions covered in the jail. Ms. Pope stated that the first two weeks of working out of class would be without the additional pay after which the out of class kick in. Chief Deputy Nebeker stated the vision would be to give the employee working out of class, a 5% increase and stay within the policy.

**Decision: Commissioner Jackson moved to approve the out of class Sergeant/Lieutenant for the Sheriff's Office as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

Sheriff Gardner gave an update regarding jail population and the jail expansion project.



PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
Luke Jolley- HLE  
Kyle Jones- HLE  
Kaleb Phelps- River Run Estates Subdivision  
Gwen Inskeep- County Surveyor  
Ray Duffin- Ray Duffin Farms  
Greg Duffin- Spray-Tech  
David Gillmore- Homeowner

The Board met with Dusty Whited to discuss update within Public Works and other agenda items. Chairman Manwaring welcomed all to the meeting and introductions were held.

Mr. Jolley spoke on behalf of Kaleb Phelps and explained that during the construction of River Run Estates Subdivision, it was recognized that part of the slope from the road would fall onto Mr. Gillmore's property. Mr. Gillmore brought this matter to the attention of HLE and a meeting was held on site, to which it was confirmed. Mr. Gillmore stated that the road construction could continue but that he would like to have an easement or dedicate the triangle piece of property to the county as additional right of way. At this time, they have come up with both options and would leave the decision to the Board as to what would be preferred. Chairman Manwaring confirmed that the Gillmore's do not have an issue with either proposal, which Mr. Gillmore confirmed. Mr. Whited stated that his preference would be the Quit Claim Deed of an easement to the county. Commissioner Bair stated his concern is the possibility of having a lien on the portion of property, wherein Mr. Gillmore confirmed that the property is in fact paid in full.

**Decision: Commissioner Jackson moved to approve and have Mr. Gillmore sign the Quit Claim Deed of easement to the county. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Duffin explained his submitted request, wherein he is requesting that the county pave Airport Road between Moser Road and Dean Sub Roads in Aberdeen. Mr. Duffin stated that he had spoke with Mr. Whited one year ago in regards to this request but no work was completed. Mr. Duffin stated the last time there was a traffic study conducted on the road, the weather was not appropriate and he does not feel that an accurate number was received as to how many vehicles travel on the road.

Mr. Duffin provided a petition with 13 signatures of farmers who also use this road and would request that it be paved. Mr. Duffin stated that he plows all winter long from Dean Sub to his shop and keeps it maintained.

Dusty Whited stated there is a City of Aberdeen Council meeting on July 6<sup>th</sup>, wherein it is on the agenda to annex the field, which is the first ½ mile of this road. Therefore, he would propose placing this matter on hold due to the first half mile possibly becoming city jurisdiction.

Mr. Lenhart explained that he had gathered an approximate cost to pave the requested portion, which would be \$101,492.00. Commissioner Bair asked if there would be any grant opportunities due to the road being a farm to market road, wherein Mr. Whited stated not that he is aware of.

Chairman Manwaring stated the county currently has a list of projects for this upcoming budget cycle, wherein this road could be added for the next year. If the annexation is approved, that would assist with the cost.

There was no decision made on this matter but the road would be added to the list of projects for next year.

Next, Mr. Jolley explained that Bingham County was awarded the Child Pedestrian Safety Grant and after discussing with Mr. Whited, it appears that the county projects planned would amount to \$150,000.00. Discussion was held in regards to assisting the City of Firth with a project for crosswalks, wherein Mr.

Whited stated he would have no issue. Mr. Whited checked with LHTAC, who informed him so long as funds are used within Bingham County and directly benefits the schools there is no issue with this proposal.

**Decision: Commissioner Bair moved to approve usage of the remaining Child Pedestrian Safety Grant Funding for the City of Firth project. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Lastly, Mr. Whited explained the submitted Prior Approval for Major Purchase of chemicals to be used for weed control. Said purchase is in the amount of \$25,342.92, to be paid from Fund: 27-60-630-00.

**Decision: Commissioner Jackson moved to approve the submitted Prior Approval for Major Purchase of chemicals to be used for weed control. Said purchase is in the amount of \$25,342.92, to be paid from Fund: 27-60-630-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### IT DEPARTMENT

Present: Tyler Robinson- Dark Element LLC  
Pamela Eckhardt- County Clerk  
Dusty Whited- Public Works  
Tiffany Olsen- Planning & Development Director  
Gwen Inskeep- County Surveyor  
Troy Lenhart- Road & Bridge Supervisor

The Board met with Tyler Robinson to discuss updates within the IT Department and other agenda items.

Mr. Robinson gave an update for the IT Department and stated overall things are going well. There is a substantial amount of work that needs to be done and a migration of the mail server that will need to be done by January, which is his main priority. His second priority is the substantial amount of security issues that are occurring and lastly, he would like to enable higher functioning remote access.

Discussion was held in regards to the proposed agreeable amount to be paid to Mr. Robinson for his services rendered on behalf of the county. Mr. Robinson stated that he would propose decreasing from his normal rate of \$325.00 per hour to \$125.00 per hour and working 20 hours per week, making the amount of \$10,000.00 to be due monthly. The Board stated that they would prefer having a flat rate to be paid monthly and would be in favor of \$10,000.00.

Discussion was held in regards to the IT Director position and if the position be advertised. Mr. Robinson stated he knows of several entities offering a higher pay and have had vacancies for the past several months and up to one year. Mr. Robinson stated that he would propose having an administrative position to pay invoices, manage staff in office and be sure that needs are being met. For the next 6-8 months he does not foresee the need to advertise and fill the vacant Director position. Clerk Eckhardt stated that the Clerks Office would be more than happy to assist with the clerical side of things and pay invoices.

The Board stated they would like to sign the agreement for six months and if there are unforeseen circumstances, Mr. Robinson would be compensated accordingly. Commission Clerk, Lindsey Dalley, will work to draft the appropriate agreement to be signed by the parties, which will be added to the agenda for approval and signing at a later date.

#### PUBLIC HEARING TO RECEIVE TESTIMONY FOR THE PROPOSED CHANGE TO BINGHAM COUNTY CODE 7.5.5: REQUIREMENT THAT SUBDIVISIONS INSTALL RIBBON CURBING- REQUESTED BY GALE LIM & ROD ALBERTSON

Present: Steve VanOrden  
Tiffany Olsen- Planning & Development Director  
Gwen Inskeep- County Surveyor

Dusty Whited- Public Works Director  
Gale Lim- Gale Lim Construction  
McKenzie Elison  
Elias Trejo- Rose River Estates  
Chad VanOrden- Rose River Estates  
Rod Albertson- Time Piece Homes  
Aaron Redd- Gale Lim Construction  
Garth VanOrden- VanOrden Farms  
Chris Street- HLE  
Luke Jolley- HLE  
Jeff Steadman- Steadman Construction  
Jay Marlow  
Jeff Anderson- Anderson Construction  
Tjay Marlow  
Ollie Wimbish- Deputy Prosecuting Attorney

The Board met to hold a Public Hearing to receive testimony for the proposed change to Bingham County Code 7.3.5, Requirement that subdivisions install ribbon curbing, which was submitted by Gale Lim and Rod Albertson. Chairman Manwaring welcomed all to the meeting and introductions were held.

Commissioner Bair declared a possible conflict on the record and stated that he had met with Mr. Lim several weeks ago and the ribbon curbing topic was brought up but would not influence the decision to be made today.

Chairman Manwaring stated that Mr. Lim had met with each of the Commissioners individually mainly to discuss concerns throughout the county. Therefore, he feels that there are no issues.

Commissioner Jackson also disclosed that he too had met with Mr. Lim and stated it would not influence the decision to be made today.

Chairman Manwaring stated at this time, any testimony in favor would be heard from the Board.

Chris Street, HLE (Proposed Verbiage- Exhibit 1 and Oath of Affirmation- Exhibit T-1), stated there were three options presented during a meeting held in February, wherein it appeared that none of those were acceptable. Further instruction was given to Mr. Street to provide Mr. Rogers with sample language of how the requirements of ribbon curbing should be changed, which was done and said language was read into the record at this time.

Gale Lim, Gale Lim Construction (Photographs- Exhibit 2 and Oath of Affirmation- Exhibit T-2), stated that he is a tax payer in Bingham County and he will be speaking to his concerns pertaining to ribbon curbing and the cost to be placed upon his children and grand-children. Mr. Lim stated that the problem is not ribbon curbing and that ribbon curbing is a band aid that is being attached to the problem. Mr. Lim referred to several pictures that were then provided to the Board and labeled as Exhibit 2. These photographs were of subdivisions that have ribbon curbing. This morning he drove down several streets and took pictures, wherein he stated there was road constructed by the county located at 900 West and 250 South. These photos show the roadway and how the ribbon curbing is no fix to the issues but is a cost and burden to the taxpayers. Mr. Lim referred to the photograph provided and shows the cracks that in turn collect water, going under the asphalt and the road becomes pieces. He has been in the construction business for sixty years and never once has he built a road that did not have a barrow pit. There is not a system in this state that does not build roads without a barrow pit. The solution has nothing to do with installing ribbon curbing.

Mr. Lim further stated the inflation cost are a concern to him and he has grandkids and kids that are being stretched to the end. If they need to purchase a home and ribbon curbing is required, that adds a large cost that should not be placed on the homeowner unless they would like to do so. That is a heavy burden to be placed, which then becomes the real issue and after some time will start to deteriorate and need to be replaced. If required by the county, the county should be responsible for replacement cost, which in turn

affects the taxpayers. Therefore, his preference would be that ribbon curb be completely eliminated from requirements.

Commissioner Bair thanked Mr. Lim for his input but stated that he picked out certain roads that do not have a barrow pit, roads that were built several years ago but there are also a lot of roads that do have the drainage. If the citizens would like the county to go out on every single road that does not have a barrow pit, the taxes will increase because not only will they need to be dug up but they have to be maintained. It is unfair to characterize all of the roads in Bingham County as not being maintained because there are millions of dollars put into maintaining roads.

Elias Trejo (Oath of Affirmation- Exhibit T-3) stated that he is a Real Estate Broker, involved with Rose River Estates Subdivision and is in favor of removing the requirement of ribbon curbing from the ordinance. Snake River Estates Subdivision is located adjacent to Rose River Estates and does not have ribbon curbing. As developers, they are all in competition with each other, trying to attract buyers purchase and there are things that give them an edge in the competition. Ribbon curbing is something that is more of a plus and looks nice but again is not a solution to the problem and the Developer should choose rather or not they would like to install ribbon curbing. Adding the additional cost of ribbon curbing is not ideal and does not believe that the county should be able to require ribbon curbing.

Rod Albertson (Oath of Affirmation- Exhibit T-4) stated that the current ordinance does is cost the county and the taxpayers additional money overtime. No matter what, the concrete will crack and move, which again will cost taxpayers money.

Collin Hunter (Oath of Affirmation- Exhibit T-5) stated that he is a developer and the real problem is the drainage. When you talk about extra costs, Mr. Lim is trying to portray that he is a contractor helping a developer bring a home to market. He explained the current subdivision he is developing would have an extra cost of approximately \$50,000 to add ribbon curbing for 11 lots. If it is not necessary, it would be extremely helpful to the Developer.

Jay Marlow (Oath of Affirmation- Exhibit T-6) stated that he is developing Wapello Villa Subdivision, wherein part of the subdivision does not have ribbon curbing and one will, which does not make sense to him. As a developer, those costs have to be passed on. He explained that ribbon curbing is a waste of funding unless you are putting in a sidewalk.

Darren Dance (Oath of Affirmation- Exhibit T-7) stated that he agrees with everything that has been stated within this hearing. Mr. Dance provided the Board with a document stating his concerns, which was marked as Exhibit 3. He would think that Bingham County would want to reduce the risk of maintenance rather than increase the risk, to which he believes ribbon curbing is increasing the risk.

TJ Marlow (Oath of Affirmation- Exhibit T-8) stated that he is in favor of removing the requirement of ribbon curbing. If there is separation between the asphalt and concrete, that allows a place for water to run directly. By allowing and requiring ribbon curbing, the county is giving a fail point to break the concrete.

Aaron Redd (Oath of Affirmation- Exhibit T-9) stated that he is opposed to the requirement of ribbon curbing. Bingham County has a high amount of road miles for improved roadways and there is a certain percentage of funding comes from fuel tax. He does not believe that the tax payers would want to use that tax funding to replace ribbon curbing but for road maintenance.

Jeff Anderson (Oath of Affirmation- Exhibit T-10) stated that VanOrden Construction had their first opportunity of installing ribbon curbing for a John Fairchild's subdivision, which was quite an education. As stated before, the amount of cost that it takes to install the curbing is absolutely incredible. Mr. Anderson stated there is no evidence proving that this would be beneficial to tax payers and believes this is just an additional cost to the county.

Jeff Steadman (Oath of Affirmation- Exhibit T-11) stated that he is in favor of removing the requirement of ribbon curbing from the ordinance. He explained his experience with ribbon curbing and does not see how it would be beneficial to the county in the end due to the possible cost.

Chairman Manwaring confirmed there was no further testimony in favor of the removal of requirement for ribbon curbing.

Chairman asked for any testimony in neutral, which was held as follows:

Garth VanOrden (Oath of Affirmation- Exhibit T-12) stated that he would like to thank Dusty Whited for all of his hard work in assisting him with issues surrounding his property. They had to cut their grass back and the fact that Mr. Whited took the time to meet with him and be sure things were completed correctly. Seeing that the grass was on county right-of-way, it could have been dug up but Mr. Whited took the time to meet with him, which he appreciates. Mr. VanOrden stated that he does have ribbon curbing at his home, which they enjoy and have no issues. Mr. VanOrden stated while he understands the challenges with costs but development costs are in fact costs and it can be hard to pass those costs onto the homeowner. Again, he would like to thank Bingham County for what they have done to assist him.

Chairman Manwaring asked for any testimony in opposition, which there was none.

Chris Street, HLE, gave a rebuttal statement and stated that he appreciates the Board as there was a lot of testimony given from individuals who have had experience with ribbon curbing. This request was brought before the board due to conversations held with developers and it is important for the Board to understand the concerns. Mr. Street stated that he had read the letter from Keller Associates and understands their position but there is a lot that was left out of that letter.

Dusty Whited (Oath of Affirmation- Exhibit T-13) stated that Mr. Lim is correct when it comes to drainage and that he owned a construction company for 22 years and has been in the public sector for 13 years now. He stated the first thing that individuals are taught is the importance of drainage and he can state that all roads presented by Mr. Lim are roads that were developed prior to his time. Mr. Whited stated the 5 years that he has been with Bingham County, the county has done immensely better at making sure that developments have drainage. There is an individual that inspects the drainages to be sure they are still in because when foundations are dug, they have been filled in.

Mr. Whited stated the cross section shows that there is still a drainage and therefore, they are allowed in subdivisions to plant grass next to the edge of the ribbon curbing, which keeps the grass from deteriorating and encroaching into the asphalt cross section.

Chairman Manwaring closed the Public Hearing to any further testimony and Commissioner discussion was held as follows:

Chairman Manwaring stated that his decisions weighs heavily on the taxpayers and the issues/concerns that are brought before the Board. In 2018, when the ribbon curbing requirement was added to the ordinance, he did not foresee that many subdivisions coming into the county but times have changed and development has increased within the last two or three years. When ribbon curbing is placed brand new, it looks nice but there are always issues, therefore, he would be in favor of removing the ribbon curbing requirement from the ordinance as the county is not in the business of ribbon curbing. Chairman stated in fifteen to twenty years, if ribbon curbing needs replaced, the county and taxpayers have that burden to fund replacement, which is an issue to him.

Commissioner Bair referred to an email from the City of Chubbuck Public Works Director, wherein Commissioner Bair asked him the following questions and was given answers as follows:

- 1) How much does it cost every year to maintain ribbon curbing?

Answer: There is no funding in the budget to repair ribbon curbing.

- 2) Have you ever had to repair any concrete in the ribbon curbing?

Answer: The City of Chubbuck Public Works Director stated to his knowledge repair has not been needed. However, sometimes on a tight corner, the asphalt and concrete will separate.

- 3) What occurs when the asphalt and concrete separate?

Answer: The City of Chubbuck Public Works Director stated when crack seal is placed, they will be sure that the seal goes down in to the separation area.

- 4) How old is the oldest ribbon curbing in Chubbuck?

Answer: 24-25 years

- 5) Has any of the asphalt failed where there is ribbon curbing?

Answer: The Public Works Director stated there has been none that he knows of.

Commissioner Bair stated there has been a lot of testimony that has been focused on whether or not the curbing holds up and he believes the only place where there is a lot of ribbon curbing is in the City of Chubbuck and it seems as though it holds up. Commissioner Bair stated his concern is to protect the county's assets as roads are extremely expensive. In 2018, the Board listened to a report from Keller Associates and their recommendation is for ribbon curbing to be required to protect the edge of the asphalt. Commissioner Bair stated that public comment is important to him but he is going to base his decision on whether he thinks the ribbon curbing is going to protect the assets the county has.

Commissioner Jackson stated that he has not attended engineering schooling but has a lot of experience, wherein he thought these types of decisions would come down to common sense, which he feels he has. There has been a lot of testimony and argued by both engineers and developers, wherein this makes a hard decision to be made.

**Decision: Commissioner Jackson moved to remove the ribbon curbing requirement from the Bingham County Ordinance, to due the lack of ability to prove longevity of ribbon curbing. There will be a resolution drafted by Legal Counsel and signed once prepared. Chairman Manwaring seconded. All in favor-Commissioner Jackson and Chairman Manwaring. All opposed-Commissioner Bair.**

## HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director

The Board met with Laraine Pope to discuss department updates and other agenda items.

Ms. Pope explained the submitted proposal to increase the part-time Human Resources Technician, back to a full-time position. The current part-time Technician will be retiring at the end of the month. Ms. Pope explained the workload has been heavy and the part-time position is not sufficient. There is still a great deal of work that has to be done and the part-time position is not in office long enough to assist with those, when paid time off is scheduled, that leaves only the Director in the office, making the office closed with no public access. Ms. Pope is currently seeing the issue wherein she is needed for personnel meetings held in commission chambers and therefore, the Human Resources Office is not open to assist others.

Ms. Pope stated that she is proposing to advertise at entry level of Step 1 and possible Step 2 if the individual has experience. Ms. Pope stated there will be no issues with paying for this full-time position as there will be funding in other line items within the Human Resources budget, per the County Clerk. Ms. Pope explained that there is an 8% discount from the cost for insurance, which is a minimum of \$34,000.00 not paid to ICRMP due to the county handling risk management/insurance. This amount is not charged,

which means it goes back into the General Fund. This would be reoccurring and can be used to cover the cost.

**Decision: Commissioner Bair moved to approve that the Part-Time Human Resources Technician position be moved back to a Full-Time Human Resources Technician position and be advertised as such. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Ms. Pope gave an update regarding current recruitments, recently closed positions, new hires and resignations.

**PUBLIC HEARING TO INCREASE FEES FOR THE BINGHAM COUNTY DEPARTMENT OF MOTOR VEHICLES**

Present:           Donavan Harrington- County Assessor

The Board met to hold a Public Hearing to increase fees for the Bingham County Department of Motor Vehicles. Chairman Manwaring welcomed all to the meeting and introductions were held.

Mr. Harrington explained pursuant to 2023 Idaho House Bill 85, the Board of County Commissioners has the ability to raise title fees. Mr. Harrington stated that he would proposed to increase the current fee of \$14.00, of which the county keeps \$3.00 to \$20.00. The additional fee increases of \$6.00 would all be allocated back to the county general fund. Mr. Harrington stated that this fee has not increased in several years.

Additionally, he would like to propose that the administration fee be increased by additional \$1.15 per transaction. Chairman Manwaring confirmed that this proposal was published in the newspaper per Idaho Code requirements.

**Decision: Commissioner Bair moved to approve the request for fee increase from the County Assessor, to increase fee from \$14.00 to \$20.00 and the county would keep \$9.00. Also increase the Administration Fee from \$6.00 to \$7.15. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**Commissioner Jackson moved to approve Bingham County Resolution 2023-32, a resolution approved by the Bingham County Commissioners to increase a fee for motor vehicle titles pursuant to 2023 Idaho House Bill 85 and Administration Fees. Commissioner Bair seconded. All voted in favor. The motion carried and said resolution was approved and signed as follows:**

BINGHAM COUNTY  
RESOLUTION NO. 2023-32

A RESOLUTION APPROVED BY THE BINGHAM COUNTY COMMISSIONERS TO INCREASE A FEE FOR MOTOR VEHICLE TITLES PURSUANT TO 2023 IDAHO HOUSE BILL 85 & ADMINISTRATION FEES.

WHEREAS, the Board of County Commissioners may impose and collect fees for services provided by Bingham County pursuant to Idaho Code Section 31-870.

WHEREAS, in 2023, the Idaho Legislature approved an amendment to Idaho Code Section 31-870 in House Bill 85 to include authorization to the Board of County Commissioners to administer and regulate fees for motor vehicle titles that fall under Chapter 5, Title 49 of the Idaho Code.

WHEREAS, the fees imposed by the Board of County Commissioners must be reasonably related to the service provided and cannot exceed the actual cost of the service provided.

WHEREAS, the current fee in Bingham County for a motor vehicle title registration is \$14.00 (fourteen dollars), of which \$3.00 (three dollars) of that total amount benefits the general fund of Bingham County.

NOW, THEREFORE BE IT RESOLVED, by the Bingham County Board of County Commissioners, that the fee for a motor vehicle title will increase to \$20.00 (twenty dollars), of which \$6.00 (six dollars) will benefit the Bingham County General Fund, and the administration fee will be increased by \$1.15 (one dollar and fifteen cents), for a total of \$7.15.

ADOPTED this 14<sup>th</sup> day of June 2023.

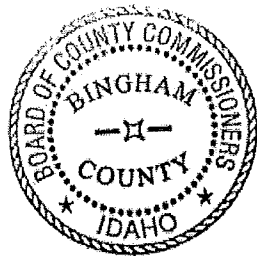
BOARD OF COUNTY COMMISSIONERS

ATTEST: Pamela Eckhardt  
Pamela Eckhardt  
Bingham County Clerk

Whitney Manwaring  
Whitney Manwaring, Chairman

Mark R. Bair  
Mark R. Bair, Commissioner

Eric Jackson  
Eric Jackson, Commissioner

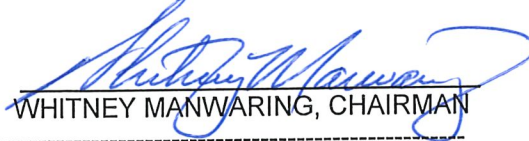




THE MOTION PASSED TO DISMISS UNTIL FRIDAY, JUNE 16, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Friday, June 16, 2023  
County of Bingham )

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

PRESENT: Chairman Manwaring  
Commissioner Bair  
Commissioner Jackson  
Lindsey Dalley- Commission Clerk

CLAIMS

Claims were approved in the amount of \$410,083.48.

CASH WARRANTS

Cash Warrants were approved in the amount of \$11,050.00.

COLLEGE OF WESTERN IDAHO

A Certificate of Residency was approved by the Board and sent to the College of Western Idaho for the following Bingham County student: Sydney F. Stuart.

PERSONNEL ACTION FORMS

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

New Employee Status Sheet: SAUSA/Prosecutors  
Scale House Operator  
Deputy Prosecutor  
Salary Increase Form: Deputy Court Clerk  
Building Inspector  
Planner

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Forms for June 16, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

DECISION REGARDING ALCOHOL BEVERAGE CATERING PERMIT FOR THE SHOSHONE BANNOCK HOTEL & EVENT CENTER FOR EVENTS TO BE HELD ON JUNE 24, 2023 AND AUGUST 19, 2023

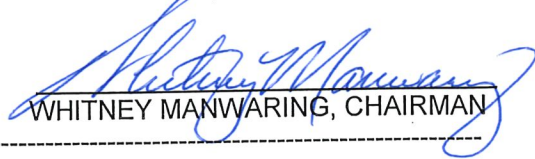
The Board met to approve or deny the Alcohol Beverage Catering Permit for the Shoshone Bannock Hotel and Event Center for events to be held on June 24, 2023 and August 19, 2023.

**Decision: Commissioner Jackson moved to approve the Alcohol Beverage Catering Permit for the Shoshone Bannock Hotel and Event Center for events to be held on June 24, 2023 and August 19, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, JUNE 20, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Tuesday, June 20, 2023  
County of Bingham    )

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

PRESENT:               Chairman Manwaring  
                              Commissioner Bair  
                              Commissioner Jackson  
                              Lindsey Dalley- Commission Clerk

**APPROVAL OF BINGHAM COUNTY RESOLUTION 2023-33, A RESOLUTION REPEALING BINGHAM COUNTY ORDINANCE 7.3.5, RIBBON CURBING REQUIREMENT**

The Board met to approve Bingham County Resolution 2023-33, a resolution repealing Bingham County Ordinance 7.3.5, Ribbon Curbing Requirement.

**Decision: Commissioner Jackson moved to approve Bingham County Resolution 2023-33, a resolution repealing Bingham County Ordinance 7.3.5, Ribbon Curbing Requirement. Chairman Manwaring seconded. All in favor- Commissioner Jackson and Chairman Manwaring. All opposed- Commissioner Bair. Said resolution was approved and signed as follows:**

BINGHAM COUNTY  
RESOLUTION NO. 2023-33

**A RESOLUTION REPEALING BINGHAM COUNTY ORDINANCE 7-3-5 DEALING WITH  
RIBBON CURBING**

**WHEREAS** the Bingham County Board of Commissioners have reviewed concerns that citizens have had in dealing with the standing Bingham County Ordinance in the requirements set out for ribbon curbing.

**WHEREAS** the current ribbon curb ordinance 7-3-5 reads:

"A. at the expense of the Developer, all new subdivision developments shall install ribbon curb, with a minimum width of one foot (1') around each side of the road and provide a drainage swell as detailed in the Road Cross Section Standards of Bingham County Road Standards Manual on file with the Public Works department. The curbing is required to protect road edges and allow property owners to know exactly where they can develop.

B. The Grade and Alignment shall be established by a licensed engineer and approved by the Bingham County Public Works Director, or the Public Works Director's designated representative.

C. Requirements:

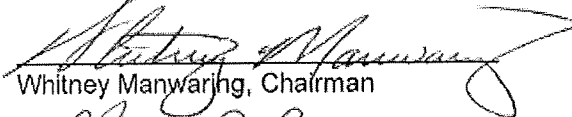
1. The curbing shall be built according to the Bingham County Road Standards Manual on file with the Bingham County Public Works Department."

**WHEREAS** after taking in testimony and discussion the majority of the Board Of County Commissioners believes that it is in the best interest of Bingham County citizens to remove the requirement of having ribbon curbing within new developments.

**NOW, THEREFORE, BE IT RESOLVED**, and pursuant to Idaho Code §31-715, be it ordained by the board of county commissioners of Bingham County, Idaho, that Bingham County Ordinance 7-3-5 is now repealed in its entirety and shall be in effect the date of the signing of this Resolution.

DATED this 20 day of June, 2023.

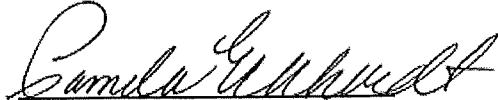
BOARD OF COUNTY COMMISSIONERS

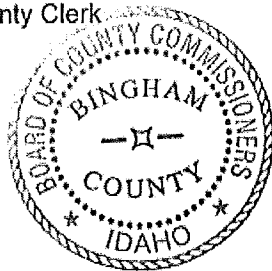
  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Eric Jackson, Commissioner

ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk



FURTHER DISCUSSION & DECISION TO MODIFY THE WORK SCHEDULE FOR PLANNING & DEVELOPMENT STAFF TO 4(10) HOUR WORK DAYS PER WEEK

Present: Tiffany Olsen- Planning & Development Director

The Board met to hold further discussion and make a decision regarding the request to modify the work schedule for Planning & Development staff to 4(10)-hour work days per week, with the office remaining open Monday through Friday.

Ms. Olsen stated this was discussed last week and due to Commissioner Jackson being absent for said meeting, she met with him to discuss further. Ms. Olsen stated that she is requesting to try this proposed work schedule for at least the same amount of time as Public Works on during the summer but monitor if it is efficient for their department.

Commissioner Bair reiterated that he would like to monitor this until October and address at that time.

**Decision: Commissioner Bair moved to approve the request to modify the work schedule for Planning & Development staff to 4 (10) hour work days per week, hours will be 7:00 am to 5:30 pm. This matter will be reviewed in October 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

REVIEW OF BUDGET FOR ELECTION DEPARTMENT

Present: Danette Miller- Election Director  
Pamela Eckhardt- County Clerk  
Gina Perschon- Chief Deputy Clerk

The Board met to review the proposed FY 2024 budget for the Election Department.

REVIEW OF BUDGET FOR THE COURTS

Present: Sheri Landon- Court Supervisor  
Pamela Eckhardt- County Clerk  
Gina Perschon- Chief Deputy Clerk

The Board met to review the proposed FY 2024 budget for the Courts.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, JUNE 21, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Wednesday, June 21, 2023  
County of Bingham    )

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

PRESENT:                Chairman Manwaring  
                              Commissioner Bair  
                              Commissioner Jackson  
                              Lindsey Dalley- Commission Clerk

SHERIFF'S OFFICE

Present: Jordyn Nebeker- Chief Deputy Sheriff  
Excused: Commissioner Bair

The Board met with Sheriff Jeff Gardner to discuss updates within the Sheriff's Office, which included the jail expansion project, jail population and Bancorp.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
Gina Perschon- Chief Deputy Clerk  
Spence Ward- HLE  
Derrick Going- Solid Waste Supervisor  
Excused: Commissioner Bair

The Board met with Dusty Whited to discuss department updates and other agenda items.

Mr. Whited explained the invoice owed to Jack Cushman Drilling for work completed on the second well in Atomic City. Said invoice is in the amount of \$1,200.00 and is to be paid from the Atomic City Account at the Bank of Commerce. Mr. Whited stated Jack Cushman Drilling was hired to pull the PVC sleeve that had been installed could be removed and this bill was not received until last week.

**Decision: Commissioner Jackson moved to approve payment of the invoice to Jack Cushman Drilling in the amount of \$1,200.00, to be paid from the Atomic City Account at the Bank of Commerce. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the Bingham County Road Cross-Section, which is to be approved via resolution. Mr. Whited explained with removing the requirement for ribbon curbing from the Ordinance, that created the need for a new cross section because the ribbon curbing was part of the cross section. Last week, the County Surveyor came up with four different options, which were provided to the Board. In looking through the American Association of State Highways and Transportation Officials, in Section 4.4.2, for a low volume road, it is suggested to have a minimum width of two feet. Therefore, Mr. Whited is recommending the same at this time. Mr. Lenhart concurred as the Road & Bridge Supervisor.

**Decision: Commissioner Jackson moved to adopt and sign Bingham County Resolution 2023-34, a resolution adopting the Bingham County Road Standards Manual for use by the Bingham County Public Works Department, as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION 2023-34**

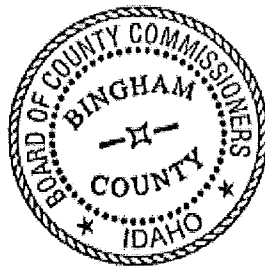
**A RESOLUTION ADOPTING THE BINGHAM COUNTY ROAD STANDARDS  
MANUAL FOR USE BY THE BINGHAM COUNTY PUBLIC WORKS DEPARTMENT**

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

1. The current Road Standards Manual being used by the Bingham County Public Works Department provided by Bingham County is hereby repealed.
2. The repealed Roads Standards Manual will be replaced by Bingham County Road Standards Manual prepared by Bingham County Road and Bridge Department and adopted according to Bingham County Ordinance Title 7.
3. The Bingham County Road Standards Manual will become effective on June 21, 2023.
4. The new Bingham County Cross Section will be 24' of asphalt with a 2' shoulder on each side. (Refer to Bingham County Road Standards Manual Standard Cross Section)


Dated this 21<sup>st</sup> day of June, 2023

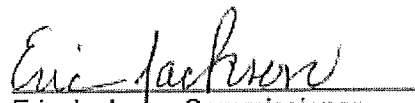
BINGHAM COUNTY COMMISSION



  
Whitney Manwaring, Chairman

\_\_\_\_\_  
Mark R. Bair, Commissioner

  
Pamela W. Eckhardt,  
Bingham County Clerk

  
Eric Jackson, Commissioner

REVIEW OF BUDGET FOR THE ROAD & BRIDGE AND SOLID WASTE DEPARTMENT'S

The Board met to review the proposed FY 2024 budget for the Road & Bridge and Solid Waste Departments.

REVIEW OF BUDGET FOR THE EXTENSION OFFICE

Present: Julie Buck- Extension Office  
Carmen Willmore- Extension Office  
Pamela Eckhardt- County Clerk  
Laraine Pope- Human Resources Director

The Board met to review the proposed FY 2024 budget for the Extension Office

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 record. Commissioner Jackson seconded. All in favor. The Board moved into Executive Session at 11:02 a.m. The Board moved out of Executive Session at 11:05 a.m.

**Decision: Commissioner Jackson moved to deny the submitted Cremation Case No. 2023-09, per the recommendation of Susan Denny, Indigent Services, due to the individual not being a resident of Bingham County. Commissioner Bair seconded. All voted in favor. The motion carried.**

REVIEW OF BUDGET FOR THE HUMAN RESOURCES DEPARTMENT

Present: Laraine Pope- Human Resources Director  
Pamela Eckhardt- County Clerk  
Gina Perschon- Chief Deputy Clerk

The Board met with Laraine Pope to review the proposed FY 2024 budget for the Human Resources Department.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair seconded. All in favor. The Board moved into Executive Session at 2:30 p.m. The Board moved out of Executive Session at 2:59 p.m.

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


REVIEW OF BUDGET FOR THE CORONERS OFFICE


Present: James Roberts- County Coroner  
Pamela Eckhardt- County Clerk  
Laraine Pope- Human Resources Director

The Board met with James Roberts to review the proposed FY 2024 budget for the Coroners Office.



THE MOTION PASSED TO DISMISS UNTIL FRIDAY, JUNE 23, 2023

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

  
 WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                               : ss.               Friday, June 23, 2023  
 County of Bingham    )

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

PRESENT:               Chairman Manwaring  
                               Commissioner Bair  
                               Commissioner Jackson  
                               Lindsey Dalley- Commission Clerk

**CASH WARRANTS**

Cash Warrants were approved in the amount of \$300.00, \$8,181.41, \$2,519.95, \$580.00, \$793.62 and \$252.00, for a total of \$12,626.98.

**CLAIMS**

Claims were approved in the amount of \$139,844.47.

**PERSONNEL ACTION FORMS**

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

New Employee Status Sheet:               Maintenance Specialist

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Forms and Personnel Action Forms for June 23, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**PRIOR APPROVAL FOR MAJOR PURCHASE- PUBLIC WORKS**

The Board met to hold discussion and make a decision regarding the submitted Prior Approval for Major Purchase of a scanner/printer/copier for Public Works. Said purchase is in the amount of \$5,810.00, to be paid from Fund: 02-40-803-00.

Mr. Whited explained that the previous IT Director had informed him that the county will no longer be purchasing equipment from Valley Office Supply and will be strictly ordering from Mower Office Supply. When their current machine was purchased it was refurbished and there has been nothing but issues with the machine. Mr. Whited stated that he spoke with Mr. Robinson, currently assisting in the day to day IT functions for the county, who informed him to get the machine that would work best for their department and that it did not matter if the purchase was from Valley Office Supply.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase submitted by Dusty Whited for a new scanner/printer/copier. Said purchase is in the amount of \$5,810.00, to be paid from Fund: 02-40-803-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE

The Board met to hold discussion and make a decision regarding the submitted Prior Approval for Major Purchase of replacement fencing for the commissioner's office. Said purchase is in the amount of \$4,240.00, to be paid from Fund: 01-10-0494-00.

Mr. Marlow explained that this purchase is being proposed due to the current fence falling over and is dilapidated.

**Decision: Commissioner Jackson moved to approve the submitted Prior Approval for Major Purchase of replacement fencing for the commissioner's office. Said purchase is in the amount of \$4,240.00, to be paid from Fund: 01-10-494-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE

The Board met to hold discussion and make a decision regarding the submitted Prior Approval for Major Purchase of resurfacing of the south parking lot and repainting lines. Said purchase is in the amount of \$10,299.40, to be paid from Fund 0-10-494-00.

Mr. Marlow stated that this is done yearly but the parking lot locations alternates and this year the south parking lot is due.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase to resurface the south parking lot and repaint lines. Said purchase is in the amount of \$10,299.40, to be paid from Fund 0-10-494-00. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PRESENTATION OF IDAHO ASSOCIATION OF COUNTIES SCHOLARSHIP TO TAEDYN JACOBSEN

The Board met to present the Idaho Association of Counties Scholarship to Taedyn Jacobsen.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, JUNE 26, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                      : ss.                   Monday, June 26, 2023  
County of Bingham        )

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

PRESENT:                   Chairman Manwaring  
                                  Commissioner Bair  
                                  Commissioner Jackson  
                                  Lindsey Dalley- Commission Clerk

PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE

The Board met to review and make a decision regarding the submitted Prior Approval for Major Purchase of variable frequency drive for the water tower pump. Said purchase is in the amount of \$3,962.00, to be paid from Fund: 01-10-494-00.

Mr. Marlow explained the variable speed drive runs the pump for the cooling tower. It is noisy and has aged, therefore needs replaced. Currently it sends out negative feedback which sets off the battery backups in the jail.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a variable frequency drive for the water tower pump. Said purchase is in the amount of \$3,962.00, to be paid from Fund: 01-10-494-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### REVIEW OF BUDGET FOR THE WEED DEPARTMENT

Present: Dusty Whited- Public Works Department  
Kraig Edwards- Weed Department Supervisor  
Laraine Pope- Human Resources Director  
Gina Perschon- Chief Deputy Clerk

The Board met to review the proposed FY 2024 budget for the Weed Department.

#### 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. All in favor. The Board moved into Executive Session at 2:03 p.m. Chairman Manwaring moved to go out of Executive Session. Commissioner Bair seconded. The Board moved out of Executive Session at 2:34 p.m.

**Decision: The decisions made after this Executive Session, which were as follows:**

- 1) **A citizen approached Commissioner Bair and stated his appreciation for Susan Denny- Veteran Services. Commissioner Bair will write a statement regarding the appreciation shown and that statement will be placed in her employee file.**
- 2) **Clerk Eckhardt stated that she would like to recognize Lindsey Dalley and Megan Kearsley for their assistance and hard work on the new county seal and website. Clerk Eckhardt proposed a merit pay to both employees in the amount of \$400.00, after taxes are taken out.**

**Decision: Commissioner Bair moved to approve a one-time merit pay to Lindsey Dalley and Megan Kearsley for the amount of \$400.00, after taxes are taken out. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

- 3) **The Scott Mensching credit card will be cancelled and Clerk Eckhardt will speak with Matt Galloway to have a credit card with his name be used for automatic payments for the IT Department.**

#### REVIEW OF BUDGET FOR THE CLERK'S OFFICE


Present: Pamela Eckhardt- County Clerk  
Laura Lora- Payroll/Indigent Services Director

The Board met to discuss the proposed FY 2024 budget for the Clerk's Office.



THE MOTION PASSED TO DISMISS UNTIL TUESDAY, JUNE 27, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Tuesday, June 27, 2023  
County of Bingham    )

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

PRESENT:                Chairman Manwaring  
                              Commissioner Bair  
                              Commissioner Jackson  
                              Lindsey Dalley- Commission Clerk

REVIEW OF BUDGET FOR THE SHERIFF'S OFFICE

Present:                Jeff Gardner- Bingham County Sheriff  
                              Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
                              Pamela Eckhardt- County Clerk  
                              Gina Perschon- Chief Deputy Clerk  
Excused:                Commissioner Bair

The Board met to review the proposed FY 2024 budget for the Sheriff's Office.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE THE LILYA ESTATES SUBDIVISION PRELIMINARY PLAT

Present:                Tiffany Olsen- Planning & Development Director  
                              Jeff Gardner- Bingham County Sheriff  
                              Laraine Pope- Human Resources Director

The Board met to hold a meeting to receive the Planning & Zoning Commissions recommendation to approve the Lilya Estates Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting and introductions were held.

Tiffany Olsen, Planning & Development Director, presented the Staff Report for the record at this time. Discussion was held in regards to the abandoned well. Director Olsen stated that the abandoned well has never been used as a well but, as far as she understands, it has been used as an underground storage area. Director Olsen stated that Developer plans to fill in the abandoned well, grade it and utilize the 50-foot access. Commissioner Bair asked who completed the sampling and how deep was the sample taken. Director Olsen stated that IAS EnviroChem (Pocatello, Idaho) took the sample but she is unsure of the depth.

Chairman Manwaring asked Director Olsen if Idaho Code restricts individual access to a canal. Director Olsen referred to Idaho Code 42-1102, Irrigation and Drainage- Water Rights and Reclamation, Rights of Way, which specifically states, "watering of said lands cannot be had, such owners or claimants are entitled to a right-of-way through the lands of others, for a ditch, canal, or conduit to convey water to the place of use for the purposes of irrigation". In this process, the Lilyas have obtained legal counsel and would like preliminary plat entitlement to show that the county has approved the preliminary plat, to encourage participation of the landowner to provide the easement access. Chairman Manwaring stated this is normally done in a different order. Director Olsen replied that the county would not be able to record a final plat

unless irrigation would be delivered and she has no issue if there is a preliminary plat entitlement subject to irrigation water being delivered to the property. Developer has two years from the date that the final plat is entitled to record the final plat. If those negotiations take longer than two years, the Lilyas know that they will be required to go before the Planning & Zoning Commission. Legal Counsel for the Lilyas would need to work with Mr. Harris to come to an agreement for an easement to get water. Director Olsen stated in the event that irrigation cannot be delivered, this matter would be brought before the Board to give an update on how the properties would be irrigated but will ultimately be a civil matter between the landowners.

Commissioner Bair referred to testimony from Scott Harris, wherein Mr. Harris stated there are fuel tanks located on the property. Director Olsen relied that Developer is unaware of any fuel tanks located on the property. Director Olsen stated if an underground fuel tank is located on the property, it will need to be inspected on an annual basis or removed accordingly. Director Olsen recommended if approved, there be a condition placed that if an underground fuel tank is located, that Planning & Development would be notified to ensure compliance with the removal of the tank.

Chairman Manwaring stated that he has no major concerns regarding the proposal but has never approved a preliminary plat without having all requirements lined out.

Commissioner Bair stated that the application meets all requirements other than the issue with the water, which is being worked on, and the change of the Comprehensive Plan.

**Decision: Commissioner Jackson moved to change the Comprehensive Plan to reflect this parcel as Residential/Residential Agriculture. Commissioner Bair seconded. All voted in favor. The motion carried.**

**Commissioner Bair moved to conditionally uphold decision of the Planning & Zoning Commission to approve the Lilya Estates Subdivision with the following conditions:**

- 1) To remove conditions 2, 3, and 4 put in place by the Planning & Zoning Commission, which were as follows:
  - Condition (2) The Developer shall provide a Remediation Plan to remove waste from previous farming activities to the Board of County Commissioners;
  - Condition(3) Place a note on the Final Plat indicating the property was once a pig farm and had collected animal waste;
  - Condition (4) Planning & Development to ensure the Remediation Plan is complied with prior to development.
- 2) That the necessary easements will be acquired for delivery of irrigation water from the People's Canal before a Final Plat can be recorded.
- 3) An irrigation easement to be provided to lot 2.
- 4) If an underground fuel tank is located on the property during construction, Planning & Development will be notified immediately and the tanks be removed in accordance with the applicable regulations.

**This is based upon the record and discussion held. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director



The Board met with Tiffany Olsen to discuss updates within the Planning & Development Division, which included upcoming Planning & Zoning Commission agenda items, Building Division and Economic Development.

REVIEW OF BUDGET FOR THE PROSECUTORS OFFICE

Present: Paul Rogers- Prosecuting Attorney  
Laraine Pope- Human Resources Director  
Ryan Jolley- Chief Deputy Prosecuting Attorney  
Jeff Gardner- Bingham County Sheriff  
Pamela Eckhardt- County Clerk  
Donavan Harrington- County Assessor  
Gina Perschon- Chief Deputy Clerk

The Board met to review the proposed FY 2024 budget for the Prosecutors Office and a possible wage increase for Elected Officials.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, JUNE 28, 2023

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----  
  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, June 28, 2023  
County of Bingham )

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

PRESENT: Chairman Manwaring  
Commissioner Bair  
Commissioner Jackson  
Lindsey Dalley- Commission Clerk

APPROVAL OF ALCOHOL LICENSE FOR FAMILY DOLLAR STORE IN SHELLEY

The Board met to approve and sign the Alcohol License for Family Dollar Store in Shelley.

**Decision: Commissioner Bair moved to approve the Alcohol License for Family Dollar Store in Shelley. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff  
Kris Talbot- Sheriff's Office  
Paul Rogers- Prosecuting Attorney  
Via Zoom: Hyrum Pitt- Headwaters Construction

The Board met with Sheriff Gardner to discuss updates within the Sheriff's Office and other agenda items.

First, the Board addressed the Memorandum of Agreement with Headwaters Construction pertaining to the jail expansion project. Paul Rogers stated there were no major changes, the language is different but he had no concerns and the document is ready for signatures.

Hyrum Pitt, Headwaters Construction, stated that he received concerns from Paul Rogers, which were addressed. At this time the document is ready for approval and signatures of the Board.

Chairman Manwaring asked Mr. Pitt if they would be putting up a temporary fence prior to the Eastern Idaho State Fair starting, to which Mr. Pitt stated would occur.

**Decision: Commissioner Jackson moved to approve the Memorandum of Agreement with Headwaters Construction for the upcoming Jail Expansion Project. Commissioner Bair seconded. All voted in favor. The motion carried.**

PUBLIC WORKS

- Present: Troy Lenhart- Road & Bridge Supervisor
- Paul Rogers- Prosecuting Attorney
- Gwen Inskeep- County Surveyor
- Spence Ward- HLE
- Tiffany Olsen- Planning & Development Director
- Steve VanOrden- Rose River Estates Subdivision
- Via Zoom: Ryan Singleton- Connect Engineering

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

First, Mr. Lenhart addressed the Prior Approval for Major Purchase of a CAT Skid Steer for the Crusher, which was approved during the budget planning process. Said purchase is in the amount of \$64,894.74, to be paid from Fund: 02-46-803-00.

**Decision: Commissioner Bair moved to approved the Prior Approval for Major Purchase of a CAT Skid Steer for the Crusher, which was approved during the budget planning process. Said purchase is in the amount of \$64,894.74, to be paid from Fund: 02-46-803-00. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to whether or not an open ditch can be in a public right-of-way, specifically for Tressel Subdivision. Ms. Olsen stated on October 12, 2022, the Board approved the Preliminary Plat for Tressel Subdivision, located just off Tressel Road. Part of that Application was the proposed Plat that showed a single point of ingress and egress extending North from Tressel Road and creating a new internal road that would be build to county standards by the Developer with a cul-de-sac but it also included that cul-de-sac as a temporary turnaround with the intension of connecting to any future development that may incur on the property to the North. Ms. Olsen stated that she is not aware of the North property developing but it is a fairly sizeable farm ground owned by Kurt Neff and in looking at future connectivity and doing temporary type turnarounds so that in the future there are additional points for emergency access and general connectivity. Since that time, Mr. Singleton is the Project Administrator at Connect Engineering, and has been working with the People's First Lateral Canal and there is a ditch on the North property line. Throughout the process and conversation, it has been determined that the People's First Lateral Canal will not allow any obstructions in their open channel. Therefore, the intent was to place a culvert so that the portion of the irrigation facility, that was in the to be dedicated right-of-way, would meet Bingham County Standards and the canal company is not willing to allow that culvert or any obstruction to their system.

Ms. Olsen stated there has been email correspondence between Mr. Singleton and Rod Lilya, who is the Chairman of the People's First Lateral Canal, wherein Mr. Lilya stated that if and when the time comes, the county has been granted right-of-way on both sides of the property line and can install a formal bridge to

go up and over the channel. Where the Preliminary Plat was approved showing that future connectivity, Ms. Olsen does not feel comfortable making the decision. Ms. Olsen stated that Bingham County Road and Bridge Standards require that all future irrigation facilities be established outside of the public right-of-way if possible. Therefore, Ms. Olsen is before the Board today to receive direction as to what they would prefer to happen and if the county is willing to allow the open source in the right-of-way and allow for future connectivity at some point or would the Board like to see the cul-de-sac brought to the south so that the right-of-way is not encumbered with the irrigation course.

Commissioner Bair asked Mr. Singleton what his major concern was, wherein Mr. Singleton stated that Mr. Lilya's major concern is the timing in which the capital improvements occur. At this time there is no plan to develop from the North and therefore is not sure why would a structure be allowed now when it is going to hinder the ability to clean out the ditch with a piece of equipment.

**(There were individuals in chambers speaking over one another and therefore could not properly hear a portion of testimony from Mr. Singleton. Audio is available upon request from the Clerk's Office)**

Mr. Singleton stated that Mr. Lilya is not happy about the possibility of having to work around the obstruction for what possibly could be several years. Commissioner Bair asked Mr. Singleton if there was a development, would Mr. Lilya be opposed to putting in a culvert, to which Mr. Singleton stated that Mr. Lilya would be opposed to putting in a culvert but recommended a bridge structure that the road could be extended over. Mr. Singleton stated from a design standpoint, they have raised the center line profile of that road in order to prepare for the eventual extension up and over whatever structure is deemed appropriate. Originally the road was about 1 ½ feet lower and at that point, it would have been impossible to extend the road over a canal crossing.

Mr. Lenhart stated the canal company did not want to allow any culverts due to the historical issues and the concern of the Public Works Director was having an open ditch in the right-of-way. If there were an accident, the county could be liable due to being in a county right-of-way.

Ms. Inskeep stated if the right-of-way is cut back, there will be no future connectivity but if allowing the open ditch, that would be a change to the county ordinance. Chairman Manwaring stated this ditch has been in place for many years on both sides but he would be in favor of leaving the open ditch due to the unknown of development occurring and to remove the right-of-way and leave the cul-de-sac as a permanent cul-de-sac with termination.

Ms. Olsen stated the Board approved the Preliminary Plat with future connectivity and now are making the decision to not provide future connectivity and leaving the cul-de-sac as a permanent cul-de-sac, following Bingham County Ordinance because there will not be an open irrigation facility in the county right-of-way.

Mr. Rogers referred to Bingham County Code pertaining to ditches, wherein one is a criminal code that shows what can be done with ditches under Title 18, wherein ditch companies and water holders do not have the authority to prevent placement of conduit, culverts or bridges and turns into a misdemeanor charge if that code is not followed. Mr. Rogers stated that conduit could be placed if needed but cannot obstruct, divert or rearrange the ditch but there are a lot of obstacles to go through in order to do so.

Commissioner Bair stated that he does not like the idea of giving up the right-of-way as connectivity in development is a huge deal.

Commissioner Jackson stated it is unknown if there will be development in the future and he would agree with Chairman Manwaring to leave the open ditch.

**Decision: Commissioner Jackson moved to approve the open ditch, remove the right-of-way from the cul-de-sac to the north lot line for Tressel Subdivision. Chairman Manwaring seconded. Both voted in favor. All in favor- Chairman Manwaring and Commissioner Jackson. All opposed- Commissioner Bair. The motion carried.**



DISCUSSION & DECISION REGARDING REMOVAL OF RIBBON CURBING FROM ROSE RIVER ESTATES SUBDIVISION, WAPELLO VILLA DIVISIONS 2 & 3, LAVA RIDGE COVE AND CEDAR ESTATES DIVISION 3

Present: Troy Lenhart- Road & Bridge Supervisor  
Paul Rogers- Prosecuting Attorney  
Gwen Inskeep- County Surveyor  
Spence Ward- HLE  
Tiffany Olsen- Planning & Development Director  
Steve VanOrden- Rose River Estates Subdivision

The Board met to hold discussion and make a decision regarding removal of ribbon curbing from the Development Agreements for Rose River Estates Subdivision, Wapello Villa Divisions 2 & 3, Lava Ridge Cove and Cedar Estates Division 3.

Ms. Olsen stated since the decision and Resolution 2023-33, removing ribbon curbing from subdivision development, there have been four requests from four different developers to remove the ribbon curbing from their previously approved by Preliminary Plat developments. The four subdivisions are Rose River Estates Subdivision, Wapello Villa Divisions 2 & 3, Lava Ridge Cove and Cedar Estates Division 3.

Chairman Manwaring stated this decision falls in line with the Board's decision to remove the requirement of ribbon curbing and therefore, he has no issue.

Commissioner Bair stated that the subdivisions that have phases with ribbon curbing, the upcoming phases should continue having ribbon curbing for consistency.

Commissioner Jackson stated wherein the decision was made to remove the requirement of ribbon curbing, he has no issue with the request.

**Decision: Commissioner Jackson moved to approve the removal of ribbon curbing requirement from the Development Agreements for Rose River Estates Subdivision, Wapello Villa Divisions 2 & 3, Lava Ridge Cove and Cedar Estates Division 3, and all pending subdivisions that apply. Chairman Manwaring seconded. All in favor- Chairman Manwaring and Commissioner Jackson. All opposed- Commissioner Bair. The motion carried.**

Next, Mr. Lenhart explained the submitted Prior Approval of Major Purchase of a CAT D5n for the Solid Waste Department. The current dozer is constantly having issues and is not worth the continuous money being put into it. Mr. Lenhart stated that the funds are not available and therefore, the specific line item will run over and open the budget to move the funds.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a CAT D5N for the Solid Waste Department. Said purchase is in the amount of \$123,000.00, to be paid for Fund: 23-70-803-00. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Lastly, Mr. Lenhart asked for approval of the document pertaining to the bid for the Child Pedestrian Safety Grant from Mickelsen to assist with the project.

**Decision: Commissioner Jackson moved to accept the bid from Mickelsen for the Child Pedestrian Safety Grant, which is a fully funded grant. Commissioner Bair seconded. All voted in favor. The motion carried.**

## REVIEW & SIGN THE LAW ENFORCEMENT AGREEMENT WITH THE CITY OF BLACKFOOT

Present: Marc Carroll- City of Blackfoot Mayor  
Grahm Anderson- City of Blackfoot Treasurer  
Pamela Eckhardt- County Clerk  
Paul Rogers- Prosecuting Attorney

The Board met to approve and sign the Law Enforcement Agreement with the City of Blackfoot.

Mr. Rogers explained that discussion was held to be sure that all concerns were addressed properly. It was agreed to by all parties that there would be a 4% escalation each year to keep up with inflation. That verbiage has been added and the parties will meet every five years to address any concerns, as there have been issues in the past with coming to an agreement before budgeting deadlines.

**Decision: Commissioner Bair moved to approve and sign the Law Enforcement Agreement with the City of Blackfoot. Commissioner Jackson seconded. All voted in favor. The motion carried.**

## DISCUSSION & DECISION REGARDING POSSIBLE INCREASE OF AMBULANCE FEES- REQUESTED BY CHIEF HOWELL

Present: Bryon Howell- Blackfoot Fire Chief  
Marc Carroll- City of Blackfoot Mayor  
Grahm Anderson- City of Blackfoot Treasurer  
Pamela Eckhardt- County Clerk  
Paul Rogers- Prosecuting Attorney

The Board met to meet with Chief Howell and discuss the proposed increase of Ambulance Fees. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Howell.

Chief Howell explained that ambulance fees have not increased since 2019 and in order to keep up with inflation costs he feels that it is time for an increase. Chief Howell ran comparison between Blackfoot, Idaho Falls and Madison County and there is a huge gap.

The Board was in favor of an increase and stated that the proposed fees will be advertised, along with a Public Hearing being held in order to hear any concerns from the public.

## HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director

The Board met with Laraine Pope to discuss department updates, which included current recruitments and current job vacancies.

## REVIEW OF BUDGET FOR THE HISTORICAL SOCIETY

Present: Laraine Pope- Human Resources Director  
Pamela Eckhardt- County Clerk  
Jason Marlow- Building Maintenance Supervisor

The Board met to review the proposed FY 2024 budget for the Historical Society.

REVIEW OF BUDGET FOR BUILDING MAINTENANCE

Present: Laraine Pope- Human Resources Director  
Pamela Eckhardt- County Clerk  
Jason Marlow- Building Maintenance Director

The Board met to review the proposed FY 2024 budget for Building Maintenance.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, JUNE 30, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Friday, June 30, 2023  
County of Bingham )

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

PRESENT: Chairman Manwaring  
Commissioner Bair  
Commissioner Jackson  
Lindsey Dalley- Commission Clerk

CLAIMS

Claims were approved in the amount of \$504,301.16.

PAYROLL

Payroll was approved in the amount of \$742,089.87

PERSONNEL ACTION FORMS

The Board moved to approve Personnel Action Forms, which were as follows:

New Employee Status Sheet: Work Study Intern  
Salary Increase Form: Sr. Equipment Operator

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for June 30, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.**

TRANSFER OF ALCOHOL LICENSE FROM WHITE EAGLE DRIVE THRU LLC TO WHITE EAGLE LLC

The Board met to approve and sign the alcohol license transfer from White Eagle Drive Thru LLC to White Eagle LLC.

**Decision: Commissioner Bair moved to approve the alcohol license transfer from White Eagle Drive Thru LLC to White Eagle LLC. Commissioner Jackson seconded. All voted in favor. The motion carried.**

TRANSFER OF ALCOHOL LICENSE FROM CHEVRON TO FAST STOP LLC


The Board met to approve and sign the alcohol license transfer from Chevron to Fast Stop LLC.

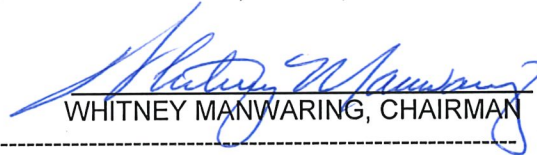
**Decision: Commissioner Jackson moved to approve the alcohol license transfer from Chevron to Fast Stop LLC. Commissioner Bair seconded. All voted in favor. The motion carried.**

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses .....	\$416,767.83	Weeds.....	\$5,392.55
Road & Bridge .....	\$289,725.68	Emergency Communication.....	\$8,815.70
Airport.....	\$1,500.00	Road & Bridge Special	
Justice Fund .....	\$580,821.91	Projects.....	\$5,234.97
District Court.....	\$138,824.08	Waterways.....	\$5,330.07
Preventative Health.....	\$2,000.00	ARPA Funds.....	\$145,825.76
Parks & Recreation .....	\$40,487.04	Treatment Court Fund .....	\$10,846.10
Revaluation.....	\$55,090.56	Consolidated Elections.....	\$4,882.12
Solid Waste .....	\$198,988.64		
Veterans Memorial.....	\$858.27		

THE MOTION PASSED TO DISMISS UNTIL MONDAY, JULY 3, 2023

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

  
 WHITNEY MANWARING, CHAIRMAN