

STATE OF IDAHO )  
 : ss. Friday, February 2, 2024  
County of Bingham )

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

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

**CLAIMS**

Claims were approved in the amount of \$500,045.12.

**PAYROLL**

Payroll claims were approved in the amount of \$844,853.63.

**PERSONNEL ACTION FORMS**

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

Employee Status Sheet: Solid Waste Operator to Solid Waste Lead  
Circuit Breaker Position Reclassification  
Circuit Breaker Position Reclassification  
New Employee Status Sheet: Solid Waste Operator  
One (1) Merit Bonus Payment: Detention Corporal

**COLLEGE OF WESTERN IDAHO**

One (1) Certificate of Residency was approved by the Board of County Commissioners and sent to the College of Western Idaho for the following Bingham County student: Abigail R. Shipley.

**COLLEGE OF EASTERN IDAHO**

Two (2) Certificate of Residency documents were approved by the Board of County Commissioners and sent to the College of Eastern Idaho for the following Bingham County students: Jessica D. McPhetridge and Jasmine Cecilia Llamas.

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for Friday, February 2, 2024. Commissioner Bair seconded. All voted in favor. The motion carried.**

**PRIOR APPROVAL- BUILDING MAINTENANCE**

Present: Jason Marlow- Building Maintenance Supervisor

The Board met with Jason Marlow to discuss and make a decision regarding the submitted Prior Approval for Major Purchase of a coil replacement for the walk-in fridge within the jail, which is to be purchased from Harris. Said purchase is in the amount of \$8,057.72 and is to be paid from Fund: 01-10-506-00 (Building and Grounds- Jail Repairs).

Mr. Marlow explained that the existing coil has reached its end of life and has developed many leaks, which have been patched several times and now needs replaced.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a coil replacement for the walk-in fridge within the jail, which is to be purchased from Harris. Said purchase is in the amount of \$8,057.72 and is to be paid from Fund: 01-10-506-00 (Building and Grounds- Jail Repairs). Commissioner Bair seconded. All voted in favor. The motion carried**

**APPROVAL OF TAX INQUIRY DOCUMENTATION SUBMITTED BY THE COUNTY ASSESSOR**

The Board met to approve and sign Tax Inquiry documentation submitted by the County Assessor, which were as follows:

MH7010303	Year 2023	Solid Waste Goes through Fort Hall Waste
MH352S34PW015A	Year 2023	Mobile Home moved to Bannock County in December of 2022 and was assessed by Bannock County for 2023 per Bannock County.

**Decision: Commissioner Jackson moved to approve and sign the Tax Inquiry documentation submitted by the County Assessor. Commissioner Bair seconded. All voted in favor. The motion carried.**

**APPROVAL & SIGNING OF JOINT RESOLUTION 2024-01, A RESOLUTION IN SUPPORT OF PUBLIC LIBRARIES IN BINGHAM COUNTY**

Present: Marc Carroll- City of Blackfoot Mayor  
Debbie Marlow- Blackfoot City Councilwomen

The Board met to approve and sign the Joint Resolution 2024-01, a resolution in support of Public Libraries in Bingham County.

Mayor Carroll explained minimal changes that he and Lindsey Dalley, Commission Clerk, made to the resolution for clarification.

The Board had no concerns in regards to the drafted resolution and Chairman Manwaring asked for a motion at this time.

**Decision: Commissioner Jackson moved to approve and sign Joint Resolution 2024-01, a resolution in support of public libraries in Bingham County. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**Lindsey Dalley, Commission Clerk, will work to obtain signatures from city mayors within Bingham County to finalize the resolution.**

**APPROVAL TO MOVE FORWARD WITH THE BIDDING PROCESS FOR MICROSEALING**

Present: Dusty Whited- Public Works Director

The Board met to approve moving forward with the bidding process for micro-sealing.

Mr. Whited explained the bid packet and notice before the Board today for approval and stated the micro-seal contract needs to be placed out to bid. There was a one year, with up to four additional one-year extension if both parties agree. The old contract has a 2% escalation clause and the way that inflation has occurred, they were no longer able to continue with the final year of the contract. The county has been noticed of that, which is what brings the Notice before the board today.

The Board had no concerns in regards to the proposal and Chairman Manwaring asked for a motion.

**Decision: Commissioner Jackson moved to approve and sign the Notice of Bid to proceed with the required process for Micro-sealing. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**DECISION & SIGNING OF THE GUARANTEED MAXIMUM PRICE AMENDMENT EXHIBIT A FOR THE JAIL EXPANSION & COURTHOUSE REMODEL PROJECT**

The Board met to approve and sign the Guaranteed Maximum Price Amendment Exhibit A for the Jail Expansion & Courthouse Remodel Project.

Lindsey Dalley, Commission Clerk, stated that she spoke with Brent with Headwaters Construction who informed her that the only reason this amendment should be signed is due to the change in construction plans, specifically the gas line issue, and that no other changes had been made. Commission Clerk confirmed that legal counsel had also reviewed the document and had no concerns.

The Board had no concerns regarding the proposal.

**Decision: Commissioner Jackson moved to approve and sign the Guarantee Maximum Price Amendment Exhibit A for the Jail Expansion and Courthouse Remodel Project, as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**DISCUSSION & DECISION REGARDING PROPERTY TAXES FOR RP0532304 AND REQUEST FOR POSSIBLE EXTENSION OR CANCELLATION- REQUESTED BY JEREMY CLAYSON**

Present:           Donavan Harrington- County Assessor  
                  Gary Shewey- Commercial Appraiser  
                  Jeremy Clayson- Property Owner

The Board met to discuss and make a decision regarding property taxes for RP0532304 and request for possible extension or cancellation, requested by Jeremy Clayson. Chairman Manwaring welcomed all to the meeting.

Mr. Clayson stated that the project on RP0532304 is behind schedule and not completed when it was supposed to be completed and therefore, he would request either an extension to pay property taxes owed until the project is complete and functioning. Mr. Clayson stated this he was not aware that there were taxes assigned to the subject parcel until it was already assigned. At this time, cash flow hasn't been generated from the new expansion and the time that taxes were due, there are no funds to pay said taxes. He would project that the project completion date would be April 15<sup>th</sup>.

Mr. Shewey explained the appraisal process and stated when he attempted to visit the subject property, there were no trespassing signs and several cameras, making it impossible for him to complete is assessment.

Mr. Harrington stated that a letter was sent to Mr. Clayson on January 24, 2023, wherein it was requested that Mr. Clayson provide an update on the project, to which there was no response. Therefore, it was assumed that the project was completed and functioning. Therefore, the Assessors Office was in error in placing this property on occupancy roles but without update from the property owner, they have no choice but to assume the project is complete.

It was reiterated that the property was placed on the occupancy role in error and the Assessor would propose removing the value of the barn but leaving the value of the land.

**Decision: Commissioner Jackson moved to remove value of the feeder barn in the amount of \$3,816,100.00 and leave the value amount on the land. Chairman Manwaring seconded. Both voted in favor. The motion carried. Therefore, adjusted value from \$3,962,083 to \$143,983.00 for a difference of \$3,816,100.00.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY, FEBRUARY 5, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Monday, February 5, 2024  
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 REASON & DECISION FOR PURA VIDA PLACE SUBDIVISION**

The Board met to approve and sign the Reason & Decision for Pura Vida Place Subdivision. Chairman confirmed that all Board members had reviewed the document and there were no changes to be made.

**Decision: Commissioner Bair moved to approve and sign the Reason & Decision for Pura Vida Place Subdivision as written. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**APPROVAL OF REASON & DECISION FOR WAPELLO VILLA SUBDIVISION, DIVISION 3**

The Board met to approve and sign the Reason & Decision Wapello Villa Subdivision, Division 3. Chairman confirmed that all Board members had reviewed the document and there were no changes to be made.

**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for Wapello Villa Subdivision, Division 3, as written. Commissioner Bair seconded. All voted in favor. The motion carried.**

**APPROVAL OF BINGHAM COUNTY ALCOHOL BEVERAGE CATERING PERMIT FOR 7EIGHTY5 LLC, FOR THE BLACKFOOT RIVER BOWMAN EVENT & BUFFET TO BE HELD AT THE EASTERN IDAHO STATE FAIR GROUNDS ON FEBRUARY 10, 2024**

The Board met to approve and sign the Alcohol Beverage Catering Permit as submitted by 7eighty5, LLC.

Chairman Manwaring confirmed that Sheriff Gardner has approved and signed the permit and there are no further concerns.

**Decision: Commissioner Bair moved to approve and sign the Bingham County Alcohol Beverage Catering Permit for 7eighty5, LLC, for the Blackfoot River Bowman Event & Buffet to be held at the Eastern Idaho State Fair Grounds on February 10, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.**

STAFF MEETING

Present: Pamela Eckhardt- County Clerk  
Laura Lora- Payroll/Indigent Services  
Donavan Harrington- County Assessor  
Dusty Whited- Public Works Director  
Jimmy Roberts- County Coroner  
Kristin Langedyke- Deputy Coroner  
Scott Reese- Emergency Services/Parks & Recreation  
Sheri Landon- Court Supervisor  
Jordyn Nebeker- Chief Deputy Sheriff  
Laraine Pope- Human Resources Director  
Bill Haight- System and Network Administrator- IT Department  
Jason Marlow- Building Maintenance  
Tiffany Olsen- Planning & Development Director  
Shawn Hill- Probation Director  
Cody Lewis- Treatment Court  
Tanna Beal- County Treasurer  
Julie Buck- Extension Office  
Danette Miller- Elections Office  
Gordon Croft- Blackfoot Chief of Police

Excused: Jeff Gardner- Sheriff  
Matt Galloway- IT Department  
Marc Carroll- City of Blackfoot Mayor  
Grahm Anderson- City of Blackfoot Treasurer  
Ryan Jolley- Prosecuting Attorney

The Commissioners met with department heads and Elected Officials for the February 2024 Staff Meeting. Commissioner Bair conducted the Staff Meeting.

Pledge of Allegiance: Commissioner Bair conducted.

Approval of Minutes for Staff Meeting held in January 2024: There were no changes to be made. Therefore, the Staff Meeting Minutes for January were approved as written.

Special Presentation: Clerk Eckhardt thanked Jason Marlow and the Maintenance team, along with Matt Galloway and his IT Department team (Chief Deputy Sheriff Jordyn Nebeker accepted on Matt's behalf), for their hard work during the remodel project and moving computers and other equipment around within such a short time period.

Sheri Landon thanked Jason and Matt for their hard work in getting equipment moved, especially with how quickly it needed to happen. Court was still in session during the day and they both came into work on a holiday to get things moved. She stated Bingham County has an amazing team that works great together, especially during instances such as this.

Jason Marlow stated that he would like to thank everyone for their patience and positive attitudes during a project that can be stressful.

Safety Concerns: None.

Employee Years of Service Recognition: None.

Commissioner Bair: Gave a brief report of the Idaho Association of Counties Legislative Conference that he attended last week, which was held at the Boise Center and was one of the best attended conferences.

Commissioner Jackson: Stated that he also had the opportunity to attend the Idaho Association of Counties Legislative Conference, wherein he was able to attend several classes and seminars on conducting business as a Commissioner. While in Boise, there was a tragic accident where an airport building structure collapsed and three people did not get to go home to their families. He reminded everyone to be careful and remember to tell your family that you love them because you never know when will be the last time that you may see them.

Chairman Manwaring: Had no updates at this time.

Clerk Eckhardt: Stated there will be changes within the Clerk's Office. Gina Perschon will be retiring and Laura Lora will take over the position as Chief Deputy Auditor, along with working on payroll for a few months. Gina will return part time in June, after 90-day requirement of PERSI, and will assist with financial responsibilities.

Clerk Eckhardt stated that within Commission Chambers there is an excellent recording system called For the Record (FTR). When the red light is on, the system is recording and Clerk Eckhardt reminded all in attendance to please be mindful when walking into a meeting or attending a meeting as the microphones pick up all sound. Therefore, please hold all conversations until after the meeting or walk out into the hall because at times the conversation occurring in the audience can end up being louder than the business being conducted.

Chairman Manwaring stated that he has listened to previous recordings where there were other conversations being held in the audience and it is unprofessional.

Lindsey Dalley, Commission Clerk, added that would include any individuals that are sitting at the table directly in front of the Board. There is a microphone on the table as well and if there are several people sitting at the table and may think that they are holding a quiet conversation or whispering, that is not the case and makes it extremely hard to get a clear recording.

Donavan Harrington: Also gave a brief update on the Idaho Association of Counties Legislative Conference.

Dusty Whited: Had no updates at this time.

Laura Lora: Had no updates at this time.

Jimmy Roberts: Introduced Kristin Langedyke, Deputy Coroner, who works for the Southeast Idaho Health Department as an Epidemiologist. She has great experience that she brings to Bingham County.

Mr. Roberts stated that the Coroners Office has handled 29 cases, with 2 suicides since the beginning of the year. One was a 16-year-old and the other was a 43-year-old, with two more attempts after the most recent suicide death. The suicide rates are extremely high and he reminded everyone to please watch for signs and don't be afraid to ask if someone needs help.

Scott Reese: Stated that he reviewed revenue from the parks last year, which was approximately \$96,000.00, which is around \$12,000.00 more than the year before.

Sheri Landon: Had no updates at this time.

Laraine Pope: Stated that Bingham County is moving toward 6 weeks of Paid Parental Leave for families, which be published to all employees once a final approval is received from the Board. She would like to thank all Elected Officials for their hard work on the proposed changes to policy.

Ms. Pope reminded all that the Benefits Fair is scheduled for the 13<sup>th</sup> of February starting at 7:30 a.m., and will be held in Courtroom #3.

Ms. Pope introduced Bill Haight, the new Systems and Network Administrator for the IT Department. Mr. Hate has been with Bingham County for about 2 weeks and has a lot of experience he brings to the county.

Jason Marlow: Stated that he would like to thank everyone for their help and patience during the remodel project.

Mr. Marlow stated that he would like to remind everyone to be careful while walking across the parking lots and on the sidewalks into the courthouse, especially those that wear high heels or shoes that have soles that are slick. With the bad weather, he wants to be sure that no one falls or gets injured.

Tiffany Olsen: Stated that Building Permit numbers for January have decreased. There are currently 2 positions that will become vacant on the Planning & Zoning Commission, wherein one is within the city limits of Shelley and the other is outside of the city limits of firth but in the Firth/Shelley area in the unincorporated zone. There are 2 maps located on the Planning & Development Webpage for reference if needed and if there is anyone interested, please contact her.

Shawn Hill: Had no updates at this time.

Cody Lewis: Stated that Drug Court Graduation will be held on February 27<sup>th</sup> and February 29<sup>th</sup>, both at 4:00 p.m.

Jordyn Nebeker: Stated that Shade Rosenkrance has transferred to a Detective position, which will be in effect as of March 1, 2024. Due to that Corporal vacancy, Greg Jolley has been promoted to move into that position.

Tanna Beal: Had no updates at this time.

Julie Buck: Stated that the Extension Office will have 11 youth attend Know Your Government, which is amazing. There was a mixed team attend Livestock Skillathon who placed 4<sup>th</sup> place. In May, the Extension Office will be getting 2 more Americorp part-time interns.

Danette Miller: Reminded all that the filing period for County Elected Officials will begin on March 4, 2024 and continue until March 15, 2024. There will be packets available in the Election Office.

Chief Gordon Croft: Stated that he would like to thank the Sheriff's Office and the Coroners Office, as it has been an extremely busy last month.

Chief stated that there was a Press Release last Monday in regards to an individual that escaped Probation and Parole, which has been identified as the individual who was found in Fort Hall deceased. Chief stated that the FBI is handling that investigation as it did occur in Fort Hall.

Chief stated there was a meeting held with the several city officials, Maverik and the contractor on the project in regards to the demolition and the complaints/concerns received pertaining to the manner in which it was handled. There was video footage posted on social media of a wall being torn down and debris falling onto Highway 91, which is very disappointing. That will not happen again and the City would like to apologize. There was a safety plan put in place but it was not followed as it should have been.

Commissioner Bair stated next Staff Meeting is scheduled for Monday, March 4, 2024 at 8:30 a.m.

Nothing further.

#### PROBATION DEPARTMENT

Present: Shawn Hill- Probation Director

The Board met with Shawn Hill to discuss updates within the Probation Department.







infrastructure and will be placed, inspected and approved before lots can be sold and building permits issued.

Ms. Olsen stated that the Development Agreement has been reviewed by Public Works, the Surveyor and Legal Counsel, with no concerns.

The Board had no questions or concerns.

**The Chairman signed both the Development Agreement and Final Plat for Tressel Subdivision at this time.**

MEETING TO RECEIVE WHISPERING WINDS SUBDIVISION 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  
Collin Hunter- Tressel Subdivision  
Blake Jolley- Resident

The Board met to receive Whispering Winds Subdivision request to grant a one-time extension of 12 months to Final Plat pursuant to Bingham County Code Section 10-14-5 (e).

Ms. Olsen stated the preliminary plat was approved by the Board on April 19, 2022. Per Bingham County Code, the Applicant has two years to complete the Development Agreement and Final Plat. The Applicant is asking for a one-time, one year, extension that is allowed. The Applicant prefers not to receive a bond and would like to complete the irrigation himself, which will be completed this spring. If approved, it will be indicated that the extension would be placed through April 19, 2025.

The Board had no questions or concerns in regards to the submitted request.

**Decision: Commissioner Jackson moved to approve the request submitted by Whispering Winds Subdivision for a one-time extension of 12 months to Final Plat pursuant to Bingham County Code Section 10-4-5 (e). Commissioner Bair seconded. All voted in favor. The motion carried.**

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE WITH CONDITIONS, THE ZONING MODIFICATION FROM AGRICULTURE TO RESIDENTIAL/AGRICULTURE FOR 3 PARCELS AT APPROXIMATELY 500 E 700 N, FIRTH, IDAHO, OWNED BY JIMMY & ERICA WILLIAMS, BY THE APPLICANT, BLAKE JOLLEY

Present: Tiffany Olsen- Planning & Development Director  
Ryan Jolley- Prosecuting Attorney  
Blake Jolley- Applicant  
Ross Carroll- Resident  
Marva Carroll- Resident  
Ed Sprabeary- Resident  
Scott Wanstrom- Resident  
Michale Mitchell- Resident  
Mickey Thiel- Resident  
Keith Young- Resident

The Board held a Public Hearing to receive the Planning & Zoning Commissions recommendation to approve with conditions, the zoning modification from Agriculture to Residential/Agriculture for 3 parcels located as approximately 500 E 700 N, Firth, Idaho, owned by Jimmy & Erica Williams, by the Applicant, Blake Jolley. Chairman Manwaring welcomed all to the meeting and introductions were held.

Potential Conflict Disclosure: Commissioner Bair stated that he lives at the end of 700 North and all individuals in attendance of this meeting are his neighbors. He does not feel that this would interfere with is decision making on the Application. Chairman Manwaring and Commissioner Jackson had no concerns.

Presentation of Staff Report: Tiffany Olsen

The Board had no questions or concerns for Director Olsen at this time and the time was turned over to the Applicant, Blake Jolley, for testimony.

**Exhibit CC-6:** Blake Jolley, Applicant, 423 East 700 North, Firth, Idaho 83236, who submitted into the record Exhibits CC-6(1) and CC-6(2). Mr. Jolley stated that he like to reiterate that the subject area was designated, at the time in which the Comprehensive Plan was put in place in approximately 2018, as Residential Agriculture. Within discussion held with Director Olsen, Mr. Jolley stated the he believes the property was in the Comprehensive Plan to be Residential Agriculture prior to the 2018 as well.

Mr. Jolley referred to Number 2: Proximity to Existing areas of similar population density and Number 3: Lot size compatible with existing lot sizes in the immediate area, both of Bingham County Ordinance 10-4-2 (c) and stated with the request to go to Residential Agriculture can be as part of that zone from one to five acres. The code requirements do not state that the lots have to be one acre but states within the range of one to five acres. Therefore, depending on the market or the current landowner or proposed landowner would like to do, it could be within the range of acreage, making options available.

Mr. Jolley stated that he believes that the Planning & Zoning Commission placed the condition of requiring 2 ½ acre minimum for each lot in order to have responsible development and growth.

Mr. Jolley referred to Exhibit CC-6(1) and CC-6(2), which are photographs of Meadow Brooke Subdivision. He explained that as a reference this subdivision was mentioned as being around the 1.7 acres in size and it can be seen that a lot of the homes have large yards and have taken ½ an acre to have some sort of agricultural use that fits within the area. This would give an idea as to what the acreage could be used for.

Mr. Jolley stated there was a concern expressed during testimony that the subject property does not have water shares, which is correct and there are no water shares owned by the landowner. Mr. Jolley stated that he has had conversation with Blackfoot Irrigation Company and there are no available water shares available to purchased. It was brought up in one of the Public Hearings and he being located west of the property, he does have water shares that he does not use that may be utilized.

Mr. Jolley stated that he has held conversation with Ross Carroll, resident, in regards to his concerns and he wanted to be sure that he honors what he advised him, which is that if this zone change is approved, a thought that he had would be to create affordable type housing that would be in the area so long as it is on permanent foundation and a manufactured home could be placed. He has changed his thoughts and would propose something along the lines of 1400 square feet that is a stick-built home with a two-car garage and two roof changes.

Chairman Manwaring asked Mr. Jolley if water shares that he has available would have the ability to be transferred and if they come through the ditch and deliver to his property. Mr. Jolley stated that the same ditch does not come to his property and the point of diversion would need to be approved by Blackfoot Irrigation to be able to transfer the water shares to be utilized off of another irrigation ditch. Mr. Jolley reiterated that his property and the subject property are serviced off of two separate ditches. Mr. Jolley stated in brief conversations with the irrigation company, they did not see this being an issue but it would need to be a formal request.

Commissioner Bair asked Mr. Jolley if there was a ditch that comes close to the subject property and if it would be hard to get water to the subject property. Mr. Jolley explained that on the Northeast side of the property owned by Williams' there was a ditch that serviced this property at one point but has since been blocked due to there being no irrigation. Mr. Jolley stated that he is under the impression that if the water shares are able to be transferred to that property, that ditch could be opened and utilized again.

Chairman Manwaring confirmed there are no further questions for the Applicant and opened the meeting for testimony.

Chairman Manwaring asked if there was testimony to be given in favor of the Application, wherein there was none.

Chairman Manwaring asked if there was testimony to be given in neutral of the Application, which was presented as follows:

**Exhibit CC-7:** Ross Carroll, 480 East 700 North, Firth, Idaho, stated that he wanted to reflect on what Mr. Jolley testified and stated that he chose to testify in neutral because he wants the Williams property to be cleaned up. They have been living in fifth wheel trailers for the last four years, the place is a mess and would like to see the neighborhood cleaned up.

Mr. Carroll stated there are a lot of people moving to Idaho and there will be growth but it needs to be controlled growth. Mr. Carroll stated that he looked at the Bingham County GIS Map and made a list of the places within the subject area that had homes already placed on the property and what the property size, wherein the average property size is 4.74 acres. Therefore, he would propose that be the property size and although there is growth forthcoming it should be controlled.

Mr. Carroll expressed his concerns with the water table and sewer availability with having a smaller lot size, as the smaller lots there are, the more homes will be placed. The current homes within the area are close and know that water depth and pulling water from a shallow well will affect neighbors in the long run. Therefore, keeping the lot size bigger will help the neighbors not have to struggle. Mr. Carroll stated one of the existing properties on the property has a shallow sewer/septic system because of where the water table is.

Commissioner Jackson asked Mr. Carroll what the water depth is in the subject area, to which Mr. Carroll stated his home is dug at 50 feet and the water tables at about 40 feet. Mr. Carroll added it should be considered when moving forward with a subdivision that in looking at water and sewer within the area, the Northwest line of the subject property, which is referenced as Firth Creek. Mr. Carroll stated that is not an actual creek but is a drainage line that goes out to the river, due to the City of Firth having to pump sub out of the city. Mr. Carroll stated that he will be working with the city to make that into more of a ditch instead of a free flooded wetland area. Chairman Manwaring asked if this occurs due to the river flow being high, to which Mr. Carroll stated that was correct.

**Exhibit CC-8:** Ed Spraybeary, 401 East 700 North, Firth, Idaho, 83236, stated as far as sub-water during the summer months is two to three feet underneath the ground and he is not sure of there have been any test holes dug but the current season would be the wrong time of year to be digging test holes. His well is 40 feet underneath the ground but the house on the corner of Hopkins Lane was under the water in 1997. Mr. Spraybeary stated that it needs to be taken into consideration to have larger lots instead of several small lots.

There was no further testimony in neutral.

Chairman Manwaring asked if there was testimony to be given in opposition, to which was presented as follows:

**Exhibit CC-9:** Keith Young, 462 East 700 North, Firth, Idaho 83236, stated that he is in opposition of the Application. He referred to Number 2 of the Bingham County Ordinance 10-4-2 (c), and stated that the Application does not meet requirements. All lots in the subject area are five acres or larger except two lots.

Mr. Young referred to number 3 of Bingham County Ordinance 10-4-2 (c), which goes along the same lines and he does not believe that the Application complies.

**Exhibit CC-10:** Mickey Thiel, 462 East 700 North, Firth, Idaho 83236, stated that she bought her home when there were code requirements of five acres and she believes that it should stay that way as it would make lots more desirable. The acreage that Williams has would be more desirable if the acreages were larger such as the others. She is not against growth but she is against growth that does not fit in the area. If a future development is approved, the traffic will become unbearable because Highway 91 is busy already.

**Exhibit CC-11:** Scott Wanstrom, 504 East 700 North, Firth, Idaho 83236, stated that his home is East of the Williams property and that Tom Christensen owned the whole area. When he purchased his land, there were no water shares for their property until Tom Christensen offered that if he assisted in upkeep of Mr. Christensen's property, he could use his water shares. There were further agreements in place for water usage after Mr. Christensen passed away but Mr. Wanstrom still has the water shares available.

Mr. Wanstrom stated his concern in regards to the Williams property and the fact that they have been in violation of Bingham County Ordinance 10-2-3, due to living in trailers since 2019.

**Exhibit CC-12:** Ed Spraybeary, 401 East 700 North, Firth, Idaho 83236, stated that he would like to know what the intentions of the developer are as far as either a mobile home or a house. He does not see being able to get enough funding to build a home. Chairman Manwaring stated this specific Public Hearing is specific to the zone change but within Mr. Jolley's testimony, he stated that his intentions would be stick built.

Chairman Manwaring confirmed there was no further testimony in opposition to be presented and the time was turned over to the Applicant for rebuttal statement.

Applicants Rebuttal: Blake Jolley, Applicant, stated that there was test holes dug after the October Hearing, which were over eight feet deep and did not encounter any sub-water at that time. He does understand that in October, irrigation season is over but it did not appear there would be any sub-water. Along those lines, there are Government Agencies that should be followed, such as the Health Department and the Department of Environmental Quality. Due to the area, he believes they would require monitoring of the sub-water for a period of time and through an irrigation season to determine what needs to be done.

Mr. Jolley stated that he mentioned that he has water shares as he would propose the water shares be purchased to guarantee they can take care of and water their property.

Mr. Jolley referred to the Williams property and their home, which would be the only home that he would propose to get them into a manufactured home as quickly as possible. Mr. Jolley stated that the Williams do not have the ability to maintain five acres or more and would like to keep two to three acres. The reason behind the two to three-acre request is that Jimmy Williams drives semi-truck and would need the ability to turn a truck around.

Chairman Manwaring asked if there were homes in the subject area that have a basement, to which Mr. Jolley stated he did not believe so.

Director Olsen stated that she worked with Rex Williams for several months prior to his passing and he did make an effort to cure the ordinance violation. The current occupant has been uncooperative. As the county looks at the subject Application and potential approval, she asked Legal Counsel if there could be a condition placed on the zoning amendment that the Zone Change Ordinance would not be recorded until the Williams' trailers were moved and the property was brought into code compliance. Director Olsen stated she wondered if that could be a conditional option on the Zone Change to satisfy concerns of the county pertaining to ongoing code enforcement issues and the testimony received from those in attendance.

Mr. Blake Jolley stated that his suggestion is to allow the zone change to take place but with a restriction to only be able to sell two parcels within the proposed subdivision. Director Olsen stated the angle she is looking at is that this has been on the radar and when pursuing code enforcement and receive a non-responsive action, she has gone through the court process and had them removed by a judge, which would be the next step for the Williams' due to their non-compliance. Therefore, knowing that the Application has

been received, Ms. Olsen stated that she transitioned the complaint to a potential resolution file without having to go before a judge. Ms. Olsen stated there needs to be some sort of guarantee that the property has a condition of compliance connected in the event the Application is approved.

Ryan Jolley, County Legal Counsel, stated that he would need to do research in regards to placing a condition as proposed by Director Olsen but the item today is not in regards to a subdivision. That discussion would be held during the subdivision process and once an application for subdivision is submitted.

Nothing further.

Chairman Manwaring stated that the Public Hearing would be closed to testimony and the Board would hold their deliberation, which was as follows:

Chairman Manwaring referred to testimony presented by Keith Young who stated there was an issue with proximity to existing areas of similar population density and lot size compatible with existing lot sizes in the immediate area and stated that in Bingham County there have been several parcels that are five to ten acres that parents make one acre lots from division rights for their kids to be able to afford to build. In this particular area, people have 5-acres lots and could have division rights and are allowed to build on those with one acre lots.

Chairman Manwaring stated that he looks at each Application, the surrounding area and testimony given to assist with making his decision. The subject Application meets the Comprehensive Plan and as Mr. Wanstrom stated, there are water shares available, which was originally a concern for him. His recommendation at this time would be to have the lots be 3-acres.

Commissioner Bair stated that each property owner has the right to apply for a Zone Change. This specific property is defined within the Comprehensive Plan as Residential Agriculture and if approved, unless a condition is placed, there could be 1-acre lots. Commissioner Bair asked Legal Counsel if a condition could be placed to allow 1-acre lots but cap the number of homes built in the subdivision at 9 or 10 homes that way there would be a variety of lot sizes within the subdivision and more affordable but also have larger lots for those that can afford to do so.

Ryan Jolley stated that once the Subdivision Application is submitted and approved, a limit could be placed. Today the Board could include limitations on lot size but as far as limiting the number of houses what would need to occur during the Subdivision Application process.

Director Olsen asked Legal Counsel if the Board could limit lot size but could limit the average lot size so there could be a variety in size. Ryan Jolley confirmed that could be done within the decision made by the Board.

Commissioner Jackson stated that he does not like to see prime farm ground turned into housing but the subject property does not seem to be prime farm ground where it does have the sub water and proximity to the river. To him the subject property is an ideal spot to approve a Zone Change with a possible subdivision application in the future. Commissioner Jackson added that he would be in favor of an average lot size of 2 ½ acre, as put in place by the Planning & Zoning Commission. Chairman Manwaring concurred.

Commissioner Bair stated that he likes the idea of giving the developer the freedom on lot size without making them too small and therefore, he would be in favor of a 2 ½ acre lot average.

The Board reviewed requirements within Bingham County Code Section 10-4-2 (c), which stated that the purpose of an "R/A" Zone is as follows:

- 1) Suitability of parcel for agricultural purposes

- a. The Board had no concerns. Chairman Manwaring stated the property owner still has the ability to have a garden or livestock.
- 2) Proximity to existing areas of similar population density
  - a. The Board had no concerns.
- 3) Lot size compatible with existing lot sizes in the immediate area
  - a. The Board had no concerns.
- 4) Compatible with the existing uses in the immediate area
  - a. The Board had no concerns.
- 5) Protection from incompatible uses
  - a. The Board had no concerns.
- 6) Accessibility to adequate utilities
  - a. The Board had no concerns.
- 7) Adequate service by roadways
  - a. The Board had no concerns.

There was no further discussion and Chairman Manwaring requested a motion at this time.


**Decision:** Commissioner Bair moved to approve the proposed Zone Change from Agriculture to Residential Agriculture, for property owners Jimmy & Erica Williams, for approximately 18.73 acres at approximately 500 East 700 North, Firth, Idaho, based on the Reason & Decision of the Planning & Zoning Commission, testimony received and discussion held. Also to add one condition that there will be a two acre average lot size. Commissioner Jackson seconded. All voted in favor.

Director Olsen asked for clarification and if the Board would remove the condition placed by the Planning & Zoning Commission, which was to require that all lots would be a minimum of 2.5 acres. Commissioner Bair amended his motion as such and states the reasoning is based upon making cost affordable for individuals and give the opportunity to have larger lots if desirable and compatible with the area. Commissioner Jackson seconded. All voted in favor. The motion carried.

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

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

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 7, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN



STATE OF IDAHO     )  
                              : ss.               Wednesday, February 7, 2024  
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**

Two (2) Cash Warrants were approved in the amount of \$249.00 and \$69.00, for a total of \$318.00.

**RESOLUTION 2024-4**

The Board met to approve Bingham County Resolution 2024-4, a resolution regarding the destruction of Election records maintained by the Clerk's Office.

**Decision: Commissioner Bair moved to approve Bingham County Resolution 2024-04, a resolution regarding the destruction of Election records maintained by the Clerk's Office. Commissioner Jackson seconded. All voted in favor. The motion carried and said resolution was approved as follows:**

BINGHAM COUNTY RESOLUTION 2024-4

RESOLUTION REGARDING THE DESTRUCTION OF ELECTION RECORDS  
MAINTAINED BY THE CLERK'S OFFICE

WHEREAS the Bingham County Clerk has requested permission to destroy certain election records; and,

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

WHEREAS Idaho Code §34-217 specifically addresses election records; and

WHEREAS the Bingham County Clerk has represented that the records for which destruction is sought pertain to matters which have been concluded for the designated period of time allowed in the above-referenced sections of the Idaho Code; and

WHEREAS none of the records for which destruction is requested are required to be kept by the County permanently and indefinitely pursuant to Idaho Code §31-709.

THEREFORE, It is hereby resolved:

That the following **August 28, 2018 Aberdeen Plant Facility Levy and Atomic City Recall Election** records may be disposed of pursuant to Idaho Code §34-217(1) (a-g) as being at least five years, from the date the records were created:

**Combination Election Record and Poll Books, including the ballot accounting pages.**

That the following **November 6, 2018 General Election, Special Bond Election for City of Blackfoot Swimming Pool, and Aberdeen School Plant Facilities Reserve Fund Levy Election** records may be disposed of pursuant to Idaho Code §34-217(1) (a-g) as being at least five years, from the date the records were created:

**Combination Election Record and Poll Books, including the ballot accounting pages.**

That the following **November 2, 2021 General Election** records may be disposed of pursuant to Idaho Code §34-217(2) (a-g) as being at least two years, from the date the records were created:

**Completed absentee ballot request forms; tally books; voted ballots; any ballots that were required to be duplicated before being counted; certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation; certified ballot language from special districts for any question placed on the ballot; absentee ballot affidavit envelopes, including the indication of the signature's acceptance or rejection; ballot stubs; correspondence relating to an elector's voter registration; logic and accuracy test ballot decks; write-in packets; test ballots; oaths; and transport carrier logs.**

That the following **November 30, 2021 Blackfoot City Mayoral Runoff Election** records may be disposed of pursuant to Idaho Code §34-217(2) (a-g) as being at least two years, from the date the records were created:

**Completed absentee ballot request forms; tally books; voted ballots; any ballots that were required to be duplicated before being counted; certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation; certified ballot language from special districts for any question placed on the ballot; absentee ballot affidavit envelopes, including the indication of the signature's acceptance or rejection; ballot stubs; correspondence relating to an elector's voter registration; logic and accuracy test ballot decks; write-in packets; test ballots; oaths; and transport carrier logs.**

That the following **December 2021 completed Absentee Request Forms** may be disposed of pursuant to Idaho Code §34-217(2) (a-g) as being at least two years, from the date the records were created:

**Completed absentee ballot request forms.**

That the following **August 29, 2023 Shelley Joint School District Supplemental Election and Bonneville Joint School District Special General Obligation Bond Election** records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

**Correspondence relating to an elector's unused ballots, spoiled ballots, stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, voter lists, duplicate poll books and test ballots.**

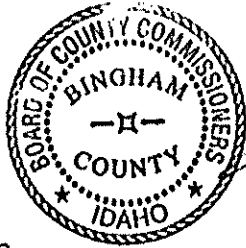
That the following **November 7, 2023 General Election and Shelley Joint School District Special General Obligation Bond Election** records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

**Correspondence relating to an elector's unused ballots, spoiled ballots, stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, voter lists, duplicate poll books and test ballots.**

Furthermore, such records may be destroyed after February 7, 2024.

Signed and dated this 7 day of Feb, 2024.

BINGHAM COUNTY COMMISSIONERS



ATTEST:

*Whitney Manwaring*  
WHITNEY MANWARING, Chairman

*Pamela W. Eckhardt*  
Pamela W. Eckhardt, Clerk

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

*Eric Jackson*  
ERIC JACKSON, Commissioner

SHERIFF'S OFFICE

Present: Jordyn Nebeker- Chief Deputy Sheriff

The Board met with Chief Deputy Nebeker to discuss updates within the Sheriff's Office, which included jail population and discussion regarding procedure for internal investigation after major incidents occur.

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. Both in favor. The Board moved into Executive Session at 9:03 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 9:28 a.m.

**Decision: Commissioner Bair moved to direct the Human Resources Department to release a request for PTO Time for an individual within the Public Works Department, as long as he meets the criteria. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**Commissioner Jackson moved to withdraw the conditional offer made to an individual for a Public Works Department position, due to past legal issues found on the background check. Commissioner Bair seconded. All voted in favor. The motion carried.**

PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Ryan Jolley- Prosecuting Attorney  
Jordyn Nebeker- Chief Deputy Sheriff  
Tiffany Olsen- Planning & Development Director

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

Discussion was held in regard to the proposal for speed limit reduction for Rose Road from 50 mph to 45 mph, from 100 North to 450 North, Rose Road in its entirety. Mr. Whited explained the reason for said proposal is that the speed limit on Rose Road from 386 North, to just around the corner at 450 N is 45 mph. The rest of Rose Road from 100 N to I15 is 50 mph. A request was made by Mark Call to change the speed limit on all of Rose Road to 45 mph due to increasing development and growth over the years, along with to allow a safe stopping sight distance.

Mr. Whited stated in cooperation with Sheriff Gardner and Chief Deputy Nebeker, the request was evaluated pertaining to a speed limit reduction to 45 mph. Although, the 85<sup>th</sup> percentile won't support the request, Mr. Whited would for the following reasons:

- 1) The high number of crashes in the past 5 years, along with one fatality.
- 2) The North end from the church around the corner is already posted at 45 mph.
- 3) The high number of intersections, there are 11 along Rose Road.
- 4) Seven subdivisions along with 11 intersections may increase the safety concerns.
- 5) The I-15 overpass reduces visibility and with Rose River Estates, two new intersections and the bike-pedestrian path crossing, all in close proximity with each other.
- 6) The Snake River Bridge crossing also adds complexity to this stretch.

Chairman Manwaring asked what the increased cost for signage would be if this were approved, to which Mr. Whited stated that he did not evaluate the cost as of yet.

Ms. Olsen commented that there was testimony received during the process for Rose River Estates in regards to concerns regarding the speed limit. Therefore, if approved the reduced speed limit would be appreciated by the public.

**Decision: Commissioner Jackson moved to approve the speed limit reduction from 50 mph to 45 mph from 100 North to 450 North, the entirety of Rose Road, per the recommendation of Mr. Whited. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the Annual State Mileage Report, wherein Mr. Whited stated that the only changes made for 2023 would be the 8/10 of a mile added of gravel road out on Duffin Road, West of Aberdeen.

**Decision: Commissioner Bair moved to approve and sign the Annual State Mileage Report as presented by Mr. Whited. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the Agreement with CAT for a grader wing for the last grader that was purchase. Mr. Whited stated the Prior Approval was signed on July 27, 2023, Commissioner Manwaring signed the first page of the agreement, which was then faxed back to CAT and no one realized that there was a signature page that was missed. Apparently, the Agreement was placed aside and since it was not fully executed, did not send an invoice to Public Works. While doing inventory, CAT realized that the grader wing was gone but had not been paid for, which is what brought this before the Board today. The claim will be signed Friday to pay but the bad thing is that this was not within the FY budget for 2024 and it should have come out of FY 2023 budget. Mr. Whited stated that the funding to pay for this grader wing is available in the Reserve Account.

**Decision: Commissioner Jackson moved to approve the resigning of the Agreement with CAT for a grader wing in the amount of \$21,822.35. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to two older pickups within Road & Bridge that have been damaged by being involved in accidents. Due to the year of each vehicle and mileage, it would be the recommendation of Mr. Whited to not repair these vehicles. With the new \$3,000 deductible, Mr. Whited stated it would cost \$6,000 in deductibles to fix these pickups.

The Board was in favor of not having the two pickups repaired and waiting until next year when they can be sent to auction.

**Decision: Commissioner Jackson moved to approved to not fix the two pickups within Road & Bridge, drive them as they currently are and wait until they are sent to auction next year. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the review of preliminary design report from the first bridge replacement of the Leading Idaho Local Bridge Program. Mr. Whited explained the preliminary design report from Keller Associates, specifically for bridge that is on Firth Road over the reservation canal. Mr. Whited stated on sheet 7 of 7, it shows a cross section of the proposed bridge, the curb walls on both sides and the type of guard rail that is proposed. On this design of bridge there are a lot of precast work and explained further.

Next, Mr. Whited explained the preliminary design sent from JUB for bridges on Haughn Road, 1400 North (Country Club Road) and 400 North. Mr. Whited stated he is hopeful to put these out to bid this summer in order for them to be built next winter when water is out of the canals.

The Board had no concerns in regards to the proposed preliminary design reports.

**Decision: Commissioner Jackson moved to approve the design report from Keller Associates and JUB for the preliminary design report for bridges discussed within the meeting. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Lastly, Mr. Whited discussed the road within Cedar Estates, Division 3, which were 835 East Baneberry Road, 845 East Red Cedar Street and 1560 North Jack Rabbit Drive, wherein he mentioned that the roads have been inspected and meet all criteria and requirements. Therefore, he would recommend acceptance of the mentioned roads.

There were no concerns or questions from the Board.

**Decision: Commissioner Jackson moved to approve Bingham County Resolution 2024-5, a resolution authorizing acceptance of 835 East Baneberry Road, 845 East Red Cedar Street and 1560 North Jack Rabbit Drive, in Bingham County, Idaho. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was approved and signed as follows:**



**BINGHAM COUNTY  
RESOLUTION NO. 2024-05**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF 835 EAST BANEERRY ROAD,  
845 EAST RED CEDAR STREET AND 1560 NORTH JACK RABBIT DRIVE, IN  
BINGHAM COUNTY, IDAHO**

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

**WHEREAS**, The Record of Survey for the Cedar Estates Division No.3, was recorded in the Bingham County Clerk's Office as Instrument Number 755974 and is attached as Exhibit "A", along with a site plan map created by HLE Engineering; and

**WHEREAS**, The Bingham County Public Works Director has acknowledged that Bingham County Road Standards have been met and recommends that 835 East Baneberry Road, 845 East Red Cedar Street and 1560 N Jack Rabbit Drive be accepted; and

**THEREFORE, BE IT HEREBY RESOLVED**, at a Public Meeting held on February 7, 2024, the Board of County Commissioners of Bingham County, Idaho, in the interest of the public, accepted 835 East Baneberry Road, 845 East Red Cedar Street and 1560 N Jack Rabbit Drive and dedicated it as 835 East Baneberry Road, 845 East Red Cedar Street and 1560 N Jack Rabbit Drive.

**SIGNED this 7<sup>th</sup> day of February 2024.**

**BINGHAM COUNTY COMMISSION**

  
Whitney Manwaring, Chairman

ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

\_\_\_\_\_  
Mark R. Blair, Commissioner

  
Eric Jackson, Commissioner





**CEDAR ESTATES DIVISION NO. 3**  
PART OF THE NW 1/4 OF  
SECTION 16, T. 1 N., R. 37 E. B. 1  
BINGHAM COUNTY, IDAHO

**OWNERS DEDICATION**  
I, the undersigned, being the owner of the above described property, do hereby dedicate to the public the easement described herein for the use and benefit of the public.

**TREASURERS CERTIFICATE**  
The undersigned Treasurer of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any lien or other claim of any person or entity other than the State of Idaho.

**ZONING APPROVAL**  
The undersigned Zoning Administrator of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any zoning restriction or other regulation of any person or entity other than the State of Idaho.

**RECORDERS CERTIFICATE**  
The undersigned Recorder of Deeds for the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any lien or other claim of any person or entity other than the State of Idaho.

**FLOOD PLAN**  
The undersigned Floodplain Administrator of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any floodplain regulation or other restriction of any person or entity other than the State of Idaho.

**SURVEY NARRATIVE**  
The undersigned Surveyor of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any survey restriction or other regulation of any person or entity other than the State of Idaho.

**COUNTY APPROVAL**  
The undersigned County Clerk of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any county regulation or other restriction of any person or entity other than the State of Idaho.

**COUNTY SURVEYOR'S APPROVAL**  
The undersigned County Surveyor of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any survey restriction or other regulation of any person or entity other than the State of Idaho.

**ACKNOWLEDGMENT**  
I, the undersigned, being the owner of the above described property, do hereby acknowledge the above described easement and agree to the terms and conditions thereof.

**PUBLIC UTILITY EASEMENT NOTE**  
The undersigned Public Utility Company of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any public utility easement or other restriction of any person or entity other than the State of Idaho.

**NOTES**  
1. The easement is subject to the terms and conditions of the deed.  
2. The easement is subject to the terms and conditions of the deed.  
3. The easement is subject to the terms and conditions of the deed.  
4. The easement is subject to the terms and conditions of the deed.  
5. The easement is subject to the terms and conditions of the deed.

**SURVEYOR'S CERTIFICATE**  
I, the undersigned Surveyor of the County of Bingham, Idaho, do hereby certify that the above described property is not subject to any survey restriction or other regulation of any person or entity other than the State of Idaho.

**PLAT**  
This plat is a true and correct copy of the original as shown to the Surveyor of the County of Bingham, Idaho, and is subject to the terms and conditions of the deed.

#### MEET & GREET WITH KORT WARE- HMH ENGINEERING

Present: Kort Ware- HMH Engineering  
Dusty Whited- Public Works Director  
Ryan Jolley- Prosecuting Attorney

The Board held a meet and greet with Kort Ware in regards to the starting of their Engineering company in Rigby.

#### HUMAN RESOURCES

Present: Laraine Pope- Human Resources  
Ryan Jolley- Prosecuting Attorney

The Board met with Laraine Pope to discuss department updates within Human Resources, which included current recruitments, recent hires and upcoming interviews.

#### MEETING TO DISCUSS EMERGENCY FIRE SUPPRESSION SERVICES IN SUBDIVISIONS

Present: John Fairchild- Fairchild Construction  
Verl Jarvie- Blackfoot Fire Department  
Branden Wall- Blackfoot Fire Department  
Jeff Steadman- Steadman Construction  
Scott Briscoe- Scott Briscoe Construction  
Chris Nelson- Developer  
Luke Jolley- HLE  
Chase Clark- Bingham County Building Official  
Randy Adams- Shelley Firth Fire Chief  
Dusty Whited- Bingham County Public Works Director  
Elias Trejo- VO1 LLC  
Tiffany Olsen- Planning & Development Director  
Chris Street- HLE  
Ryan Jolley- Prosecuting Attorney

The Board met to hold discussion regarding emergency fire suppression services in subdivisions. Chairman Manwaring welcomed all to the meeting and introductions were held.

Tiffany Olsen stated recently she and Verl Jarvie have been discussing the establishment of a fire standard in Bingham County. Within those discussions, Verl Jarvie prepared testimony that was submitted during two (2) of the most recent Subdivision Applications, which is included in the Commission Packet and has been provided to all in attendance. Also included is an excerpt from the Planning & Zoning Commissions Meeting held on the Pura Vida Subdivision, as well as the Hidden Meadows Subdivision, on that discussion and what that looked like. Tiffany Olsen stated within that document the first page is the comments, the second page is Pura Vida, a 6-lot subdivision and the third page is Hidden Meadows Subdivision, a 27-lot subdivision. The Blackfoot-Snake River response was the same for both subdivisions and she has captured the testimony presented by Chris Street, HLE, for Pura Vida Subdivision wherein he discussed options and that the county should wait to establish the fire suppression as a condition until the county has held discussion and it was decided to be codified. The second section on Hidden Meadows included discussion from the Board of County Commissioners where the condition was removed.

Verl Jarvie reviewed a presentation and gave education on fire flow, which was projected for the Board and all in attendance.

Chairman Manwaring stated this meeting was scheduled in order to receive input from Developers and Contractors on systems and cost versus the size of the subdivision.



Chris Nelson stated that is a well cost approximately \$350,000 to \$500,000 depending on the depth of the well, along with distribution line cost which could be in the approximate amount of \$200,000 - \$300,000 for a 30-acre subdivision. This has impact when making decisions during development and he is concerned about what the cost would be if required. Mr. Nelson stated that he is a proponent of coming up with a plan that would be beneficial for both developers, contractors and the county. Mr. Nelson stated that he would like to propose, as this is something that the City of Chubbuck does, is charging an impact fee that would be taken when a permit is pulled.

Scott Briscoe stated that any subdivision that he has constructed thus far, if there was a required cost of \$500,000 to \$800,000, he would have walked away from the project. That is an amount that is not feasible nor is there that kind of money in a development.

Chairman Manwaring stated if the county were to charge an impact fee, it would be for development in moving forward but would not be charged to past developers. Chris Nelson confirmed that this would be a one-time fee and not a yearly fee to be paid with the building permit.

Tiffany Olsen stated that is a good option but the county does not take fees in for other agencies or districts. The fees that are taken in by the Planning & Development Division are fees that the county uses, so that would need to be reviewed further with the County Clerk and Auditor. Mr. Nelson stated that the county would put in the water system/suppression if they were collecting those fees, wherein Ms. Olsen stated that she is unsure if the county would want to be responsible for nor be owners of water infrastructure for suppression.

Luke Jolley stated that input received from another county states that they had to be the ones in charge of the system due to legal reasons.

Tiffany Olsen stated if the county required fire flow source for every development that was 5 lots or more, you could have 15 developments that all have a water source next to one another and still be located to a fire station and asked if that was really necessary. She referred to statement submitted by Madison County, which states that a formula was created based on the number of water trucks they have, how long it takes to fill those water trucks, how far they need to go to fill then and then make an area that states if this development is outside of this location, then they would work with the Developer to determine an appropriate size for that area of need, knowing that the water source could be used for anyone within the area as it is a valid water source.

Tiffany Olsen stated there are other comments received on what is required, wherein some area requirements based on the square footage of homes, wherein a firewall could be used as a portion of substitution that qualifies as a method of fire suppression. In Idaho Code Section 41-253, which states "*a detached single-family dwelling, to be constructed upon land of five (5) acres or more outside an incorporated city and not within designated area of city impact, shall be exempt from the water supply and access requirements*". Ms. Olsen stated that lot sizes are important and the other is construction methods may be something to consider.

Ms. Olsen stated that a map could be created to show where valuable water sources are, determine what a reasonable distance is for delivery and then the areas that cannot be served within that area, that area could be targeted for funds to be spent to create a water source that the district creates with the tax dollars levy that are being received because individuals that are paying those taxes are receiving benefit within that district. Such as the taxing district could look at a way to tax its users/occupants, take a portion of those funds, like what the City of Chubbuck is doing, and encourage the district to use that portion to establish new water sources to increase the ability within that district for fire suppression.

Chairman Manwaring stated if that is done, it would be taking individuals that have been in the area 20,30 or more years, for funding going into a new subdivision and he does not agree with that. Ms. Olsen stated that individual may not have a water source next to them and could be a benefactor of that.

Scott Briscoe stated when developing Hidden Meadows, if he were required to install the system that is anticipated to be around \$120,000, he may have walked away from the project. If he had to install the \$500,000 system, he absolutely would have walked away from the project and in moving forward, if these systems are required, he would no longer look at development in Bingham County because it is not feasible for development. Mr. Briscoe stated that he liked the suggestion of an impact fee and that the fire department could use those fees to purchase larger hoses or a new fire truck, for where that equipment is needed.

Jeff Steadman stated that he does not agree with the suggestion of charging an impact fee. Firemen and safety personnel are trained and spend a lot of time looking at the worst-case scenarios during a fire. Having a publicly maintained system or a system out in subdivisions is creating a huge tax burden. Mr. Steadman stated that in his opinion the county would want to maintain these systems.

John Fairchild stated that impact fees are to be used for certain things that they are specified to be used on, to make sure funds actually go to those specifics and not other things. Therefore, if approved the impact fees would need a specific outline as to what they could be used on. The second thing is the tax issues and as a realtor they have a lot of people look at the amount of taxes that they have to pay in the area. If an additional impact fee were placed on top of the taxes to be paid, he does not believe that would go well. Individuals moving to the area are in fact looking at those type of fees and taxes that they are being charged and again if another is added, that could interfere with decision making for development.

Elias Trejo stated that he is a realtor and involved in the development of Rose River Estates. Mr. Trejo stated it would have been difficult to make the development proceed if an additional amount was added for an impact fee. If this cost is enforced on the local developers, he believes that the county would see different people coming into the area to develop. Adding fees like this would not benefit the local developer and at the same times does not like the idea of adding fees to tax individuals as a government entity.

Randy Adams stated that he would like to find a way to help them protect structures as a volunteer fire department, which includes getting standards put in place. Mr. Adams stated that he would like to see what Mr. Jarvie stated but there are huge costs involved, making it hard for those plans to be put in place. In working with Developers, there are individuals who are willing to add extra plans, such as a fire wall, to developments in order to assist fire suppression but there are also individuals that are not as willing to do so.


Commissioner Bair stated that he does not like the idea of charging an impact fee but does like the idea of a cistern tank but would like to know the cost and what that would look like.

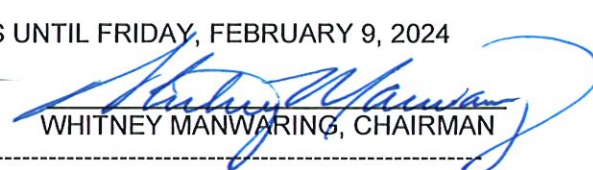
Chairman Manwaring stated he believes as part of the Subdivision Application, the Applicants should work with the proper fire district to come up with a plan that will be proposed when the Application is before the Board of Commissioners.

Verl Jarvie stated that he would like assistance from the County to put a standard in place.

**There was no decision made at this time. Chairman Manwaring stated that he would like ideas from those in attendance as to proposed standards, be submitted to Tiffany Olsen with Planning & Development.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 9, 2024

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----



STATE OF IDAHO        )  
                              : ss.               Friday, February 9, 2024  
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 \$217,988.89.

**PERSONNEL ACTION FORMS**

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

New Employee Status Sheet:       Truck Driver R&B  
Employee Status:                    Patrol Deputy to Corporal  
  Patrol Corporal to Detective  
Salary Increase Form:               Driver's License  
  Motor Vehicle Specialist  
  Circuit Breaker Clerk  
  Patrol Sergeant  
  Driver's License Examiner  
  Detention Deputy  
  Patrol Sergeant

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

**APPROVAL OF REASON & DECISION FOR HIDDEN MEADOWS SUBDIVISION**

The Board met to approve the Reason & Decision for Hidden Meadows Subdivision.

Chairman Manwaring confirmed that he, Commissioner Bair and Commissioner Jackson have reviewed the document with no changes to be made.

**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for Hidden Meadows Subdivision. Commissioner Bair seconded. All voted in favor. The motion carried.**

**DISCUSSION & DECISION REGARDING TRANSPORT OF DECEDENTS TO POCATELLO FOR AUTOPSY AND TRANSPORT OF DECEDENTS FROM SCENE TO FUNERAL HOME**

Present:               Jimmy Roberts- County Coroner  
                              Ryan Jolley- Prosecuting Attorney  
                              Jordyn Nebeker- Chief Deputy Sheriff  
                              Perry Hawker- Hawker Funeral Home  
                              Blake Hawker- Hawker Funeral Home  
                              Laraine Pope- Human Resources Director  
                              Flint Christensen- Deputy Coroner

The Board met to hold discussion in regards to transport of decedents to Pocatello for Autopsy, along with transportation of decedents from scene to funeral home. Chairman Manwaring welcomed all to the meeting and introductions were held.

A brief discussion was held in regards to the upcoming Eastern Idaho Pathology Center, wherein it will be available to conduct autopsies in Pocatello. Commissioner Bair stated that negotiations need to be had in regards to putting a contract in place for completing autopsies in Pocatello rather than Boise, which would include a rate to do so. Perry Hawker stated in speaking with the Bannock County Commissioners, they are having trouble finding a Pathologist. Commissioner Bair stated his understanding is that the Pathologist would be present a couple of times per week to conduct autopsies and that they did have an individual under contract. Again, Perry Hawker stated that finding a Pathologist is the main holdup for the project and they do not have a contract in place.

Chairman Manwaring stated that the details need to be worked out in order to have things in place when The Eastern Idaho Pathology Center is open for business. Perry Hawker stated if autopsies were conducted in Pocatello, that would change things as the amount charged to the county would not be as high due to there being less travel, time and costs.

Chairman Manwaring stated that a meeting should be held with the officials in Bannock County for further information and in the meantime, he would like Perry Hawker to put together an amount as to what the cost would be for transport to autopsy in Bannock County rather than Ada County.

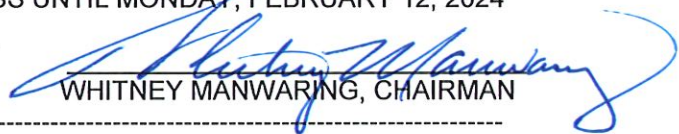
Nothing further.

Next, discussion was held in regards to transport of decedent from the scene to the funeral home. The Commissioners voiced their concerns and statements that have been received from the residents of Bingham County, along with receiving input from Perry and Blake Hawker.

There was no decision made at the conclusion of this meeting.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, FEBRUARY 12, 2024

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO        )  
                                  : ss.           Monday, February 12, 2024  
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 SUNDAY EXEMPT PERMIT FOR PINDALE LANES FOR FEBRUARY 25, 2024

The Board met to approve the Sunday Exempt Permit pursuant to Idaho Code Ordinance 3-1-13, for Pindale Lanes to be used on February 25, 2024 for a Blackfoot City Bowling Tournament.

**Decision: Commissioner Jackson moved to approve and sign the Sunday Exempt Permit pursuant to Idaho Code Ordinance 3-1-13, for Pindale Lanes to be used on February 25, 2024 for a Blackfoot City Bowling Tournament. Commissioner Bair seconded. All voted in favor. The motion carried.**

**MEETING TO RECEIVE UPDATE FROM FAIR BOARD MEMBER JODY JACKMAN**

Present: Jody Jackman- Eastern Idaho State Fair Board Member

The Board met with Jody Jackman to receive update in regards to the Eastern Idaho State Fair.

One main subject of discussion was held in regards to the request from the Eastern Idaho State Fair to assist with hauling sand from Rich Lane to the arena. Ms. Jackman stated the date is unknown but the target date is April, 2024 but should spring come sooner, it could occur earlier. Chairman Manwaring stated it was not confirmed during the budget meeting and all specifics were not lined out, but assistance is needed to do the hauling of the sand to the arena. Chairman Manwaring stated he would have no issue with this request but would have to ask Legal Counsel to conduct research to confirm this could legally happen.

Chairman Manwaring stated that the fairgrounds allows the county to stock pile micro-seal material on its property, as well as use of the parking lot and the fairgrounds provided fair entry tickets in return. He believes it is possible but would like to see an agreement drafted regarding those items.

After discussion, it was concluded that Legal Counsel will complete research to see if this would be possible, along with drafting an Agreement if needed.

Further discussion was held in regards to events to be held during the upcoming fair, the 4-h program and update on the jail expansion.

**DISCUSSION & DECISION REGARDING REQUEST FOR COUNTY ASSISTANCE WITH CHIPPING OF ROADS WITHIN THE CITY OF ABERDEEN AND REQUEST FOR WAIVER OF BUILDING INSPECTION FEES FOR THE ADA RESTROOM REMODEL AT WAHLEN PARK- REQUESTED BY LARRY BARRETT- MAYOR OF ABERDEEN**

Present: Larry Barrett- Mayor of Aberdeen  
Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
Tiffany Olsen- Planning & Development Director  
Chase Clark- Building Official  
Ryan Jolley- Prosecuting Attorney

The Board met to address the requests submitted by Mayor Barrett, City of Aberdeen, in regards to the county assisting with chipping of roads within the City of Aberdeen and request for waiver of building inspection fees for the ADA restroom remodel at Wahlen Park.

Mayor Barrett stated that the City of Aberdeen has received an ADA CARES Act Grant in the amount of \$250,000 and would like to remodel the restroom at Wahlen Park to become ADA compliant. Therefore, he is asking that the county waive the building inspection fees.

Ms. Olsen stated that she is not sure what the amount of fees would be as there has not been an Application submitted. Once an Application is received, square footage and other information into a program, which will show what the building permit fee will be, which will include a plan review fee. On any commercial structure, whatever the building permit fee amounts to, a 30% increase is added as plan review fee. Reason being is that it takes a lot of coordination on commercial projects with the Fire Chief or district to be sure that all requirements are being met.

Mayor Barrett stated that this project is in the beginning stages but he has been working with Construction Services, who has also completed a lot of work on the Aberdeen School. They would look at the plans and get back to him with an estimated cost as to what the project would cost.

Ms. Olsen stated that the only building permit fees that the county has waived was on a small containment area as the Eastern Idaho Regional Sewer District, in the amount of \$3,000. The basis at that time was that it was a small structure and it was not going to be occupied but was a concrete containment for fluids. Bingham County is a part owner in that facility with Bonneville County, the City of Ammon and the City of Shelley, therefore, there was a vested financial interest in that structure. Ms. Olsen stated it would be challenging to waive fees for a structure that is to be used by the public, although working with a city within Bingham County and those fees help offset cost for fuel to go complete the building inspections. Ms. Olsen recommended looking at that cost when it is known and make a decision as to if there is anywhere to decrease those fees.

Mayor Barrett stated that this facility would be used from March to mid-October. The restrooms are not heated and would be designed so that all water could be drained during the months the facility is not used.

Chairman Manwaring stated that no matter the amount of fees, he would be in favor of waiving those fees as there will be county residents using the park and it is part of the county but that he would like to see the plans.

Commissioner Bair agreed and stated that it would be easier for the Board to make a decision if there was cost to review. Commissioner Jackson concurred and stated that he would be in favor as well.

This matter will come before the Board once there is additional information and a building permit has been submitted. Chairman Manwaring asked Legal Counsel to research this matter as well to be sure this is something that could be done.

Next, discussion was held in regards to the request for county assistance with chipping of roads within the City of Aberdeen. Mayor Barrett stated that last year the county assisted with preparing the gravel roads in order to have them ready for chipping, after which assisted with the double chipping of Power Line and Beach Road. The City of Aberdeen paid Road and Bridge for their assistance which was approximately \$80,000. Mayor Barrett stated that the City of Aberdeen received another grant from LHTAC for \$100,000, which can only be used for chipping or road repair.

Dusty Whited stated that he would review the proposed work to be completed and would provide the cost to Mayor Barrett in order to see the cost between putting a third and final chip on the road or micro sealing. This would occur after a bid is approved for the micro sealing contract, which should occur within the next week so long as there are no issues with the bids submitted.

Mayor Barrett confirmed that the City of Aberdeen is willing to pay for services and appreciates the help from the county.

Chairman Manwaring asked Legal Counsel to also review this matter to be sure this can be done and draft an agreement if needed.

Dusty Whited stated again that he would gather cost and provide them to Mayor Barrett for the proposed project. Mr. Whited stated that after a bid is accepted, he then would need to calculate the amount of aggregate is and what that cost would be, along with cost for use of a roller and water. The final amount would be calculated and compared to what it would cost to only do final clean 3/8 clean chip on top of the double shot that has already been done. Mr. Whited stated that he would be in contact with Mayor Barrett in order for the City of Aberdeen to decide what would fit their budget the best.

## 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. Both in favor. The Board moved into Executive Session at 2:16 p.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 2:30 p.m.

**Decision: Chairman Manwaring stated that Legal Counsel and Jimmy Roberts are directed to work on an Agreement pertaining to anyone involved with any decedents case and that individual will keep all information pertaining to cases confidential.**

## DISCUSSION & POTENTIAL DECISION REGARDING CORONER OFFICE SPACE

Present: Jimmy Roberts- Coroner  
Ryan Jolley- Prosecuting Attorney  
Jason Marlow- Building Maintenance

The Board met to discuss and make a potential decision in regards to the office space to be utilized by the Coroners Office.

Chairman Manwaring stated that it was discussed several weeks ago that the Coroners Office could potentially move into the vacant office space over in the Courthouse Annex. In the previous meeting Mr. Roberts was to meet with the Building Maintenance Supervisor to put together a list of costs and what it would take to make that office space usable for the Coroners Office.

Jimmy Roberts stated that the vacant office space would be an improvement from what the Coroners Office is currently using but ultimately, he would still be requesting a stand alone facility in the future. Mr. Roberts stated that he current does not have a list of costs on-hand but his understanding that in the Courthouse Annex, there would be one office on the first floor, with a shared conference room to be used if needed but not dedicated to the Coroners Office. Mr. Roberts stated that it would need to be coordinated as to how the basement would be sectioned off for the decontamination shower, and a supply or evidence storage.

Chairman Manwaring stated it was mentioned previously to have one side to be used as storage to which Mr. Roberts stated that there is limited storage in the current Coroners Office and he would like to have a room to be used for storage of supplies used by their office and on occasion they do have decedent property, in the event there is a decedent that does not have a family member to manage property, there will be a need for storage space. There would also need to be space needed in order for the Coroners Office staff to complete their work as well.

Jason Marlow stated that he did prepare some quotes to install a shower, which are approximately \$500-\$3,000, a combined washer and dryer would be approximately \$800 and if done separately could be up to \$2,000 each. It depends on what the Board would see appropriate to furnish the building. Jason Marlow stated that walls would have to be placed as it is framed but it is one open room.


A brief discussion was held in regards to the possibility of placing a washer and dryer in the sally port that could be utilized by both the Coroners Office and Law Enforcement/Detectives. Chairman Manwaring stated he would rather have one in the sally port rather than entering the building with contamination on clothing. This proposal would need to be looked at further in order to be sure that it is possible to install a washer and dryer, along with speaking with Sheriff Gardner.

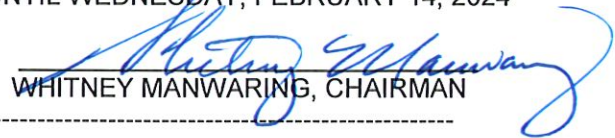
Chairman Manwaring stated that Jason Marlow is directed to gather cost for a washer, a dryer, a shower and to place a wall.

Nothing further.



THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 14, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Wednesday, February 14, 2024  
County of Bingham    )

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

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

**JAIL INSPECTION**

Commissioner Bair and Commissioner Jackson attended the Jail Inspection with Sheriff Gardner and Chief Deputy Jordyn Nebeker.

**Commissioner Jackson moved to appoint Commissioner Bair as Temporary Chairman due to the absence of Commissioner Manwaring. Commissioner Bair seconded. All voted in favor. The motion carried.**

**PRIOR APPROVAL- IT DEPARTMENT**

Present:                Matt Galloway- IT Director

The Board met with Matt Galloway to discuss and make a decision in regards to the submitted Prior Approval for Major Purchase documents.

Mr. Galloway explained the submitted documentation for purchase of renewal for 7 pro licenses Adobe Acrobat. Said purchase is in the amount of \$1,815.00 and is to be paid from Fund: 01-14-524-0001 (IT Department- Software Renewals).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of renewal for 7 pro licenses Adobe Acrobat. Said purchase is in the amount of \$1,815.00 and is to be paid from 01-14-524-01 (IT Department- Software Renewals). Commissioner Bair seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the submitted documentation for purchase of a 1-year support for OCV, LLC (Sheriff's App). Said purchase is in the amount of \$5,995.00 and is to be paid from Fund: 01-14-524-0030 (IT Department- Sheriff's Office Software)

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a 1-year support for OCV, LLC (Sheriff's App). Said purchase is in the amount of \$5,995.00 and is to be paid from Fund: 01-14-524-0030 (IT Department- Sheriff's Office Software). Commissioner Bair seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the annual renewal for GIS Civil 3D Government Software. Said purchase is in the amount of \$1,667.08 and is to be paid from Fund: 01-14-524-0001 (IT Department- Software Renewals).



**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of the annual renewal for GIS Civil 3D Government Software. Said purchase is in the amount of \$1,667.08 and is to be paid from Fund: 01-14-524-0001 (IT Department- Software Renewals). Commissioner Bair seconded. Both voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(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. Both in favor. The Board moved into Executive Session at 9:14 a.m. Commissioner Bair moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 9:47 a.m.

**Decision: Commissioner Jackson moved to approve the offer of the Building Maintenance Specialist position to the Applicant at an N13, Step 2 (\$18.00), with the authority to increase to Step 3 (\$18.54). Commissioner Bair seconded. Both voted in favor. The motion carried.**

#### MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE BINGHAM INDUSTRIAL PARK, 5<sup>TH</sup> AMENDED SUBDIVISION

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

The Board held a meeting to receive the Planning & Zoning Commission's recommendation to approve the Bingham Industrial Park, 5<sup>th</sup> Amended Subdivision. Commissioner Bair welcomed all to the meeting, excused Commissioner Manwaring and introductions were held.

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

Based on the entire record and Staff Report, the Board finds:

- a. The Board found that the Application met the requirements in Bingham County Code Section 10-4-2(F) zone is to provide for the development businesses and service establishments which are incompatible in community shopping areas, are larger in lot size and have easy highway access. This replat has direct access to 80 West and is near Interstate 15. The total acreage is 6.14 acres with individual lot sizes of 1.74, 1.79 and 2.61 acres, which is similar in size to those existing in the Subdivision. The replat is not changing the current zoning designations; and
- b. The Board found that the Application still met the requirements of Bingham County Ordinance Section 10-6-3 as the setbacks for existing structures meet the required distance from the road right-of-way and property lines. Additionally, the Applicant was advised of the setbacks for any new structure within the Staff Report; and
- c. The Board found that the Application still met the requirements of Bingham County Code 10-6-6(B)(1) and 10-14-4(B) because proposed lots meet the one-acre minimum with individual wells, septic systems and drain fields; and
- d. The Board found that the Application met requirements of Bingham County Code Section 10-14-7 because the Application was complete; and
- e. The Board found that the Application met the Industrial/Commercial Area definition of the 2018 Bingham County Comprehensive Plan and Map designation as the area is established to provide for the development of businesses and service establishments that are compatible with community shopping areas and may also serve as a transitional area between residential and manufacturing uses; and
- f. The Board found that the Application met the notice requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

Commissioner Bair had no concerns in regards to the Application.

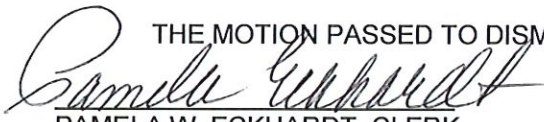
Commissioner Jackson had no concerns in regards to the Application.

**Decision:** Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the Bingham Industrial Park Subdivision 5<sup>th</sup> Amended Replat consisting of 3-lots, located at approximately 457 N 80 W, Blackfoot, Idaho, as proposed by Joseph and Jeanne Cannon & Dennis and Karen Hone, to be known as Lots 9, 10 and 11. Said decision is based upon the Reason & Decision of the Planning & Zoning Commission and the discussion held. Commissioner Bair seconded. Chairman Manwaring was absent from the meeting. Both voted in favor. The motion carried.

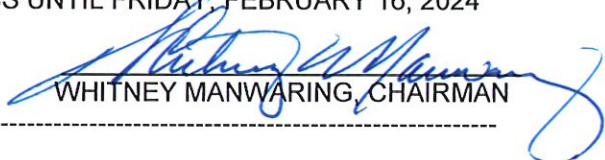
**Request for Reconsideration/Judicial Review:** Upon denial or approval of a Zone Change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

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

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 16, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, February 16, 2024  
County of Bingham    )

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

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

Commissioner Bair moved to appoint Commissioner Jackson as Temporary Chairman for February 16, 2024. Commissioner Jackson seconded. Both voted in favor. The motion carried.

**CLAIMS**

Claims were approved in the amount of \$355,460.35.

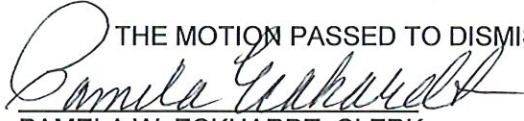
**PERSONNEL ACTION FORMS**

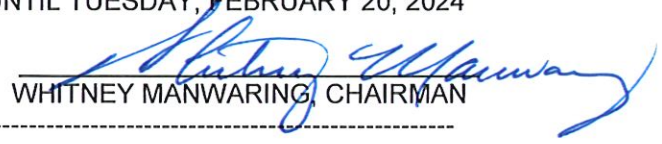
Personnel Action Forms were approved, which were as follows:

Employee Status Sheet:       Circuit Breaker position reclassification  
  Patrol Corporal to Detective  
  Detention Deputy to Patrol Deputy  
New Employee Status Sheet:   Detention Deputy

Salary Increase Form: Administrative Assistant/Commissioners  
Deputy Clerk/Jury Commission/Recorder

**Decision: Commissioner Jackson moved to approve and sign Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for February 16, 2024. Commissioner Bair seconded. Both voted in favor. The motion carried.**

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

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, FEBRUARY 20, 2024  
  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Tuesday, February 20, 2024  
County of Bingham )

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

PRESENT: Chairman Manwaring  
Commissioner Jackson  
Pamela Eckhardt- County Clerk  
Excused: Commissioner Bair

**DISCUSSION & DECISION REGARDING REQUEST TO REMODEL THE OUTDOOR OPEN SEATING BUILDING ON COUNTY PROPERTY TO ADD STORAGE ROOM FOR A LIVESTOCK PORTABLE CHUTE AND SCALE- REQUESTED BY JULIE BUCK- EXTENSION OFFICE**

Present: Julie Buck- Extension Office  
Heather Strupp- Extension Office  
Carmen Willmore- Extension Office

The Board met to hold discussion and to make a decision regarding the request to remodel the outdoor open seating building on county property to add storage room for a livestock portable chute and scale.

Heather Strupp stated that the Market Sale Committee purchased a portable chute with a scale and in order to make it more accessible to the youth they approached her with a request to remodel the outside building to be able to store the chute. If the chute is placed in a storage unit, they will have to get the key during office hours, have a code to the gate and would have to bring the key back, making it harder for use when needed. The Market Sale Committee proposed that they would gather donations for the building supplies needed for the remodel and would also provide the labor.

The building is currently 15x16 and does have indoor benches that would need to be removed. It is proposed that only half of the shack would be needed and the other half could be used as a shelter for outside. A door would need to be added in order for security.

Chairman Manwaring stated that he would suggest checking with the City of Blackfoot to see if there is a permit that would be needed for this project, as it will be a change of use.

Chairman Manwaring also stated that he will direct the Human Resources Director to check with ICRMP and make sure there is a sort of liability insurance. It was stated that the amount of equipment being stored would add up to the approximate amount of \$5,000. Chairman Manwaring stated where it is a county owned building but not county owned equipment, the individuals that do own the equipment may need to have liability insurance.

Chairman Manwaring stated that he has no concerns in regards to the request and Commissioner Jackson concurred.

**Decision: Commissioner Jackson moved to approve the Request from the 4-H Extension Office to remodel the outside building at the Extension Office to store the Portable Scale and fans for the Market Sale Committee. Chairman Manwaring seconded and added that the City of Blackfoot would need to be contacted in regards to the possible required permit. Both voted in favor. The motion carried.**

PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director  
Ryan Jolley- Prosecuting Attorney

The Board met with Tiffany Olsen to discuss updates within the Planning & Development Division, along with other agenda items.

Ms. Olsen stated that the term for Darren Leavitt will conclude at the end of February 2024 and he will be retiring but has done a great job in finding a replacement for his position on the Planning & Zoning Commission. There are three applications that have been received and have been provided to the Board with each including a resume. There is another Commission vacancy within the City of Shelley but there have been no applications for that vacancy. Ms. Olsen stated that she has reviewed the three applications and they are all great applicants. At this time, she would proposed to hold an interview with each of the applicants, with a potential date of February 27<sup>th</sup> at 10:30 a.m., for those interviews.

Next, discussion was held in regards to the proposed Land Use Chart amendments, wherein the Planning & Zoning Commission has reviewed and made recommendations. Those recommendations are currently posted on the County website and she will be working to prepare a small staff report to present at the Public Hearing to be held on March 12, 2024.

Ms. Olsen then gave an update regarding the upcoming Planning & Zoning Commission Public Hearing items and updates within the Building Division.

Lastly, follow-up discussion was held in regards to the 4-10 schedule for the Planning & Zoning Office, which occurred for a trial period of 6-months. The office will continue to be open from 8:00 to 5:00, Monday through Friday and there would be no impact to the public. Ms. Olsen stated that she spoke with Laura Lora who stated there was not any specific time when the conversion would be easier. Therefore, Ms. Olsen proposed converting to the new schedule the next pay period or the following pay period in April.

REQUEST FOR SALARY INCREASE FOR VACANT PROSECUTING ATTORNEY POSITION-  
REQUESTED BY RYAN JOLLEY- PROSECUTING ATTORNEY

Present: Ryan Jolley- Prosecuting Attorney  
Laraine Pope- Human Resources Director

The Board met to discuss the request submitted by Ryan Jolley, Prosecuting Attorney, to increase the salary for the current vacant Deputy Prosecuting Attorney position.

Mr. Jolley explained that the attorney they had under contract to assist with cases, received contact from the Idaho State Bar who informed him that he is unable to fulfill the contract with Bingham County due to the fact that he is the contracted Public Defender for Custer County. There have been no applicants for the vacant Deputy Prosecuting Attorney position as of today. Mr. Jolley stated there was one individual that emailed him their resume but that individual did not complete an Application.

Mr. Jolley stated that he has spoke with several individuals at the IPAA Conference but none of them were willing to apply for the current salary being offered. Currently the position is listed at \$75,000 to \$79,000, depending on experience but he would request that this vacancy be posted with a range from \$75,000 to \$90,000, depending on experience. Mr. Jolley stated that he looked at the Idaho State Bar website this morning and the job listings over the last month, February, which were as follows:

Shoshone County- Chief Deputy position	Salary of \$104,000
Shoshone County Civil Prosecutor	Salary of \$104,000
Twin Fall City Deputy Prosecutor	Salary of \$80,828 to \$96,990
Bannock County Deputy Public Defender	Salary of \$77,000 to \$88,878
Shoshone County- General Deputy Prosecutor	Salary of \$95,000



Mr. Jolley stated at IPAA when he spoke with other Elected Officials, every county within the State of Idaho is hiring in the Prosecutors Office, therefore, it is not limited to Bingham County but is a general shortage throughout the state. Due to the competition with other counties within the state, he believes having the salary range higher, it would show more interest in applying for the position.

Chairman Manwaring stated that so long as the individual applying has experience needed, he has no issue with the request.

Discussion was held in regards to salaries of the other current Deputy Prosecuting Attorney's, wherein Chairman Manwaring stated that it needs to be kept in mind that if this is approved, it could affect the salary of others in the Prosecutors Office. Mr. Jolley stated that his thought in regards to the possible issue, rather than trying to reclassify individuals without having the situation arise or getting raise, he wanted to get the position listed and see if there are interest with the increased salary. If there is interest shown, he would come before the Board for further conversation.

Chairman Manwaring stated due to the vacancy, there is salary savings that could cover the request for increase. Mr. Jolley stated that is accurate and that there is salary savings available, therefore, he is confident that the budget would cover this request.

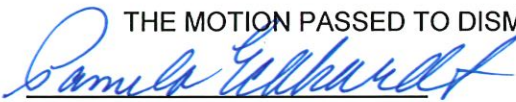
Laraine concurred and that she would agree that this increase is warranted due to the lack of interest shown.

Chairman Manwaring and Commissioner Jackson were both in favor of the submitted request.

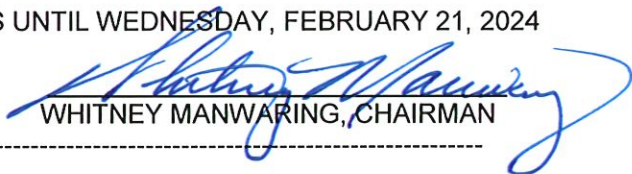
**Decision: Commissioner Jackson moved to approve the request submitted by Ryan Jolley, Prosecuting Attorney, to increase the salary for the current vacant Deputy Prosecuting Attorney position to publish with a range from \$75,000 to \$90,000, depending on experience. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Nothing further.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 21, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss.                      Wednesday, February 21, 2024  
County of Bingham )

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

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

**CASH WARRANTS**

Three (3) Cash Warrants were approved in the amount of \$491,133.17, \$203,695.78 and \$81,089.30, for a total of \$775,918.25.

## INDIGENT MATTERS

One (1) Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No 760358.

## COLLEGE OF EASTERN IDAHO

One (1) Certificate of Residency was approved by the Board and sent to the College of Eastern Idaho for the following Bingham County student: Rhet Jimmie Deyo-Reich.

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims and Administrative Documents for February 21, 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

## APPROVAL OF REASON & DECISION FOR THE JOLLEY/WILLIAMS ZONE CHANGE FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE

The Chairman stated that this item would be continued until Friday, February 23, 2024, in order for a few items to be clarified within the document.

## TAX INQUIRY DOCUMENTS

The Board met to approve one (1) tax inquiry document submitted by the Treasurer's Office, which was as follows:

MH0631010B                      year 2023                      Mobile home was sold & the new owner moved it without changing the title or prepaying. There is nothing to sell.

**Decision: Commissioner Jackson moved to approve the tax inquiry document submitted by the Treasurer's Office. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

## SHERIFF'S OFFICE

Present:                      Jeff Gardner- Sheriff  
                                    Jordyn Nebeker- Chief Deputy Sheriff  
                                    Kris Talbot- Detention Lieutenant  
                                    Ryan Jolley- Prosecuting Attorney

The Board met with Sheriff Gardner to discuss updates within the Sheriff's Office, which included jail population, update on the jail expansion project and an update in regards to a search warrant completed last week, which solved several open cases.

## SEALED BID OPENING FOR PURCHASE & APPLICATION OF NO LESS THAN 500,000 SQUARE YARDS OF TYPE 3 MICRO-SURFACING MIX MATERIAL

Present:                      Dusty Whited- Public Works Director  
                                    Troy Lenhart- Road & Bridge Supervisor  
                                    Ryan Jolley- Prosecuting Attorney  
                                    John Jennings- American Pavement Preservation  
                                    Jake Mooymon- PE/Intermountain Slurry Seal  
                                    Chad Muntean- Resto Pro Idaho  
                                    Chance Muntean- Resto Pro Idaho

The Board held a meeting to open sealed bids for the purchase and application of no less than 500,000 square yards of type 3 micro-surfacing mix material. Chairman Manwaring welcomed all to the meeting and introductions were held.

Chairman Manwaring stated there were three (3) bids received which were opened as follows:

1) American Pavement Preservation LLC	\$2.48 unit price	\$1,240,000.00
2) Intermountain Slurry	\$3.01 unit price	\$1,505,000.00
3) VSS International	\$1.85 unit price	\$925,000.00

Chairman Manwaring stated that the submitted bids would be reviewed by County Legal Counsel and the Public Works Director. After which, a recommendation would be brought before the Board for a final decision.

Nothing further.

#### PUBLIC WORKS

Present:           Dusty Whited- Public Works Director  
                  Troy Lenhart- Road & Bridge Supervisor  
                  Ryan Jolley- Prosecuting Attorney  
                  John Jennings- American Pavement Preservation  
                  Jake Mooymon- PE/Intermountain Slurry Seal  
                  Chad Muntean- Resto Pro Idaho  
                  Chance Muntean- Resto Pro Idaho

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

Discussion was held in regards to the proposed speed limit reduction for County Line Road, wherein Mr. Whited stated this request was received from Bonneville County as their portion of County Line Road is posted at 50 mph. Therefore, to be consistent it was requested to decrease the speed limit from 55 mph to 50 mph.

The Board had no concerns.

**Decision: Commissioner Jackson moved to approve the speed limit reduction of County Line Road from 800 E to 900 E, from 55 mph to 50 mph, per the recommendation of Dusty Whited, Public Works Director, in order to be in conformance with Bonneville County. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the proposed speed limit reduction for North Wapello Road, along with the other roads west of the Wapello Townsite and Hwy 91, all to be posted at 45 mph. The other roads included are to be 400 N (N Wapello Road), 100 E (Hancock Road), 350 N (S. Wapello Road) and 350 N (S Wapello Road). Mr. Whited stated that this request by himself and is due to the mentioned roads currently being unposted and if posted, will assist the engineering firms with design of bridges in the area to be replaced.

The Board had no concerns.

**Decision: Commissioner Jackson moved to approve the speed limit for North Wapello Road, along with the other roads west of the Wapello Townsite and Hwy 91, all to be posted at 45 mph. The other roads included are to be 400 N (N Wapello Road), 100 E (Hancock Road), 350 N (S. Wapello Road) and 350 N (S Wapello Road). Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the approval and signing of the updated Official Functional Classification Road Map, wherein Mr. Whited explained that no major changes were made but there were omissions that were on the previous map that were updated. Specifically, one (1) mile section of Park Road was labeled as a gravel road and it is a paved road, as well as a major collector. County Line is shown as



a Local gravel road but is also a Local paved road and showed Hepworth Lane as being a major collector and should have been labeled green (Arterial-Paved) instead of black (Local Road- Paved). Therefore, there were no major changes but omissions that have been corrected.

**Decision: Commissioner Jackson moved to approve and sign the updated Official Functional Classification Road Map as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the Credit Application for RDO Equipment Company in the amount of \$20,000. Mr. Whited explained that this company had a name change and are requesting an update Credit Application.

**Decision: Commissioner Jackson moved to approve the Credit Application for RDO Equipment Company in the amount of \$20,000. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Lastly, the Board discussed the submitted Solid Waste Credit Application for Resto Pro Idaho, which is a restoration company that was newly established last year. They are primarily based out of Pocatello but will serve Pocatello and Blackfoot citizens. The requested credit amount is for \$1,000.

The Board reviewed the copy of the credit report/score of the Applicant and there were no concerns in regards to this request.

**Decision: Commissioner Jackson moved to approve the Solid Waste Credit Application for Resto Pro Idaho in the amount of \$1,000, per the recommendation of Dusty Whited. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

DISCUSSION REGARDING UPCOMING MAJOR PURCHASES FOR THE IT DEPARTMENT- REQUESTED BY MATT GALLOWAY- IT DIRECTOR

Present: Matt Galloway- IT Director  
Bill Haight- IT Department

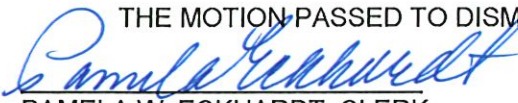
The Board met with Matt Galloway to discuss upcoming major purchases that will need to be made for projects within the IT Department.

HUMAN RESOURCES

Present: Laraine Pope- Human Resources

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

THE MOTION PASSED TO DISMISS UNTIL THURSDAY, FEBRUARY 22, 2024

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO )  
 : ss. Thursday, February 22, 2024  
County of Bingham )

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

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

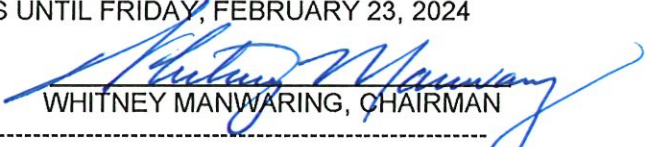
EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with Legal Counsel regarding pending/imminently-likely litigation. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with Legal Counsel regarding pending/imminently-likely litigation. Chairman Manwaring seconded. Both in favor. The Board moved into Executive Session at 10:32 a.m. Commissioner Jackson moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 11:00 a.m.

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

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 23, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Friday, February 23, 2024  
County of Bingham )

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

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

CLAIMS

Claims were approved in the amount of \$1,005,266.12.

CASH WARRANTS

Cash Warrants were approved in the amount of \$22,306.65, \$1,200.00 and \$3,738.36, for a total of \$27,245.01.



PERSONNEL ACTION FORMS

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

New Employee Status Sheet: Patrol Deputy

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for February 23, 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

DISCUSSION & DECISION IN REGARDS TO SIGNING A LETTER OF SUPPORT FOR THE SHELLEY/FIRTH AMBULANCE- REQUESTED BY LYLE BARNEY

Present: Lyle Barney- Shelley/Firth Ambulance  
Chad Kent- Bingham County Sheriff's Office  
Pamela Eckhardt- County Clerk

The Board met to hold discussion and to make a decision in regards to signing a letter of support for the Shelley/Firth Ambulance, requested by Lyle Barney.

Mr. Barney explained that this letter of support will be submitted with a CHC Grant and will assist in purchasing an ambulance and equipment to equip said ambulance. Mr. Barney added that there will be an additional grant applied for soon, that also will assist in purchasing equipment.

The Board had no concerns with the request submitted.

**Decision: Commissioner Jackson moved to sign the letter of support for the Shelley/Firth Ambulance as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.**


APPROVAL OF REASON & DECISION FOR THE JOLLEY/WILLIAMS ZONE CHANGE FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE

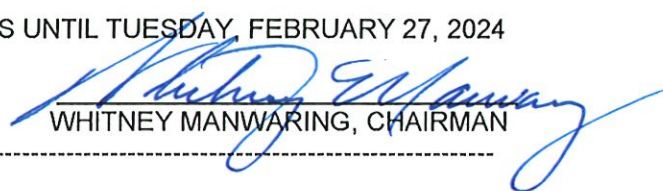
The Board met to approve and sign the Reason & Decision for the Jolley/Williams Zone Change from "A" Agriculture to "R/A" Residential/Agriculture.

Chairman Manwaring confirmed that all Commissioners had reviewed the Reason & Decision and that all necessary changes had been made.

**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for the Jolley/Williams Zone Change from "A" Agriculture to "R/A" Residential Agriculture. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, FEBRUARY 27, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Tuesday, February 27, 2024  
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

**INTERVIEWS FOR VACANT PLANNING & ZONING COMMISSION POSITIONS, WITH POTENTIAL DECISION**

**Present:** Tiffany Olsen- Planning & Development Director

The Board met to hold interviews with three (3) individuals who submitted Applications for the two (2) vacancies on the Planning & Zoning Commission. The three (3) individuals that were interviewed were Shane Wootan, Chris Bingham and Scott Jolley.

**Decision:** There was no decision made at this time as the interview with Mr. Scott Jolley needed to be held via Zoom after the other meetings on the agenda were held.

**APPROVAL & SIGNING OF THE MOU BETWEEN BINGHAM COUNTY, CITY OF BLACKFOOT AND THE CENTER FOR HOPE**

**Present:** Pamela Eckhardt- County Clerk  
Marc Carroll- City of Blackfoot Mayor  
Wade Gardner- City of Blackfoot- Parks Director  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Jeff Gardner- Bingham County Sheriff  
Gordon Croft- Blackfoot Police Chief  
Jan Niesh- Idaho State Journal

The Board met to sign the MOU between Bingham County, City of Blackfoot and the Center for Hope.

Chairman Manwaring confirmed with Commission Clerk, Lindsey Dalley, that both Legal Counsel for the County and City had no further changes to be made.

Commissioner Bair stated one concern that he had pertaining to page 2, paragraph 2 and 3 of the documents, which does lay out the responsibilities of the County and the City but does not address what the future funding is going to be or where the funds would come from. Chairman Manwaring concurred and stated that was a concern for him as well but where this MOU is for the startup costs and the amount to be provided by the county and the city, at a later date another contract could be looked at specifically for future funding.

Chairman Manwaring stated where there are limited uses for OPIOID Funding, he was under the impression that the county would assist with a percentage of funding until funding runs out.

Mayor Carroll stated that he has no concerns with the language in the MOU before the Board today and would recommend signing this MOU for the first year, after which another meeting could be held to discuss further contribution and add the necessary language for future funding.

The Commissioners concurred.

**Decision: Commissioner Bair moved to approve and sign the MOU Between Bingham County, the City of Blackfoot and the Center for Hope as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.**

DISCUSSION REGARDING THE FUTURE OF THE BLACKFOOT ANIMAL SHELTER AND THE USE OF SHELTER BY CITIES THROUGHOUT BINGHAM COUNTY- REQUESTED BY MAYOR CARROLL

Present: Pamela Eckhardt- County Clerk  
Marc Carroll- City of Blackfoot Mayor  
Wade Gardner- City of Blackfoot  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Jeff Gardner- Bingham County Sheriff  
Gordon Croft- Blackfoot Police Chief  
Jan Niesh- Idaho State Journal

The Board met to hold discussion in regards to the future of the Blackfoot Animal Shelter and the use of the shelter by cities throughout Bingham County.

Mayor Carroll stated that the current animal shelter has been severely outgrown. The building is 2500 square feet, was built approximately 30 years ago and sits on 1 ½ acres. The shelter is receiving more animals than was originally anticipated. One of the reasons that the city decided in 2016 to pursue a third party to operate the shelter is that a third party would be eligible for a 501C3 status and the city is not. There are grants available for shelters, which are not to assist in building a new shelter but to equip the inside of the shelter. In order to apply for said grant funding, the new shelter will need to be started and then the grant funding could assist in completing the inside.

Mayor Carroll stated about two months ago, the Board attended a tour of the Blackfoot Animal Shelter and then toured the Animal Shelter located in Pocatello, where a few ideas were taken into consideration. Mayor Carroll stated that the city was not seriously considering the building of a new shelter but it has become apparent that the shelter cannot continue to operate in the current building.

Mayor Carroll stated that the city commissioned a commercial appraisal of the current animal shelter and the appraisal came back at \$186,000, for the building and the property. The city is planning to build a new shelter on the approximate six (6) acres of city property located by Airport Park between Airport Park Field and the airport fence. Mayor Carroll stated that Wade Gardner has received several estimates from Teton West in the amount of \$225,000 for a shop that is similar to the Parks & Recreation Division, including foundation, floor, an arctic package insulation, an overhead door and two-man doors, with a building that will be 70x80 and around 5500 square feet.

Wade Gardner further explained that he had an electrician complete a walkthrough to give him a basic quote, which was in the amount of \$32,000. He also had a plumber provide a bid, which was in the amount of \$15,000, knowing there will need additional plumbing for cleaning of the kennels. Mr. Gardner stated that he does not have a quote pertaining to HVAC but believes it would be around \$18,000. Mr. Gardner stated about two months ago he had installed 3 new gas shop furnaces and his idea would be to have the company that installed those, come in and remove those in order to move them to the new shelter.

A brief discussion was held in regards to the possibility of a pole barn, wherein Wade Gardner stated that he would need to look further into what that would cost.

Discussion was held in regards to funding, wherein it was stated that the City of Shelley, the City of Aberdeen, City of Firth and Fort Hall should be included in future conversation as they also utilize the facility.

**Decision:** No decision was made at this time. Wade Gardner will work to gather additional quotes and Mayor Carroll may send a letter to the other cities in regards to the future Animal Shelter. Within the next several weeks, another meeting will be scheduled and all cities will be in attendance to hold further discussion.

CONTINUED INTERVIEWS FOR VACANT PLANNING & ZONING COMMISSION POSITIONS, WITH POTENTIAL DECISION


Present: Tiffany Olsen- Planning & Development Director  
Via Zoom: Scott Jolley- Applicant

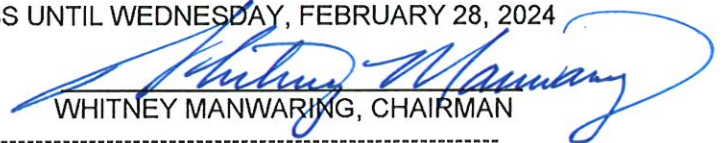
The Board continued the interview with Mr. Jolley for the vacant Planning & Zoning Commission positions.

After the interview with Mr. Jolley was completed, the Board held deliberation wherein all Commissioners concurred that the three Applicants had excellent qualifications.

**Decision:** Commissioner Jackson moved to appoint Scott Jolley and Chris Bingham to the Planning & Zoning Commission for the District 1 vacancies. Commissioner Bair seconded. All voted in favor. The motion carried

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 28, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, February 28, 2024  
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

PAYROLL

The Payroll Claim was approved in the amount of \$821,286.07.

**Decision:** Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents for February 28, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR BINGHAM INDUSTRIAL SUBDIVISION, 5<sup>TH</sup> AMENDED REPLAT

The Board moved to approve the Reason & Decision for the Bingham Industrial Subdivision, 5<sup>th</sup> Amended Replat.

Chairman Manwaring confirmed that all Commissioners had reviewed the document and any necessary changes had been made.



**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for Bingham Industrial Subdivision, 5<sup>th</sup> Amended Replat. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### SHERIFF'S OFFICE

Present: Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Jeff Gardner- Bingham County Sheriff  
Kris Talbot- Sheriff's Office Lieutenant  
Darrell Fellows- Sheriff's Office Lieutenant

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

Discussion was held in regards to the front door security wherein Kris Talbot explained that there will be a front door security employee retiring the end of April, with another individual also talking about retiring, which would vacate two part time positions. Lieutenant Talbot stated there have been a few options discussed, which are to continue with two part time positions or to change to full time. There are sufficient salary savings that could cover a full-time position and that would be the individual's sole responsibility would be front door security. The other front door security position would be split between several Detention Deputies, which is what has been happening.

There were questions in regards to the second part time position and if that individual was still considering retirement and how a full-time position would be paid. Chief Deputy Nebeker added that there is approximately \$90,000 in salary savings in the Justice Fund. If both part time positions were gone, it would be a few hours difference plus approximately \$5.00 difference in salary, along with benefits, which is manageable. The Board asked Lieutenant Talbot to hold a conversation with that individual and come back to the Board for further discussion.

**Decision: No decision was made at this time. Additional research will be conducted and this matter will be scheduled before the Board for a decision.**

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with Legal Counsel regarding pending/imminently-likely litigation. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with Legal Counsel regarding pending/imminently-likely litigation. Commissioner Bair seconded. Both in favor. The Board moved into Executive Session at 9:15 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 9:43 a.m.

Chairman Manwaring stated discussion was held in Executive Session regarding a bid opening process held February 21, 2024, pertaining to Micro-surfacing bids. After discussion held, the lowest bid was a 25% cost increase from the past contract. Chairman Manwaring asked Commissioner Bair and Commissioner Jackson for their input and if they would like to accept one of the submitted bids or reject all bids due to the increase and put this matter out to bid again.

Commissioner Bair stated that he is in favor of rejecting all bids and placing this matter out for bid again, due to the cost increase.

Commissioner Jackson stated that he also was in favor of rejecting all bids and placing this matter out for bid again.

**Decision: Commissioner Bair moved to reject all bids for Micro-Surfacing, pursuant to Idaho Code Section 67-2805(2)(a)(viii), which states that County Commissioners have the right to reject all bids. The Commission Clerk will send out a letter to those that submitted a bid to inform them of the**



decision made by the Board and that this matter would be placed out for bid again. Commissioner Jackson seconded. All voted in favor. The motion carried.

#### PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
Ollie Wimbish- Chief Deputy Prosecuting Attorney

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

Mr. Whited explained the submitted Prior Approval for Major Purchase of mower flails for the Weeds Department. Said purchase is in the amount of \$1,822.80 for 10 mower flails and is to be paid from Fund: 27-60-559-00 (Weeds- Other Miscellaneous Expenses).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of mower flails for the Weeds Department. Said purchase is in the amount of \$1,822.80 for 10 mower flails and is to be paid from Fund: 27-60-559-00 (Weeds- Other Miscellaneous Expenses). Commissioner Bair seconded. All voted in favor. The motion carried.**

#### PRIOR APPROVAL FOR MAJOR PURCHASE- SUBMITTED BY LINDSEY DALLEY, COMMISSION CLERK FOR NARCAN KITS TO BE PROVIDED TO THE BLACKFOOT CHARTER SCHOOL

Ms. Dalley explained the submitted Prior Approval for Major Purchase of Narcan Kits to be distributed to the Blackfoot Charter School. Said purchase is in the amount of \$994.00 and is to be paid from Fund: 50-00-559-00(PILT).

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of Narcan Kits to be distributed to the Blackfoot Charter School. Said purchase is in the amount of \$994.00 and is to be paid from Fund: 50-00-559-00 (PILT). Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE SILVER LEAF SUBDIVISION, DIVISION NO.4, 1<sup>ST</sup> AMENDED SUBDIVISION PRELIMINARY PLAT

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

The Board met to receive the Planning & Zoning Commissions recommendation to approve Silver Leaf Subdivision, Division No.4, 1<sup>st</sup> Amended Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting and introductions were held.

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

Based on the entire record and Staff Report, the Board finds:

- a. The Board found that the Application met the requirements in Bingham County Code Section 10-14-12 as modifications to an approved Plat require a replat of the development; and
- b. The Board found that the lot line adjustments still meet the minimum acreage requirements of Section 10-4-2(D) for the "R" Residential Zone and have no effect to the irrigation, sanitary sewer or culinary water services. It was proposed to create two non-buildable lots, the first to correct a boundary line dispute with the landowner to the east of the subdivision, and the second to allow right of way for future road extension in the event of development on the parcel to the east, extending connection to 600 W.; and

- c. The Board found that based upon the testimony received that 11 out of 12 Lots in the development had been sold with the understanding the plat illustrated a dead end, cul-de-sac, road, modifying the plat to include a through road for unknown future development was a substantial change; and
- d. The Board found that based upon the testimony received from the lot owners in the subject subdivision, not one person addressed concerns with the non-buildable lot, running north and south, correcting a boundary line adjustment with the Esplin's, landowners to the east; and
- e. The Board found that Application still met the requirements of Bingham County Code 10-14-4 (A) because the Application was completed and included all items listed in 10-14-4 (A) 1-23; and
- f. Chairman Manwaring had no concerns; and
- g. Commissioner Bair had no concerns; and
- h. Commissioner Jackson had no concerns.

**Decision: Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the First Amended Silver Leaf Subdivision, Division No. 4, located east of 60 South Anderson Lane, Blackfoot, as proposed by Riverside Investments, LLC and Dewight and Lyndsay Lee, including the conditions put in place by the Planning & Zoning Commission, which were as follows:**

- 1) Remove Lot 15 from the Plat and be resubmitted;
- 2) Recommend approval of Lots 14, 16 and 17; and
- 3) Adjust the sizes of Lots 14 and 16 once Lot 15 is removed.

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

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(e), to consider preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(e), to consider preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body. Commissioner Bair seconded. Both in favor. The Board moved into Executive Session at 11:03 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 11:33 a.m.

**Decision: The Board instructed Tiffany Olsen to make the necessary changes to the lease mentioned within Executive Session. A meeting will be scheduled at a later date for final review.**

#### MEETING REGARDING THE ORGANIZATION OF A RANGELAND FIRE PROTECTION AGREEMENT WITHIN THE ATOMIC CITY AREA, WITH POTENTIAL DECISION

Present: Thaddeus Labrum- ID-IFD BLM  
Jordan Mitchell- ID-IFD-BLM  
Brian O'Donnell- ID-IFD-BLM  
Zac Brouillette- ID-IFD-BLM  
Katina Kienlen-Hoffer- ILD-EAI- Idaho Falls  
Kelly Hoffer- IDL-EAI-Idaho Falls  
Ryan Woodland- IDL-EIS Area Manager  
Rick Finis- IDL- Fire Program Manager  
Laree Wray- Land Owner  
Rob Wray- Land Owner  
Lakee Leviels- Land Owner  
Julia Nilsson- Land Owner

Mike Nilsson- Land Owner  
Jeff Gardner- Bingham County Sheriff  
Dwight Gardner- Land Owner  
Debra Gardner- Land Owner  
Kelsey Brizendire- BLM Idaho Fire  
Chris Burger- Idaho Falls BLM

The Board met to discuss the possible organization of a Rangeland Fire Protection Agreement within the Atomic City area and surrounding areas.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses .....	\$558,679.14	Weeds .....	\$10,421.27
Road & Bridge .....	\$239,129.89	Emergency Communication.....	\$30,418.57
Airport.....	\$26.33	Road & Bridge Special Project..	\$51,665.91
Justice Fund .....	\$545,172.14	Waterways.....	\$3,581.35
District Court.....	\$298,219.04	Payment in Lieu of Taxes.....	\$1,502.50
Preventative Health.....	\$15,500.00	Treatment Court Fund.....	\$6,086.59
Historical Society & Museum.....	\$180.12	ARPA Funding.....	\$285,088.01
Parks & Recreation .....	\$9,205.46	Consolidated Elections.....	\$9,690.92
Revaluation.....	\$23,091.05		
Solid Waste.....	\$228,839.38		
Veterans Memorial.....	\$138.55		

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 1, 2024

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

WHITNEY MANWARING, CHAIRMAN