

STATE OF IDAHO        )  
                              : ss.               Friday, March 1, 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**

Cash Warrants were approved in the amount of \$44.27.

**CLAIMS**

Claims were approved in the amount of \$493,137.26.

**Decision: Commissioner Bair moved to approve and sign Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for March 1, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**APPROVAL & SIGNING OF NOTICE CALLING FOR BIDS FOR PURCHASE AND APPLICATION OF NO LESS THAN 500,000 SQUARE YARDS OF TYPE 3 MICRO-SURFACING MIX MATERIAL**

Present:               Dusty Whited- Public Works Director  
                              Matt Galloway- IT Director  
                              Bill Haight- IT Department  
                              Jeff Gardner- Bingham County Sheriff  
                              Jordyn Nebeker- Bingham County Chief Deputy Sheriff

The Board met to approve and sign the Notice Calling for Bids for Purchase and Application of no less than 500,000 square yards of Type 3 Micro-Surfacing mix material.

Chairman Manwaring stated during a meeting held on Wednesday, February 28, 2024, all bids were rejected and the Board voted to rebid this project.

**Decision: Commissioner Jackson moved to approve and sign the Notice Calling for Bids for Purchase and Application of no less than 500,000 square yards of Type 3 Micro-Surfacing mix material. Commissioner Bair seconded. All voted in favor. The motion carried.**

**PRIOR APPROVAL FOR MAJOR PURCHASE- IT DEPARTMENT**

Present:               Matt Galloway- IT Director  
                              Bill Haight- IT Department  
                              Jeff Gardner- Bingham County Sheriff  
                              Jordyn Nebeker- Bingham County Chief Deputy Sheriff

The Board met to review and make a decision regarding several Prior Approval documents submitted by Matt Galloway for the IT Department.

Discussion was held in regards to the Prior Approval for Major Purchase of Dell Towers and Monitors, used to replace outdated towers and monitors. Said purchase is in the amount of \$30,508.95 and is to be paid from Fund: 01-14-804-00 (IT Department- Capital-Computers).

**Decision: Commissioner Jackson moved to approve and sign the Prior Approval for Major Purchase of Dell Towers and Monitors, used for replacements. Said purchase is in the amount of \$30,508.95 and is to be paid from Fund: 01-14-804-00 (IT Department- Capital-Computers). Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the Prior Approval for Major Purchase of Sophos Firewall & License, which is a renewal for a 3-year license. Said purchase is in the amount of \$28,451.78 and is to be paid from Fund: 01-14-804-00 (IT Department- Capital Computers)

**Decision: Commissioner Bair moved to approve and sign the Prior Approval for Major Purchase of Sophos Firewall & License, which is a renewal for a 3-year license. Said purchase is in the amount of \$28,451.78 and is to be paid from Fund: 01-14-804-00 (IT Department- Capital Computers). Commissioner Jackson seconded. All voted in favor. The Motion carried.**

**DECISION FOR COUNTY TO PAY SUBCONTRACTOR FOR BIG PURCHASE ITEMS PERTAINING TO THE JAIL EXPANSION AND COURTHOUSE REMODEL**

Present: Jeff Gardner- Bingham County Sheriff  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff

The Board met to hold discussion and make a decision in regards to the county paying subcontractors for big purchase of items pertaining to the jail expansion and the courthouse remodel.


Chairman Manwaring explained if the county purchases the sewer grinder, it will be tax exempt and save approximately \$4,000.00 in taxes paid versus the subcontractor making the purchase.

The Board agreed that if there are any other purchase similar to this that would safe funding if the county completed the purchase, they would be in agreeance to do so.

**Decision: Commissioner Bair moved to approve the purchase of a sewer grinder for the jail expansion. Said purchase is in the amount of \$66,671.00. Said purchase is to be paid out of Fund: 50-00-559-00 (PILT). Commissioner Jackson seconded. All voted in favor. The motion carried.**

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, March 4, 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

**STAFF MEETING**

Present: Donavan Harrington- County Assessor



Debbie Cunningham- Chief Deputy Assessor  
Dusty Whited- Public Works Director  
Jimmy Roberts- County Coroner  
Scott Reese- Emergency Services/Parks & Recreation  
Sheri Landon- Court Supervisor  
Laraine Pope- Human Resources Director  
Jason Marlow- Building Maintenance  
Tiffany Olsen- Planning & Development Director  
Shawn Hill- Probation Director  
Gary Yancey- Sheriff's Office  
Devin Trujillo- Sheriff's Office  
Julie Buck- Extension Office  
Danette Miller- Elections Office  
Gordon Croft- Blackfoot Chief of Police  
Ryan Jolley- Prosecuting Attorney

Excused: Jeff Gardner- Sheriff  
Matt Galloway- IT Department  
Marc Carroll- City of Blackfoot Mayor  
Grahm Anderson- City of Blackfoot Treasurer  
Jordyn Nebeker- Chief Deputy Sheriff  
Pamela Eckhardt- County Clerk  
Cody Lewis- Treatment Court  
Tanna Beal- County Treasurer  
Laura Lora- Payroll/Indigent Services

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

Pledge of Allegiance: Commissioner Jackson conducted.

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

Special Presentation: Sheri Landon stated that March 4, 2024 is Idaho Day and a packet was provided to those in attendance. Along with the packet is an Idaho Pin, provided by the Elections Office. Sheri read a statement as follows:

*"Idaho Day is celebrated on the anniversary of the day President Abraham Lincoln created the Idaho territory in 1863. This legacy program of the Territorial Sesquicentennial commemorates Idaho's past, present, and future".*

Sheri stated that the first part explains Idaho Day, the second part is an article that County Clerk Pamela Eckhardt wrote called "The Founding of Bingham County", and the last part is a copy of the Act that created Bingham County. The original of this document is located at the Idaho State Historical Society in the Territorial Collection.

Safety Concerns: None.

Employee Years of Service Recognition: Gary Yancey recognized Devin Trujillo for 15 years of service to Bingham County. Devin worked in the jail for 9 ½ years, moved to patrol and is now in the Detective Division. Devin recently wrote a grant that assisted the county in obtaining a thermal drone and is a huge asset to Bingham County.

Commissioner Jackson: Stated that he would like to thank everyone for the help being offered throughout the community to help neighbors to get through the storm that recently occurred.

Chairman Manwaring: Stated that he would like to thank Scott Reese for all of his work in working with Red Cross in getting the Emergency Shelter going at Mountain View Middle School due to the big storm, which left a huge amount of Bingham County without power.

Commissioner Bair: Stated that he has almost finished a book about President Lincoln and the Civil War. As he was glancing through the information provided by Sheri Landon, which again states that President Lincoln created the Idaho Territory in 1863, that was the Spring before some of the hardest fighting of the Civil War occurred. He found it interesting that this all occurred right in the middle of the Civil War.

Commissioner Bair reminded everyone to be cautious while driving on the snow-covered roads.

Lindsey Dalley: Stated that she would like to remind everyone how important it is when requesting a meeting before the Board of County Commissioners, that all necessary and supporting documentation be submitted as well. This assists the Board in making a decision and could save the Board from having to hold a second meeting due to lack of information.

Secondly, Lindsey explained that when those documents are submitted to her, she creates what is called a "Commission Packet". That Commission Packet is placed on the Bingham County Website, to be transparent with the citizens within Bingham County.

Lastly, Lindsey stated when filling out the request form to be certain that you are listing all individuals that need to be invited to your meeting. This assists her in being sure that all parties that need to be involved are present.

Donavan Harrington: Stated that Motor Vehicles would like to request a few designated parking spots for vehicles that are coming to the Courthouse for a VIN Inspection. When there is a trial going in the courts, the parking lot seems to fill up quickly, which makes it challenging. Commissioner Jackson stated that is something that the Board would need to discuss further.

Dusty Whited: Stated that Road and Bridge employees were called in at 2:20 a.m., Saturday morning, plowed until 2:00 p.m. Saturday afternoon, and were back again at 4:00 a.m., Sunday Morning and plowed until about 11:00 a.m., and have been back at 5:00 a.m., this morning. Road and Bridge is currently short 5 truck drivers, which makes it challenging to keep up as the snow continues to fall but they are doing what they can.

Jimmy Roberts: Stated that the Coroner's Office worked 18 cases for the month of February, with only 1 requiring autopsy. He stated that he is preparing to move into a vacant office in the Courthouse Annex Building across the street where Planning & Development is also located.

Jimmy stated that he would like everyone to keep suicide prevention in mind as the numbers have increased this winter.

Scott Reese: Stated that it was a busy weekend and stated that he was in consult with Idaho Power and Rocky Mountain Power in regards to power outages. He had great cooperation from School District No.55 and their maintenance crew that removed all snow from around Mountain View Middle School giving the ability for people to enter if needed, including being sure the school was heated. Scott stated that he would like to thank Law Enforcement for all of their help and Red Cross. There was a lot of people without power and some are still without power. Idaho Power brought 7 additional crews over to assist with power outages who worked all through the night Saturday and all-day Sunday.

Sheri Landon: Had no updates at this time.

Laraine Pope: Had no updates at this time.

Jason Marlow: Had no updates at this time.



Tiffany Olsen: Stated that the Planning & Zoning Commission holds a Public Hearing once per month and will usually have anywhere between 5-10 agenda items. As of right now, they are already scheduling for May now. Last week along they received 13 applications between subdivisions and conditional use permits.

Last month she advised that there were two vacant Planning & Zoning Commission positions and those positions have been filled. There were three great candidates who were interviewed and the Board of County Commissioners selected Chris Bingham and Scott Jolley to fill those vacancies.

Shawn Hill: Had no updates at this time.

Ryan Jolley: Had no updates at this time.

Gary Yancey: Stated that he would like to thank Road and Bridge for all of their help over the weekend. He knows they were swamped but with all the many power lines that were down, they were quick to get out road closure signs where they were needed.

Gary stated that the STAR Team is teaming up with the Firth School District on April 24<sup>th</sup> and will be doing a full evacuation from the Middle School and High School which will include the tactical team moving kids. They will go to the school a few days prior to in order to speak with the kids and their parents will have the option to opt in or out. Gary stated that this will be beneficial for both the STAR Team, teachers and kids.

Julie Buck: Stated that she represents the U of I Extension Disaster Network and is a community emergency response team member for Bonneville County. There are amazing resources that will help prepare individuals for when there are power outages. The type of calls that she may receive is what to do with food, freezer, how do you recover food from a flood and any other emergency instances. A website to visit is [Extensiondisaster.net](http://Extensiondisaster.net), which is a national resource and if practical information is needed for anything after a disaster or to prepare for a potential flood or fire, those resources are available.

Danette Miller: Reminded all that the filing period for Candidate Filing opens today and will continue until March 15, 2024. There will be packets available in the Election Office for anyone who may want to run for a County Elected Official Position or a County Precinct Committeeman.

Chief Gordon Croft: Stated that he too would like to thank Dusty Whited and the Road and Bridge Crew for all of their work over the weekend. He would like to remind everyone that April is Sexual Assault Prevention Month and Child Abuse Prevention Month, Crime Victims Week April 21-27 and Denim Day will be held at least for the Sheriff's Office and the Police Department on April 24<sup>th</sup>. Also Walk a Mile in Her Shoes will be held April 27<sup>th</sup> at the Bingham Crisis Center.

Chief Croft also wanted to pass along a huge thank you from Mayor Carroll to Scott Reese for the quick notification in regards to the Emergency Shelter at Mountain View Middle School.

Commissioner Jackson stated next Staff Meeting is scheduled for Monday, April 1, 2024 at 8:30 a.m.

Nothing further.

#### PROBATION DEPARTMENT

Present:            Shawn Hill- Probation Supervisor  
                         Mark Gough- Probation Department  
                         Shawn Boyle- Idaho Department of Juvenile Corrections

The Board met to discuss updates within the Probation Department and to hear presentation of the yearly report from the Idaho Department of Juvenile Corrections from Shane Boyle.

APPROVAL OF COMMISSIONER MINUTES FOR JANUARY 13-31, 2024

The Board met to approve and sign Commissioner Minutes for January 13-31, 2024.

Chairman Manwaring confirmed that all Commissioners had reviewed and any necessary changes, if any, had been made.

**Decision: Commissioner Jackson moved to approve and sign the Commissioner Minutes for January 13-31, 2024. Commissioner Bair seconded. All voted on favor. The motion carried.**

BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance  
Sheri Landon- Courts Supervisor

The Board met with Jason Marlow to discuss department updates and other agenda items.

Discussion was held in regards to barriers to be placed out front of the courthouse. Mr. Marlow stated that he had previously provided the Board with several options as to what could be installed. It was proposed by Sheri Landon to possibly change the front entrance into the courthouse parking lot, which could make for additional parking and cure the possibility of an individual driving through the front of the courthouse. Both the Board and Mr. Marlow stated that was a great idea and something that could be looked into.

There was no decision made pertaining to this matter. Mr. Marlow will put together a few options and will bring them before the Board for further discussion and potential decision.

ASSESSORS OFFICE

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

The Board met to discuss the request to terminate lease of a Sharp MC-M4050 copier and replace with a new/used lease returned machine, a Canon IR 4551.

Mr. Harrington stated that the current 5-year contract for the printer currently in the Assessor's Office will expire soon. When Mr. Harrington asked what the cost would be to purchase the printer out-right, he was told that the approximate cost would be \$7,000.00. He has researched further and would like to propose terminating the current lease and replacing with a Sharp MC-M4050, which would cost an estimated amount of \$2,675.00 and would be paid from 02-01-899-00 (Capital- Other Expense).

The Board had no concern in regards to the proposal as this would save funding.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for a used Canon IR4551. Said purchase is in the amount of \$2,675.00 and is to be paid from Fund: 02-01-899-00 (Assessor- Capital/Other Expenses). Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MARCH 5, 2024

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

  
WHITNEY MANWARING, CHAIRMAN



STATE OF IDAHO )  
 : ss. Tuesday, March 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


PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to discuss updates within the Planning & Development division.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 6, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, March 6, 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 BINGHAM COUNTY ORDINANCE 2024-01

The Board met to approve Bingham County Ordinance 2024-01, an Ordinance amending the general Bingham County Zoning Ordinance 2012-08 and accompanying zoning map by changing the zoning use district of the below-described real property from its present classification as "A" Agriculture to "R/A" Residential/Agriculture.

**Decision:** Commissioner Bair moved to approve Bingham County Ordinance 2024-01, an Ordinance amending the general Bingham County Zoning Ordinance 2012-08 and accompanying zoning map by changing the zoning use district of the below-described real property from its present classification as "A" Agriculture to "R/A" Residential/Agriculture. Commissioner Jackson seconded. All voted in favor. The motion carried. Said Ordinance was approved and recorded as follows:

**Instrument # 760734**

BINGHAM COUNTY

3-7-2024 09:28:11 AM No. of Pages: 2

Recorded for : BINGHAM COUNTY COMMISSIONERS

PAMELA W. ECKHARDT

Fee: 0.00

Ex-Officio Recorder Deputy



**BINGHAM COUNTY  
ORDINANCE 2024-01**

**AN ORDINANCE AMENDING THE GENERAL BINGHAM COUNTY ZONING ORDINANCE 2012-08 AND ACCOMPANYING ZONING MAP BY CHANGING THE ZONING USE DISTRICT OF THE BELOW-DESCRIBED REAL PROPERTY FROM ITS PRESENT CLASSIFICATION AS "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE.**

BE IT ORDAINED by the Board of County Commissioners of Bingham County, Idaho, as follows:

**Parcel I:**

A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26 and a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is N 00°00'26" E 24.98 feet from the Southeast corner of Section 26 Township 1 South, Range 36 East of the Boise Baseline and Meridian and running thence N 89°07'45" W 267.95 feet; thence N 01°21'52" W 199.98 feet; thence S 88°13'54" W 53.89 feet; thence North 565.91 feet; thence N 66°43'07" E 355.62 feet; thence N 00°47'33" E 100.23 feet; thence N 86°11'38" E 138.43 feet; thence N 88°00'00" E 139.21 feet; thence S 02°11'41" W 225.63 feet; thence S 01°54'21" W 801.74 feet; thence N 89°07'45" W 243.47 feet to the point of beginning.

**Parcel II:**

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, Township 1 South, Range 36 East, Boise Meridian and Baseline, Bingham County, Idaho, described as follows:

Beginning at a point which is N 89°06'27" W 838.07 feet and N 3°39'52" E 24.03 feet from the Southeast corner of Section 26 and running thence N 03°39'52" E 512.29 feet; thence N 59°18'37" E 448.50 feet; thence N 66°36'31" E 99.42 feet; thence S 0° W 572.98 feet; thence S 88°08'5" W 131.38 feet; thence S 0°38'3" E 200.93 feet; thence S 89°46'38" W 380.62 feet to the point of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof.

Section 2: This Ordinance shall become effective upon its publication in the manner required by law.



Passed and Approved by the Board of County Commissioners, County of Bingham, State of Idaho, at a Public Hearing held on the 6<sup>th</sup> day of February 2024.

Signed this 6<sup>th</sup> day of March 2024



BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO

ATTEST:

Pamela Eckhardt  
Bingham County Clerk

Whitney Manwaring, Chairman

Mark R. Bair, Commissioner

Eric Jackson, Commissioner

## SHERIFF'S OFFICE

Present: Kris Talbot- Bingham County Sheriff's Office Detention Lieutenant  
Chad Kent- Bingham County Sheriff's Office Sergeant  
Gary Yancey- Bingham County Sheriff's Office Lieutenant  
Ryan Jolley- Prosecuting Attorney

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

Discussion was held in regards to signing of the Recreational Boat Safety (RBS) Grant Funding Rollover Balance Form, wherein Chad Kent explained this is a yearly grant that the Sheriff's Office obtains through Idaho Department of Parks & Recreation, which helps fund Search & Rescue. Bingham County has been allocated \$16,527.000 in Recreational Boat Safety Funds for Federal Fiscal Year 2024.

The Board had no concerns.

**Decision: Commissioner Jackson moved to approve and sign the Recreational Boat Safety Grant Funding as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the surplus of a 2015 Polaris ATV, for Bingham County Search and Rescue. This ATV is going to be traded in to purchase a new side by side.

**Decision: Commissioner Jackson moved to approve and sign Bingham County Resolution 2024-6, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for Search and Rescue. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was approved as follows:**



**BINGHAM COUNTY  
RESOLUTION NO. 2024-6**

**A FORMAL RESOLUTION DECLARING CERTAIN BINGHAM COUNTY PROPERTY  
NOT NECESSARY FOR USE IN BINGHAM COUNTY, IDAHO**

**WHEREAS**, The Bingham County Commissioners have the authority to manage county property, (Idaho Code §31-807);

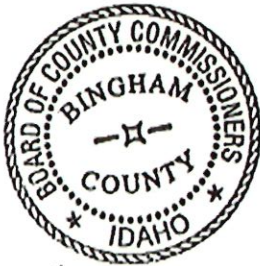
**WHEREAS**, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

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

**BINGHAM COUNTY SEARCH & RESCUE**

2015        POLS        MV    ATV        Vin: 4XASWE574FA251821

**DATED this 6<sup>th</sup> day of March 2024.**



ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

BINGHAM COUNTY COMMISSION

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Eric Jackson, Commissioner

MEETING AT THE REQUEST OF KALEB PHELPS TO WAIVE BONDING FOR A PRIVATE ROAD IN RIVER RUN ESTATES DIVISION NO.4.

Present: Tiffany Olsen- Planning & Development Director  
Ryan Jolley- Legal Counsel  
Gwen Inskeep-County Surveyor  
Kaleb Phelps- River Run Estates

The Board met to discuss the request submitted by Kaleb Phelps to waive bonding for a private road in River Run Estates Subdivision Division No. 4.

Chairman Manwaring reviewed the submitted meeting request documentation submitted by Mr. Phelps and turned the time over to Tiffany Olsen.

Ms. Olsen stated that in looking at the Development Agreement and the standards provided for in Bingham County Code, any developer has a choice to bond for outstanding improvements and sign Final Plat. When a bond is provided, the Developer is able to sell lots and receive building permits on up to ½ of the lots in the Development Agreement. Should the Developer choose not to bond, all infrastructure is required to be completed before the Final Plat is signed and recorded. Mr. Phelps submitted the meeting request documentation on February 8<sup>th</sup> and at that time Ms. Olsen stated that the road in Division 4 had not been inspected or accepted by the Fire Marshall. Ms. Olsen advised to Mr. Phelps that if the road had been inspected and approved, with the county receiving verification of that approval, there will be no bond required for that portion of improvement because it was accepted. If that is not done, then a bond will be bonded for.

Included in the documentation today, there is a copy of an email received from Chief Adams, dated February 29<sup>th</sup>, which reads as follows,

"Tiffany, I spoke with Mr. Vance and verified the required road widths with him. I also inspected the paved road on Division 4 and it meets out requirements and is approved." – Chief Randy Adams.

With the acceptance of Division 4's private road, it does not need to be incorporated in a Development Agreement for that bonding purpose. In Division 4, there will just be pressurized irrigation, signs and posts. Commissioner Bair asked if that was what happened with Division 1 and 2, wherein Ms. Olsen explained that she and Mr. Whited looked at the development cost agreement and engineers estimate, provided by Luke Jolley on Divisions 1 and 2, wherein the private roads were not included in that estimate. That was unfortunately overlooked by county staff that those were not included but the county does include private roads in the Development Agreements and the Memo provided to the Board today, under Section 10-14-8 (B), which reads and defines improvements and private roads are included in that section.

Ms. Olsen stated it is clear in Bingham County Code that there is a number of improvements defined, which include roads, private roads, easements, water facilities, sewer facilities, irrigation systems, street lights, storm drainage system, and curb, gutter and sidewalks. Ms. Olsen stated when looking at the Financial Agreement Section 10-14-11, this is particular to the conversation, which states, "The subdivider or the Applicant shall have previously constructed all required improvements and secured a certificate of completion from the County, or filed with the County Clerk, a surety bond or other acceptable guarantee of performance to ensure the actual construction of such improvements as submitted and approved". Therefore, the Developer can either provide a bond for improvements that have been completed or not bond and the same for Division 3. Ms. Olsen stated in Division 3, there is a private road that has yet to be constructed, irrigation has been verified for Mr. Gillmores parcel and Mr. Bollanders, wherein a verification is needed that the two lots within Division 3 have functional irrigation systems, along with signs and posts.

Mr. Phelps stated that his request was to not bond for the already constructed roads and asked if the Board had made a decision prior to his entrance during the meeting. Chairman Manwaring asked if that was for Division 4, which Mr. Phelps confirmed that was correct. Ms. Olsen stated that when Mr. Phelps submitted the request for this meeting on February 8<sup>th</sup>, the Fire Marshall had not inspected that road, which is required



- 1) Suitability of parcel for agricultural purposes
  - a. The Board had no concerns. Chairman Manwaring stated that the homeowner would still be able to have a small garden or a few livestock.
- 2) Proximity of existing areas of similar population density
  - a. The Board had no concerns.
- 3) Lot size compatible with existing areas of similar population density
  - 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 were no further questions at this time.

**Decision: Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the Zoning Amendment by Julie Hudson from "C1" Light Commercial to "R/A" Residential Agriculture on approximately 3.80 acres located at 3 North 725 West, Blackfoot, Idaho 83221. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, the Board moved into deliberation in regards to the proposed Kambridge Creek Subdivision.

Chairman Manwaring referenced testimony given by Mr. Street where he stated that the cost of the lift pump station would be about the same cost as the drainfields. In reference to the cost of boring, Chairman Manwaring stated where there are three lots and one existing home, the cost to bore might be more than the Applicant would like to spend. Chairman Manwaring stated that Mr. Pange testified that Groveland Water and Sewer District follows Idaho Code Section 42-3212, which requiring hookups that are 200 feet but the subject parcels are outside of that 200 feet. Chairman Manwaring reiterated that the cost to bore could be more than the Applicant would like to spend and with there only being two lots, he would not be in favor.

Chairman Manwaring also stated in looking at Bingham County Code 10-4-2(C), it states to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities, which were previously reviewed. Chairman Manwaring stated that he is not in favor of tabling this matter to find out cost and he believes that what the Board believes is reasonable may not be reasonable for other individuals or the Applicant.

Commissioner Bair stated that he feels as though there is not enough information to make a decision today. The Board would be guessing the cost as to boring and he would like to see the cost of what it would take to install two individual septic systems as compared to putting in a lift station and boring under the road. Therefore, Commissioner Bair confirmed that he would like to table this matter in order to obtain a list of cost comparison.

Commissioner Jackson stated that he would like to see connection into the sewer line when possible but would hate an undue burden on the homeowners to do so. Therefore, he too would like to table this matter to establish cost estimates.



to bonded for in order to record the Final Plat. Since that time, approval has been received from the Fire Marshall, that is why bond is no longer required. Mr. Phelps confirmed that he understood. Commissioner Bair asked if as soon as that requirement was met, there is nothing else needed on that road, to which Ms. Olsen stated there are signs and irrigation on both Divisions 3 & 4. Ms. Olsen stated on Division 3 there is a private road, verification of irrigation to the two lots within Division 3 and signage and within Division 4 there is verification of pressurized irrigation to the three lots and signage, which all still need to be completed.

Mr. Phelps stated that with Divisions 1 and 2, which was an oversight, should have bonded for the private roads. Ms. Olsen stated that was correct. Ms. Olsen stated that her department has received many engineered estimates from Spence with HLE but more recently has come from Luke with HLE, wherein she is wondering if maybe it was overlooked on their side as well.

Chairman Manwaring asked Mr. Phelps the status of Divisions 1 and 2, wherein Mr. Phelps stated that the private road in Division 1 has not been constructed, which becomes a challenge when the purchaser of the lots have agreed to pay for that road but now it is up to him, the Developer, to construct the road and try to collect from those that have already purchased lots, who may say that they do not want to pay. Mr. Phelps stated it would have been nice if they would have bonded prior to individuals purchasing lots, wherein now he sees the issue with not bonding for Divisions 1 and 2, although Division 2 is complete but not Division 1. Chairman Manwaring reiterated with Mr. Phelps that he can in fact see the plus side of bonding rather than not bonding, to which Mr. Phelps confirmed. Ms. Olsen stated that a bond was provided in Division 1 but it did not include completion of the road, which Ms. Olsen stated that is advantageous for Mr. Phelps. Ms. Olsen stated because Mr. Phelps provided a bond, he was able to record the Final Plat and a Building Permit was issued for the purchaser. Mr. Phelps stated the challenge that he has now is the individuals that purchased those lots in Division 1 do not want to provide funding for the private road and added that if the county had required him to bond, those individuals probably would have participated in that bond in conjunction with the purchase of the lot but now do not want to do so. Ms. Olsen stated that is a civil matter and nothing to do with the county but had the roads been included in the bond, that bond only would have served Mr. Phelps in the event that two years passed and Mr. Phelps failed to build the private road, notice would be provided to Mr. Phelps that he is in breach of the Development Agreement, give him notice to cure and if not, State Code allows the county to claim the bond, place the work to complete the road out to bid, use the bond to pay for said work and if the work exceeds that amount, a lien is placed on the property until that is paid. Therefore, the construction of the private road not being included is advantageous for Mr. Phelps because he paid cash on that bond at 120%. If not, Mr. Phelps would have had to pay 120% of what that private road construction cost was in cash that the county would have held onto. Now Mr. Phelps has that because he did not bond for the roads but it is still the responsibility of the Developer for all private improvements, which is shown in Bingham County Code. Rather the purchaser of the lot will participate in the costs or not, that is outside of the county's responsibility regardless if Mr. Phelps had bonded for the road or not.

Chairman Manwaring confirmed with Ms. Olsen that upon acceptance of the road, the county keeps a percentage for one year in case there are any failures or issues on the road that will need to be fixed. Ms. Olsen stated that was a portion of Mr. Phelps' questions is on maintenance. Ms. Olsen stated within the Development Agreement, 5/6 of the amount pledge will be released once all improvements are completed. It was unique in Division 2 where 5/6 was released from road construction bond but not the irrigation bond, which needs to be finalized once weather cooperates because some of that bonding was held for one year for a warranty. Ms. Olsen stated that anytime something is bonded for, 1/6 is kept for one-year period and return. It is correct that private roads are not the responsibility of the county to maintain but it is the responsibility of the county to the homeowners that purchase lots within subdivisions, that the improvements have a one-year warranty. Chairman Manwaring confirmed that this would include a private road because it is tied to the subdivision, wherein Ms. Olsen stated that is correct, along with private irrigation.

Commissioner Bair asked what the date of completion required for Division 1, which was confirmed to be October 25, 2024. Mr. Phelps stated that was possible to be finished by than as they planned to start this spring but working with the individuals that purchased lots within Division 1 is an issue.



Ms. Olsen stated that the Road and Bridge Division was out in the field looking that the lot within Division 1 and it appears that as that access has not been built, they are using a temporary access on a road that is not legal access to that home. Therefore, in order to issue a Certificate of Occupancy for that home, that road would need to be built. Mr. Phelps asked what would the recommendation would be in this situation because he knows that they are building a home using an access that is not to be used and asked if he should prevent that from occurring or allow them to continue to use the wrong access for this home until the road is constructed. Mr. Phelps stated that he has considered advising them to use the proper access but asked what the county would advise for this situation.

Chairman Manwaring stated that he sees many homes under construction and are using the whole front yard as access for construction vehicles because they do not have a driveway. Chairman Manwaring asked Mr. Whited for input on that specific instance, wherein Mr. Whited stated that would be a temporary construction approaches and are not the legal approach. At the time of the Certificate of Occupancy being requested by the homeowner, those temporary approaches need to be abandoned so that the legal approach given to that homeowner, is being used. Mr. Whited stated they do allow temporary construction accesses up until the point that a Certificate of Occupancy is issued.

Ms. Olsen stated that Planning & Development shares its inspection calendar with Road and Bridge so that they are aware which final inspections are being done for a Certificate of Occupancy. Their division also goes to the same location and verifies the mailbox is installed in the correct location and that the approach has been satisfied. If so, Road and Bridge will sign off on a final approval form that states the inspection has been completed. If those items are not completed, a Certificate of Occupancy is not issued. Ms. Olsen stated she is not aware of how far along the homeowner of Lot 1 within Division 1, is on construction. Mr. Phelps stated that they are ready to move in, to which Ms. Olsen stated was an issue and explained that until the road is constructed they cannot move in. Chairman Manwaring asked Mr. Phelps if Lot 1 is very far from the main road, to which Mr. Phelps state it is about 2,000 feet from the main road.

Chairman Manwaring asked if the weather breaks, if Mr. Phelps could start building the road or asked how it could be totally complete depending on the weather. Chairman Manwaring stated they could haul gravel to make the road but could pack the gravel down later due to weather. Mr. Phelps stated if the homeowner does move into the home, as has happened in a similar situation, and they don't have a Certificate of Occupancy, it would be hard to get them out of their house and could say that they are in their home and will not participate in building the road.

Ms. Olsen stated Mr. Phelps' brother and Mr. Ricks both have Conditional Certificates of Occupancy and that a full Certificate of Occupancy will not be issued until the road is complete. Ms. Olsen stated that she believes that said individuals have been in touch with Chief Adams to determine what those specifications are in order to complete the road. If a Conditional Certificate of Occupancy was requested, the homeowner of Lot 1 in Division 1 would need to come before the Board of County Commissioners to request consideration of allowing Conditional Certificate of Occupancy but there may be some banks that will not accept a Conditional or Temporary Certificates of Occupancy as part of the closing documents. Therefore, that is something that those homeowners are going to have to take into consideration.

Mr. Whited stated that Chief Adams would need to determine how he feels about the Conditional Certificate of Occupancy and if that would provide adequate access for him because when it comes down to this time of year, maybe they build a small gravel road now and work on it later, but that gravel road would need to meet certifications from the Fire Chief. The purpose of this is protecting the homeowner in case of an emergency.

Ms. Olsen stated in the Countys perspective, the Board signed the Development Agreement in 2022 and there has been one full year season for road construction. If the lot was sold, Mr. Phelps would have been aware that those owners would be getting a Building Permit but that would be required to provide access. Ms. Olsen stated the Development Agreements speak for themselves and that is something that Mr. Phelps and the homeowner need to work through.



Chairman Manwaring suggested that a Conditional Certificate of Occupancy could be requested from the Fire Marshall if he can verify access to the home.

Chairman Manwaring referred back to the request submitted by Mr. Phelps pertaining to Division 4 and not bonding for said division. Chairman Manwaring stated that he would have no issue with not requiring a bond for Division 4. Ms. Olsen stated she is not sure that she can require bonding for a road that has been accepted by the Fire Marshall as it is a completed improvement but the Board would essentially be confirming code.

Chairman Manwaring reiterated that Mr. Phelps has until October 25, 2024 to complete the road in Division 1. If completion is not done within the two years, Ms. Olsen explained that Mr. Phelps will be provided with a letter stating that he is in breach of his Development Agreement and give him an opportunity to cure the establishment of improvements that need to be completed. This notice would come from Public Works and they will have a timeline to cure and if not cured, there will be a meeting to establish moving forward. Mr. Whited stated in this instance where there was not a bond provided, if the private road was not completed, an opportunity to cure is given and still was not completed, Mr. Whited believes that code would allow the county to hire a company to complete the private road and lien would be placed on the property until the amounts are paid.

The Board was in favor of Division 4 not being bonded due to the road already being constructed and approval was received from Chief Adams.

At this time, Ms. Olsen asked if the Board was finished, she had one more matter to address with Mr. Phelps pertaining to him being in violation of Bingham County Code, due to having lots within Divisions 3 and 4 for sale, which have yet to be final platted. Ms. Olsen presented Mr. Phelps with a letter stating that he was in violation. Discussion was held in regards to the fee being implemented and how the violation could be cured but no action was requested or taken by the Board.

Nothing further.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO 1) APPROVE THE ZONING AMENDMENT FROM "C1" LIGHT COMMERCIAL TO "R/A" RESIDENTIAL/AGRICULTURE AND 2) TO APPROVE THE KAMBRIDGE CREEK SUBDIVISION PRELIMINARY PLAT

Present: Tiffany Olsen- Planning & Development Director  
Chris Street- HLE  
Marc Pange- Groveland Water and Sewer  
Ryan Jolley- Prosecuting Attorney

The Board met to receive the Planning & Zoning Commissions recommendation to 1) approve the Zoning Amendment from "C1" Light Commercial to "R/A" Residential/Agriculture and 2) to approve the Kambridge Creek Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting and introductions were held.

The time was turned over to Tiffany Olsen for presentation of the Staff Report.

There were no questions for Ms. Olsen at this time and the time was turned over to the Applicant's Representative, Chris Street.

(CC-7) Applicant's Representative Chris Street, Professional Land Surveyor with HLE, Inc., of 800 Judicial Street, Blackfoot, Idaho, who referred to the pressure line, which is in the southerly right-of-way and in order to tie into the line, it would require boring underneath Highway 39. The smaller lift stations that have been completed on a recent subdivision was on the south side of Highway 39 and did not require boring. In speaking to the Applicant regarding this matter, she felt that it was more appropriate to have individual septic rather than trying to bore across Highway 39, which is reflected in the proposal.



Ms. Olsen stated if the Board decides to table this matter, she would wait until the necessary information is received from the Applicant's Representative. After which, she would be in contact with Lindsey Dalley, Commission Clerk, to reschedule and publish.

**Decision:** Commissioner Bair moved to table the plat of the 3-Lot subdivision to be known as Kambridge Creek Subdivision, specifically to receive cost estimates for the following: to install a small lift station, the piping to be included, cost of boring, cost to hook up to the sewer line and also the cost of two domestic drainfields, septic tanks and all connection costs. Commissioner Jackson seconded. All in favor- Commissioner Bair and Commissioner Jackson. All opposed- Chairman Manwaring.

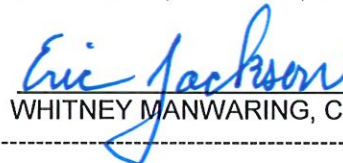
**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration 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.

Nothing further.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 8, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Friday, March 8, 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**

Cash Warrants were approved in the amount of \$325.69 and \$312.16, for a total of \$637.85.

**CLAIMS**

Claims were approved in the amount of \$512,099.62.

**PERSONNEL ACTION FORMS**

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

Salary Increase Form                      Circuit Breaker Clerk

Mr. Street added that the existing home is on the southerly lot of the three lots and the two new lots would be further north than the highway right-of way.

Chairman Manwaring stated that it could be expensive to bore underneath the road for two lots. Mr. Street confirmed and stated the small lift stations are fairly close in cost as a drainfield but the cost to bore underneath the road, permitting and working with the Idaho Transportation Department, would be additional costs. The Applicant was trying to stay clear from having to do so and that is why the proposal was submitted as it was.

Chairman Manwaring asked if Groveland Water and Sewer is okay with individual wells tapping into their line, to which Mr. Street stated he believed they would be but he would refer to Mr. Pange for clarification.

(CC-8) Marc Pange, Groveland Water and Sewer District, 457 W. Highway 39, Blackfoot, Idaho, stated that Groveland Water and Sewer has a policy to follow Idaho State Statute 42-3212, which demand a sewer connection within 200 feet of a dwelling. The two parcels being proposed are both well outside of that 200-foot range and therefore, they do not have the desire to supersede the state statute.

Commissioner Bair asked Mr. Street if he was aware of what the cost would be to bore underneath Highway 39, to which Mr. Street stated he did not currently have a cost estimate but it is not an unfeasible thing to do. When boring was presented to the Applicant, they felt that they would like to go with the individual wells. Mr. Street stated when in close proximity to sewer lines, they try to push the Applicant to connect into the line. Commissioner Bair stated that he would prefer being connected to a community line if available.

Commissioner Bair stated that he would like to see what the cost would be to install a small lift station, piping, boring and to hook into the sewer line. Commissioner Bair stated that he would also like to see the cost of two domestic drainfields, a tank and the connection.

Ms. Olsen stated as this is a Public Hearing and new information can be received today but to take in the new information, another Public Hearing would need to be noticed before the Board with that information in order to make a decision. If today was only in reference to the subdivision and was not noticed as a Public Hearing, then it would need to be remanded to the Planning & Zoning Commission.

Chairman Manwaring asked if there was any testimony in favor, in neutral or in opposition, to which there was none.

The Public Hearing was closed to testimony at this time and the Board deliberated as follows:

Deliberation in regards to the Zoning Amendment:

Chairman Manwaring stated several years ago corridors along Highway 39 were made Multi-Use, which falls in like with the Comprehensive Plan. Chairman stated that on both sides of the property are "C1" Light Commercial but there is also Residential in the area as well. Therefore, he has no major issues regarding this Application.

Commissioner Bair asked if the irrigation is going to be in a ditch or pressurized, to which Ms. Olsen clarified that it would be in a ditch with the United Canal Company.

Chairman Manwaring read verbiage from the Plat, which states that irrigation will be delivered for Lots 1 and 2 through existing ditches along the northerly boundary, and along the east side of the lots. delivery to Lot 3 will be through the existing underground irrigation system along the east side of the lots.

Commissioner Jackson stated that he believes this property is a good location for a Zoning Amendment and to add a few homes.

The Board reviewed requirements of Bingham County Code Section 10-4-2(C) and deliberation was held as follows:



Truck Driver  
Solid Waste Operator  
Solid Waste Operator  
Park Maintenance Worker

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for March 8, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.**

TAX INQUIRY DOCUMENTS

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

MH344536EA012B	Year 2023	MH is gone. There is nothing for the Sheriff to sell.
MH8266370	Year 2023	This parcel was created in error. Taxes owing for 2023 as a mobile home will go on real property for 2024.
PP9055225	Year 2023	Error- Double assessed

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

BINGHAM COUNTY RESOLUTION 2024-8

The Board met to approve and sign Bingham County Resolution 2024-08, a formal resolution declaring Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Sheriff's Office for two (2) Milnor Natural Gas Dryers, Model #MLG-78.

**Decision: Commissioner Bair moved to approve Bingham County Resolution 2024-08, a formal resolution declaring Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Sheriff's Office for two (2) Milnor Natural Gas Dryers, Model #MLG-78. Commissioner Jackson seconded. All voted in favor. Said resolution was approved as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2024-8**

**A FORMAL RESOLUTION DECLARING CERTAIN BINGHAM COUNTY PROPERTY  
NOT NECESSARY FOR USE IN BINGHAM COUNTY, IDAHO**

**WHEREAS**, The Bingham County Commissioners have the authority to manage county property, (Idaho Code §31-807);

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

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

**BINGHAM COUNTY SHERIFF'S OFFICE**

**Two (2) Milnor Natural Gas Dryers      Model #MLG-78**

**DATED this 8<sup>th</sup> day of March 2024.**



**ATTEST:**

  
Pamela W. Eckhardt  
Bingham County Clerk

**BINGHAM COUNTY COMMISSION**

  
Whitney Manwaring, Chairman

  
Mark R. Blair, Commissioner

  
Eric Jackson, Commissioner



BINGHAM COUNTY RESOLUTION 2024-09

The Board met to approve and sign Bingham County Resolution 2024-09, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Courts, for 14 benches from Courtroom 2 and Courtroom 4.

**Decision: Commissioner Jackson moved to approve Bingham County Resolution 2024-09, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for the courts, for 14 benches from Courtroom 2 and Courtroom 4. Commissioner Bair seconded. All voted in favor. The motion carried and said resolution was approved as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2024-9**

**A FORMAL RESOLUTION DECLARING CERTAIN BINGHAM COUNTY PROPERTY  
NOT NECESSARY FOR USE IN BINGHAM COUNTY, IDAHO**

**WHEREAS**, The Bingham County Commissioners have the authority to manage county property, (Idaho Code §31-807);

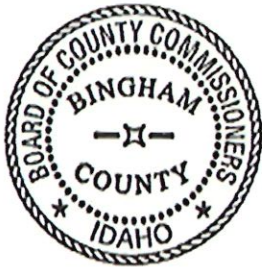
**WHEREAS**, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

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

**BINGHAM COUNTY COURTS**

**14 benches from Courtroom 2 and Courtroom 4**

**DATED this 8<sup>th</sup> day of March 2024.**



**ATTEST:**

  
Pamela W. Eckhardt  
Bingham County Clerk

**BINGHAM COUNTY COMMISSION**

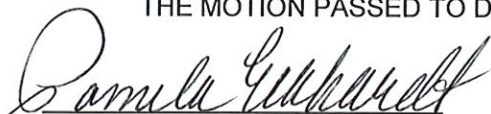
  
Whitney Manwaring, Chairman

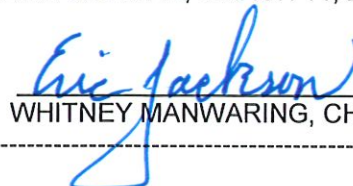
  
Mark R. Bair, Commissioner

  
Eric Jackson, Commissioner



THE MOTION PASSED TO DISMISS UNTIL MONDAY, MARCH 11, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Monday, March 11, 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

**ROCKY MOUNTAIN POWER UPDATE**

Present:               Tim Solomon- Rocky Mountain Power  
                              Tiffany Olsen- Planning & Development Director

The Board met with Tim Solomon to receive an update from Rocky Mountain Power.

**INTRODUCTION MEETING WITH NEXTERA ENERGY RESOURCES- REQUESTED BY TRYSTINE PAYFER- COMMUNITY ENGAGEMENT MANAGER, WESTERN REGION**

Present:               Tiffany Olsen- Planning & Development Director  
                              Chief Howell- Blackfoot Fire  
                              Captain Wall- Blackfoot Fire  
                              Verl Jarvie- Blackfoot Fire Marshall  
Via Zoom:             Trystine Payfer- Nextera Energy Resources  
                              Zairyk Schilousky- Nextera Energy Resources

The Board held an introduction meeting with Trystine Payfer and Zairyk Schilousky with Nextera Energy Resources.

**DISCUSSION & DECISION REGARDING SUBMITTED TAX EXEMPTION APPLICATIONS**

Present:               Pamela Eckhardt- County Clerk  
                              Donavan Harrington- County Assessor  
                              Audree Barzee- Assessor's Office

The Board met to hold discussion and to make a decision regarding submitted Tax Exemption Applications.

Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602B, Religious limited liability companies, corporations or societies, which were as follows:

**Exempted Properties under IC 63-602 B**

Religious limited liability companies, corporations or societies

**Methodist Church / Jason Lee Memorial United**

RP1237000 190 Benton, Blackfoot

House is used for housing for the pastor.

**Jason Lee  
Memorial**

RP1025100 136 S University (grass lot)

RP1025200 Church

**Faith Baptist  
Church**

c/o Joe & Lela Copley DBA

RP7004500 Fort Hall

Joe Copley

RP7004600 Fort Hall

2 Lots are together with  
church

**First Street Meeting Room**

RP3082201 652 S 2nd W, Aberdeen

**Calvary Chapel of Aberdeen, Inc.**

RP3079500 552 S 2nd W, Aberdeen

**Protestant Episcopal Church**

RP1002200 72 N Shilling, Blackfoot

**Church of Christ**

RP1000100 370 N Shilling, Blackfoot

**First Baptist Church**

RP1182500 2650 Rose St., Blackfoot

**International Church of the Foursquare Gospel**

RP0324703 Groveland

**Jehovah's Witnessess Blackfoot Congregation**

RP1322001 1535 Highland, Blackfoot

**Assembly of God Inc. Firth Tabernacle**

RP4010704 235 W Center St, Firth

RP4013000 201 E Center St, Firth - parsonage

**Bethel Lutheran Church**

RP4004100 413 N Main St, Firth

**International Church of the Foursquare Gospel**

RP1051402 40 S Spruce, Blackfoot



**Assembly of God South Idaho District**

RP7009000 Fort Hall

**The Meeting Room, Inc.**

RP3016305 Meeting House 301 N 4th W, Aberdeen  
RP3016200 Meeting House 301 N 4th W, Aberdeen  
RP3025900 Bare ground  
RP3025803 Bare ground

**First Mennonite Church**

RP3056700 318 E Washington, Aberdeen

**Methodist Church**

RP3056600 119 S 3rd W, Aberdeen

**Apostolic Assembly of the Faith in Christ Jesus, Inc.**

RP1329600 Airport Road

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

RP008900 Church 2120 W Hwy 39 (Springfield)  
RP014770 Church 1533 Hwy 39 Pingree  
RP020490 Church 101 N 900 W Blackfoot (West Stake Center)  
RP021400 Seminary building near Snake River High School (920 W Highway 39)  
RP021610 Church 99 N 900 W Blackfoot (West Stake Center)  
RP021980 Church 95 N 740 W Blackfoot (Northwest Stake Center)  
RP026282 Church 701 W 300 S Blackfoot (Riverton)  
RP026281 Portion of parking lot adjacent to church in Riverton  
RP026286 Church 701 W 300 S Blackfoot (Riverton)  
RP028940 Church 403 N 150 W Blackfoot (Rose)  
RP031111 South Stake Shelter and Fields 259 N 300 W  
RP045115 Church N 700 E near Woodville and includes adjacent grass area  
RP045932 Ball fields and grain bins near Riverview Elementary Shelley  
RP048950 Church 1101 E 1250 N Shelley  
Girls camp area in Wolverine 2223 William Creek  
RP057710 Rd, Firth  
RP057865 Girls camp area in Wolverine  
RP057868 Girls camp area in Wolverine  
Area in  
RP059670 Wolverine request for 16% exemption (handcart trek area)  
352 N Ash  
RP101740 Blackfoot Deseret Industries  
RP104120 Church 187 N Ash Blackfoot **SOLD in 2023**  
RP106200 Church 845 Grant St. Blackfoot

RP106210 Parking lot adjacent to church above facing Sexton  
 RP106220 Parking lot adjacent to church above on Grant  
 RP109670 Church 520 N Shilling Blackfoot  
 RP115880 Seminary Building near Blackfoot High School on S Fisher St  
 RP118680 Grass area adjacent to Church at 660 Teton  
 RP128571 Family History Center Mitchell Road Blackfoot  
 RP130260 Church 660 Teton Blackfoot  
 RP130960 Shelter and Fields adjacent for church on Mt Putnam Dr  
 RP132600 Church 1650 Highland Blackfoot (Blackfoot Stake Center and fields)  
 RP133002 Parcel in the field adjacent for the church above on Highland  
 RP133276 Church 1000 W Riverton Blackfoot (South Stake Center)  
 RP134360 Church 1289 Mt Putnam Blackfoot (East Stake Center)  
 RP200190 Church 325 E Locust Shelley  
 RP201260 Church 184 N Park Shelley  
 RP208433 Seminary Building near Shelley High School  
 RP208890 Church 513 S Park Shelley  
 RP209182 Church 675 S Milton Shelley  
 RP304490 Church 149 W Central Aberdeen  
 RP305980 Seminary Building near Aberdeen High School (203 S 4th W)  
 RP401040 Seminary Building near Firth High School (252 W Center)  
 RP401910 Church 744 N 600 E Firth  
 RP401930 Portion of Shelter and Fields for church above in Firth  
 RP500360 Church 823 N 675 E Basalt  
 RP701380 Shelter and Fields at 1080 E Quarry Rd for church at 792 N 1090 E Shelley  
 RP701440 Church 792 N 1090 E Shelley (1080 E Quarry)  
 RP702021 Church 155 N 380 W Blackfoot (Groveland)  
 RP702290 Church 732 W 175 N Blackfoot (Moreland)  
 RP704040 Shelter and field adjacent to Riverside Church  
 RP704081 Church 7 N 700 W Blackfoot (Riverside)  
 RP705330 Church 1059 W 100 S Blackfoot (Thomas)  
 RP705380 Portion of parking lot adjacent to above church in Thomas  
 RP705540 Church 337 N 200 E Blackfoot (Wapello)

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

Next, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602C, fraternal, benevolent or charitable, which were as follows:

**Dawn Enterprises, Inc.**

RP1319100 420 Cedar, Blackfoot  
 RP1089300



**American Legion Post No 59 -  
Aberdeen**

RP3055500                180 S Main St. Aberdeen

**BPOE No 1416 - Elks Lodge Building**

RP1041300                123 N Ash, Blackfoot

**Community Council of  
Idaho**

RP1418700                Community Clinic at 1491 Parkway Drive, Blackfoot

The Community Family Clinic is a Federally Qualified Health Center which provides basic medical care for Blackfoot and the surrounding area.

**Health West, Inc.**

RP3019805                330 N Main, Aberdeen

RP3019804                330 N Main, Aberdeen

Health West is a Federally Qualified Health Center that provides only outpatient medical, dental, and behavioral health services. Services are on a sliding scale based on patients in comparison to federal poverty guidelines.

**Eastern Idaho Community Action Partnership, Inc.**

RP1016800

Head Start Building Across from Southeastern Idaho Public Health

**Decision: Commissioner Jackson moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602C, fraternal, benevolent or charitable, as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602D, certain hospitals, which were as follows:

**Bingham Memorial Hospital**

RP1403000                                340 N Meridian, Blackfoot

Land across from maternity center                                CMRGO. LLC

RP1403100                                330 N Meridian, Blackfoot

Land across from maternity center                                CMRGO, LLC

RP1402900                                350 N Meridian, Blackfoot

Grove Creek Medical Center -maternity center

CMRGO, LLC

RP1402800                                360 N Meridian, Blackfoot

Land next to maternity center                                CMRGO, LLC

RP1287901 167 Poplar, Blackfoot 59% exempt  
BMH Physicians Clinic - BMH is 58.72% owner

RP1289200 326 Poplar, Blackfoot  
Bingham Specialty Plaza - Medical Offices

RP1289100 344 N Poplar, Blackfoot  
Parking Lot for Bingham Specialty Plaza

RP1287800 323 Poplar, Blackfoot  
Poplar House -office space for hospital staff

RP1287500 150 Parsons, Blackfoot  
Ground

RP1287400 170 Parson, Blackfoot  
Ground

RP1325400 1600 Highland, Blackfoot 30% exempt  
College of Massage Therapy and office space for staff

RP1107400 53 Poplar, Blackfoot  
Parking lot

RP1107200 152 N Spruce, Blackfoot  
vacant house to be demolished

RP1107000 194 N Spruce, Blackfoot  
On call physicians stay at this home

RP1105900 490 N Spruce, Blackfoot  
OR on call staff stay at this home

RP1045900 358 W Idaho Street,  
Blackfoot  
Clinical Research Office

RP1045600 124 N Oak, Blackfoot  
Pediatric Therapy Center

RP1045000 310 W Idaho, Blackfoot  
Human Resources Office (old eye and dental center)



RP2024600  
1st Choice Urgent Care

275 W Locust St., Shelley

NEW

RP1106500  
Office space for Physician Services Operations

284 N Spruce, Blackfoot

Need Decision on Application

**Decision: Commissioner Jackson moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602D, certain hospitals, including the new Application, as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602E, property used for school or educational purposes including Charter Schools, which were as follows:

**Idaho Science & Technology Charter School**

RP8266780 21 N 550 W Blackfoot  
RP8266790 21 N 550 W Blackfoot  
RP8266800 21 N 550 W Blackfoot

**Idaho Plumbers-Pipefitters**

RP1272700 Wilson St. Blackfoot

**Armstrong Properties LLC**

RP1085400 625 West Pacific, Suite 9  
1,621 square feet rented to Idaho State  
10% University

**Community Council of Idaho, Inc (formerly Idaho Migrant Council)**

RP3091200 Head Start School, 555S 4th E, Aberdeen

**Idaho Stem Academy**

RP0336003 9 N 550 W, Blackfoot

**Blackfoot Charter Community Learning Center**

RP0344804 92 N 415 W Blackfoot

**Decision: Commissioner Bair moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602E, property used for school or educational purposes, including charter schools, as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Lastly, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602GG, Low-income housing owned by non-profit organizations, which were as follows:

**Fairview Family Estates**

RP3078900 Aberdeen  
RP3083400 Aberdeen

**Community Council of Idaho (formerly Idaho Migrant Council)**

RP1274802 Colonia Cesar Chavez Apartments at  
RP1274901 761 W Center St, Blackfoot  
RP1274902

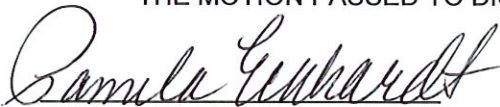
**SEICCA** Southeastern Idaho Community Action Agency  
RP1049100 apartments at 250 S Oak

**Bingham Housing**

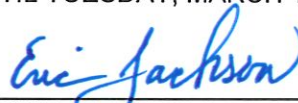
RP1203400 340 Lansing, Blackfoot  
RP1271600 340 Lansing, Blackfoot  
RP1271900 340 Lansing, Blackfoot  
RP3039800 118 W Central, Aberdeen  
RP3039700 Bare lot adjacent to above  
103 S Franklin,  
RP4014301 Firth

**Decision: Commissioner Jackson moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602GG, low income housing owned by non-profit organizations, as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MARCH 12, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Tuesday, March 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

**MEETING TO SIGN DEVELOPMENT AGREEMENT AND FINAL PLAT FOR RIVER RUN ESTATES SUBDIVISION, DIVISIONS 3 & 4**

Present: Kaleb Phelps- River Run Subdivision  
Chris Street- HLE



Gwen Inskeep- County Surveyor  
Dusty Whited- Public Works Director  
Ryan Jolley- Prosecuting Attorney

The Board met to sign Development Agreement and Final Plat for River Run Estates Subdivision, Divisions 3 & 4.

Ms. Olsen gave a brief overview of both Development Agreements and Final Plat for Divisions 3 and 4 of River Run Estates Subdivision. The Board had no concerns or questions.

**Decision: Commissioner Bair moved to approve and sign both the Development Agreement and Final Plat for River Run Estates Subdivision, Division 3 & 4. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION ON AMENDMENTS TO THE BINGHAM COUNTY CODE SECTION 10-5-3, LAND USE CHART, WITH DECISION**

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

The Board held a Public Hearing to receive the Planning & Zoning Commission's recommendation on amendments to the Bingham County Code Section 10-5-3, Land Use Chart, with Decision. Chairman Manwaring welcomed all to the Public Hearing and introductions were held. Chairman Manwaring reiterated that there was no public in attendance.

Ms. Olsen presented Staff Report at this time.

Proposed Amendments to the Land Use Chart are for the reasons as follows:

1. Streamlining the direction given to the public when posing a question about a land use; and
2. Correcting vague and duplicative or contradictory land uses; and
3. Combining similar land uses; and
4. Adding land uses that were not listed; and
5. Amended land uses that were allowed in a zoning district but would be better regulated with a Conditional Use Permit; and
6. Allowing certain land uses in areas that are not currently being allowed but with a Conditional Use Permit; and
7. Encouraging development in zoning districts where desired but currently not allowed; and
8. Allowing towers with a Conditional Use Permit in all zoning districts to comply with the FCC telecommunication act.

The Board reviewed and held deliberation in regards to the following proposed changes made by the Planning & Zoning Commission:

**Legend:**

-Deletions are represented with a ~~strike-through~~

-Additions are represented with an underline

-Modifications are represented with a ~~strike-through~~ and an underline

-Planning & Zoning Commission modifications from its Public Hearing on 2/14/2024 are represented in blue

- Board of County Commissioners comments are represented in **Orange**

**10-5-3: LAND USE CHART:**

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
1	Agriculture and agriculturally-related activities, <del>including agricultural research facilities</del> , roadside stands, sod, and U-pick farms	A	A	A	A	A	A	A	A
<i>Removed "including agricultural research facilities" and added it to the land use of "Agricultural related processing" (#3).</i>									
	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
2	Agriculture - grain elevator and storage buildings/ <u>cellars</u> (farmer/non-commercial)	A	A	C	N/A	A	A	A	A
<i>Added "cellars" to the listed use. County Commissioners: Commissioner Bair proposed adding grain bins. Commissioner Manwaring concurred.</i>									
3	Agriculture related processing <u>or research facility</u>	C	C	N/A	N/A	C	A	A	A
<i>See item # 1 above</i>									
4	Amusement facility, theme park, ballpark, <del>horse arena or racetrack</del> <u>concert/festival production</u>	C	C	C	N/A	C	C	C	N/A
<i>Removed "horse arena or racetrack" as those are already listed as their own land use. Added "concert/festival production" as a listed use where a large number of attendees are likely (similar to a theme park, ballpark, or amusement facility) and may occur more than once, unlike an event/wedding</i>									
5	Arena/ <u>Stable</u> , indoor/ <u>outdoor</u> – personal	A	A	A	N/A	A	A	A	N/A
<i>Added "Stable" to Arena and removed Stable as a land use (#51 and #52). Added "outdoor." This specific land use applies to personal use only.</i>									
6	<u>Arena/Stable, indoor/outdoor – public/commercial</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>N/A</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>C</u>
<i>Added "Arena/Stable, indoor/outdoor – public/commercial." This specific land use applies to public (for payment or non-payment) and/or commercial use.</i>									



7	<a href="#">Asphalt Batch plant (asphalt/hot mix, concrete and/or clay product manufacturing/storage)</a>	C	C	N/A	N/A	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	C	A
<p><i>Modified non-allowed uses to conditionally permitted in C1 and C2 (commercial) zoning districts.</i></p> <p>County Commissioners: Commissioner Bair suggested adding portable concrete plant. Ms. Olsen stated this was discussed and the Planning &amp; Zoning Commission chose to wait on making that addition to this land use until there was an appropriate definition for permanent or temporary. Ms. Olsen stated it is on the list of "definitions", that definition would be changed for permanent and temporary.</p>									
<b>Listed Use</b>		<b>A/NR</b>	<b>A</b>	<b>R/A</b>	<b>R</b>	<b>C1</b>	<b>C2</b>	<b>M1</b>	<b>M2</b>
8	<del>Bank/savings and loan</del> Financial Institution	N/A	N/A	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	A	A	C	N/A
<p><i>Modified "savings and loan" to "financial institution to cover all types of financial assistance. Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having a bank in townsites or populated areas seems likely.</i></p>									
9	<del>Batch plant</del>	<del>C</del>	<del>C</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>C</del>	<del>A</del>
<p><i>Removed as "Asphalt Plant" and "Concrete/clay product manufacturing and storage" are covered in separate land uses (#14 and #18).</i></p>									
10	Brewery/ <a href="#">Distillery/Winery</a>	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	N/A	<del>N/A</del> <u>C</u>	C	A	A
<p><i>Added "Distillery" and "Winery" to Brewery for similar land uses. Modified zoning districts to conditionally permitted uses in A/NR, A, R/A and C1.</i></p>									
11	Building supply outlet	N/A	N/A	N/A	N/A	C	A	A	<del>N/A</del> <u>A</u>
<p><i>Modified "Building Supply Outlet" to an allowed use in a heavy commercial zone as it is allowed in a heavy commercial and light manufacturing zones.</i></p>									
12	Cabinet shop, commercial	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	N/A	C	A	A	A
<p><i>Modified "Cabinet shop" to a conditionally permitted use in A/NR and A zones. This land use isn't anticipated to have large volumes of traffic, noise with an indoor use, or outside storage that cannot be regulated via an approved Conditional Use Permit.</i></p>									
13	Campground, commercial	C	C	C	N/A	<del>A</del> <u>C</u>	<del>N/A</del> <u>C</u>	N/A	N/A
<p><i>Modified allowing campgrounds outright to allowed with an approved Conditional Use Permit. Impacts of a campground need to be evaluated using the CUP criteria (parking, traffic, restroom location, sewer/water connections, access, etc.)</i></p>									



14	Cement/clay product manufacturing	N/A	N/A	N/A	N/A	N/A	N/A	G	A
Removed as this listed use is covered in #18 below									

Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2	
15	Clinic/doctor office	N/A	N/A	<del>N/A</del> C	<del>N/A</del> C	A	A	A	N/A

*Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having a clinic or doctor office in townsites or populated areas seems likely.*

16	Commercial meat packing/processing facility	<del>N/A</del> C	<del>N/A</del> C	N/A	N/A	<del>N/A</del> C	C	A	A
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*Modified "Commercial Meat Packing Facility" as a conditionally permitted land use in a NR/A, A and C1 zones as opposed to not allowed. An ideal location for this type of facility would be on a larger parcel of land or near commercial/industrial/manufacturing land uses.*

17	Community sewage disposal plant	C	C	<del>N/A</del> C	<del>N/A</del> C	C	C	C	<del>P</del> C
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*The designation for heavy manufacturing is a "P" which is an antiquated permission symbol. The listed use is proposed to be allowed with an approved Conditional Use Permit.*

*County Commissioners: Commissioner Bair stated that he was concerned in regards to placing a community sewage disposal plant in a "R" Residential or "R/A" Residential/Agriculture zoning district. Commissioner Bair stated that his experience with the Eastern Idaho Regional Sewer District was the lift station smells. Chairman Manwaring stated with it being allowed only with a Conditional Use Permit, there is a good chance that it would not be approved. Ms. Olsen stated the best procedure would be to amend that section to not allow in the "R" and "R/A" zone because they are the densest.*

*Chairman Manwaring referred to the Eastern Idaho Regional Sewer District, wherein there were many homes built surrounding the plant after the plant had been built and stated that he would be in favor of "N/A" not allowed in a "R" Residential zoning district. He would be in favor of requiring a Conditional Use Permit in an "R/A" Residential/Agriculture zoning district.*

*Commissioner Jackson stated he would be in favor of requiring a Conditional Use Permit in a "R/A" Residential/Agriculture zoning district. Also would agree to "N/A" Not allow in a "R" Residential zoning district.*

*The Board concurred that a community sewage disposal plant should be "not allowed" in an "R" zoning district.*



18	<u>Concrete/clay product manufacturing, storage, or batch plant</u>	N/A C	N/A C	N/A	N/A	N/A	C	A	A
Added "temporary or permanent" to the listed use and modified the A/NR and A zones to conditionally permitted uses instead of non-allowed. <i>Removed and combined with 7. Batch plant (asphalt/hot mix, concrete and/or clay product manufacturing/storage)</i>									
19	Contractors <u>office/</u> shop/yard	N/A C	C	C	N/A	C	A	A	A
Added "office" to "contractor's shop or yard" to allow an office space to the use and allow in a NR/A zone with an approved conditional use permit.									
20	Convenience store, less than 10,000 aggregate total square feet	N/A	N/A C	N/A C	N/A C	A	A	A	N/A C
Modified the A, R/A, R, and M2 zones to an approved use with a Conditional Use Permit as this zone should support this land use dependent upon the criteria of Title 10 Chapter 8 being met (which includes access, traffic, and parking areas to be approved by Public Works)									

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
21	Convenience store, more than 10,000 aggregate total square feet	N/A	N/A	N/A	N/A	C	A C	A C	N/A C
Modified the M2 zones to an approved use with a Conditional Use Permit as this zone should support this land use dependent upon the criteria of Title 10 Chapter 8 being met (which includes access, traffic, and parking areas to be approved by Public Works)									
22	<del>Dance hall, liquor</del>	N/A	N/A	N/A	N/A	N/A	A	N/A	N/A
Removed "Dance Hall with liquor sales" This land use is not utilized and would fall in the same category of Amusement Facility or Wedding/Event venue									
23	<del>Dance hall, no liquor sales</del>	N/A	N/A	N/A	N/A	C	A	N/A	N/A
See # 22 above									
24	Daycare - center (with more than 13 clients)	N/A	C	N/A C	N/A C	A	A	N/A C	N/A C
Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having daycares in townsites or populated areas seems likely. <i>Allowing a Conditional Use Permit in M1 and M2 zoning designations allows the opportunity for businesses to have in-house daycares.</i>									



25	Daycare - family (with 6 or less clients)	A	A	A	A	A	A	<u>G</u> <u>N/A</u> <u>C</u>	<u>G</u> <u>N/A</u> <u>C</u>
<i>Modified conditionally permitted uses in M1 and M2 zoning districts to mirror daycares with 13 or more children. Allowing a Conditional Use Permit in M1 and M2 zoning designations allows the opportunity for businesses to have in-house daycares.</i>									
26	Distillery	G	G	N/A	N/A	N/A	N/A	A	A
See # 10 above									
27	Dwelling – twin/duplex	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Added "Dwelling – twin/duplex" to the listed uses as it was not covered heretofore.</i>									

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
28	Emergency/urgent care center	<u>G</u> <u>N/A</u>	N/A	<u>N/A</u> <u>C</u>	<u>N/A</u> <u>C</u>	A	A	A	A
<i>Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having an urgent care in townsites or populated areas seems likely. Modified the conditionally permitted use in a A/NR to not allowed as this zone covers a large amount of farm/rural land in the furthest areas from townsites, cities, etc.</i>									
29	Equipment Rental	N/A	<u>N/A</u> <u>C</u>	N/A	N/A	G	A	A	A
<i>Modified equipment rental to a conditionally permitted land use in "A" zone to mirror Heavy equipment sales/service (#34). Removed and combined with 34.</i>									
30	Feedlots	C	<u>A</u> <u>C</u>	N/A	N/A	N/A	N/A	C	C
<i>Modified allowing feedlots in an Agriculture zone to a conditionally permitted land use to match the A/NR zone.</i>									
31	Food sales cafe/lunch counter, drive-in, restaurant <del>without liquor sales</del>	N/A	N/A	<u>N/A</u> <u>C</u>	<u>N/A</u> <u>C</u>	A	A	A	C
<i>Removed "without liquor sales" and modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having food sales or a cafe in townsites or populated areas seems likely.</i>									



32	<del>Food sales—restaurant with liquor sales</del>	N/A	N/A	N/A	N/A	C	A	A	N/A
Removed. See item No. 31 above.									
33	Gravel pit/mining – crushing/excavation of gravel, and <del>hot mix plant</del> <u>associated batch plant</u>	C	C	N/A	N/A	N/A	N/A	C	<del>A</del> C
Added “temporary or permanent” to the listed use and modified the outright allowed land use in a M2 zone to conditionally permitted. Gravel/pit mining activity should be considered as a conditional approval with review of Title 10 Chapter 8. <i>This suggested modification was to go from hot mix plant to batch plant to allow consistent language throughout Bingham County Ordinance as a hot mix plant and batch plant are one in the same and batch plant is referenced in 7. Additionally, the word associated was recommended to differentiate between a stand-alone batch plant vs. a batch plant that needed as part of a mining/excavation operation.</i>									
	<b>Listed Use</b>	<b>A/NR</b>	<b>A</b>	<b>R/A</b>	<b>R</b>	<b>C1</b>	<b>C2</b>	<b>M1</b>	<b>M2</b>
34	<del>Heavy Equipment sales/service/rental</del>	N/A	C	N/A	N/A	<del>N/A</del> C	A	A	A
<i>Modified the zoning district of light commercial to allow for heavy equipment sales/service. The Planning &amp; Zoning Commission requested the removal of the word heavy to allow said land use to be applied to more businesses providing equipment sales, service and/or rental for heavy and light equipment.</i>									
35	Home occupation/ <del>business</del> <u>(requires Home Occupation Certificate)</u>	A	A	A	A	A	A	A	A
<i>Require Home Occupation Certificate for all home occupation uses. For example, we have received a number of gunsmithing business inquiries. We request a copy of the business’s FFL, home inspection by the ATF, and receive a written acknowledgment the home owner will abide by the regulations of a home occupation found in Section 10-7-20. The Planning &amp; Zoning Commission found the word “occupation” to be ambiguous and suggested adding the word business for additional clarification.</i>									
36	Junkyard/ <del>Salvage</del> <u>Yard/Parts resale</u>	N/A	N/A	N/A	N/A	N/A	<del>N/A</del> C	C	<del>A</del> C
<i>Modified an allowed use of a junk yard to a conditionally permitted use in a M2 zone. If the site is not maintained in an orderly manner and cannot comply with the Specific Regulations, a CUP may be revoked. This modification would eliminate the need for salvage/parts resale in the Land Use Chart.</i>									
<b>County Commissioners: Commissioner Bair asked if the Planning &amp; Zoning Commission discussed having a Conditional Use Permit required within a “C1” Light Commercial</b>									



	<p>zoning district, as he believes it should be. Chairman Manwaring and Commissioner Jackson concurred.</p> <p>The Board agreed to require a Conditional Use Permit for "C1" Light Commercial zoning district.</p>								
37	Landscaping business <u>with indoor storage of equipment</u>	N/A	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	N/A	A	A	A	A
	<i>Added "with indoor storage of equipment" to the listed use to prevent outdoor storage and thereby allowing the land use with an approved conditional use permit in A and R/A zones.</i>								
38	Laundromat or dry cleaners/ <u>laundry or linen supply</u>	N/A	N/A	N/A	<del>N/A</del> <u>C</u>	C	A	A	A
	<i>Added "laundry or linen supply" to the listed use and allow this use in R zones where it is likely community members will launder clothing in higher populated areas.</i>								
	<i>County Commissioners: Commissioner Bair stated that he would recommend allowing within a "R/A" Residential/Agriculture zoning district, with a Conditional Use Permit. Chairman Manwaring and Commissioner Jackson concurred.</i>								
	<i>The Board concurred to allow within an "R/A" Residential/Agriculture zoning district, with a Conditional Use Permit.</i>								
39	<del>Laundry/linen supply</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>C</del>	<del>A</del>	<del>A</del>	<del>A</del>
	<i>See #38 above</i>								
40	Manufactured home/travel trailer park	N/A	N/A	N/A	N/A	N/A	C	<del>A</del> <u>C</u>	<del>A</del> <u>C</u>
	<i>Modified the allowed use of "manufactured home/travel trailer park" to conditionally permitted in the M1 and M2 zones as opposed to an outright allowed land use.</i>								
	<b>Listed Use</b>	<b>A/NR</b>	<b>A</b>	<b>R/A</b>	<b>R</b>	<b>C1</b>	<b>C2</b>	<b>M1</b>	<b>M2</b>
41	<del>Meat packing facility</del>	<del>N/A</del> <u>C</u>	<del>C</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del> <u>C</u>	<del>C</del>	<del>A</del>	<del>A</del>
	<i>Modified the not allowed use to conditionally permitted due to the commercial nature of the land use and larger parcels of land. This was added to 16. Commercial meat packing/processing facility and removed from 41. entirely.</i>								
42	Office/professional buildings	N/A	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	A	A	A	N/A
	<i>Modified non-allowed uses to conditionally permitted in A, R/A and R zoning districts as these are areas where our community resides and having offices or professional buildings in townsites or populated areas seems likely.</i>								



43	Reception center, wedding/ <u>event</u>	C	C	C	N/A	A	A	C	N/A
Added "event" to reception center/wedding to encompass occasions where large amounts of public may attend for celebration.									
44	<u>Recreation – indoor (public/commercial)</u>	C	C	C	C	C	A	A	N/A
Added "public" to the listed use. <i>This was suggested to be removed and added to 47.</i>									
45	Recreation – outdoor ( <u>public/commercial</u> )	A	A	<del>A</del> <u>C</u>	C	A	A	A	N/A
Added "public" to the listed use and modified outright allowed use in a R/A zone to a conditionally permitted use.									
46	Recycling	C	C	N/A	N/A	N/A	C	<del>C</del> <u>A</u> <u>C</u>	<del>A</del> <u>C</u>
Modified M1 zoning to an allowed use due to the manufacturing nature of the land use.									
47	Schools/ <u>facilities</u> - arts, dancing, dramatics, <u>gymnastics</u> , <u>athletics</u> , <u>indoor recreation</u> , music, business, secretarial work, etc. ( <u>public/commercial</u> )	<del>N/A</del> <u>C</u>	C	C	C	N/A	A	C	N/A
<p>Added "gymnastics" to the listed use as we have received Applications for this land use and most closely associated it with this school and modified the non-allowed use to a conditionally permitted use in a NR/A zone. <i>The proposed additions to this section allowed for the elimination of 44. Recreation – indoor (public/commercial) which has no definition in Bingham County Ordinance. Additionally, this would allow a broader application for athletics such as wrestling, martial arts, gymnastics, etc. to utilize existing facilities and/or the addition of a fitness center/public gym in the County.</i></p> <p>Commissioners Comment: Chairman Manwaring suggested that it also required a Conditional Use Permit for "M2" and "C1". Commissioner Jackson stated and these entities would be a for profit and would be charging. Commissioner Bair concurred and stated that he would suggest adding training/trade school to the verbiage.</p> <p>The Board concurred to require a Conditional Permit on all zoning districts for this item and would include training/trade school.</p>									
	<b>Listed Use</b>	<b>A/NR</b>	<b>A</b>	<b>R/A</b>	<b>R</b>	<b>C1</b>	<b>C2</b>	<b>M1</b>	<b>M2</b>
48	Schools - public school districts, charter, private, college/university	C	<del>A</del> <u>C</u>	<del>A</del> <u>C</u>	<del>A</del> <u>C</u>	<del>A</del> <u>C</u>	<del>A</del> <u>C</u>	C	<del>N/A</del> <u>C</u>



<i>Modified outright allowed uses for schools to conditionally permitted consideration. School land uses often trigger traffic studies, access considerations, etc. and the nearby conditions for compatibility should be considered.</i>									
49	Seasonal activities; <u>(commercial)</u> : corn mazes, live Christmas nativities, haunted houses, holiday celebrations, or revivals (see subsection 10-7-71 of this title)	<del>N/A</del> <u>A</u>	A	<del>N/A</del> <u>A</u>	N/A	A	A	A	C
<i>Modified the NR/A and R/A zones to allow seasonal activities.</i>									
50	<del>Stable, boarding</del>	A	A	A	N/A	N/A	N/A	N/A	N/A
<i>Removed. See #6 and #7</i>									
51	<del>Stable, riding</del>	G	G	G	N/A	A	A	N/A	N/A
<i>Removed. See #6 and #7</i>									
52	Tower - broadcast, cell, telecommunication, <u>internet, fiber, or other wireless/tower structure</u>	C	C	<del>N/A</del> <u>C</u>	<del>N/A</del> <u>C</u>	C	C	C	<del>A</del> <u>C</u>
<p><i>Added "internet, fiber or other wireless/tower structure" to encompass all towers. Modified zoning districts to allow towers with an approved conditional use permit to comply with FCC regulations.</i></p> <p>Commissioners Comments: Discussion was held in regards to adding GPS. Commissioner Bair stated that in Rockford on top of the grain elevator, there is a GPS tower that all farms in the area can use the tower. This tower is used for auto-steer and things such as that pertaining to the John Deere Tractors. Commissioner Bair asked Ms. Olsen if a GPS Tower would need to be added or would it be covered under communications. Ms. Olsen stated that she would rather add that verbiage to be sure that things were covered.</p> <p>Ms. Olsen stated that she is currently working on verbiage pertaining to a Ham Radio tower criteria that exempts Ham radio towers from a Conditional Use Permit based on State Code up to a certain height. Ms. Olsen stated that currently State Code allows Ham Radio operators to operate and that she cannot require an individual to go through the Conditional Use Permit process. Ms. Olsen stated that 80-feet is the approximate standard height of a Ham Radio tower and if it were over 80-feet, Planning &amp; Development would look to see if it is appropriate for the area. Therefore, Ms. Olsen stated that a section could be added pertaining to a GPS Tower.</p> <p>Ms. Olsen stated that with the usage of the word "antenna", leads her to believe that this should include a tower antenna, which would cover GPS.</p> <p>The Board concurred in regards to the addition and Ms. Olsen stated that she would include "antenna" and will look further into the GPS question, which will eventually be added to the Land Use Chart.</p>									



53	Wind turbines/ <u>MET towers</u> , commercial	C	C	N/A	N/A	N/A	N/A	C	C
<i>Added "Met Towers" to Wind turbines so the listed use is associated with both structures as part of a wind energy facility and will have the same setbacks.</i>									
54	<del>Winery</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>A</del>	<del>A</del>
<i>Removed. See #10</i>									

Discussion was held in regards to testimony presented at the Planning & Zoning Commission Public Hearing, wherein Ms. Olsen explained that there were two individuals that testified and shared their concerns. The first was Mr. Joel Weaver, whose first concern was modifications to "clinics and urgent cares", and that may cover drug and alcohol treatment centers, mental illness centers and/or halfway houses in areas with a zoning designation of Residential/Agriculture and/or Agriculture because there is no police force, which may be needed. Ms. Olsen stated that it was reiterated to Mr. Weaver that it would be under a Conditional Use Permit, wherein those issues would be considered during that process.

It was also discussed that in general uses that Mr. Weaver felt law enforcements ability or lack thereof, to get there and distances from townsite and what those would be. Chairman Leavitt stated that might also need to be clarified within the "definition" section in the future, specifically for emergency and urgent care centers and if they could make it to those types of facilities in a timely manner.

Mr. Weaver stated that the reason in which he attended was to focus on the Comprehensive Plan and encouraged that Planning & Zoning take a look at what the Comprehensive Plan currently provides for and if that needs to be modified. Specifically, are there areas in the city impact around the City of Blackfoot that have an overlay of Residential/Agriculture or Residential that maybe should be Agriculture. Ms. Olsen stated good discussion was held and that at the end of the meeting, the Planning & Zoning Commission did ask her to bring Comprehensive Plan Maps for the Shelley and Groveland Area, to their next meeting to review and understand where those Comprehensive Plan areas are in focusing on growth.

Commissioner Bair referred to the Area of Impact Legislation.

Ms. Olsen further explained testimony received from Mr. Weaver, wherein he stated that Residential/Agriculture zone extends into areas of things that under the law should be protected, such as Agricultural, wildlife and recreation. Ms. Olsen stated that Mr. Weaver read a section from the Comprehensive Plan, which could have been read either in support of private property rights or in opposition of private property rights. That was discussed further and Mr. Weaver stated that he is a proponent of protecting private property rights but also as a proponent of keeping the social contract with those around and protecting personal property rights. Mr. Weaver stated that he is worried that more development will occur and older people that had small farms are passing those properties to their children and sometimes the sale of that land is more attractive than operating those farms.

The second individual that provided testimony at the Planning & Zoning Commission Public Hearing was Layne Hamilton who was in neutral and stated that while encouraging growth, he wondered if there were a survey that could be done and if the majority of Bingham County residents agree and that the main thing should be growth. Mr. Hamilton reflected on information from Ada County and Canyon County, which states that they have received negative results from population growth and if you take an acre of farm ground in Idaho and turn it into a single-family residence, it is a major economic negative produced to their counties. Commissioner Leavitt responded to Mr. Hamilton's point regarding the one-acre residential parcel he referred to in Ada County and Canyon County, explaining that they would be greater than an agricultural one-acre parcel.



Commissioner Adams agreed that the Commission has done a good job and that a lot of the changes discussed gave him the opportunity to review the land use items through a Conditional Use Permit processes that maybe weren't already afforded to those in Bingham County.

Chairman Manwaring confirmed that there was no testimony in favor, in neutral nor in opposition as there were no citizens in attendance.

Chairman Manwaring reiterated Amendments to the Land Use Chart are for the reasons as follows:

1. Streamlining the direction given to the public when posing a question about a land use; and
2. Correcting vague and duplicative or contradictory land uses; and
3. Combining similar land uses; and
4. Adding land uses that were not listed; and
5. Amended land uses that were allowed in a zoning district but would be better regulated with a Conditional Use Permit; and
6. Allowing certain land uses in areas that are not currently being allowed but with a Conditional Use Permit; and
7. Encouraging development in zoning districts where desired but currently not allowed; and
8. Allowing towers with a Conditional Use Permit in all zoning districts to comply with the FCC telecommunication act.

Chairman Manwaring stated that he is in favor of the changes discussed.

Commissioner Bair concurred.

Commissioner Jackson concurred.

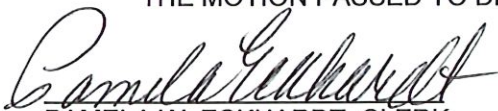
**Decision: Commissioner Jackson moved to approve the proposed modifications to Bingham County Code Section 10-5-3, including additions added as follows:**

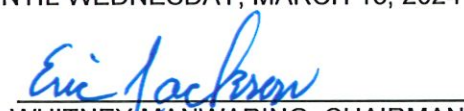
1. Streamlining the direction given to the public when posing a question about a land use; and
2. Correcting vague and duplicative or contradictory land uses; and
3. Combining similar land uses; and
4. Adding land uses that were not listed; and
5. Amended land uses that were allowed in a zoning district but would be better regulated with a Conditional Use Permit; and
6. Allowing certain land uses in areas that are not currently being allowed but with a Conditional Use Permit; and
7. Encouraging development in zoning districts where desired but currently not allowed; and
8. Allowing towers with a Conditional Use Permit in all zoning districts to comply with the FCC telecommunication act.

**The motion was amended to add the effective date of Tuesday, March 12, 2024. Commissioner Bair seconded. All voted in favor. The motion carried.**

Chairman Manwaring stated if there is any individual that would like to appeal this decision, they may do so within fourteen (14) days after the Ordinance is signed by the Board of County Commissioners.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 13, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN



STATE OF IDAHO        )  
                              : ss.                **Wednesday, March 13, 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**

One (1) Cash Warrant was approved in the amount of \$68.00.

**CELL PHONE STIPENDS**

Two (2) cell phone stipends for the IT Department were approved in the amount of \$540.00 each, for a total of \$1,080.00, to be paid from Fund: 01-18-464-02 (Cell Phone Stipend Payout).

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents for Mach 13, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**SHERIFF'S OFFICE**

Present:                Jeff Gardner- Bingham County Sheriff  
                              Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
                              Kris Talbot- Bingham County Detention Lieutenant

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

Sheriff Gardner gave an update regarding jail population.

Next, discussion was held in regards to the submitted Prior Approval for Major Purchase of an Avantco Air Cooled Modular Half Ice Machine with Bin- 400 lb. The old ice machine is 10+ years old and parts are expensive when the machine breaks down. Said purchase is in the amount of \$2,979.40 and is to be paid from Fund: 05-03-800-01 (Jail-Capital-Jail Expenditures).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of an Avantco Air Cooled Modular Half Ice Machine with Bin- 400 lb. Said purchase is in the amount of \$2,979.40 and is to be paid from Fund: 05-03-800-01 (Jail-Capital-Jail Expenditures). Commissioner Bair seconded. All voted in favor. The motion carried.**

**PUBLIC WORKS**

Present:                Dusty Whited- Public Works Director  
                              Troy Lenhart- Road & Bridge Supervisor

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

Discussion was held in regards to the submitted Prior Approval for Major Purchase of 50 Plow Wear Edges. Said purchase is in the amount of \$8,682.00 and is to be paid from Fund: 02-47-499-01 (Road & Bridge-Wear Edges).

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of 50 Plow Wear Edges. Said purchase is in the amount of \$8,682.00 and is to be paid from Fund: 02-47-499-01 (Road & Bridge-Wear Edges). Commissioner Jackson seconded. All voted in favor. The motion carried.**

Discussion was held in regards to deer/elk crossing signage, which was requested by a citizen. Mr. Whited explained that he proposes that the fee be added to the fee schedule as follows: Deer/Elk Crossing Zone requires (4) 30" x 30" standard regulatory signs required for each zone. Cost per zone is \$400.00, which includes labor, equipment and materials for installation.

The Board was in favor of the proposal. Chairman Manwaring confirmed that this fee will need to be noticed within the newspaper twice and a Public Hearing will need to be held in order to received any public input pursuant to Idaho Code Section 63-1311(A).

#### MEETING TO REVIEW PROPOSED REAL ESTATE LEASE AGREEMENT ON COUNTY PROPERTY LOCATED EAST OF THE GOSHEN SUBSTATION

Present: Ryan Jolley- Prosecuting Attorney  
Tiffany Olsen- Planning & Development Director  
Gwen Inskeep- County Surveyor  
Dusty Whited- Public Works Director

The Board met to review the proposed Real Estate Lease Agreement on County Property Located East of the Goshen Substation.

Mr. Jolley stated based upon conversation held between Planning & Development and the Board, the suggested amendments have been made and conversation was held as follows:

Mr. Jolley stated under the current lease with Hillmans, there was no provision where the county could reduce the acreage leased to them. If the county wanted to begin excavation and crushing gravel, which is a significant oversight and was intended to be within the prior lease signed in 2019. This will give the county the ability to reduce acreage if the county ends up needing a gravel source. This additional verbiage will be added as section 5 and the specific verbiage was proposed as follows:

"The parties acknowledge that Bingham County reserves the right to use portions of the property for a gravel pit or other purposes as needed. Bingham County must provide written notice to the Hillmans by October 1<sup>st</sup> of the prior year of any change to be made in the number of acres needed for mining or other operations. The parties further acknowledge that the original number of acres under this lease agreement as set forth will then ne reduced accordingly. The annual payment will also be adjusted accordingly, Bingham County will reimburse Hillmans for any variable expenses incurred such as multi year crops and other damages incurred by the Hillmans on the acreage to be reduced". The Board was in favor of the added verbiage.

Mr. Jolley stated that the leased property will be split into two portions and having different terms under each portion. The portion of the property that is identified as "pivot area" will be a five-year lease, which is consistent with the current lease and the portion of the property identified as "Parcel 2" will be a one-year lease subject to renewal. His understanding on Parcel 2 is that there are other interests that the county may potentially pursue in the future and it is beneficial for the county to not have a locked in five-year lease.

Mr. Jolley referred to the current number 4, "Price", that will reference back to the amount of acreage involved. The prior lease showed \$150 per acre and Mr. Jolley stated that he is not sure if the Board would like to request an increase. Chairman Manwaring proposed adding language that the amount would increase 2% yearly. Chairman Manwaring stated that he believes the county should move forward with drilling a well and installing a pump on the county side of the pivot area, which will be more advantageous in the future to put this out to bid for lease. Currently this is hard to do with the well not being located on the county side. Mr. Jolley stated that verbiage allowing the county to install a well, is added into the lease.



Commissioner Bair stated that the County Assessor is using \$165 per acre as the average and he wondered if that is what the price per acreage should be. Ms. Olsen referred to the USDA who states for the Northwest region, including Idaho, the estimated cash rent expense for crop land is \$197 per acre for non-irrigated crop land in 2023 and irrigated crop land with water right use is \$266 per acre. Chairman Manwaring reiterated that he believes there should be a 2% increase yearly on the five-year lease. Commissioner Bair and Commissioner Jackson concurred.

Discussion was held in regard to the "Right of Way" section, wherein Mr. Jolley stated that Mr. Whited mentioned that he would like a section added in regards to access to allow the county to access county water or in the event emergency services are needed. Mr. Jolley will add a subsection b, to acknowledge the county has a Right-of-Way to access its water.

Discussion was held in regards to the "Property alterations, improvements and maintenance" section, wherein Mr. Jolley stated the biggest difference noted is sileage storage noted under the prior lease allowed Hillmans to store sileage west of the tree line and in exchange Hillmans had agreed to mow that area. Under the current lease, the portion regarding the same is exempting them from storing sileage west of the tree line. Mr. Jolley also added a subsection referring to "fixtures", which states that the Hillman's shall not erect structures, buildings, or fixtures on the property without obtaining prior written consent from Bingham County.

Discussion was held in regards to the "Insurance" section, which is a new section that was not included in the prior lease and did not require Hillmans to carry any public liability insurance for the lease property. Mr. Jolley stated that this is consistently required with all other county leases.

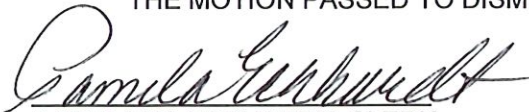
Discussion was held in regards to the "Hazardous Waste" section, wherein the Hillmans would need approval from Bingham County to store, generate, or otherwise use or bring upon the leased property any hazardous waste as defined by federal, state or local laws or regulations. This provision does not exclude the Hillmans from the use of fertilizers and chemicals and other materials commonly used in farming operations.

Discussion was held in regards to the "Termination" section, wherein Mr. Jolley stated that would need to be determined when discussing what the Board would like the lease term to be.

Lastly, Mr. Jolley stated that he added several sections for legal purposes, which were Severability, Jurisdiction and Venue.

A meeting will be scheduled at a later date for review and potential signing of said lease agreement.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 15, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                      : ss.               Friday, March 15, 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

One (1) Cash Warrant was approved in the amount of \$2,971.10.

CLAIMS

Claims were approved in the amount of \$452,345.99.

PERSONNEL ACTION FORMS

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

Salary Increase Forms:           Detective  
  Patrol Deputy  
  Detention Deputy  
  Patrol Sergeant  
  Detective  
  Court Clerk/Archivist

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Forms for March 15, 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

TAX INQUIRY DOCUMENTS

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

MH344S36EA028B	Year 2023	This mobile home should have been Indian exempt.
RP1312401	Year 2023	The home was double assessed. It was down before 2023.

**Decision: Commissioner Jackson moved to approve Tax Inquiry documents submitted by the County Assessor and as previously read. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF COMMISSION MINUTES FOR FEBRUARY 1-16, 2024

The Board met to approve and sign Commission Minutes for February 1-16, 2024. Chairman Manwaring confirmed that all necessary changes had been made.

**Decision: Commissioner Jackson moved to approve Commission Minutes for February 1-16, 2024, as written. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF REASON & DECISION FOR THE HUDSON ZONE CHANGE FROM "C1" LIGHT COMMERCIAL TO "R/A" RESIDENTIAL/AGRICULTURE AND KAMBRIDGE CREEK SUBDIVISION

The Board met to approve and sign the Reason & Decision for the Hudson Zone Change from "C1" Light Commercial to "R/A" Residential/Agriculture and Kambridge Creek Subdivision. Chairman Manwaring confirmed that all necessary changes, if any, had been made.



**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for the Hudson Zone Change from "C1" Light Commercial to "R/A" Residential/Agriculture and Kambridge Creek Subdivision. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF REASON & DECISION FOR FIRST AMENDED SILVER LEAF SUBDIVISION, DIVISION NO.4.

The Board met to approve and sign the Reason & Decision for the First Amended Silver Leaf Subdivision, Division No.4. Chairman Manwaring confirmed that all necessary changes, if any, had been made.

**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for the First Amended Silver Leaf Subdivision, Division No.4. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE- SOLID WASTE

The Board met to hold discussion and make a decision regarding the submitted Prior Approval for Major Purchase for repair to an overhead door at the Central Transfer Station. Said repair is needed as there was an accident wherein the overhead door was backed into. Said purchase is in the amount of \$2,815.00 and is to be paid from Fund: 23-70-754-03 (Solid Waste-Central CTS Expenses).

**Decision: Commissioner Jackson moved to approve the Prior Approval for major Purchase for repair to an overhead door at the Central Transfer Station. Said repair is needed as there was an accident wherein the overhead door was backed into. Said purchase is in the amount of \$2,815.00 and is to be paid from Fund: 23-70-754-03 (Solid Waste-Central CTS Expenses). Chairman Manwaring seconded. Both voted in favor. The motion carried.**

MEETING TO RECEIVE CLARIFICATION ON THE PAYOUT AFTER ELIMINATION OF PTO FOR EXEMPT EMPLOYEES- REQUESTED BY CLERK ECKHARDT

Present: Gary Yancey- Sheriff's Office  
Scott Reese- Parks & Recreation/Emergency Management  
Laraine Pope- Human Resources  
Dusty Whited- Public Works Director  
Jeremy Hook- Sheriff's Office  
Matt Galloway- IT Department  
Bill Haight- IT Department  
Tiffany Olsen- Planning & Development Director  
Chase Clark- Building Official  
Pamela Eckhardt- County Clerk  
Laura Lora- Chief Deputy Clerk/Payroll

The Board met to give clarification on the payout after elimination of PTO for Exempt Employees.

Clerk Eckhardt stated while working through the PTO Payout process, there were a few questions that came up and she would like clarification from the Board. On January 24, the Board made a decision to eliminate exempt employees to report paid time off as well as eliminating future accrual of paid time off. Clerk Eckhardt stated that she would like clarification on the decision that an employee has the choice to either payout at 30% now and the remainder of PTO would go into a leave time back or that they would take no PTO. All PTO would be placed in a leave time bank with 30% being paid out at the time of termination of employment with the county.

If all exempt employees choose to request the 30% payout immediately, the cost would be \$74,064.00. Therefore, the questions wherein clarification is needed are as follows:



- 1) If all employees choose to take the payout where would that get paid from? From each department, overrun the payout line item in 01-18 budget or PILT?
- 2) Can an employee choose to take their 30% payout at anytime until they retire or leave employment?
- 3) If an employee chooses to take the 30% and 70% is put into leave time bank, employees need to understand they will not receive anymore payout when they leave employment with the county.

Ryan Jolley suggested rather than trying to come up with the funding within the budget now, they could hold off until October during budget time and that way there would be no concern of salary budgets running over. Mr. Jolley also stated that it would make sense to have payouts occur now rather than waiting because as employees remain for the county, the potential cost that would be paid out for paid time off would increase dramatically if salaries increase over time as well. Therefore, paying paid time off out and reserve the rest in the leave time bank, that would be a fair approach for exempt employees.

Chairman Manwaring stated that each department budgets for their employees and it should stay within each budget. He proposed paying out over a two-year period, which also falls in line with what Ryan Jolley stated, wherein he stated it may need to be done during budget time. He would like to see which individuals would like to receive payout at 30%, which would then occur in October during budget time.

Clerk Eckhardt stated that payouts could be done within one year, especially at the suggestion that the employee is known, the amount is known and that amount could be placed within the budget.

Tiffany Olsen stated that she would support the suggestions made by Ryan Jolley and that it is smart to plan during budget time so that salary budgets do not run over.

Scott Reese stated that he has salary savings within his budget and if he were to be paid out for his paid time off, it would not affect his budget. Chairman Manwaring stated in the event there is funding to cover an employee pay out, that could be looked at within each department. If the funding is there he has no issue with them being paid out now rather than during budget time.

Clerk Eckhardt stated that a form would be created in order for the employee to declare that they would like to receive 30% payout of their paid time off. The budget of each department would be reviewed to see if that payout could occur now or if it would need to wait until budget time.

All Commissioners agreed that if the funding is available within the pertinent department and payout could occur now, they would be in favor. If not, the employee would need to wait until budget time in October.


**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. Chairman Manwaring seconded. Both in favor. The Board moved into Executive Session at 8:49 a.m. Commissioner Jackson moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 8:59 a.m.

**Decision: Commissioner Jackson moved to offer the Solid Waste Operator Position at an N14, Step 2 (\$18.53), to the individual mentioned within Executive Session. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MARCH 19, 2024

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

  
 WHITNEY MANWARING, CHAIRMAN-----



STATE OF IDAHO )  
 : ss. Tuesday, March 19, 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

**PLANNING & DEVELOPMENT**

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to discuss department updates.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 20, 2024

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Wednesday, March 20, 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**

One Cash Warrant was approved in the amount of \$3,738.05

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents for March 20, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**APPROVAL OF ADVISORY QUESTION VERBIAGE TO BE PLACED ON THE MAY 21<sup>ST</sup> PRIMARY ELECTION BALLOT**

Present: Danette Miller- Election Director  
Jeff Gardner- Bingham County Sheriff  
Ryan Jolley- Prosecuting Attorney  
Pamela Eckhardt- County Clerk

The Board met to approve advisory question verbiage to be placed on the May 21<sup>st</sup> Primary Election Ballot.

Chairman Manwaring stated previous discussion was held and since then he had met with the precinct individuals who approved of the proposed language as follows:

*"In future elections shall citizens vote for presidential candidates in the Primary Election, yes or no".*

The Board was in favor of the language as mentioned and there were no concerns.

**Decision: Commissioner Jackson moved to place the advisory ballot question on the May 21<sup>st</sup> Primary Election Ballot as follows: "In future elections shall citizens vote for presidential candidates in the Primary Election, yes or no". Commissioner Bair seconded. All voted in favor. The motion carried.**

#### APPROVAL OF BINGHAM COUNTY ORDINANCE 2024-02

The Board met to approve Bingham County Ordinance 2024-02, an ordinance amending the General Bingham County Zoning Ordinance 2012-08 and accompanying zoning map by changing the zoning use district of the below described real property from its present classification as "C1" Light Commercial to "R/A" Residential/Agriculture, specifically for the Julie Hudson Zone Change Application.

**Decision: Commissioner Bair moved to approve and sign Bingham County Ordinance 2024-02, an ordinance amending the General Bingham County Zoning Ordinance 2012-08 and accompanying zoning map by changing the zoning use district of the below described real property from its present classification as "C1" Light Commercial to "R/A" Residential/Agriculture, specifically for the Julie Hudson Zone Change Application. Commissioner Jackson seconded. All voted in favor. The motion carried and said Ordinance was approved and recorded as follows:**



Instrument # 761068  
BINGHAM COUNTY  
3-20-2024 03:49:43 PM No. of Pages: 1  
Recorded for : BINGHAM COUNTY COMMISSIONERS  
PAMELA W. ECKHARDT Fee: 0.00  
Ex-Officio Recorder Deputy *JB*

**BINGHAM COUNTY  
ORDINANCE 2024-02**

AN ORDINANCE AMENDING THE GENERAL BINGHAM COUNTY ZONING ORDINANCE 2012-08 AND ACCOMPANYING ZONING MAP BY CHANGING THE ZONING USE DISTRICT OF THE BELOW-DESCRIBED REAL PROPERTY FROM ITS PRESENT CLASSIFICATION AS "C1" LIGHT COMMERCIAL TO "R/A" RESIDENTIAL/AGRICULTURE.

BE IT ORDAINED by the Board of County Commissioners of Bingham County, Idaho, as follows:

A replat of lots 5 through 8, Block 5 of the Original Riverside Townsite, recorded as in Survey Book 2 & 3, Page 62, along with Part of Vacated County Road Right of Ways for 725 West and Taylor Avenue, 10 North, as described in Vacation ordinance No. 693411, all in Section 35, Township 2 South, Range 34 East of the Boise Meridian, Bingham County, Idaho, more particularly described as:

Commencing at the Southeast corner of section 35; Thence, N 89°21'22" W along the South line of said Section 1254.39 feet; Thence N 00°51'34" E 48.31 feet, to the intersection of the North Right of Way of Highway 39 and East Right of Way of County Road N 725 W being the Point of Beginning; Thence, N 00° 51' 34" E along said Easterly Right of Way 565.14 feet to the South right-of-way of County Road W 10 N; Thence, S 89° 21' 22" E along said South Right of Way 293.08 feet; Thence, S 00° 53' 28" W 564.85 feet to the North right-of-way of Highway 39; Thence, N 89° 24' 45" W along said North right-of-way 292.77 feet to the Point of Beginning.

Parcel contains 3.80 acres more or less and is subject to a county Right away along the West, North, and South lines of property.

Section 2: This Ordinance shall become effective upon its publication in the manner required by law.

Passed and Approved by the Board of County Commissioners, County of Bingham, State of Idaho, at a Public Hearing held on the 6<sup>th</sup> day of March 2024.

Signed this 20<sup>th</sup> day of March 2024



ATTEST:

*Pamela Eckhardt*

Pamela Eckhardt  
Bingham County Clerk

BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO

*Whitney Manwaring*  
Whitney Manwaring, Chairman

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

*Eric Jackson*  
Eric Jackson, Commissioner

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 8:47 a.m. Commissioner Bair moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 9:19 a.m.

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

SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff  
Chad Kent- Bingham County Sheriff's Office Sergeant  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Ryan Jolley- Prosecuting Attorney  
Laraine Pope- Human Resources Director

The Board met with Sheriff Gardner to discuss department updates and other agenda items.

Sheriff Gardner gave an update in regards to jail population and the jail expansion/courthouse remodel project.

Discussion was held in regards to the submitted Prior Approval for Major Purchase of annual pistol practice ammo order. Said purchase will be made from Dooley Enterprises, Inc., in the amount of \$9,967.92 and is to be paid from Fund: 05-02-556-00 (Justice Fund- Sheriff- Weapons/Ammunition).

**Decision: Commissioner Bair moved to approve the submitted Prior Approval for Major Purchase of annual pistol practice ammo order. Said purchase will be made from Dooley Enterprises, Inc., in the amount of \$9,967.92 and is to be paid from Fund: 05-02-556-00 (Justice Fund- Sheriff- Weapons/Ammunition). Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the submitted Prior Approval for Major Purchase of annual pistol duty ammo order. Said purchase will be made from Javelin Arms LLC, in the amount of \$4,996.80 and is to be paid from Fund: 05-02-556-00 (Justice Fund- Sheriff- Weapons/Ammunition).

**Decision: Commissioner Jackson moved to approve the submitted Prior Approval for Major Purchase of annual pistol duty ammo order. Said purchase will be made from Javelin Arms LLC, in the amount of \$4,996.80 and is to be paid from Fund: 05-02-556-00 (Justice Fund- Sheriff- Weapons/Ammunition). Commissioner Bair seconded. All voted in favor. The motion carried.**

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

Present: Troy Lenhart- Road & Bridge Supervisor  
Ryan Jolley- Prosecuting Attorney

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

The following sealed bids were opened:

VSS International	\$2.07	Total: \$1,035,000.00
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Chairman Manwaring stated that the bid would be submitted to Legal Counsel and the Public Works Director for review. A meeting will be scheduled at a later date in order for the Board to make a decision in regards to the bid for this project.

#### DISCUSSION & DECISION REGARDING BUILDING MAINTENANCE SUPERVISOR REQUEST TO ATTEND DETENTION EQUIPMENT TRAINING- REQUESTED BY JASON MARLOW

Present: Jason Marlow- Building Maintenance Director

The Board met to hold discussion and make a decision in regards to the request submitted by Jason Marlow to attend Detention Equipment Training.

Mr. Marlow explained that this training is specific to the locks and doors within the jail and is to be held at the Handlery Hotel in San Diego. Each lock costs approximately \$2,000 and doors can be around the same amount. This is 3-full days of training that will end with a certificate of completion and would be extremely beneficial.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase for Jason Marlow to attend Detention Equipment Training which is to be held at the Handlery Hotel in San Diego. Said training will be an estimated cost of \$3,150.00 and is to be paid from Fund: 01-10-506-00 (Building Maintenance- Jail Repairs). Commissioner Bair seconded. All voted in favor. The motion carried.**

#### HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director

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

#### PRIOR APPROVAL- IT DEPARTMENT

Present: Matt Galloway- IT Director  
Excused: Commissioner Bair

The Board met to discuss and make a decision regarding two submitted prior approvals for the IT Department.

Discussion was held in regards to the Prior Approval for Major Purchase of Annual Renewal for Karpel Software, which is used in the Prosecutors Office. Said purchase is in the amount of \$8,750.00 and is to be paid from Fund: 01-14-524-0077 (IT Department- Prosecutor's Software).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of Annual Renewal for Karpel Software, which is used in the Prosecutors Office. Said purchase is in the amount of \$8,750.00 and is to be paid from Fund: 01-14-524-0077 (IT Department- Prosecutor's Software). Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Discussion was held in regards to the Prior Approval for Major Purchase of Annual Renewal for Touchpoint, which is a digital phone software through Enghouse Interactive. Said purchase is in the amount of \$7,634.30 and is to be paid from Fund: 01-14-524-0000 (Computer Software).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of Annual Renewal for Touchpoint, which is a digital phone software through Enghouse Interactive. Said purchase is in the amount of \$7,634.30 and is to be paid from Fund: 01-14-524-0000 (Computer Software). Chairman Manwaring seconded. Both voted in favor. The motion carried.**

DISCUSSION REGARDING STANDARDIZING A POLICY FOR EMPLOYEES ONBOARDING & OFFBOARDING, ACCOUNT RETENTION, EMAIL CREATION, ETC- REQUESTED BY MATT GALLOWAY- IT DIRECTOR

Present: Matt Galloway- IT Director  
Laraine Pope- Human Resources Director

The Board met to hold discussion regarding standardizing a policy for employees onboarding and offboarding, account retention, email creation, etc.

There was no decision made at this time. Matt Galloway will make a presentation during the upcoming Staff Meeting in regards to email usage and sign in of employees.

DISCUSSION & DECISION REGARDING SIGNING OF LETTER OF SUPPORT FOR GROVELAND WATER AND SEWER FOR GRANT FUNDING- REQUESTED BY LYLE YANCEY

Present: Kyle Jones- HLE  
Tiffany Olsen- Planning & Development Director  
Lyle Yancey- Groveland Water and Sewer  
Clem Yancey- Groveland Water and Sewer

The Board met to hold discussion and make a decision to sign a letter of support for Groveland Water and Sewer for grant funding.

Lyle Yancey explained that Groveland Water and Sewer District is at the preliminary stages of planning for funding and is seeking Congressional Funding for expansion of district services and construction of their own sewage treatment plant. This plant will be a modular plant and while they realize this is still the preliminary stage, detail planning will occur once funding is secured. Lyle Yancey turned the time over to Kyle Jones with HLE for presentation on the project.

Chairman Manwaring asked Lyle Yancey where they were at with the Congressional Funding, wherein Mr. Jones answered and stated that the Application opened last Thursday and the deadline for submission is Friday, March 22. Mr. Jones added that it is unknown if the funding will occur but they would like to get the Application submitted in the event funding is dispersed.

Lyle Yancey stated this funding is a level 1 of funding options and if signed, the Commissioner's letter of support may be used for other funding availabilities. Chairman Manwaring reiterated that in the event Groveland Water and Sewer District does use the letter for other funding options, he would like Groveland Water and Sewer District to present to the Board prior in order for the Board to remain updated on the project. Lyle Yancey concurred and stated that he would do that.

Mr. Jones stated that areas have been identified that Groveland Water and Sewer District could improve and being able to expand to offer additional services for future expansion, there are quite a few improvements that need to occur.

Lyle Yancey stated that Groveland Water and Sewer District is currently having a sewer study done by HLE, which is required to be completed every five (5) years. Mr. Yancey stated that the Sewer District is aware that their system is reaching capacity in many ways. Commissioner Jackson asked how many homes are being served now, wherein Lyle Yancey stated currently they currently have 294 connections and approximately 686 equivalent dwelling unit's (EDU's).

Mr. Jones explained documentation provided to the Board, which states that the approximate cost for this project would be approximately \$19 million dollars for improvements that have been identified. There was documentation showing the collection line improvements that have been identified from lift station #1 up to Highway 26 around Basic American. They would need to increase the line size to accommodate future growth, which is a substantial project for line size increase. Mr. Jones stated that lift station #3 would be



proposed to be abandoned and with the line size increase they would be able to get additional depth and abandon this lift station which would be a huge advantage to the Groveland Water and Sewer District.

Commissioner Bair asked Mr. Jones how many of these types of systems has HLE constructed, wherein Mr. Jones stated they have done smaller waste water treatment plants but have not done any modular treatment plants. Therefore, they would team up companies that have done so and they would be teaming up with Clasina in the preliminary work. Clasina has a system that is robust, is stainless steel and have pumps that are easy to maintain. The design for this modular system would be passed onto Clasina and HLE would approve at the proper time, along with having the site to design. Mr. Jones stated that Clasina is based out of California and has developed many systems, also having the ability to treat to Class A discharge. Mr. Jones stated the intent of the proposed system is to go to a Class A treatment because the options on what can be done with the water are wide and it makes it easier for discharge. Currently the Groveland Water and Sewer District is treating water through the Blackfoot system and discharging into the Snake River. Mr. Jones stated that HLE and Idaho in general are trying to keep that water from going into the river so the water could be recharged and keep the water within Bingham County.

Commissioner Bair stated that he is not interested in having a lagoon as there are many homes being built in the Groveland area and most of the complaints that he has received since being a Commissioner is due to the smell of sewer. Mr. Jones stated there are many ways of addressing that and explained that the modular treatment plant helps with that issue. The plant would still need to be in a building and would have to control the air/smell at that point. The modular treatment plan gives more options with keeping things treated properly. This design has a lot of monitoring points and sensors that will come with the project. Mr. Jones added that if this system were a Class A treatment plant, there would not be raw sewage ponds, especially this time of year of they are not aerated there is a horrible smell.

Mr. Jones referred to page 3 of the packet provided to the Board and explained that the Riverside area was identified and although it is not included in the list of improvements, it would be added to the list to add a gravity section in order to accommodate growth. There is an existing 4-inch pressure line from the school that comes through that area for people to connect, which is limited and difficult. Ideally there would be a gravity section through that area to accommodate growth.

Commissioner Bair asked Mr. Jones if there could be a pressure line that goes into the Riverside Townsite that turns into a gravity. Mr. Jones stated that it could occur and that it currently pumps into a gravity system before it flows to the lift station #1. There would be a gravity section built in Riverside that would pump into the manhole, would flow of gravity to the lift station and would repressure into lift station #1.

Lyle Yancey stated that they realize they are asking the county to support something that is not fully planned as the project is still in the preliminary stages but on the other hand there is always a starting point for projects and the Congressional Funding being sought is the starting point for this project.

Ms. Olsen stated that she had drafted a letter of support, along with usage of some verbiage provided by Lyle Yancey in a proposed letter, that she has presented to the Board. In drafting the letter, she explained that she had placed a signature line for herself but would be okay if the Board would like to sign it instead. The Board had no concern in regards to using the letter drafted but would like said letter to be signed and come from the Board of County Commissioners.

**Decision: Commissioner Jackson moved to approve and sign the Letter of Support for Groveland Water and Sewer for Grant Funding. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### EXECUTIVE SESSION

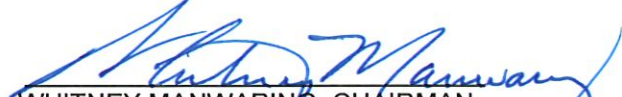
The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. Both in favor. The Board

moved into Executive Session at 2:10 p.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Bair seconded. The Board moved out of Executive Session at 3:14 a.m.

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

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 22, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, March 22, 2024  
County of Bingham    )

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

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

**CLAIMS**

Claims were approved in the amount of \$

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

**APPROVAL OF COMMISSION MINUTES**

The Board met to approve Commission Minutes for February 20-29, 2024. Chairman Manwaring confirmed with Lindsey Dalley, Commission Clerk, that these had been reviewed by the Board and necessary changes, if any, had been made.

**Decision: Commissioner Bair moved to approve and sign Commission Minutes for February 20-29, 2024 as written. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**EXECUTE REAL ESTATE AGREEMENT FOR COUNTY OWNED PROPERTY LOCATED EAST OF GOSHEN SUBSTATION**

Present:               Ryan Jolley- Prosecuting Attorney  
Via Phone:            Tiffany Olsen- Planning & Development Director  
                              Blaine Hillman- Lessee of county property  
                              Brent Hillman-  
                              Gwen Inskeep- County Surveyor  
                              Gabe Wolfley- Scout Troop 40  
                              Payten Harper- Scout Troop 40

The Board met to hold discussion and possibly execute the agreement for county owned property located East of Goshen Substation.



Chairman Manwaring stated that he and Tiffany Olsen had met with the Hillman's and reviewed each item within the proposed lease.

Chairman Manwaring stated there was an issue mentioned in regards to liability insurance, wherein he stated that with all property leases there is a \$1,000,000.00 liability policy and in speaking with ICRMP, all county property is covered with them as well. Discussion was held in regards to where each party would be responsible for their insurance covering an incident. Mr. Jolley stated that the insurance held by the Lessee would cover most instances. Brent Hillman stated his concern was mostly in regards to individuals hunting on the leased property and if someone were to get hurt, especially if they were not given permission to do so. Chairman Manwaring stated that signage could be placed stating no trespassing or hunting allowed, as the county has the right to do so being the landowner. Mr. Jolley reiterated that the county should post the signage as the landowner and explained that the subject property is known as cultivated lands and under Idaho's new trespass statute, the property does not need to be posted for it to be considered trespassing. Ms. Olsen added that she spoke with Public Works on procuring signage that states "no trespassing or hunting" to be placed on the property. Once those signs are available, she would coordinate to get them placed on the property.

Chairman Manwaring stated that the County Surveyor researched the north corner, wherein the Hillman's requested to use for silage storage and turned the time over to Ms. Inskeep for further explanation. Ms. Inskeep explained that she does not have exact footage but the travel way is 66-feet that is county owned but that includes some of the tree line. Therefore, she shifted the south line of that strip to the north, to exclude the tree line so that the Hillman's were not being charged for a portion that they could not use for storage, which came out to approximately 3.4 acres. Blaine Hillman stated originally that was a railroad right-of-way that was 66 feet wide and while it has been a long time since he has looked at the agreement with the railroad but he had them place a permanent easement for himself. Ms. Inskeep stated that easement was still there and that Mr. Hillman owns the right for ingress, egress and utilities. Chairman Manwaring asked Gwen Inskeep if that easement is shared with the county, to which she confirmed that was correct.

Next, discussion was held in regards to first right of refusal, wherein the Hillman's had some concern in regards to renewal of the lease. Mr. Jolley stated that it would depend on how the Board would like that to be worded within the lease. Under Section 2 subsection b, it states that within 180 days prior to the conclusion of the lease, if no one has provided notice of intent to renew the lease, then renegotiation would occur over the term, acreage and all specifics. This would essentially give the Hillman's first right of refusal to enter back into negotiations with the county if the Hillman's provide notice. If there is no notice given, the lease will not automatically renew, is surrendered back to the county and at that time the county would have the ability to place out for bid or auction the property, whatever the county decides to do at that point. Mr. Jolley reiterated that the subsection mentioned does give the Hillman's the option to renew the lease if notice is provided to the county.

Chairman Manwaring mentioned that it was proposed for the Hillman's to provide notice within specific months such as November through February rather than a 60-day notice. Brent Hillman concurred and stated that a date within the year would be preferred rather than a 60-day notice. Chairman Manwaring again suggested November through February, wherein Brent Hillman stated that January 30<sup>th</sup> would be a good date that would give them enough time to plan within the year. Chairman Manwaring suggested January 1<sup>st</sup> through January 31<sup>st</sup> of the year that the lease is to expire. Mr. Jolley suggested placing the verbiage that states, either party desiring to terminate the lease prior to the conclusion of the five-year lease term shall provide the other party with notice no later than January 30<sup>th</sup> of the year wherein they intend on terminating the lease.

Brent Hillman referred to verbiage which states that the party desiring to terminate the lease early will be required to reimburse the other party for any financial loss suffered as a result of early termination. Mr. Jolley stated that portion of verbiage is important and essentially was placed in the lease to benefit the Hillman's. Brent Hillman stated the verbiage is vague and possibly should be more specific, suggesting that specifics such as fertilizer, seed, multi-crop years and capital expenditures associated with a farming operation. Mr. Jolley listed out the verbiage as suggested.

Next, discussion was held in regards to cost per acre, wherein Chairman Manwaring stated that \$165 per acre was placed within the lease as that is the amount provided by the County Assessor that is based on cash rent, with an increase of 2% in year three of the lease. Mr. Jolley stated there will need to be amendments to this specific section due to the County Surveyor removing tree line area that is down to 133.5 and the way that the lease currently reads, it is still at 135 acres. Gwen Inskeep stated that 133.5 does not include the silage storage area currently. Mr. Jolley confirmed that Hillman's would still be charged for the right-of-way for silage storage, to which Gwen Inskeep stated 135 acres is the new farmable acreage, 3.4 acres (Silage and commodity storage) is not farmable but is still going to be leased. Gwen Inskeep asked if that should be at a different rate or if it should be included into the total, wherein Mr. Jolley stated it should be added into the total. Gwen Inskeep stated the total then should be 136.9 acres. Mr. Jolley stated at \$165 per acre for 136.9 acres, the total amount for the lease would be \$22,588.50.

Gwen Inskeep suggested that if silage and commodity storage area is part of the lease, language be added and that a travel way would remain open for emergency services and county access as well. The Hillman's were in agreement of adding in said language and Mr. Jolley added said language. Blaine Hillman stated currently he waters his cattle by Brent's house wherein there is an alleyway from the Northeast side that has an electric fence where he runs his cattle back and forth and asked if that is considered stopping the access. Chairman Manwaring stated that he would suggest between post to post, placing a handle on the electric fence to make it easier to take down if needed.

Discussion was held in regards to the intent to renew lease wherein Blaine Hillman voiced his concern due to the 180 days is in the middle of harvest season and he may forget to provide intent to renew to the Board. Chairman Manwaring stated that the Commission Clerk could calendar a reminder one month previous to the 180 days to send the Hillman's a reminder to submit their intent. Blaine Hillman stated that would be beneficial to him.

Brent Hillman stated this particular property has equipment on it that is owned by the Hillman's but they are also looking at water issues. There have been statements regarding water curtailment and there is a dual water right for this property but they would like to discuss further. Brent Hillman stated any investment on done by them for irrigation purposes and if the lease is only five years and a potential to not be able to renew that is one concern of his. Brent Hillman stated they are willing to invest in the water issue but having the verbiage of "first right of refusal" added into the lease, this helps motivate them to not only invest but if they need to change the access point for water. Commissioner Bair asked Brent Hillman what would have to be done to change from a deep well to surface water. Brent Hillman stated there is dual water rights on the property which is unique and they would need to go to a canal source, wherein the closest canal source is ½ mile away from the subject property. Brent Hillman stated that the Hillman's own everything in between the canal and the county property but there is not a ditch to this property. The county has the water right but has no access to the water. Brent Hillman stated the water curtailment could happen sudden and that gives them no notice to implement a plan for water. Brent Hillman stated at some point they would need to decide what they would do in order to prevent lack of water, meaning do they prepare themselves with the other access point so that if there is a water curtailment it does not affect them.

Brent Hillman stated when the well was drilled, the underground water rights were great but today as the aquifer is being depleted, now that surface water is looking more appealing. That surface water right is a good right, which was discussed with Chairman Manwaring but there is not an access point adjacent to the subject property. Brent Hillman stated they could potentially invest into that but would also like to be sure there is a first right of refusal to make it benefit them. Chairman Manwaring asked Blaine Hillman if he did switch to surface water and asked if it would take another pump to be able to water the subject property. Blaine Hillman stated that he spoke with the individuals that they purchase irrigation equipment from and was informed that in order to change to surface water they would need to change transformers out to the road instead of where they are currently and the estimated cost would be over \$70,000.00 just to place the pump and mainline to county property. Blaine reiterated that if they were to invest said funding and potentially only have the lease for 5 years, that would not be beneficial for them. Therefore, being the reason, they would like to have first right of refusal. Mr. Jolley stated the proper verbiage has been placed and so long as notice of intent to renew is submitted, there will be no issues.



Chairman Manwaring stated in the meantime the county could look into the cost of installing a pump and other equipment needed in order to plan for the future.

Lastly, Ms. Olsen suggested adding verbiage into the section of the 4<sup>th</sup> "whereas" that this lease is for farming and grazing purposes. Mr. Jolley added such verbiage into the lease as suggested.

The Hillman's were in favor of all verbiage discussed and added into the lease at this time but would like a few days to review the lease more to be sure all instances are covered.

There was nothing further and this matter will be scheduled for signing on Friday, March 29, 2024.

**EXECUTIVE SESSION**

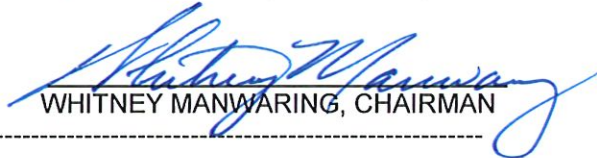
The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. Both in favor. The Board moved into Executive Session at 9:50 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 10:00 a.m.

**Decision: Commissioner Bair moved to approve a merit pay for a Deputy Clerk who is performing the duties of two full-time positions for the next 3 consecutive months in the amount of \$1,500.00 before taxes, which will come out of the Clerks Salary Fund. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Commissioner Bair moved to approve a short term intermittent remote work for a Deputy Clerk throughout the summer months for the reasons discussed within Executive Session. There will be some full days and some half days. Clerk Eckhardt has approved of this and there will be paperwork signed with Human Resources. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 27, 2024

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                Wednesday, March 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

**CASH WARRANTS**

4 Cash Warrants were approved in the amount of \$126.00, \$126.00, \$126.00 and \$126.00, for total of \$504.00

INDIGENT MATTER

The Board approved one Release of Financial Assistance Lien, which was approved, signed and recorded as Bingham County Instrument Number 761219.

COLLEGE OF EASTERN IDAHO

The Board approved and signed two (2) Certificate of Residency documents for the following Bingham County student's: Nicole Rae Porter, Maddox J. Clapp and Ian Truelove.

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims and Administrative Documents for March 27, 2024. Commissioner Jackson seconded. All voted in favor. The motion carried.**

TAX INQUIRY DOCUMENTS

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

RP1057101                      Year 2023(Occupancy)                      Apartment Complex was double assessed

**Decision: Commissioner Jackson moved to approve One (1) Tax Inquiry submitted by the County Assessor, as discussed. Commissioner Bair seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL- IT DEPARTMENT

Present:                      Matt Galloway- IT Director  
                                    Pamela Eckhardt- County Clerk  
                                    Danette Miller- Election Director  
                                    Megan Kearsley-Election Clerk  
                                    Kelli Robbins- Election Clerk  
                                    Ryan Jolley- Prosecuting Attorney

The Board met to discuss and make a decision in regards to the submitted Prior Approval for Major Purchase to buyout the Assessor's Office Copier Contract to be used by the Bailiff's Office.

Mr. Galloway explained within the Bailiffs Office inside of the jail there is currently a copier that is outdated and has recently had major issues. At this time, it is not worth repairing and some parts are no longer available. Therefore, he is proposing to buyout the Assessors Office Copier contract and place that copier in the Bailiffs Office. Said buyout is in the amount of \$2,138.37 and will be split between the IT Department and the Sheriffs Office.

The Board had no concerns in regards to this proposal.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase to buyout the Assessor's Office Copier Contract and use the Copier within the Bailiff's Office. Said purchase is in the amount of \$2,138.37 and will be split between Fund: 01-14-492-00 (IT Department-Repairs/Maintenance-Office Equipment) for \$1,138.87 and Fund: 05-03-559-00 (Sheriff-Jail-Other Expenses) for \$1,000.00. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the submitted Prior Approval for Major Purchase of two (2) ipads for the Sheriff and Chief Deputy Sheriff. Said purchase is in the amount of \$3,070.08 and is to be paid from Fund:01-14-524-0030 (IT-Department-Sheriffs Office Software).



Mr. Galloway stated that the current laptops being used by Sheriff Gardner and Chief Deputy Nebeker will be moved to the patrol division, in order to have the proper amount of laptops for usage. It would be beneficial for the Sheriff and Chief Deputy to be more functional with their workload. Mr. Galloway stated this will be more cost effective, wherein the average patrol laptop is \$3,035. The proposed ipads will have cellular built in and will be easier to take outside of the office as well.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of two (2) ipads for the Sheriff and Chief Deputy Sheriff. Said purchase is in the amount of \$3,070.08 and is to be paid from Fund:01-14-524-0030 (Sheriff's Office Software). Commissioner Bair seconded. All voted in favor. The motion carried.**

#### APPROVAL OF BALLOT NUMBERS AND POLLING LOCATIONS FOR THE MAY 21<sup>ST</sup> PRIMARY ELECTION

Present: Danette Miller- Election Director  
Pamela Eckhardt- County Clerk  
Megan Kearsley- Election Clerk  
Kelli Robbins- Election Clerk

The Board met to approve Ballot Numbers and Polling Locations for the May 21<sup>st</sup> Primary Election.

Danette Miller stated that the proposal before the Board is to determine the number of ballots to be used in the May 21, 2024 Primary Election, which involves federal, state and local Elected Officials as well as County Commissioner Advisory Question, Aberdeen and Snake River School District's Supplemental Levies and a Permanent Override Levy for the Moreland Cemetery District.

Discussion was held in regards to polling locations, wherein Ms. Miller explained that all twenty-eight precincts and all sixteen polling locations will be used for the May 21, 2024 Primary Election.

Ms. Miller stated that the proposal for number of ballots to be ordered be based upon the percent of the number of registered voters for each precinct. Ballot on demand will be used for early voting, absentee and mail ballot precincts, which are already in stock. There will be one change, wherein Precinct 6 location will move from the Blackfoot Performing Arts Center to the new Blackfoot Elementary School that is currently un-named. With there being a location change, there will be a postcard mailed to all registered voters within Precinct 6 advising them of the location change.

**Decision: Commissioner Bair moved to approve the polling locations for the May 21<sup>st</sup> Primary Election, with one change in Precinct 6 being changed from the Blackfoot Performing Arts Center to the new Blackfoot Elementary School. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to ballot numbers for the May 21, 2024 Primary Election. Ms. Miller explained that there will be a ballot for Constitution, Libertarian, Democrat, Republican and Non-partisan. Ms. Miller stated that numbers were calculated to show what the cost would be to approve at 40% and what the cost would be to approve at 50%, as well as a comparison that shows the Primary from May of 2020 and May of 2022. The 2020 Election was a presidential year and Ms. Miller asked that the Board take into consideration that the numbers reflect that the Election was an all Absentee Election due to Covid-19.

Clerk Eckhardt suggested that the Republican ballot be ordered at 80%, wherein every race within this election is contested except for the Prosecuting Attorney. Discussion was held and it was decided that the Board would be more in favor of 70%. If there are more ballots needed, the ballot on demand can be used.

Chairman Manwaring stated that he is in favor of doing all ballots at 40% except the Republican ballot, which he suggested 70%. Commissioner Bair and Commissioner Jackson concurred.

**Decision: Commissioner Jackson moved to approve the ballot numbers at 40% except the Republication ballots which will be at 70%. Commissioner Bair seconded. All voted in favor. The motion carried.**

Lastly, Ms. Miller added that early voting will occur for two weeks, starting May 5, 2024.

#### DISCUSSION AND DECISION REGARDING RP0101419 TO BE TAKEN ON TAX DEED MAY 22, 2024

Present: Tanna Beal- County Treasurer  
Ryan Jolley- Prosecuting Attorney  
Debbie Cunningham- Chief Deputy Assessor  
Audrey Stanfield- Assessors Office

The Board met to hold discussion and make a possible decision in regards to RP0101419, which is scheduled to be taken on Tax Deed May 22, 2024.

Tanna Beal stated that the subject property is currently up to be taken on tax deed. Said property includes a roadway and land off to the side of the roadway. This property is 1.144 acres, wherein Ms. Beal stated a majority of that acreage is the roadway. Ms. Beal stated that the current owner would like to deed the property to Bingham County, if the county approves. The County would more than likely need to complete the documentation to complete the transaction. Ms. Beal added that the property value is \$74.00 and the current amount owed on taxes for the past four years is \$2.59.

Commissioner Bair asked Legal Counsel if the property owner were to quit claim to the county and the property had a lien on it, would the county be liable. Ryan Jolley stated that a Quit Claim Deed would not undo any of those encumbrances and the lien would remain on the property. Mr. Jolley then stated if the debt is secured by the property, it would remain with the property. If the debt is secured by the property owner, that debt would remain with the property owner. Again, if the property owner Quit Claimed the property to the county and there were debts where the property was secured, the county could be taking on debt.

Ms. Beal stated that there has not been a title search completed on this property as it would add \$220 to the amount owed for property taxes and they have been hesitant to conduct a search.

Ms. Stanfield stated if the county acquires ownership of the subject property then the other property close by would be landlocked. Mr. Jolley stated that would be a civil issue at that time.

Commissioner Bair asked what would occur if the property owner quit claims the property to the county and the county does not want it. Mr. Jolley stated there would be no valid transaction and that the county would have to accept. Ms. Stanfield stated if at the time of recording, the Recorder notifies the Board that there is a deed to be recorded, deeding property to the county, further review could be completed to be sure that the county in fact does want to acquire the property. Lindsey Dalley confirmed that this is already a procedure in place between herself and the Recorder, wherein Ms. Dalley would be notified in order to complete research prior to recording the document.

Ms. Beal stated the other option that has been discussed, wherein the Assessors Office is not in favor, would be to take the property to zero value. Debbie Cunningham stated that she is uncomfortable removing the value from this property because it does have value. Ms. Stanfield stated if this is done, would that set a precedence for future parcels. Ms. Cunningham stated if someone would bid on the property at auction, then the property does in fact have value.

Ms. Beal stated if this property does sell at auction, the county would not gain anything as any excess proceeds will go to the current landowner. Chairman Manwaring stated that the county can only recover the past due property taxes and any cost during the tax deed process.

Chairman Manwaring stated that his concern is the access into adjoining landowners' property, wherein if sold, they could be landlocked but that would be a civil matter.



**Decision: Commissioner Jackson moved to put the subject property (RP0101419) up for auction in 2025. 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)(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. All in favor. The Board moved into Executive Session at 2:07 p.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 2:26 p.m.

After Executive Session, Dusty Whited recommended rejecting the bid received for Micro-sealing and that will enable the county to reach its goal of 1/7 of the inventory by chip sealing only this year. Next year, the budget will be reviewed to possibly re-bid the micro-sealing project.

Commissioner Bair asked Mr. Whited if he had spoke with Idaho Asphalt and that they would have enough oil for chip sealing, to which Mr. Whited stated that he had and they would have enough oils. Commissioner Bair stated that he is in favor of rejecting the bid and continue with chip sealing this year.

Commissioner Jackson stated that he too is in favor of rejecting the bid and continuing with chip sealing.

Chairman Manwaring stated that he concurred and requested a motion at this time.

**Decision: Commissioner Bair moved to reject the bid submitted pertaining to the Micro-sealing project and Road & Bridge will do chip sealing. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### PUBLIC WORKS

Present:           Dusty Whited- Public Works Director  
                      Ryan Jolley- Prosecuting Attorney  
                      Troy Lenhart- Road & Bridge Supervisor

The Board met with Dusty Whited to discuss updates within the Public Works Division and other agenda requests.

Mr. Whited stated that he would ask the Board to approve and sign Bingham County Resolution 2024-14, a resolution by the Bingham County Board of Commissioners to reclassify Duffin Road and amend the Official County Map accordingly.

Mr. Whited stated this was before the Board a few weeks ago but he did not specify that there was one addition to Duffin Road, in Aberdeen, which needed to be within a resolution.

**Decision: Commissioner Jackson moved to approve and sign Bingham County Resolution 2024-14, a resolution by the Bingham County Board of Commissioners to reclassify Duffin Road and amend the Official County Map accordingly. Commissioner Bair seconded. All voted in favor. The motion carried and said resolution was approved and signed as follows:**

**BINGHAM COUNTY  
RESOLUTION 2024-14**

**A RESOLUTION BY THE BINGHAM COUNTY BOARD OF COMMISSIONERS TO  
RECLASSIFY DUFFIN ROAD AND AMEND THE OFFICIAL COUNTY MAP ACCORDINGLY.**

**WHEREAS**, the Board of Commissioners of Bingham County has jurisdiction over all of the county highways and roadways within the boundaries of Bingham County.

**WHEREAS**, the Bingham County Road and Bridge Inspected and Identified concerns with the condition of Duffin Road (S 3200 W) and limited access to an existing feed yard and Federal Lands.

**WHEREAS**, Duffin Road (S 3200 W) does not currently provide thru access from Kendall Road (W 1200 S) to Grandview Road (W 1000 S).

**WHEREAS**, pursuant to Bingham County Ordinance 7-3-3(B) the official classification and status of the County roadways is contained on the Official County Map.

**WHEREAS**, Bingham County has received a Grant of Easement, recorded as Instrument Number 755227, from First Place Holdings, LLC and First Place Holdings, D.A.T., LLC for a 70-foot right-of-way.

**WHEREAS**, the extension of Duffin Road (S 3200 W) is not on the State Official Inventory Map, and the decision and authority to extend said Duffin Road sits with the Bingham County Commissioners.

**NOW, THEREFORE BE IT RESOLVED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS**, that pursuant to Bingham County Ordinance 7-3-3(B) and being in the public interest that Bingham County Board of County Commissioners update the Official County Map, specifically Duffin Road (S 3200 W), to be extended to the north to provide thru access from Kendall Road (W 1200 S) to Grandview Road (W 1000 S).


**DATED** this 27<sup>th</sup> day of March 2024.

ATTEST:




  
Pamela Eckhardt  
Bingham County Clerk

BINGHAM COUNTY COMMISSION

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Eric Jackson, Commissioner

Lastly, Mr. Whited asked that the Idaho Asphalt Contract currently on the agenda, be tabled until next week in order to update the amounts due to the rejection of bid on Micro-sealing.

**Decision:** Commissioner Jackson moved to table the Idaho Asphalt Contract until next week in order to update amounts within the contract. Commissioner Bair seconded. All voted in favor. The motion carried.



## SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Chad Kent- Bingham County Sheriff's Office Sergeant  
Kris Talbot- Bingham County Sheriff's Office Detention Lieutenant  
Ryan Jolley- Prosecuting Attorney

The Board met with Sheriff Gardner to discuss the request for one part time Jail Tech to become one full time Detention Deputy position, the one full time Jail Tech position to become one full time Detention Deputy position and to hold discussion pertaining to county leased vehicles through Bancorp.

Discussion was held in regards to two part-time positions becoming one full-time position, wherein Lieutenant Talbot explained that there is a part-time individual that will be retiring and a full time Jail Tech that quit. Therefore, the request is to turn both of those positions into a full time Deputy positions. Lieutenant Talbot stated that he and Chief Deputy Nebeker have reviewed the cost and salary savings that is available, wherein they have found that the cost change of this would be covered.

Lieutenant Talbot stated that with the jail expansion, the court team and front door security will need additional help. Therefore, that is the General Fund employee and therefore, he is proposing that the part-time Jail Tech position and creating a full time Deputy position. The difference in pay of hourly wage is \$3.48 per hour, \$2,118.36 monthly, \$12,710.16 for six months wages and \$8,474.88 in benefits, for a total of \$21,185.04, which would cover wages until October budget planning. Chairman Manwaring asked if this request is part of the plan for the jail expansion. Sheriff Gardner stated that is correct and that if transition is done now, it would be beneficial rather than waiting until October during budget planning.

Second, Lieutenant Talbot explained that there is only one full-time Jail Tech position within the jail, which is a hard position to fill due to the one person working with multiple teams. The proposal is to get rid of the one full time Jail Tech position and turn that position into a full time Detention Deputy position, which will also assist with the jail expansion. The difference in pay between the full time Jail Tech position and the full time Detention Deputy position is \$5.57 per hour, \$891.20 monthly, \$5,347.20 for six months wages and \$2,138.88 for a total of \$7,486.08, which again will cover wages until October budget planning.

Chief Deputy Nebeker reiterated that there are salary savings to cover the submitted requests.

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

**Decision: Commissioner Jackson moved to move the part time Jail Tech (front door security) position to a full time Detention Deputy and also to move the full time Jail Tech position to a full time Detention Deputy, per the request submitted by Lieutenant Talbot. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to county leased vehicles through Bancorp, wherein Sergeant Chad Kent stated that all 2022 leases are still in possession of the county in anticipation of decision today.

Chad Kent stated that he received his request for additional miles of 20,000 rather than 15,000, which will cost go from \$5,370 to \$9,797. Sergeant Kent stated that Tiffany Olsen had sent him an email stating that she would be willing to stay with the 15,000 miles and just keep an eye on the mileage to be sure they are not surpassing that. Chairman Manwaring stated if they are getting close to mileage, they have the ability to use the Commissioners truck.

The lease amount for the Rav 4s is \$4,946 (2-year), \$4,776 (3-year) and \$4,883 (4-year).

The lease amount for the Tundra is \$5,850 (1-year), \$5,370 (2-year) and \$7,458 (4-year).

All of the following leases are up for renewal:

Planning & Development	Will switch from two Rav 4s to Tundra pickups
Assessor	Will remain with one Rav 4
Probation	Will remain with one Rav 4
Commissioners- Fleet	Will remain with two Rav 4s
Commissioners Truck	Will switch from a Ford to a Tundra

Discussion was held in regards to changing the lease for Rav4s to two years rather than one year and continue with two years on the Tundra pickups. All Commissioners were in favor of changing to two years for all leased vehicles.

**Decision: Commissioner Jackson moved to approve replacement of maturity dates on the Rav4s to two years, Planning & Development will change from two Rav4s to two Tundra pickups (2-year lease), Probation will remain with a Rav4 (2-year lease), the Assessor will remain with a Rav4 (2-year lease), the two Commissioners fleet vehicles will remain a Rav4 (2-year lease) and the Commissioners truck will change from a Ford to a Tundra (2-year lease). Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 29, 2024

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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                      : ss.               Friday, March 29, 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 \$396,952.14.

**CASH WARRANTS**

Three Cash Warrants were approved in the amount of \$44.27, \$13,838.20 and \$480.00, for a total of \$14,362.47.

**PAYROLL CLAIM**

The Payroll Claim was approved in the amount of \$821,368.47.



PERSONNEL ACTION FORMS

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

- Merit Bonus: Chief Deputy Clerk/Payroll
- New Employee Status Sheet: Truck Driver R&B
- Salary Increase Form: Sr. Mechanic  
Crusher Operator in Training

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for March 29, 2024. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVE & EXECUTE REAL ESTATE LEASE AGREEMENT FOR COUNTY OWNED PROPERTY LOCATED EAST OF THE GOSHEN SUBSTATION

Present: Blaine Hillman- Lessee

The Board met to approve and Execute the Real Estate Lease Agreement for county owned property located east of the Goshen Substation.

Chairman Manwaring confirmed with Mr. Hillman that he has reviewed the Lease Agreement and had no further changes to be made or concerns to be addressed. Mr. Hillman had none.

**Decision: Commissioner Jackson moved to approve and sign the Real Estate Lease Agreement with Blaine Hillman, for county owned property located east of the Goshen Substation. 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)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 8:39 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 9:45 a.m.

**Decision: Commissioner Bair moved to approve the offer of N13, Step 7 (\$20.87), to the applicant who interviewed for the Building Maintenance Specialist position. Chairman Manwaring seconded Both voted in favor. The motion carried.**

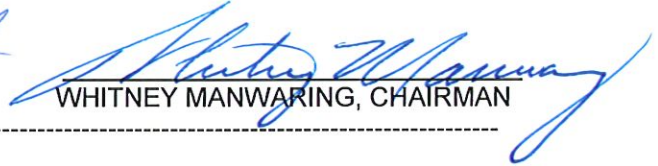
CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses .....	\$479,678.19	Weeds.....	\$7,343.26
Road & Bridge .....	\$372,316.81	Emergency Communication...	\$155,592.05
Airport.....	\$1,500.00	Road & Bridge Special Project....	\$1,185.59
Justice Fund .....	\$478,786.51	Waterways.....	\$877.62
District Court.....	\$118,680.44	OPIOID Abatement Account.....	\$63,486.50
Fair, District/State.....	\$11,000.00	Treatment Court Fund.....	\$4,746.62
Parks & Recreation.....	\$11,748.91	ARPA Funding.....	\$776,577.80
Revaluation.....	\$30,813.66	Junior College.....	\$700.00
Solid Waste .....	\$183,929.74	Consolidated Elections.....	\$3,332.00
Veterans Memorial.....	\$203.49		

THE MOTION PASSED TO DISMISS UNTIL MONDAY, APRIL 1, 2024



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



WHITNEY MANWARING, CHAIRMAN