

STATE OF IDAHO )  
: ss. Friday, December 2, 2022  
County of Bingham )

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

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

**CLAIMS**

Claims were approved in the amount of \$504,970.92.

**PRIOR APPROVAL FOR MAJOR PURCHASE FOR CONTRACT FOR SCANNING MICROFILM & DISCUSSION REGARDING OPIOID DISTRIBUTION- REQUESTED BY CLERK ECKHARDT**

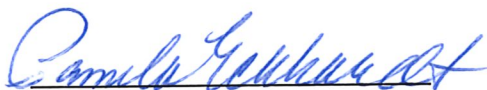
Present: Pamela Eckhardt- County Clerk

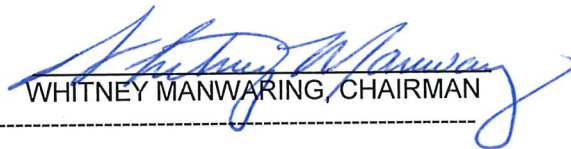
The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase for Contract for scanning microfilm and hold discussion regarding distribution of opioid funding.

Said Prior Approval for Major Purchase is in the amount of \$20,000.00, which has been budgeted for and will be paid from Fund 01-01-539-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for contract for Scanning Microfilm in the amount of \$20,000.00, to be paid from Fund 01-01-539-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY DECEMBER 5, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Monday, December 5, 2022  
County of Bingham )

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

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

**STAFF MEETING**

Present: Pamela Eckhardt- County Clerk  
Debbie Cunningham- Chief Deputy Assessor  
Dusty Whited- Public Works Director

Laura Lora- Payroll/Veteran Services  
Scott Reese- Parks & Recreation/Emergency Management  
Tiffany Olsen- Planning & Development Director  
Laraine Pope- Human Resources Director  
Eric Jackson- Building Maintenance Director  
Sheri Landon- Court Supervisor  
Mark Gough- Probation Services  
Cody Lewis- Drug Court  
Paul Rogers- Prosecuting Attorney  
Jeff Gardner- Bingham County Sheriff  
Jordyn Nebeker- Chief Deputy Sheriff  
Tanna Beal- County Treasurer  
Barbara Marlatt- Chief Deputy Treasurer  
Julie Buck- Extension Office  
Danette Miller- Elections Director

Excused: Marc Carroll- City of Blackfoot Mayor  
Jimmy Roberts- County Coroner  
Gordon Croft- City of Blackfoot Police Chief  
Scott Mensching- IT Director

The Commissioners met with Department Heads and Elected Officials for the December 2022 Staff Meeting. Chairman Manwaring conducted the meeting.

Pledge of Allegiance: Chairman Manwaring.

Approval of Minutes for November 2022 Staff Meeting: One spelling correction made to the name of Kelia Meskel and minutes were approved as written.

Special Presentation: No special presentation was given.

Employee Years of Service Recognition: Dusty Whited recognized Kayla Dixon for five years of service to Bingham County. She has worked at the Scale House for the Central Transfer Station and is now the new Scale House Lead. She is a great employee.

Dusty Whited recognized Jake Gilley for five years of service to Bingham County. He is a Truck Driver out of the Blackfoot District and is an asset to Bingham County.

Chairman Manwaring recognized Scott Mensching, IT Director, for five years of service to Bingham County. The IT Department is finally fully staffed and is keeping busy. The IT Department is called anytime that there are computer or office equipment issues, the County relies on them and they are appreciated.

Sheriff Gardner recognized Kirt Sjostrom for ten years of service to Bingham County. He is a part of the Patrol Division, is involved with field training of new deputy's as well as Waterways. He is a team player and the Sheriff's Office appreciates all of his hard work.

Debbie Cunningham recognized Audrey Barzee for fifteen years of service to Bingham County. She does all of the data entry and is a great employee.

Tanna Beal recognized Barbara Marlatt (Barb) for thirty-six years of service to Bingham County. Barb is the Chief Deputy Treasurer and has a wealth of experience within the County. She started in the Assessors Office, came to work in the Treasurer's Office, went to the Clerk's Office, to Planning & Zoning and has since been in the Treasurer's Office. Bingham County is fortunate to have benefit to her experience and Tanna does not know where she would be without her.

Barb Marlatt stated Bingham County is a great place and she loves working for the County.

Chairman Manwaring: Had no updates at this time.

Commissioner Bair: Had no updates at this time.

Clerk Eckhardt: Stated that she would like to acknowledge Jaeme Freeman who worked in District Court. At the end of October, she was diagnosed with cancer, which spread so quickly and she passed away the day after Thanksgiving. Jaeme was witty, clever, talented and cared about the community. She was active in her church and always made a personal connection with everyone she came in contact with.

Sheri Landon stated Jaeme will be best known for her impact on other people and her ability to bring people together. She worked years in District Court as the Treatment Court Clerk for all Treatment Courts, which is unique to Bingham County. She got to know the participants really well and cared about them. People appreciated her and she was always able to bring everyone together. Although the courts are separated into two different offices, she made everyone feel part of the group and she will be greatly missed.

Clerk Eckhardt: Stated the County has had a contract through Porters to order paper and in the past have been able to keep the cost the same but in the fall, they informed us that the discount is no longer feasible for them and the cost increased to \$46.99 per box. She has looked around at several companies and all are the same amount. She would like to continue using Porters but each department is welcome to research different options. As far as other office supplies, Porters is still a good resource as you can create an account to order online.

Next, Clerk Eckhardt stated the County IT Department has an Amazon Business Account strictly for IT related items. They have looked into expanding that account for use by other departments as they have been asked to order office supplies for different departments, which is hard to track. Please look at different options for office supplies moving forward rather than contacting the IT Department.

Lastly, Clerk Eckhardt reminded everyone that if an item is ordered using the credit card and is not delivered within 90 days, there is a protection plan on the credit card.

Laura Lora: Had no updates at this time.

Debbie Cunningham: Stated that she would like to give a report on what the Assessor's Office has done over the past year. With the change in law and the Homeowners Exemption having no deadline, they have cancelled value in the amount of \$6,412,000.00, which amounts to about \$67,000.00 in taxes that the County will not receive. New Construction added to the occupancy roll for 2022 was 190+ homes, which does not include the new homes added for the full twelve months because those are not tracked the same way.

She explained that the County was out of compliance with the state as there was only 84% on ratios. The state determined that the County needed to make a time adjustment of 1.25% per month because that is how fast the market was increasing, which is what threw the County out of compliance. The County has changed all of the land this year, which brought the County up to 86% in compliance and had to trend all of the homes as well, which were anywhere from 6% inside of Blackfoot to 25% in Shelley. This brings the County in compliance at about 94%. If the state would have come in to do that, they would have brought the County to 100%. A lot of tax payers are frustrated that values went up but they could have gone up quite a bit more and the County tried to be conservative but be in compliance with what the state requires.

Dusty Whited: Had no updates at this time.

Chairman Manwaring stated that Jimmy Roberts, Coroner, has asked to be excused but gave the following update on his behalf:

The Office handled 21 cases in the month of November. Below is a basic break down of cases and office activities:

- 19 investigations & 10 cremation authorizations
- 1 case requiring autopsy
- 1 case requiring toxicology analysis
- 16 natural deaths
- 4 accidents
- 1 homicide
- 1 undetermined as of the date of this report
- 1 stillbirth
- Mileage: 156 miles
- Hours: 94 hours of investigative hours including records collection and consultation with decedent's physicians.
- 118 hours of administrative hours i.e., vehicles, personnel issues, follow ups with families from prior cases and administrative tasks.

Total of 210 hours

Scott Reese: Had no updates at this time.

Sheri Landon: Had no updates at this time.

Laraine Pope: Had no updates at this time.

Eric Jackson: Stated if there are any heating or snow/ice removal issues, please let them know.

Tiffany Olsen: Stated year to date there has been 464 Building Permits. Last year for the calendar year, they received 481 and by the end of the year will probably meet where they were in 2021. However, revenue is down slightly and the reason being is they are seeing just as many shops as they are homes, which is interesting.

Lastly, she added there are two positions vacant on the Planning & Zoning Commission, which will close for applications on Thursday. One is in District 2, District of Chairman Manwaring and the other is in District 3, District for Commissioner Lewis.

Mark Gough: Had no updates at this time.

Cody Lewis: Stated that Felony Drug Court Graduation is scheduled for December 27<sup>th</sup> at 4:00 p.m., and Misdemeanor Drug Court Graduation is scheduled for December 29<sup>th</sup> at 4:00 p.m.

Paul Rogers: Stated there is currently a Jury Trial being held that was anticipated to last one day but has extended to a second day. He specifically wanted to thank Sheri Landon and her clerks for making Jury Trials a good experience, as he knows there is a significant amount of time put into making them run smoothly.

Chairman Manwaring extended his thanks to Paul Rogers for his legal work he does for not only the County but the Board of County Commissioners as well.

Sheriff Jeff Gardner: Stated that the Sheriff's Office will be volunteering at the Community Dinner Table on December 27<sup>th</sup>. Please let him know if anyone would like to join them as a Bingham County team.

Tanna Beal: Had no updates at this time.

Julie Buck: Stated there are 4-H day camps scheduled for this month and information can be found on their Facebook page. There will be cooking classes held in January and Reed Findlay has put together an Agriculture winter workshop as well.

Lastly, there is a part-time secretary position vacant within their office at 16 hours per week. Please send anyone who may be interested to her office.

Danette Miller: Had no updates at this time.

Chairman Manwaring confirmed there was nothing further for discussion and stated the next Staff Meeting is scheduled for Monday, January 9, 2023 at 8:30 a.m.

#### DISCUSSION WITH ELECTED OFFICIALS & DECISION REGARDING SALARY OF THE COUNTY SHERIFF

Present: Jeff Gardner- Bingham County Sheriff  
Paul Rogers- Prosecuting Attorney  
Pamela Eckhardt- County Clerk  
Excused: Tanna Beal- County Treasurer  
Donavan Harrington- County Assessor  
Commissioner Lewis  
Jimmy Roberts- County Coroner

The Board met with other Elected Officials to discuss and make a decision regarding the Salary of the County Sheriff. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained that when Law Enforcement restructured their pay scale, the Sheriff salary was to increase to \$95,000.00. During budget time, Craig Rowland was still in the Sheriff position and knew that he would be retiring, therefore requested that the salary stay at \$88,000.00. Her feeling is that now that there is a new Sheriff appointed; it should increase to \$95,000.00. There is significant salary savings that could cover this increase.

Sheriff Gardner explained the concern when this proposal was brought forward, was for the Sheriff to get to the \$95,000.00. Comparisons were done throughout Southeast Idaho and discussion was held with previous Legal Counsel, John Dewey, was that the proposed amount was out of market. Since then, the market shift has happened and even moving to the \$95,000.00, Bingham County is still behind surrounding areas.

Mr. Rogers stated he is in favor of the proposed increase and a brief discussion was held in regards to his opinion that all Elected Official salaries are behind other surrounding counties. Chairman Manwaring concurred.

Sheriff Gardner asked for clarification that the salary would be \$95,000.00, plus cost of living to maintain integrity of the \$5,000.00 between each salary. Commissioner Bair confirmed and stated this would ensure there is no compaction. This would be in effect for the December paycheck.

Chairman Manwaring added that he spoke with Tanna Beal, who stated that she is in favor of the proposed increase.

**Decision: Commissioner Bair moved to approve the increase in the Sheriff salary to \$95,000.00, plus cost of living on the added amount. Chairman seconded. Both voted in favor. The motion carried.**

## DISCUSSION & DECISION REGARDING MEMBERSHIP DUES FOR THE GREATER BLACKFOOT CHAMBER OF COMMERCE

Present: Pamela Eckhardt- County Clerk  
Jeff Gardner- County Sheriff  
Paul Rogers- Prosecuting Attorney

The Board met to discuss and make a decision regarding membership dues for the Greater Blackfoot Chamber of Commerce. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated previously dues were \$90.00, and then increased to \$120.00 and now \$180.00. Sometime within the last few years, the Sheriff's Office has started paying their own due of \$180.00, which she disagrees with.

Commissioner Bair stated he spoke with Cindy Reese, President of the Greater Blackfoot Chamber of Commerce, wherein he explained to her that Bingham County is paying two separate due amounts, to which Ms. Reese stated that she was not aware of that. She stated that she would be happy to combine to one yearly due.

Commission Clerk, Lindsey Dalley, referred to email correspondence, wherein she was informed that if combined, the County yearly due amount would be \$300.00 as it is based on how many employees the entity has. Chairman Manwaring stated that still seems like a significant amount and asked Ms. Dalley to contact Cindy Reese to discuss the amount further, after which another meeting could be scheduled if needed.

Chairman Manwaring stated his concern is how the County would justify using taxpayers monies for a membership that seems to be of no benefit.

**Decision: No Decision was made at this time. Commission Clerk, Lindsey Dalley, will contact the Chamber President, Cindy Reese, to discuss the yearly due amount further and a second meeting will be scheduled at a later date.**

## APPROVAL OF ALCOHOL LICENSE

The Board met to approve an Alcohol License for the following:

Melina's Restaurant

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

## ASSESSORS OFFICE UPDATE

Present: Donovan Harrington- County Assessor  
Wendy Mecham- GIS Department  
Debbie Cunningham- Appraisal Supervisor/Chief Deputy Assessor  
Audrey Barzee- Assessors Office  
Valerie Price- Citizen

The Board met with Donovan Harrington to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting.

First, the Board addressed a request submitted by Valerie Price to waive the \$50.00 Solid Waste fee for Valerie Price, Tax # MH0636405, as she pays a Solid Waste fee to Fort Hall. Ms. Price stated she does

not understand why she would need to pay a Solid Waste fee to Bingham County if she is not receiving services from the County nor is she using the landfill. Commissioner Bair explained rather the resident is located in Fort Hall or not, the Solid Waste fees are put in place. Chairman Manwaring stated these fees assist with running the Central Transfer Station in order to have Solid Waste services available for the residents of Bingham County.

Chairman Manwaring asked Ms. Price if she owns both the property and the home, to which Ms. Price stated that is correct.

Both Commissioners had no issue with waiving the \$50.00 Solid Waste fee for Ms. Price and Chairman Manwaring entertained a motion at this time.

Ms. Price will send a copy of her invoice, showing her cost paid to Fort Hall, to Ms. Dalley, who will forward that onto the Assessor's Office in order to permanently remove the Solid Waste fee.

**Decision: Commissioner Bair moved to waive the \$50.00 Solid Waste fee for Valerie Price, MH0636405. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to taxes owed on RP0370203 for year 2022, previously owned by Patrick Taney but transferred to Bingham County after the April 1, 2022 deadline. Mr. Taney came in and visited with Commission Clerk, Lindsey Dalley, and stated that he does not feel that he should be responsible for paying the \$57.14 currently owed.

Ms. Barzee stated the transfer was completed after the April 15<sup>th</sup> deadline and that is why Mr. Taney received a tax notice showing an amount owed.

Chairman Manwaring stated that he would be in favor of splitting the amount but does not feel that the entire amount should be waived. Commissioner Bair concurred.

**Decision: Commissioner Bair moved to waive the second half of taxes in the amount of \$28.74 and that Mr. Patrick Taney should pay the first half of taxes in the amount of \$28.74. Chairman Manwaring seconded. Both voted in favor. The motion carried. Commission Clerk will send Mr. Taney a letter explained the decision made by the Board.**

Next, discussion was held in regards to the submitted Agreement for Hardware Maintenance with Bonneville Blueprint & Supply Co., in regards to the newly purchased scanner/printer for the Assessor's Office. Ms. Mecham explained the machine was replaced in September and Bonneville Blueprint has a maintenance agreement for the cost of \$139.00 per month that they are asking be signed and approved.

Clerk Eckhardt joined the meeting for input regarding maintenance agreements for office equipment, wherein she explained that there was a Maintenance Agreement in place on their office printer for two years. After which that was discontinued as she was surpassing the fees and ended up costing more than the machine was worth.

Clerk Eckhardt stated it would be interesting to see what the charge would be if maintenance needed to be done on the equipment, outside of a Maintenance Agreement.

The Board asked that additional research and clarification be done before the Boards approval. This matter was tabled at this time.

Lastly, the Board reviewed submitted Tax Inquiries, which were as follows:

RP0526400	Year 2022	Manufactured Home had the incorrect value
RP1384000	Year 2022	Homeowner signed up for Homeowners Exemption
RP2013700	Year 2022	Homeowner signed up for Homeowners Exemption
RP0633400	Year 2022	Homeowner signed up for Homeowners Exemption

RP0451902	Year 2022	Homeowner signed up for Homeowners Exemption
RP8271050	Year 2022	Homeowner signed up for Homeowners Exemption
RP0029101	Year 2022	Homeowner signed up for Homeowners Exemption

**Decision: Commissioner Bair moved to approve Tax Inquiries submitted by the County Assessor. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

MEETING TO APPROVE THE ANDRADE SUBDIVISION FINAL PLAT

Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Harris- Planning & Development Assistant Director  
Chris Street- HLE  
Paul Rogers- Prosecuting Attorney

The Board met to approve the Andrade Subdivision Final Plat.

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

MEETING TO REVIEW THE PROPOSED AMENDED REAL ESTATE LEASE AGREEMENT WITH THE HILLMANS ON BINGHAM COUNTY PROPERTY AND SIGNATURE ON TRANSMISSION LETTER

Present: Tiffany Olsen- Planning & Development Director  
Scott Reese- Parks & Recreation  
Paul Rogers- Prosecuting Attorney  
Addie Jo Harris- Planning & Development Assistant Director

The Board met to review the proposed Amended Real Estates Lease Agreement with the Hillman's on Bingham County property and signature of the transmission letter. Chairman Manwaring welcomed all to the meeting and turned the time over to Tiffany Olsen.

Director Olsen stated following the onsite meeting with Mr. Hillman on November 15<sup>th</sup>, she has prepared an Amended Real Estate Lease Agreement reflecting the same terms of the current lease. The current lease with the Hillman's is from March of 2019 to March of 2023. The Amended Agreement modifies the acreage, making the acreage 129 acres, excluding planted trees for windbreaks and areas for gravel extraction. The price has also been consistent at \$150.00 per acre, although the amount has changed to reflect what it would be for 129 acres. This Amended Agreement has been reviewed and approved by Legal Counsel.

Director Olsen added that the last paragraph of the agreement states, "All other sections of the Real Estate Agreement dated March 22, 2019, shall remain in full force and effect and be unchanged by this amendment".

Chairman Manwaring asked if the proposed project would need a setback from the property line, to which Director Olsen stated that standard setbacks within Bingham County Code would be followed. She has yet to see a rendering of the structures but would imagine they will not be very close to property lines.

Commissioner Bair stated there were many unanswered questions after the onsite meeting and since that time, most of those have been answered. The question is if the County should be able to use their property as they would like and he hopes that the Hillmans are okay with the proposal but if they are not, he is not sure how this would proceed.

Chairman Manwaring stated the biggest issue to him is the unanswered question as to what would occur with the project, how it will infringe with the farming operation and he understands why that would be a concern.



Director Olsen stated that the Hillmans should have sufficient information as far as the vertical growing in a greenhouse, the size of the structures and necessity for the County, that those concerns should be satisfied at this point. From her opinion of the site visit, there were concerns of maintaining the access easement and allowing the additional buffer, with the second being water and where the water would come from or if they would use County water shares. She spoke with the Idaho Department of Water Resources and it does appear that the project business would be eligible for a culinary well, so long as the daily consumption is less than 2,500 gallons per day, which it sounds as though that will not be an issue. Therefore it does appear that is a viable water source and explained further that it was indicated that two private land owners with property in the area as well as the parcel that Mr. Hillman inquired about which would be at 735 North 900 East, and let the know after further review of the parcel, the existing structures and their locations unfortunately make the parcel not viable for the project.

Within the transmission letter provided for the approval and signature of the Board, Director Olsen explained that she tried to address all concerns as well as spelling out the modifications that were made, indicating that a full survey of the two parcels would be forthcoming. Mr. Rogers suggested that perhaps this letter be sent via Certified Mail to Mr. Hillman and allow him the time to review and sign the agreement. If there are questions, another meeting could be set to further discuss, wherein she has reserved December 12, 2022 at 2:30 p.m., if needed.

**Decision: Commissioner Bair moved to approve the letter to be sent via Certified Mail to Mr. Hillman in regards to the Amended Real Estate Lease Agreement. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

BOARD OF EQUALIZATION APPEAL HEARING FOR SUBSEQUENT PROPERTY ROLL SUBMITTED BY CLINTON & KATIE ELLINGSON

Present: Katie Ellingson- Appellant  
Debbie Cunningham- Appraisal Supervisor  
Paul Rogers- Prosecuting Attorney  
Eric Jackson- Bingham County  
Becca Goodwin- Appraiser  
Robin Lora- Appraiser Trainee  
Shellie Conn- Appraiser  
Kelia Meskal- Appraiser Trainee  
Donavan Harrington- County Assessor

The Board met as the Board of Equalization to hear the Appeal for subsequent property roll submitted by Clinton & Katie Ellingson. Chairman Manwaring welcomed all to the meeting, introductions were held and the procedure of the Appeal Hearing was reviewed.

Commission Clerk, Lindsey Dalley, swore in Ms. Ellingson prior to her testimony and presentation for reasoning of her Appeal.

Ms. Ellingson stated she is before the Board today to appeal and ask for reconsideration of the property estimate of \$1,700,000.00 given by Bingham County to her home on August 8, 2022. While she understands there is a formula used to estimate the value of a residence but she believes that the appraised amount may be in error for the following reasons. The foundation for the home was laid in the winter of 2020 but did not restart the building process until spring of 2021 and finished the home in 2022. She has every receipt for building the home, which includes materials, appliances, light fixtures, nails, bolts, labor and more. The sum total of all costs is \$1,189,000.00, which includes paying the contractor. There are several trips made by herself and her husband to the tile store or home depot to pick up supplies that were short, so as to help keep the subcontractor on site. This number represents the cost to build a home from start to finish at the peak of housing boom in the area. In some cases, they paid close to three times the price of what materials cost one year prior. She explained that they waited 6-9 months for their appliances and they kept to a budget wanting a minimalistic approach. The actual cost is \$600,000.00 below the appraisal done by Bingham County. Her home was also appraised in March of

2022 and again in April 2022, which was done by an independent appraiser whom she has not met before the appraisal nor has she seen him again. That appraisal was for \$1,141,000.00, which was seven months prior to the assessment by Bingham County and once again at the peak of the real estate market. This was the week the federal reserve began increasing interest rates. The Bingham County Appraiser has informed her that the formula is not accurate for custom homes and she would ask the Board to consider this additional information when considering the appraisal value of her home.

Ms. Cunningham, Appraisal Supervisor, stated that the Appellant has provided her with the appraisal from March 2022 but stated there was a second one in April. Ms. Ellingson stated that was correct but she did not have a copy of that on hand with her as her husband helped her with the Appeal. Chairman Manwaring asked for clarification and if the appraisal was done for the loan, to which Ms. Ellingson confirmed and stated there was an independent appraiser but the house was not complete enough to where the appraiser could give an accurate number in March and that is why he came back a second time in April, which had a value of \$1,141,000.00.

Commission Clerk, Lindsey Dalley, swore in Ms. Cunningham and Mr. Donovan prior to their testimony.

Ms. Cunningham referred to page one of the packet provided to both the Board and the Appellant, wherein she explained shows a picture of the home in question. This home is built on a riverfront lot in Stone River Estates at 1573 North 885 East in Shelley, completed in 2022 and was put on for 5 months of occupancy which is from August through December. The total square footage of the home is 9,720, which was verified by the plans and building permit, however, they have not been to the home. That does not include a 1,713 square foot sports court attached to the home, nor does it include the garage, which is 2,420 square feet. The total is over 11,000 square feet of home. The home sits on 2.54 acres and has an additional 1,887 square foot covered patio. Ms. Cunningham referred to page two, which shows the location of the home from two different views. Page three is a letter that was sent to the homeowner requesting to allow them to appraise the home to value property, to which there was no response. On page four, when the homeowner filed the appeal she spoke with Mr. Ellingson who agreed to let the Appraisal team come and see the home to appraise appropriately but ultimately called to cancel as he was concerned that the appraised amount would be more than it currently is. Ms. Cunningham stated when they are unable to view a home, they use the information provided within the building permit from Planning & Zoning. However, the footage on the building permit does not include the sports court nor the unfinished portion of the basement, which is an additional 1,547 square feet, shown in the plans provided as well and were not count as finished space. Ms. Cunningham explained the last document provided to the Board, which shows a view from the top of the home, which has several different rooflines and the reason she included this was that any custom home that has rooflines such as this, tends to raise the cost and value of the home. Marshall and Swift states that typically a cut up roof requires more labor or materials than a simply designed roof and will affect the cost of the structure. In response to Ms. Ellingson's defense of her home is that she stated she has all costs available but costs do not always equate to what the market does. You could build a home but sell it for substantially more depending on the market. The way that new construction is approached is that it is ran through the Marshall and Swift program, which is the same cost program that the appraiser would have used for the fee appraisal. However, his appraisal states that it is only good for 3-6 months. Therefore, by the time the occupants moved into the home, the appraisal was no longer valid and that is because the market has been changing so quickly that homes are selling for a lot more than they did when they were completed. She explained that she is not sure the square footage is correct because they have not seen the home in person. It is a custom home and those are difficult to find comparisons for but there is a home down the street from the subject home that has about 10,000 square feet and is appraised at \$1,977,850.00 million on that home.

Ms. Ellingson asked when the market started to decrease, to which Ms. Cunningham stated that there has not been a decrease in Bingham County. It is taking longer to sell a home than it used too and particularly with a high end home, it would take longer because there are not as many people who can afford a high end home. If they do sell quicker, then values would be adjusted as the County is required to be within 10% of the market value.

Ms. Ellingson stated she is aware that she has a biased and is aware that the Assessor's Office has a biased, that is the reason for the Appeal before the Board.

Ms. Cunningham stated there was a corrected notice attached to the Appeal and the reason that the corrected notice was sent is that there were inconsistencies within the subdivision; therefore, all of the homes within the subdivision were reappraised. Their home had been valued in the incorrect zip code, which lowered the value by approximately \$80,000.00.

Chairman Manwaring stated that Mr. Ellingson changed his mind in regards to allowing the appraisal crew to look at the home. It is hard to appraise properly when they are unable to look at the home in person and he understands why the homeowner would be reluctant but there have been appraisals done after the fact wherein the value was lowered.

Ms. Ellingson stated that her husband changed his mind about allowing the appraisal crew to look at the home because of the biased opinion issue and that is the reasoning for the filed Appeal.

Commissioner Bair asked Ms. Cunningham if the square footage is different than what is listed on the building permit, to which Ms. Cunningham responded by stating the reason she questioned the square footage that the fee appraiser listed, who visited the home, is different than what is listed on the building permit. The fee appraiser stated that he took measurements but those were not provided with the Appeal and she cannot qualify that without having proof or seeing. Ms. Ellingson stated the plans did not change and that is what was built.

Chairman Manwaring explained that the Board of Equalization will take this matter under advisement and a meeting would be scheduled next week for their decision.

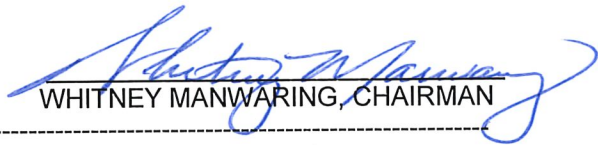
ASSESSOR'S OFFICE UPDATE

Present:           Donavan Harrington- County Assessor  
                      Debbie Cunningham- Chief Deputy Assessor/Appraisal Supervisor  
                      Paul Rogers- Prosecuting Attorney

The Board met with Donovan Harrington to discuss updates within the Assessor's Office.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY DECEMBER 9, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, December 9, 2022  
County of Bingham    )

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

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider

personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. All voted in favor. The Board moved into Executive Session at 8:03 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. All voted in favor. The Board moved out of Executive Session at 8:30 a.m.

**Decision: No decision was made at this time.**

CLAIMS

Claims were approved in the amount of \$471,276.85.

PERSONNEL ACTION FORMS

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

- |                          |                                  |
|--------------------------|----------------------------------|
| Salary Increase Form     | Crusher Operator                 |
|                          | Patrol Deputy                    |
|                          | Crusher Lead                     |
|                          | Sign/Traffic Count Tech          |
|                          | Patrol Corporal                  |
|                          | SRO Patrol Deputy                |
|                          | Computer Mapper/Supervisor       |
|                          | Probation Services Secretary     |
|                          | Patrol Corporal                  |
|                          | Deputy Clerk/Elections Assistant |
| New Employee Status Form | Truck Driver                     |
|                          | Deputy Coroner                   |

**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 COMMISSIONER MINUTES FROM OCTOBER 15-31, 2022

The Board met to approve Commissioner Minutes from October 15-31, 2022.

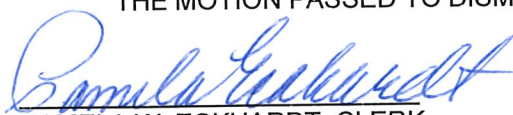
**Decision: Commissioner Bair moved to approve Commissioner Minutes from October 15-31, 2022. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF BINGHAM COUNTY CONFLICT PUBLIC DEFENDER CONTRACT FOR R. JAMES ARCHIBALD

The Board met to approve the Bingham County Conflict Public Defender Contract for R. James Archibald.

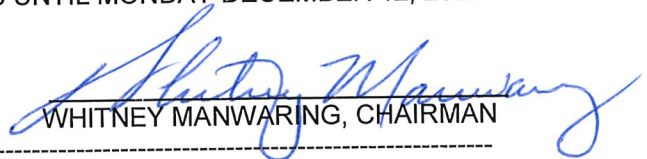
**Decision: Commissioner Bair moved to approve the Bingham County Conflict Public Defender Contract for R. James Archibald. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY DECEMBER 12, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Monday, December 12, 2022  
County of Bingham     )

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

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

**CASH WARRANTS**

Cash Warrants were approved in the amount of \$4,762.28.

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

**DISCUSSION & DECISION TO AMEND PREVIOUS DECISION ON SHERIFF'S SALARY**

Present:           Pamela Eckhardt- County Clerk  
                      Ollie Wimbish- Deputy Prosecuting Attorney  
                      Laraine Pope- Human Resources Director  
Via Zoom:          Jeff Gardner- Bingham County Sheriff

The Board met to discuss and possibly amend the previous decision in regards to the Sheriff's salary. Chairman Manwaring welcomed all to the meeting.

Commissioner Bair stated that Paul Rogers, Legal Counsel, spoke with Seth Grigg with Idaho Association of Counties and discussed this at length. Mr. Grigg stated that the best solution was to open the budget and correct the Sheriff's salary that way.

Mr. Wimbish stated per Idaho Code Section 31-1606, discusses increasing salary in the middle of the budget. This would need to be published, placed on the agenda and a Public Hearing be held for public input.

**Decision: Commissioner Bair moved to hold a Public Hearing to open the Fiscal Year 2023 budget in order to fix the Sheriff's salary, which will be done via Resolution, starting with the December pay period. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**BOARD OF EQUALIZATION DECISION ON APPEAL FILED BY CLINTON & KATIE ELLINGSON**

Present:           Debbie Cunningham- Appraisal Supervisor/Chief Deputy Assessor  
                      Ollie Wimbish- Deputy Prosecuting Attorney

The Board met to make a decision regarding the Board of Equalization Appeal filed by Clinton & Katie Ellingson. Chairman Manwaring welcomed all to the meeting and explained this was an Appeal on the assessment value, which is a first for Bingham County. The Assessor appraised market value for the subject home was \$1,782,600.0 and the taxpayer's market value is \$1,140,500.00. Ms. Ellingson came and presented this appeal before the Board and reviewed the cost to build this home over a three-year period. They have lived in their home for five months and that would reflect on what would be owed on their taxes.

Chairman Manwaring further stated that his hang up on this matter is that there are no comparable homes. There are unknowns with things such as the roof, especially when the Appraisal crew has not seen the home.

There was not substantiate evidence provided by the Appellant to prove that the value of their home should be changed.

**Decision: Commissioner Bair moved to deny the Assessment Appeal submitted by Clinton & Katie Ellingson, located at 1573 North 885 East in Shelley and uphold the appraisal of \$1,782,600.00. Chairman Manwaring seconded. Both voted in favor. Ms. Cunningham interjected by stating that the correct value should be \$1,708,050.00 per the corrected notice. Chairman Manwaring stated that the motion should be amended as such. The motion carried. Commission Clerk, Lindsey Dalley, will prepare the proper documentation to be signed by the Board and mailed to the Appellant.**

#### DISCUSSION REGARDING VACATION OF PROUSE LANE

Present:           Dusty Whited- Public Works Director  
                  Tiffany Olsen- Planning & Development Director  
                  Gwen Inskeep- County Surveyor  
                  Ollie Wimbish- Deputy Prosecuting Attorney

The Board met to discuss the possible road vacation of Prouse Lane. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated this matter has been discussed previously and it was proposed to move forward with the road vacation process. These were put off but it was brought to his attention and placed on the agenda for further discussion with the Board.

Chairman Manwaring asked Mr. Whited if the gate was left open and there was a turnaround, would there be an issue? He feels as though the County is not working with the landowner and he does not want to work with the County. Troy stated that he went out to measure and everyone is encroached within the right-of-way.

Mr. Whited stated the pivot point concrete is within approximately 3 feet of the edge of the road and the road is only 13 feet wide, which should be 28 feet of travel surface on a gravel road.

Commissioner Bair asked how many homes there on this road, to which Mr. whited stated he believes there are 5 or 6 addresses.

Further discussion was held in regards to the gate at the end of the right-of-way, wherein Mr. Whited stated in speaking with Ms. Olsen, a meeting should be held with the Fire Marshall because the length of the road without a turnaround, there is no question that it will be a violation of Fire Code. Chairman Manwaring stated he does not know about that if there is only one home but if you have four or more, there is to be a turnaround.

Mr. Whited asked Legal Counsel if the County does not vacate the road and have been claiming it as a county road with five years of maintenance, legally we have 50 feet of prescriptive right-of-way. Mr. Wimbish stated that he would need to look into that further but it is possible.

Chairman Manwaring stated that all information needs to be gathered, get ahold of the Fire Marshall and look at this matter and in moving forward the County can send the homeowners a letter stating that the County needs more right-of-way and if they do not accept that, we have all of the information to proceed with the road vacation process. This is to have a safe road and there needs to be a turnaround or the road vacation process will need to occur.

Mr. Whited will move forward with gathering information to proceed either way.

#### DISCUSSION REGARDING VACATION OF WILLOW BEND ROAD (300 S) FROM 1500 W. TO 1514 W.

Present:           Dusty Whited- Public Works Director  
                  Tiffany Olsen- Planning & Development Director  
                  Gwen Inskeep- County Surveyor  
                  Ollie Wimbish- Deputy Prosecuting Attorney

The Board met to discuss the possible road vacation of Willow Bend Road. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated this road only accesses one home and is about ¼ of a mile of claimed road. The home was built last summer and the last time that he spoke with the homeowner, he was in favor of the road vacation. The road has been graded and is on the schedule for once every few years.

If the Board would like him to proceed, he would contact the homeowners again to be sure they are still in favor. This road was added to the state road right-of-way as well. The proposed amount to be vacated is .134 miles of the road.

The Board advised Mr. Whited to move forward with the road vacation at this time.

#### APPROVAL AND SIGNING OF UPDATED MCDONALDVILLE FARM LEASE AGREEMENT WITH BRENT HARPER

Present:           Dusty Whited- Public Works Director  
                  Ollie Wimbish- Deputy Prosecuting Attorney  
                  Tiffany Olsen- Planning & Development Director  
                  Gwen Inskeep- County Surveyor

The Board met to discuss and sign the updated McDonaldville Farm Lease Agreement with Brent Harper. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated that he had spoken with Taylor Harper and he was planning to be in attendance this morning to sign on behalf of his father Brent Harper but he is not present at this time.

**Decision: Commissioner Bair moved to approve the updated Lease Agreement between Brent Harper, Taylor Harper and Bingham County. The Agreement will be left with Commission Clerk, Lindsey Dalley, for his signature. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### PRIOR APPROVAL FOR VALLEY SCIENCE & ENGINEERING TO CONDUCT MONITORING ON THE GROUNDWATER AT THE FIELDING LANDFILL IN 2023

Present:           Dusty Whited- Public Works Director  
                  Ollie Wimbish- Deputy Prosecuting Attorney

The Board met with Mr. Whited to discuss the submitted Prior Approval for Valley Science & Engineering to conduct monitoring on the groundwater at the old Fielding Landfill in 2023. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated this is year there will be monitoring in the Fall and Spring at the old Fielding Landfill. Depending on the year, the amount of times that monitoring occurs will change.

**Decision: The Board had no concerns and after review by Legal Counsel, Chairman Manwaring signed said Agreement.**

## PRIOR APPROVAL FOR MAJOR PURCHASE- SOLID WASTE DEPARTMENT

Present:           Dusty Whited- Public Works Director  
                  Ollie Wimbish- Deputy Prosecuting Attorney

The Board met to discuss several submitted Prior Approval for Major Purchase's for the Solid Waste Department.

Mr. Whited stated this was within the budget and the old trailer would be used as a trade in. Said purchase is in the amount of \$124,750.42, to be paid from Fund 23-70-803-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a Solid Waste Trailer in the amount of \$124,750.42, to be paid from Fund 23-70-803-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of solid rubber tires for the Solid Waste Department. Said purchase is in the amount of \$17,183.40, to be paid from Fund 23-70-473-01. This purchase was not within the budget and he did not realize that the amount of tires were so low. There is a good reserve fund and they will save enough funding over several fund items in order to not open the budget at the end of the year.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of solid rubber tires for the Solid Waste Department in the amount of \$17,183.40, to be paid from Fund 23-70-473-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Lastly, Mr. Whited explained the Prior Approval for Major Purchase of a Solid Waste Loader for the Rattlesnake Landfill. Said purchase is in the amount of \$25,400.00, to be paid from 23-70-491-01. The current loader has 10,000 hours and it would not make sense to do a complete rebuild.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a Solid Waste Loader for the Rattlesnake Landfill in the amount of \$25,400.78, to be paid from Fund 23-70-491-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

## PLANNING & DEVELOPMENT

Present:           Tiffany Olsen- Planning & Development Director  
                  Addie Jo Harris- Planning & Development Assistant Director  
                  Dusty Whited- Public Works Director  
                  Scott Reese- Parks & Recreation  
                  Paul Rogers- Prosecuting Attorney

The Board met with Tiffany Olsen to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen.

Director Olsen referred to the Amended Lease Agreement with Blaine Hillman and explained that the letter, along with the attached Amended Lease Agreement, were received by Mr. Hillman via Certified Mail on December 7, 2022. She stated that Mr. Hillman contacted the Clerk's Office and stated that he would not be in attendance today but did ask for the Board to consider a lease option of 5 years rather than one year and a few months.

Commissioner Bair stated at this time the Board does not wish to extend the lease but there are other options that they would like to discuss at a later date.

Discussion was held in regards to Mr. Hillman having the first right of refusal, wherein Mr. Rogers reviewed the current lease document which states, when leasing the property Mr. Hillman has the first right to refusal. Chairman Manwaring stated that would be the best grounds to move forward, wherein the



County would not be able to do a 5-year lease because it would need to be placed out to bid. Mr. Rogers stated if bids are received, Hillman has the right to match the highest bid and when it is time to release the property and another bid is received, Hillman has the right to match that bid.

Discussion was held in regards to the well being on Mr. Hillman's property but Bingham County has the water rights. Mr. Whited stated it was previously discussed that the County could drill their own well, in case the property is leased to another individual, there would be no issue.

Director Olsen stated in the process of looking at leased ground, through a number of different sites and other jurisdictions leases, she has found that in Idaho, non-irrigated farm ground is going for \$200 per acre and irrigated ground would be anywhere from \$300-\$400 per acre.

The Board confirmed that they are not in favor of re-leasing the property at this time.

Director Olsen stated if the Board is willing, to call Mr. Hillman and let him know that the information has been received and at this time, the lease provided is the lease that the Board would like to continue to move forward with.

Chairman Manwaring stated he would like Legal Counsel and Director Olsen to contact Mr. Hillman and explain the information discussed and because of the way that farm ground prices are, to be fair to the County, it needs to be placed out to bid and he would have the first right of refusal to match the highest bid.

Dusty Whited will look into the cost to drill a well on the County's property, the permitting process and the timeline with Idaho Power.

Mr. Rogers and Director Olsen will set up a time to meet with Mr. Hillman or a telephone call to discuss this matter further.

Next, Director Olsen moved into discussion regarding the applicants for the current vacant Planning & Commission positions. She explained there were six application for Commissioner District 2 and one application for Commission District 3. The Board reviewed each individual application and held deliberation about the same. There were two applicants for Commissioner District 2 that the Board would like to hold discussion/interviews with and Director Olsen was instructed to schedule a meeting to do so.

As there was only one applicant for Commissioner District 3, the Board had no concern with appointing that individual.

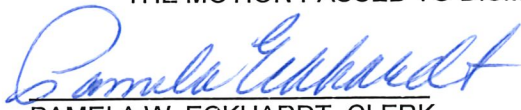
**Decision: Commissioner Bair moved to appoint Jordan Johns to be the representative for Commissioner District 3 on the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. The motion carried. The Commission Clerk, Lindsey Dalley, will draft an appointment letter to send to Mr. Johns.**

**Decision: Commissioner Bair moved to direct the Planning & Development Director to contact two of the applicants for Commissioner District 2, in order to set up a meeting on Tuesday, January 10, 2023, to further discuss the vacancy and chose the best candidate. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

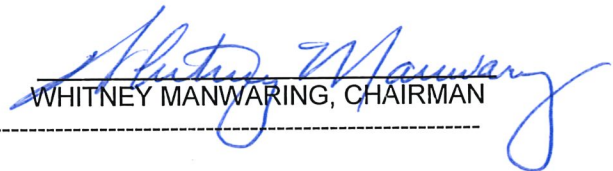
Lastly, the Board met to approve the Reason & Decision for the Jose Martinez Zone Change from "R" to "C2".

**Decision: Commissioner Bair moved to approve the Reason & Decision for the Jose Martinez Zone Change from "R" to "C2". Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY DECEMBER 16, 2022



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Friday, December 16, 2022  
County of Bingham )

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

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

**CLAIMS**

Claims were approved in the amount of \$533,560.36.

**COLLEGE OF EASTERN IDAHO**

Certificate of Residency documents were approved by the Board and sent to the College of Eastern Idaho for the following Bingham County students: Nateah Hawkins, Connor J. Johnson, Cy J. Marchant, Sage A. Morris, Breidyn K. Neilson, Melissa R. Penrod and Strider C. Perry.

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

**TAX INQUIRIES**

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

RP2017800	Year 2022	Homeowner signed up for Homeowners Exemption
RP04701722	Year 2022	Homeowner signed up for Homeowners Exemption
RP/MH3083900A	Year 2022	Homeowner signed up for Homeowners Exemption
MH352S32IW0500	Year 2022	MH was double assessed. We are also cancelling solid waste.
RP7032800	Year 2022	The parcel had the wrong acreage listed
RP0432013	Year 2022	Land was categorized incorrectly as a category 12. It Should be categorized as Agricultural Land and is being farmed
RP2030201	Year 2022	Homeowner signed up for Homeowners Exemption
RP0223500	Year 2022	Homeowner signed up for Homeowners Exemption
RP1312401	Year 2022	Homeowner signed up for Homeowners Exemption
RP2015900	Year 2022	Homeowner signed up for Homeowners Exemption
RP7057400	Year 2022	Homeowner signed up for Homeowners Exemption
RP1296602	Year 2022	Our Commercial Appraiser put the wrong value down on this parcel.
RP1309501	Year 2022	Owner was double assessed for shop home

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

APPROVAL OF COMMISSIONER MINUTES FOR NOVEMBER 1-11, 2022

The Board met to approve Commissioner Minutes for November 1-11, 2022.

**Decision: Commissioner Lewis moved to approve the Commissioner Minutes from November 1-11, 2022. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

APPROVAL OF BINGHAM COUNTY RESOLUTION 2022-38, ADOPTING THE BOARD OF GUARDIANS BY LAWS

Present: Susan Denny- Indigent Services

The Board met to approve Bingham County Resolution 2022-38, adopting the Board of Guardians By-Laws.

**Decision: Commissioner Lewis moved to approve Bingham County Resolution 2022-38, adopting the Board of Guardians By-Laws. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

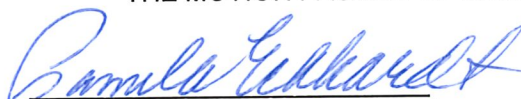
EXECUTIVE SESSION

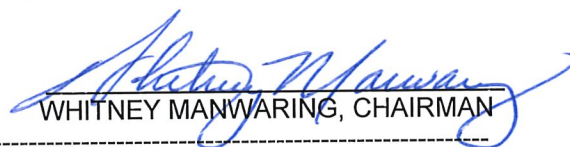
The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 8:30 a.m. Commissioner Lewis moved to go out of Executive Session. Chairman Manwaring seconded. Both voted in favor. The Board moved out of Executive Session at 8:46 a.m.

**Decision: Commissioner Lewis moved to approve Cremation Case 2022-30, to Hawker Funeral Home in the amount of \$2,000.000. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**Commissioner Lewis moved to delay the decision for Cremation Case 2022-29, as the Board needs further clarification from Legal Counsel. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY DECEMBER 21, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

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

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

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

**CASH WARRANTS**

A Cash Warrant was approved in the amount of \$3,576.44.

**COLLEGE OF SOUTHERN IDAHO**

A Certificate of Residency was approved by the Board and sent to the College of Southern Idaho for the following Bingham County student: Marysol Cruz.

**COLLEGE OF EASTERN IDAHO**

Certificate of Residency documents were approved by the Board and sent to the College of Eastern Idaho for the following Bingham County students: LyDonna M. Stephenson, Rachel A. Martinez and Alexander Aaron Mithi.

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

**DISCUSSION & DECISION REGARDING WAIVER OF SOLID WASTE FEE FOR MARIO SABORI (MH344S26SS0010)**

The Board met to discuss and make a decision regarding the waiver of Solid Waste fee for Mario Sabori, who resides in Fort Hall and pays his Solid Waste fee to Fort Hall. Chairman Manwaring stated that Mr. Sabori provided the Board with confirmation that he pays Fort Hall and the Board had no issue waiving the fee.

**Decision: Commissioner Bair moved to waive the Solid Waste fee for Mario Sabori in the amount of \$50.00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**APPROVAL OF AMENDED BINGHAM COUNTY ORDINANCE 2022-12, AN ORDINANCE AMENDING THE GENERAL BINGHAM COUNTY ZONING ORDINANCE 2012-08 AND ACCOMPANYING ZONING MAP BY CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM "C2" HEAVY COMMERCIAL TO "R" RESIDENTIAL FOR THE TRACY AND TRUMAN WILCOX ZONE CHANGE**

The Board met to approve the Amended Ordinance, as there was an error within the document.

**Decision: Commissioner Bair moved to approve Bingham County Ordinance 2022-12, an Ordinance amending the General Bingham County Zoning Ordinance 2012-08 and accompanying zoning map by changing the zoning district of real property from "C2" to "R" for the Tracy and Truman Wilcox Zone Change. Chairman Manwaring seconded. Both voted in favor. The motion carried and said Ordinance was approved and recorded as follows:**

Instrument # 751471  
BINGHAM COUNTY  
12-21-2022 12:17:08 PM No. of Pages: 2  
Recorded for: BINGHAM COUNTY COMMISSIONERS  
PAMELA W. ECKHARDT Fee: 0.00  
Ex-Officio Recorder Deputy

BINGHAM COUNTY  
AMENDED ORDINANCE 2022-12

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 "C2" HEAVY COMMERCIAL AND "R/A" RESIDENTIAL/AGRICULTURE TO "R" RESIDENTIAL.

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

Part of the SW ¼ of Section 32, Township 2 South, Range 35 East, Boise Meridian, Bingham County, Idaho described as:

Lots 1 and 2, Block 3 of the Ponderosa Acres Subdivision, Division 1. Excepting Therefrom the right-of-way of Highway 39.

Approximate Location: 460 W. Highway 39, Blackfoot, Idaho.

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 17<sup>th</sup> day of May 2022.

Signed this 21 day of December 2022

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

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

Instrument # 747802

BINGHAM COUNTY  
7-29-2022 11:38:09 AM No. of Pages: 1  
Recorded for: BINGHAM COUNTY COMMISSIONERS  
PAMELA W. ECKHARDT Fee: 6.00  
Ex-Officio Recorder Deputy *[Signature]*

**BINGHAM COUNTY  
ORDINANCE 2022-12**

**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 "C2" HEAVY COMMERCIAL TO "R/A" RESIDENTIAL/AGRICULTURE.**

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

Part of the SW ¼ of Section 32, Township 2 South, Range 35 East, Boise Meridian, Bingham County, Idaho described as:

Lots 1 and 2, Block 3 of the Ponderosa Acres Subdivision, Division 1. Excepting Therefrom the right-of-way of Highway 39.

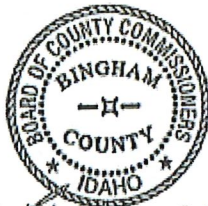
Approximate Location: 460 W. Highway 39, Blackfoot, Idaho.

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 17<sup>th</sup> day of May 2022.

Signed this 29 day of July 2022

ATTEST:



*[Signature]*  
Pamela Eckhardt  
Bingham County Clerk

**BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO**

*[Signature]*  
Whitney Manwaring, Chairman

*[Signature]*  
Mark R. Bair, Commissioner

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

751471

747802

SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Ken Gallegos- Lombard Conrad Architects  
Brent Douglass- Headwaters Construction  
Paul Rogers- Prosecuting Attorney  
Dominick Bell- Headwaters Construction

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

Sheriff Gardner explained the submitted Prior Approval for Major Purchase of annual lease payments for Tasers and two vehicles within the Sheriff's Office. Said purchase is in the amount of \$35,814.70 and is to be paid from Funds 05-09-801-00 and 05-02-556-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for Major Purchase of annual lease payments for Tasers and two vehicles within the Sheriff's Office. Said purchase is in the amount of \$35,814.70 and is to be paid from Funds 05-09-801-00 and 05-02-556-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

A brief discussion was held in regards to a possible construction and remodeling project for the Sheriff's Office in order to utilize space not used, to making a few extra offices. Sheriff Gardner explained that the proposal is to turn the conference room into two offices, put a divider wall up and a doorway behind the current secretary office space. These offices would be utilized by the secretary and lieutenant positions. The conference room table will be moved into the office of the Chief Deputy in case it is needed and it has been confirmed there is sufficient room to do so. Chairman Manwaring added that the Board does not have an issue and asked Sheriff Gardner to work with Eric Jackson to gather cost of this project. Sheriff Gardner added that he and Mr. Jackson have decided to share the cost of this project.

Next, discussion was held in regards to the jail expansion and courthouse remodel project. Chairman Manwaring stated there have been previous meetings held to discuss costs and how the project will proceed. Chairman Manwaring asked Clerk Eckhardt if the ARPA funding is still an approved use for the expansion project, to which she confirmed. Mr. Rogers stated in review of the restrictions for use of the opioid settlement funding, it will not be available for use of this project and should probably go to the Sheriff's Office for a drug task force or other instances needed.

Chairman Manwaring asked Mr. Douglass with Headwaters Construction if there have been any changes to the cost since last week, to which Mr. Douglass confirmed there were no changes.

Chairman Manwaring stated his suggestion would be to use the portion of ARPA Funding as planned and budget over a three-year period to complete the payments for the project, while building up the reserve fund balance. The Election Office is contributing \$100,000.00 and Courts is contributing \$60,000.00 to assist with the projects. From the last meeting, the total cost for jail and booking would be \$10,029,295.00, plus the courtroom expansion, elections remodel and other projects; the total is approximately \$10,900,000.00.

Clerk Eckhardt stated there is currently \$7.9 Million in the ARPA Fund Balance, with \$1 Million still to be paid to the Eastern Idaho Regional Sewer District.

Commissioner Bair stated he has no issue with the proposal made by the Chairman and stated it is important to state that no property tax dollars have been or will be used in the process of this project.

**Decision: Commissioner Bair moved to approve the cost for the jail expansion and courthouse remodel project in the estimated amount of \$10,903,522.00. Chairman Manwaring seconded. Both**

**voted in favor. The motion carried. Commissioner Bair stated that he would like to add that this project is being done without using property tax dollars.**

#### APPROVAL OF ANNUAL ROAD AND STREET REPORT

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

The Board met to review and approve the Annual Road and Street Report. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated she is before the Board today to ask for approval of the Annual Road and Street Financial, which is a joint effort between the Clerk's Office and the Road & Bridge Office. She explained this is required yearly and is to be submitted to the Idaho State Controller.

She gave a brief overview of the report at this time and the Board had no major concerns or questions. Chairman Manwaring entertained a motion at this time.

**Decision: Commissioner Bair moved to approve and sign the Annual Road and Street Report presented by Clerk Eckhardt. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### PRIOR APPROVAL- IT DEPARTMENT

The Board met to make a decision regarding the submitted Prior Approval for Major Purchase of Mailstore email archive maintenance renewal. Chairman Manwaring stated that Scott Mensching- IT Director is not available but he provided Commission Clerk, Lindsey Dalley, with information as to the request. Said purchase is in the amount of \$1,384.00, to be paid from Fund 01-14-524-01.

Ms. Dalley explained the specific Prior Approval, which is for the archive email storage in order to have the ability to view past emails.

**Decision: Commissioner Bair moved to approve and sign the Prior Approval of Mailstore email archive maintenance renewal in the amount of \$1,384.00, to be paid from Fund 01-14-524-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### DISCUSSION REGARDING VOCATIONAL REHABILITATION LEASE IN COUNTY ANNEX BUILDING

Present: Pamela Eckhardt- County Clerk  
Eric Jackson- Building Maintenance Director  
Tiffany Olsen- Planning & Development Director  
Jeff Gardner- Bingham County Sheriff

The Board met to hold discussion regarding the lease with Vocational Rehabilitation for space within the County Annex Building. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated that she was contacted by the Idaho Falls Vocational rehab, who is over the entire region, and they would like to move another counselor to the Blackfoot Office. On the Vocational Rehab side, there are currently two offices empty and they are interested in the 15x8 office. If the Board approves, they would like to discuss cost and if the lease is available to extend after the 2024 completion date.

The Board stated they are not in favor of committing to another 5-year lease after this one is completed as they do not know if extra room is needed for County expansion. The 15x8 could possibly be rented for



\$300.00 and Clerk Eckhardt would relay the offer. If agreed, Legal Counsel will add this to the current lease.

#### DISCUSSION & DECISION REGARDING BUILDING MAINTENANCE DIRECTOR SALARY

Present: Eric Jackson- Building Maintenance  
Laraine Pope- Human Resources Director  
Pamela Eckhardt- County Clerk

The Board met to discuss and make a decision regarding the salary of the Building Maintenance Director position. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Jackson.

Chairman Manwaring stated that Building Maintenance is a unique department as there are only two or three positions and sometimes it is based on how many employees the Director supervises. Ms. Pope stated that this position is comparable to other jobs and supervisors throughout the County. She believes that the range needs to be addressed, especially with the Applicants that have come in for this position. The most promising one is two experienced for the starting wage and they are already making more in their current position. If this individual were to become a supervisor, a 5% increase will be needed.

The Board agreed that N21, Step 7 would be a good starting spot for the Building Maintenance Director.

**Decision: Commissioner Bair moved to allow Human Resources to offer an N21, Step 7 (\$52,000.00) for the Building Maintenance Director position. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### REVIEW AND APPROVAL OF FISCAL YEAR 2023 INDIGENT DEFENSE EXPENDITURE REPORT

Present: Pamela Eckhardt- County Clerk

The Board met to review and approve the Fiscal Year 2023 Indigent Defense Expenditure Report.

**Decision: Commissioner Bair moved to approve the Fiscal Year 2023 Indigent Defense Expenditure Report presented by Clerk Eckhardt. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### PRIOR APPROVAL-CLERKS OFFICE

Present: Pamela Eckhardt- County Clerk

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase submitted by Clerk Eckhardt.

Said Prior Approval for Major Purchase is for a folding machine, to be used by both the Jury Commissioner and the Clerks Office. Said purchase is in the amount of \$3,930.00 and would be paid from Fund 06-50-899-00 (\$1,000.00), Fund 01-01-80-00 (\$1,500.00) & Fund 01-01-492-00 (\$1,430.00).

The current folding machine is seven years old and has been repaired several times but is no longer able to be repaired. This machine is used by several departments and is extremely beneficial to have.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a folding machine from Yost in the amount of \$3,930.00, to be paid from Fund 06-50-899-00 (\$1,000.00), Fund 01-01-80-00 (\$1,500.00) & Fund 01-01-492-00 (\$1,430.00). Chairman Manwaring seconded. Both voted in favor. The motion carried.**

## PUBLIC HEARING TO OPEN THE FISCAL YEAR 2023 BUDGET

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

The Board met to hold a Public Hearing to open the Fiscal Year 2023 Budget. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained the budget needs to be open in order to correct the salary for the Elected Sheriff- Fund 05- Justice Fund, to \$96,900.00.

Chairman Manwaring confirmed there were no public attendees, therefore there was no testimony in favor, in neutral nor in opposition.

**Decision: Commissioner Bair moved to approve and sign Bingham County Resolution 2022-39, a resolution to open the Fiscal Year 2023 Budget, to increase the Elected Sheriff Salary to \$96,900.00. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

## REVIEW AND DECISION REGARDING FINAL FINANCIALS FOR ATOMIC CITY

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

The Board met to review and make a possible decision regarding the final financials for Atomic City. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained that everything has been transferred to the new owners of the Atomic City water system. In November the bookkeeper sent out the final invoices and in December the new owners have sent their invoices.

The last power bill has been paid and has been changed into the name of the new owner. PSI is no longer picking up the garbage in the area and all waste receptacles have been picked up as of December 1, 2022.

There were 7 people that were behind on payments in the amount of \$1,572.00. Clerk Eckhardt explained that there were no services agreements in place to show that those individuals would owe Bingham County for water services that are overdue. Therefore, she is before the Board today to ask to write off the amount of \$1,572.00 for past due balance in order to close the books.

**Decision: Commissioner Bair moved to write off \$1,572.00 for amounts owed on past invoices for water services in Atomic City, to allow the bookkeeper to close the books for Bingham County. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

## DISCUSSION & DECISION REGARDING MEMBERSHIP DUES FOR THE GREATER BLACKFOOT CHAMBER OF COMMERCE

Present: Cindy Reese- Greater Blackfoot Chamber of Commerce  
Jamie Popejoy- Greater Blackfoot Chamber of Commerce  
Scott Reese- Bingham County  
Jeff Gardner- Bingham County Sheriff  
Paul Rogers- Prosecuting attorney  
Via Zoom: Tiffany Olsen- Planning & Development Director

The Board met to discuss and make a decision regarding membership dues for the Greater Blackfoot Chamber of Commerce. Chairman Manwaring welcomed all to the meeting, introductions were held and Chairman Manwaring stated for several years the membership due was \$90.00, was increased to

\$180.00 with the County having an account for the Commissioners and one for the Sheriff's Office and now have each received an invoice showing that dues have increased to \$300.00. This meeting was scheduled in order to have all parties in one room to discuss the amount and reason for increase.

Jamie Popejoy stated being part of the Greater Blackfoot Chamber of Commerce is all about supporting the community. The Chamber puts on several events such as the Easter egg hunt, the live nativity and the first responder luncheon.

Cindy Reese stated it is important that the community rally around law enforcement and first responders. The more opportunities that we have to be together, it provides an environment for our community to see. Along with fostering a culture in the community that we can all work together.

Discussion was held in regards to where the dues paid go and how the Chamber Board of Directors vote.

Sheriff Gardner stated since he became Chief Deputy Sheriff in 2013, he is not aware that the Sheriff's Office has ever paid a membership due. Commission Clerk, Lindsey Dalley, stated during her research she has confirmed that the Sheriff's Office has in fact been paying their own membership due for several years.

Cindy Reese explained that two years ago membership dues were restructured and the membership fee is based upon how many employees the business or entity has. Ms. Reese added that it was agreed upon that both the City of Blackfoot and Bingham County would pay \$300.00 as a middle ground.

Discussion was held in regards to having a different representative from the County attend a meeting, meaning that each meeting there may be a different attendee, to which Ms. Reese stated that would be acceptable.

**Decision: Commissioner Bair moved to combine the Sheriff's Office and Commissioners Accounts to have one Bingham County membership and pay \$300.00 yearly. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 3:03 p.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. Both voted in favor. The Board moved out of Executive Session at 3:11 p.m.

**Decision: Commissioner Bair moved to approve Cremation Case 2022-29 for \$2,000.00 to Hawker Funeral Home. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL THURSDAY DECEMBER 22, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Thursday, December 22, 2022  
County of Bingham )

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

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

**CLAIMS**

Claims were approved in the amount of \$825,272.33.

**PERSONNEL ACTION FORMS**

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

New Employee Status Sheet	Patrol Deputy
Employee Status Sheet	Deputy Coroner
	Law Enforcement Security/Detention Deputy
	Court Bailiff
	Court Bailiff
	Detention Deputy to Patrol Division

**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.**

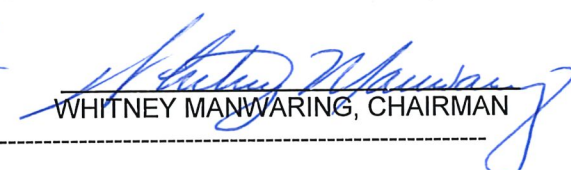
**CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:**

Current Expenses .....	\$434,038.53	Weeds.....	\$6,715.32
Road & Bridge .....	\$270,467.13	Emergency Communication....	\$26,453.53
Justice Fund .....	\$394,478.39	Road & Bridge Special	
District Court.....	\$112,743.42	Projects.....	\$18,828.89
Parks & Recreation.....	\$12,037.48	Waterways .....	\$28.54
Revaluation.....	\$26,500.97	ARPA Funds.....	\$54,511.78
Solid Waste .....	\$170,907.32	Payment in Lieu of Taxes.....	\$3,381.00
Tort.....	\$5,000.00	Treatment Court	
Veterans Memorial.....	\$187.95	Fund.....	\$4,566.01
		Junior College Fund.....	\$450.00
		Consolidated Elections.....	\$29,967.53

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY JANUARY 4, 2023



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk



WHITNEY MANWARING, CHAIRMAN