

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

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

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

**CLAIMS**

Claims were approved in the amount of \$1,082,222.02.

**COLLEGE OF EASTERN IDAHO**

Certificates of Residency were approved by the Board and sent to the College of Eastern Idaho for the following Bingham County student's: Teague E. Briggs, John T. Briggs, Talea A. Dean, Skyler G. Newsom and Wyatt L. Newsom.

**COLLEGE OF SOUTHERN IDAHO**

Certificates of Residency were approved by the Board and sent to the College of Southern Idaho for the following Bingham County student's: Tevis T. Vance, Maritza Y. Martinez Perez and Juan Francisco Rivera.

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

**CAPITAL CRIMES DEFENSE FUND-AT LARGE BOARD MEMBER**

The Board met to make a nomination for the Capital Crimes Defense Fund At-Large Board Member. Chairman Manwaring stated the vote previously was for Bryon Reed, wherein there has since been a tie.

**Decision: Commissioner Lewis moved to select Bryon Reed for the At-Large Board Member for the Capital Crimes Defense Fund. Commissioner Bair seconded. All voted in favor. The motion carried.**

**APPROVAL OF AGREEMENT BETWEEN BINGHAM COUNTY AND THE CITY OF ABERDEEN FOR IT SERVICES- PRESENTED BY SCOTT MENSCHING- IT DIRECTOR**

Present: Scott Mensching- IT Director

The Board met to hold discussion and make a decision regarding the Agreement between Bingham County and the City of Aberdeen for IT Services.

Mr. Mensching stated there are no changes that have been made to the agreement other than the 3% increase as agreed upon with the City of Aberdeen, which is implemented yearly.

Chairman Manwaring stated it has been standard that Legal Counsel and the other party would review and agree prior to the agreement coming to the Board for final approval.

**Decision: No decision was made at this time. Mr. Mensching will have Legal Counsel and the City of Aberdeen review this agreement and fix the errors that were found, specifically the date.**

PRIOR APPROVAL- IT DEPARTMENT

Present: Scott Mensching- IT Director

The Board met to hold discussion and make a decision regarding the submitted Prior Approvals for the IT Department.

Mr. Mensching explained the submitted Prior Approval for Major Purchase of the yearly renewal of Passwordstate, which is a program used to store passwords securely. Said purchase is in the amount of \$1,721.00 and is to be paid out of Fund 01-14-524-01.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for the yearly renewal for Passwordstate in the amount of \$1,721.00 and is to be paid out of Fund 01-14-524-01. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Mensching explained the submitted Prior Approval for Major Purchase of Cisco Business 350 series switches, wherein the new switches will be moved to cover the County camera project.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of four Cisco Business 350 series switches in the amount of \$7,482.00 and will be paid out of Fund 01-14-804-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

ALCOHOL LICENSES

The Board met to approve Alcohol Licenses for the following entity:

Collet's Pub License No. 56

**Decision: Commissioner Lewis moved to approve the Alcohol License for Collet's Pub, License No. 56. Commissioner Bair seconded. All voted in favor. The motion carried.**

BINGHAM COUNTY RESOLUTION 2022-32

The Board met to approve Bingham County Resolution 2022-32, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho.

**Decision: Commissioner Lewis moved to approve Bingham County Resolution 2022-32, a formal Resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Bingham County Sheriff's Office. Commissioner Bair seconded. All voted in favor. The motion carried and said resolution was approved as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-32**

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**

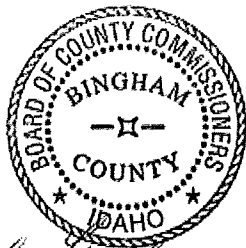
**One (1) Southbend Convention Gas Oven**

**2004 Ford Ecoline Van**

**Vin #: 1FBNE31L84HA20798**

**DATED this 2<sup>nd</sup> day of September 2022.**

BINGHAM COUNTY COMMISSION



ATTEST:

*Pamela W. Eckhardt*

Pamela W. Eckhardt  
Bingham County Clerk

*Whitney Manwaring*  
Whitney Manwaring, Chairman

*Mark R. Bair*

Mark R. Bair, Commissioner

*Jessica L. Lewis*  
Jessica L. Lewis, Commissioner

APPROVAL OF AMENDMENT #3 TO THE FOOD SERVICE PARTNERSHIP AGREEMENT WITH SUMMIT FOOD SERVICE, LLC- BINGHAM COUNTY JAIL

The Board met to approve Amendment #3 to the Food Service Partnership Agreement with Summit Food Service, LLC, specifically for the Bingham County Jail.

**Decision: Commissioner Lewis moved to approve Amendment #3 to the Food Service Partnership Agreement with Summit Food Service, LLC for the Bingham County Jail. Chairman Manwaring seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY SEPTEMBER 9, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

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

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

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

CLAIMS

Claims were approved in the amount of \$662,470.85.

CASH WARRANTS

Cash Warrants were approved in the amount of \$126,714.00 & 390,323.83.

COLLEGE OF SOUTHERN IDAHO

Certificates of Residency were approved and sent to the College of Southern Idaho for the following Bingham County Students: Nathaniel J. Blackwelder, Colton N. Kitzmiller-Magana and Tyler W. Roth.

PERSONNEL ACTION FORMS

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

- Salary Increase Form:           Revaluation Supervisor  
  Patrol Deputy  
  Civilian D.A.R.E. Instructor  
  Detention Deputy  
  Drug Testing/Probation Tech
- New Employee Status Sheet     Deputy Coroner



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

MULTI-JURISDICTION ALL HAZARD MITIGATION PLAN

Present: Leigh Ann Davis- Parks & Recreation

The Board met to approve the Hazard Mitigation Plan.

**Decision: Chairman Manwaring moved to approve the Multi-Jurisdiction All Hazard Mitigation Plan. Commissioner Bair seconded. Both voted in favor. The motion carried.**

APPROVAL OF L-2 FOR BINGHAM COUNTY AND THE AMBULANCE BUDGET

Present: Pamela Eckhardt- County Clerk

The Board met to approve the L-2's for Bingham County and the Ambulance Budget.

**Decision: Chairman Manwaring moved to approve signature for the L-2's for Bingham County and the Ambulance Budget. Commissioner Bair seconded. Both voted in favor. The motion carried.**

APPROVAL OF PAYMENT TO LOMBARD CONRAD ARCHITECTS AND ATLAS

Present: Pamela Eckhardt- County Clerk

The Board met to approve payment to Lombard Conrad Architects and Atlas in reference to the Bingham County Jail Expansion. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained this is for May, June and July payments for work completed on the Bingham County Jail Expansion Project.

**Decision: Chairman Manwaring moved to approve payment to Lombard Conrad Architects in the amount of \$18,156.67. Commissioner Bair seconded. Both voted in favor. The motion carried.**

**Chairman Manwaring moved to Atlas in the amount of \$8,542.00, for the investigation for the foundational work and recommendations. Commissioner Bair seconded. Both voted in favor. The motion carried.**

**Both invoices will be paid from ARPA funds.**

DISCUSSION & DECISION TO PLACE A RECREATION DISTRICT APPROVAL VOTE ON THE BALLOT FOR THE NOVEMBER 8, 2022 ELECTION

Present: Danette Miller- Election Director  
Pamela Eckhardt- County Clerk  
Rori Christensen- North End Recreation District Point of Contact  
Paul Rogers- Prosecuting Attorney  
Ryan Jolley- Chief Deputy Prosecuting Attorney

The Board met to hold discussion and make a decision to place a Recreation District Approval vote on the Ballot for the November 8, 2022 Election. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Miller.

Ms. Miller explained that the North End Recreation District has provided its proposal in order to be placed on the November 8, 2022 General Election Ballot. They have fulfilled all requirements per Idaho Code Section 31-4304. First, 900 signatures of eligible voters within the boundaries chosen (Shelley School District, minus any area within Bonneville County), which has been done by provided 936 valid signatures. This was to be completed and turned into the Election Office by September 1, 2022 at 5:00 p.m., which was done.

Next, the Clerk was to estimate the cost of advertising and holding the election and notify in writing as to the amount. Ms. Miller explained the total costs to be paid to Bingham County, which were as follows:

ESTABLISH NORTH END RECREATION DISTRICT  
ELECTION COSTS AS PER IDAHO CODE 31-4304  
Total Registered Voters Eligible to Vote in November 8, 2022 Election  
As of September 2, 2022 is 4,455

Shelley School District No. 60 (Tax Code 240) less Bonneville Eligible Voters

Voters – 4455  
Precincts – 10, 13, 14, 21 and 28  
Use 4 Precincts x 4 Pollworkers = 16 workers  
16 x \$200 = \$3,200 x 10% = \$320.00

Ballot Costs

Total Registered Voters = 4,455  
\$0.39 is cost per ballot using ES&S  
4455 x .39 = \$1,738 x 10% = \$173.00

Legal Notices

Idaho Code 34-602 requires legal notification in newspaper twice, one just the notice  
and the second with sample ballot.  
Legal Notice Costs = \$1,000 x 10% = \$100.00

ES&S Set-up Costs

1 Ballot Face @ \$250.00 = \$250.00 x 10% = \$25.00

Election to Create a New Taxing District Letter

Idaho Code 63-802C requires a notice be mailed to all residences with the proposed  
taxing district informing them of the creation of a new taxing district (approximately  
4,800 mailers)

This bid from Alphagraphics (Idaho Falls) (see attached) - \$4,691.63 (includes postage)

\$ 320.00  
\$ 173.00  
\$ 100.00  
\$ 25.00  
\$4,691.63  
\$5,309.63 TOTAL COSTS TO BE PAID TO BINGHAM COUNTY

This amount is to be paid within twenty days after receipt of such written notice of the amount to be paid.  
Ms. Miller confirmed that the City of Shelley has paid the amount of \$5,309.63, to move forward with the

process. If approved, the first property tax that the district receives, the money would be paid back to the entity who paid for this process. If denied, the entity would not be reimbursed said funds.

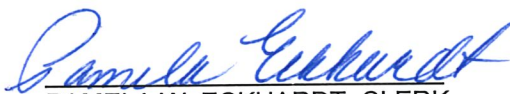
Within thirty days after filing of the Petition together with a map showing the boundaries and funds being paid, the County Commissioners shall determine whether or not the same substantially comply with the requirements of this section.

After review, County Legal Counsel and the Board have found that all requirements have been met and this petition may be placed on the November 8<sup>th</sup> General Election and the Chairman may signed the Order before the Board. Chairman Manwaring read the Order to be signed into the record, which states as follows:

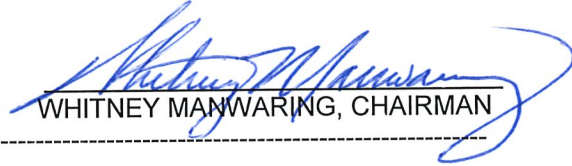
We, the Commissioners of Bingham County, State of Idaho, convene on September 9, 2022, to review the requirements found in Idaho Code Section 31-4304, Creation of Recreation District, We do hereby state that there is substantial compliance with the requirements found in Idaho Code Section 31-4304 and that an election shall be ordered on November 8, 2022 determining the formation of such proposed North End Recreation subject to the provisions of Idaho Code Section 34-106.

**Decision: Chairman Manwaring moved to approve/sign the North End Recreation District, to be placed on the November 8, 2022 General Election Ballot. Commissioner Bair seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY SEPTEMBER 12, 2022



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO     )  
                              : ss.  
County of Bingham    )

Monday, September 12, 2022

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

- Present:           Chairman Manwaring
- Commissioner Lewis
- Pamela Eckhardt- County Clerk
- Via Zoom:        Commissioner Bair

BINGHAM COUNTY ORDINANCE 2022-13, an ordinance amending the Zoning Designation from "A" Agriculture to "R/A" Residential/Agriculture and the Comprehensive Plan Map Designation to Residential/Residential Agriculture for 3-Putt Partners, LLC, on Approximately 20.00 Acres located at 38 S. 900 W., Blackfoot, Idaho.

**Decision: Commissioner Lewis moved to adopted Bingham County Ordinance 2022-13. Commissioner Bair seconded. All voted in favor. The motion carried and said Ordinance was adopted as follows:**

**Instrument # 749137**  
BINGHAM COUNTY  
9-13-2022 10:45:45 AM No. of Pages: 2  
Recorded for : BINGHAM COUNTY COMMISSIONERS  
PAMELA W. ECKHARDT Fee: 0.00  
Ex-Officio Recorder Deputy

**BINGHAM COUNTY  
ORDINANCE 2022-13**

**AN ORDINANCE AMENDING THE ZONING DESIGNATION FROM "A"  
AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE AND THE  
COMPREHENSIVE PLAN MAP DESIGNATION TO RESIDENTIAL/RESIDENTIAL  
AGRICULTURE FOR 3-PUTT PARTNERS LLC, ON APPROXIMATELY 20.00 ACRES  
LOCATED AT 38 S. 900 W., BLACKFOOT, IDAHO.**

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

Section 1: The Bingham County Zoning Designation from "A" Agriculture to "R/A" Residential/and the Comprehensive Plan Map is hereby amended to Residential/Residential Agriculture to comply with the recent change in zoning, classification to Residential/Agriculture, for the following described real property. The real property to which this Comprehensive Plan Map amendment applies is described as follows:

Property is located at 38 S. 900 W., Blackfoot, Idaho.

Part of the S 1/2, of the SE 1/4 of the NE 1/4 of Section 4, Township 3 South, Range 34 East B.M., Bingham County, Idaho described as:

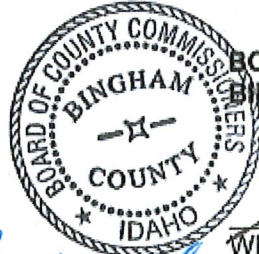
Commencing at the Northeast corner of said Section 4; Thence S 00° 07' 58" W along the Eastern Section line 2283.04 feet to the Point of Beginning; Thence, continuing along said section line S 00° 07' 58" W 375.42 feet; to the East 1/4 of said Section; Thence, along the East-West Center Section line N 89° 01' 26" W 1332.23 feet; to the West line of said S 1/2 SE 1/4 NE 1/4; Thence, along said West line N 00° 12' 59" E 660.06 feet to the North line of said S 1/2 SE 1/4 NE 1/4; Thence, , along said North line S 89° 01' 44" E 1020.46 feet; Thence, S 00° 07' 58" W 305.11 feet; Thence, S 89° 01' 26" E 265.50 feet to the beginning of a curve, whose center bears N 00°58'34" E 20.00 feet, Thence Northeasterly, 31.42, feet, along said curve to the left Curve Data= Delta: 90° 00' 00", Radius: 20.00 feet, chord bearing N 45° 58' 34" E 28.28 feet to a point of intersection with a non-tangent line. Thence S 89° 52' 02" E 25.00 feet to the Point of Beginning.

Parcel contains 18.02 acres more or less and is subject to a County Right of Way along the Eastern boundary.

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 28<sup>th</sup> day of June 2022.

Signed this 12<sup>th</sup> day of September 2022.



BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO

ATTEST:

Pamela Eckhardt  
Bingham County Clerk

Whitney Manwaring, Chairman

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

Jessica Lewis, Commissioner

REASON & DECISION TO DENY A MULTI-FAMILY DWELLINGS VIA A CONDITIONAL USE PERMIT IN AN "R/A" RESIDENTIAL/AGRICULTURE ZONING DISTRICT SUBMITTED BY ROYAL RENTALS, LLC (C/O COLLIN HUNTER)

The Board met to approve the Reason & Decision to deny a Multi-Family Dwelling via a Conditional Use Permit in an "R/A" Residential/Agriculture Zoning District, submitted by Royal Rentals, LLC (C/O Collin Hunter).

**Decision: Commissioner Lewis moved to approve the Reason & Decision to approve a Multi-Family Dwelling via a Conditional Use Permit in an "R/A" Residential/Agriculture Zoning District, submitted by Royal Rentals, LLC (C/O Collin Hunter). Commissioner Bair seconded. All voted in favor. The motion carried.**

STAFF MEETING

Present: Debbie Cunningham- Chief Deputy Assessor  
Jimmy Roberts- County Coroner  
Dusty Whited- Public Works Director  
Scott Reese- Parks & Recreation  
Laraine Pope- Human Resources Technician  
Jason Marlow- Building Maintenance Director  
Tiffany Olsen- Planning & Development  
Cody Lewis- Drug Court  
Paul Rogers- Prosecuting Attorney  
Jeff Gardner- Bingham County Sheriff  
Laura Lora- Payroll & Indigent Services  
Sheri Landon- Magistrate/District Court  
Danette Miller- Elections  
Chief Gordon Croft- Blackfoot Police  
Tanna Beal- County Treasurer  
Scott Mensching- IT Director  
LC Richelieu- Probation Department  
Excused: Marc Carroll- City of Blackfoot Mayor  
Julie Buck- Extension Office

The Commissioners met with Department Heads and Elected Officials for the September 2022 Staff Meeting. Commissioner Lewis conducted the meeting.

Pledge of Allegiance: Commissioner Lewis.

Approval of Minutes for Staff Meeting held on August 2022: Commissioner Lewis confirmed there were no changes to be made and the minutes were approved as written.

Special Presentation: None.

Employee Years of Service Recognition: Dusty Whited recognized Robert Prestridge for ten (10) years of service to Bingham County. Mr. Whited stated that Robert is a mechanic, is an excellent employee and asset to Bingham County.

Chairman Manwaring: Had no updates at this time.

Commissioner Bair: Had no updates at this time.

Commissioner Lewis: Had no updates at this time.

Clerk Eckhardt: Stated each department head and Elected Official have been provided with a draft of the letter to be given to each employee, along with a one-time salary assistance check in the amount of \$1,000.00. Clerk Eckhardt thanked the County Commissioners for approving this one-time salary assistance check.

Laura Lora: Stated that she is working on the one-time salary assistance checks.

Debbie Cunningham: Had no updates at this time.

Dusty Whited: Stated the paving project has been completed and they will be moving to the mountain roads later in the week.

Jimmy Roberts: Stated the Coroner's Office had 29 cases in the month of August, which resulted in 316 casework hours, 4,242 miles of travel and from that there were 7 decedents that required an autopsy. He would like to remind everyone that September is Suicide Prevention Month and that Idaho is 5<sup>th</sup> in the nation. There are several services available, including dialing 988 for assistance. He is more than happy to answer any questions or share how the Coroner's Office operates.

Scott Reese: Stated the Bureau of Reclamation has provided Bingham County with \$50,000.00 and in 2025, the County will receive \$1.25 Million to complete the boat ramp project at Sportsman's Park. The greenbelt will be completed at that time as well.

Sheri Landon: Stated that the Idaho Institute for Court Management will be held in October. She will be attending with Clerk Eckhardt and 5 other Clerks from the County. This has not been held for several years and they are looking forward to attending.

Laraine Pope: Stated that Open Enrollment for benefits has begun and to please remind any employees that need to make changes, to do so as soon as possible. The preferred provider for Workers Compensation State Insurance Fund is Bingham Memorial Urgent Care or Bingham Memorial Emergency Room. There are informational cards available for each employee. If there are any questions, please do not hesitate to contact her.

Jason Marlow: Had no updates at this time.

Tiffany Olsen: Had no updates at this time.

LC Richlieu: Stated the Probation Department has a new hire, Daniel Herrera.

Cody Lewis: Stated there are five graduates for the month of September, which will be held on the 27<sup>th</sup> for Felony Drug Court and the 29<sup>th</sup> for Misdemeanor Drug Court, both at 4:00 p.m.

Paul Rogers: Had no updates at this time.

Sheriff Jeff Gardner: Stated that the fair is over and went well. He stated that he appreciates all who have dealt with extra traffic and people around the courthouse. He stated he would like to reiterate what Jimmy Roberts said regarding Suicide Prevention Month and reminded everyone to reach out to anyone who they think may be struggling.

Tanna Beal: Thanked all department heads & Elected Officials for their work during the budget process to decrease the levy rates.

Scott Mensching: Had no updates at this time.

Danette Miller: Had no updates at this time.



Chief Gordon Croft: Stated that he would like to personally thank Bingham County and the Sheriff's Office for help during events that have occurred within the past week.

Commissioner Lewis confirmed there was nothing further for discussion and stated the next Staff Meeting is scheduled for Monday, October 3, 2022 at 8:30 a.m.

Nothing further at this time.

**PERSONNEL BOARD MEETING TO DISCUSS ON-CALL EMPLOYEES**

The Personnel Board held a meeting to discuss on-call employees.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY SEPTEMBER 14, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                                  : ss.                **Wednesday, September 14, 2022**  
County of Bingham    )

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

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

Commissioner Bair moved to appoint Commissioner Lewis as temporary Chairman. Commissioner Lewis seconded. The motion carried.

**COLLEGE OF EASTERN IDAHO**

A Certificate of Residency was approved by the Board and sent to the College of Eastern Idaho for the following Bingham County student: William J. Dewey.

**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: Keegan J. McCraw.

**DISCUSSION & DECISION REGARDING SUBMITTED REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGERS FOR THE BINGHAM COUNTY JAIL EXPANSION PROJECT**

- Present:           Jeff Gardner- County Sheriff
- Paul Rogers- Prosecuting Attorney
- Nyle Fullmer- Big D Construction
- Pamela Eckhardt- County Clerk

The Board met to discuss updates within the Sheriff's Office and other agenda items. Commissioner Lewis welcomed all to the meeting and turned the time over to Sheriff Gardner.

Sheriff Gardner discussed updates within the Sheriff's Office.

Next, discussion was held in regards to the Request for Qualifications submitted for the Bingham County Jail expansion project. Sheriff Gardner explained that RFQ packets had been submitted by Big D Construction, Bateman Hall and Headwaters Construction. The next step is to take said packets to the review committee, wherein he would propose that Jeff Steadman, Tiffany Olsen and Dusty Whited be appointed to the review committee.

**Decision: Commissioner Lewis moved to appoint Jeff Steadman, Tiffany Olsen and Dusty Whited to the Evaluation Committee to review the Request for Qualifications submitted for the Bingham County Jail Expansion. Commissioner Bair seconded. All voted in favor. The motion carried.**

**Sheriff Gardner stated he would propose Scott Reese be an alternate for Dusty Whited due to a scheduling conflict.**

**Commissioner Lewis moved to appoint Scott Reese to be an alternate member to the Evaluation Committee, as Dusty Whited has a scheduling conflict. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### PUBLIC WORKS

Present:           Dusty Whited- Public Works Director  
                  Kyle Jones- HLE  
                  Ryan Singleton- Connect Engineering  
                  Paul Rogers- Prosecuting Attorney  
                  Paul Hamilton- Falken Construction

The Board met with Dusty Whited to discuss department updates and other agenda items. Commissioner Lewis welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited explained the Transportation Plan is ready for approval and if there are any changes to be made, that is still acceptable at this time. Commissioner Lewis stated she believed that the February of 2022 date should be changed to May of 2022, to signify the date the document was stamped by HLE and completed, along with updating the new County seal.

**Decision: Commissioner Lewis moved to accept the Bingham County Transportation Plan completed by HLE with two changes to be made, which are the date and update the County logo. Commissioner Bair seconded. Both voted in favor. The motion carried.**

Next, discussion was held in regards to the Seefried and Hepworth Lane project, wherein Mr. Singleton stated he is before the Board today for an update on the project. This is unique project because it is a combination of a City and County project. There was an issue where the City bidding process took longer than anticipated. That process is now complete as of last week when the City Council officially voted to accept and present a bid. In the process of making the contract documents for Falken Construction to sign, they had noted that the City was still using the County's old completion date. Prior to signing the contract with the City, that the completion date is updated within the documentation. During the last Board meeting held regarding this matter, the completion date was within the paving year. Therefore, Falken Construction has agreed that if the completion date were extended to either December 31, 2022 or the closing date of the hot plant, to be sure the road is completely paved this fall. Mr. Singleton stated previously the date was October 31<sup>st</sup> and is not requesting that the completion date be moved to December 31<sup>st</sup> or the closing date of the hot plant, whichever may occur first.

Commissioner Bair asked Mr. Singleton to explain the condition of the road currently, wherein Mr. Singleton stated the road has been completely rebuilt with a pit run making it travelable. In order to complete the areas of the asphalt that they have previously removed, they will have to fill the profile up to the drive elevation. They will need to remove enough pit run for their ¾ base and there is also a section that was not

removed prior to the issues with the contracting and bidding process. In addition to the actual sewer extension, there is approximately 640 feet of one single drive lane to remove. Mr. Singleton reiterated that the main concern is to be sure that they are doing one or the other and keeping one lane open. They can close one lane for the sewer extension but they would not be able to close the entire road and do the road work at the same time. As soon as the completion date updated within the contract, they will be able to start the project.

Mr. Singleton explained that the entire water was completed under a different project and the only portion remaining is the sewer extension itself and all of the roadway repair that was to be completed after the sewer. What happened is it got to the point where the City had agreed to the project but realized the scope and cost of the project was going to put them up and over a no-bid situation, requiring them to place this project out for bid, wherein Falken Construction was awarded the low bid.

Paul Hamilton, Falken Construction, explained their proposed target date would be December 31<sup>st</sup> in order to give them the necessary time to complete the project in case there is a snow storm.

Mr. Whited stated December 31<sup>st</sup> seems a bit extensive and he would propose that December 1<sup>st</sup> be the required completion date. Mr. Hamilton stated if the date were to be December 1<sup>st</sup>, Falken Construction would feel comfortable with that as well but they would work closely with Knife River.

Commissioner Bair stated he is not sure what would happen if the asphalt is done too late in the year and his second concern would be the individuals that live on that road and that they are upset that this project has not completed. All parties should be working diligently to complete this project.

Discussion was held in regards to temperature and placing asphalt, wherein Mr. Singleton explained there are thermal readings that will be taken to be sure the temperature is accurate. Commissioner Bair added that he would like the loads to be covered with a tarp, as the trucks would be coming from the other side of Idaho Falls, which Mr. Singleton stated could be done.

**Decision: Commissioner Lewis moved to accept the completion date change for the Seefried and Hepworth Water and Sewer Project, to December 31<sup>st</sup> or the closing date of the hot plant, whichever comes first. Commissioner Bair seconded. Both voted in favor. The motion carried.**

Next, Mr. Whited explained that he received notice from the state that .52 miles of Cedar Creek Road has been claimed beyond where the private gate is located. He has completed research and stated the gate has been in the same location for at least thirty years and he believes this portion of road has been claimed by mistake. It is an unimproved road and the amount that has been receiving for that ½ mile is not a substantial amount and was done by error.

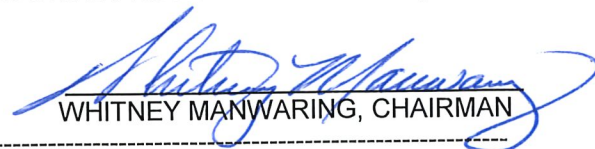
Commissioner Lewis asked if this road has been officially accepted by the County, wherein Mr. Whited stated the road qualifies for accepted as funds are received from the state. Commissioner Lewis stated if this half mile is removed, it might need to be vacated via Public Hearing.

Mr. Whited stated his recommendation would be, if all landowners agree, would be to vacate all of the way down to the fork of the road.

Mr. Whited will work with Gwen Inskeep, County Surveyor, to move forward with the vacation of this portion of road.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY SEPTEMBER 16, 2022

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO )  
 : ss. Friday, September 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  
Via Zoom: Commissioner Bair

**CLAIMS**

Claims were approved in the amount of \$179,573.76.

**PERSONNEL ACTION FORMS**

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

Salary Increase Form: Data Base/Records Clerk

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

**TAX INQUIRIES**

The Board approved Tax Inquiries submitted by the County Assessor, which were as follows:

RP1167100 Homeowner signed up for the Homeowners Exemption for 2022  
RP0320103 Homeowner signed up for the Homeowners Exemption for 2022  
RP8200901 Value was not adjusted  
RP1058000 Homeowner signed up for the Homeowners Exemption for 2022  
RP1160200 Homeowners Exemption was only 50% and it should have been 100%  
RP1308508 Homeowners signed up for the Homeowners Exemption for 2022  
RP1332600 Homeowners signed up for the Homeowners Exemption for 2022  
RP1020800 Homeowner should have been 100% and only marked as 50%  
RP0636604 & MH0636604 Homeowner signed up for Homeowners Exemption for 2022  
RP1075000 Homeowner signed up for the Homeowners Exemption for 2022

**Decision: Commissioner Lewis moved to approve the Tax Inquiries as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

**ALCOHOL LICENSE**

The Board approved Alcohol Licenses, which were as follows:

Smoking Gun BBQ  
Bingham Ag Services LLC  
Stinker Stores, Inc.

**Decision: Commissioner Lewis moved to approve Alcohol Licenses as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL- BUILDING MAINTENANCE

Present: Eric Jackson- Building Maintenance

The Board met with Eric Jackson to discuss the submitted Prior Approval for Major Purchase to have an outside company mow lawns for County buildings. Commissioner Lewis welcomed all to the meeting and turned the time over to Mr. Jackson.

Mr. Jackson explained this prior approval is to have an outside company mow all lawns for County buildings. This purchase is for the amount of \$205.00 per week, services provided by Rapid Lawn Care and would be paid from the Building and Grounds budget.

This service would be helpful to Building and Maintenance as the work release program in the jail has no eligible individuals. This will be a temporary agreement and will be re-addressed next season, with the ability to cancel at any time.

Commissioner Lewis stated this company would need to be sure they have a Public Works License to be able to hold this agreement with Bingham County. Mr. Jackson stated he would be sure they obtain said license.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for lawn care in the amount of \$205.00 per week, to be paid from the Building and Grounds Budget, contingent upon Rapid Lawn Care obtains a Public Works License. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVAL OF BALLOT NUMBERS AND POLLING LOCATIONS FOR THE NOVEMBER 8, 2022 GENERAL ELECTION

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

The Board met to approve the ballot numbers and polling locations for the November 8, 2022 General Election. Chairman Manwaring welcomed all to the meeting and turned the time over to Danette Miller.

Ms. Miller explained there have been no changes made to the polling locations and all locations will be used as presented.

Ms. Miller stated she is proposing to purchase 75% of the number of registered voters in ballots.

**Decision: Commissioner Lewis moved to approve the polling locations and ballot numbers ordering 75% of the number of registered voters for the November 8, 2022 Election. Commissioner Bair seconded. All voted in favor. The motion carried.**

PUBLIC DEFENDER CONTRACT RATE

Present: Pamela Eckhardt- County Clerk

The Board met to discuss and make a decision regarding the Public Defender Contract Rate. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt gave a brief review of discussion held previously with the Public Defenders, wherein discussion was held in regards to increasing the rate from \$80.00 per hour to \$90.00 per hour for the Public Defender Contracts.



**Decision: Commissioner Lewis moved to approve the Public Defender Contract Rate increase to \$90.00 per hour for all Public Defenders, to be in effect for the upcoming contract for October 1 through September 30, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### CREDIT APPLICATION

The Board met to make a decision regarding the submitted Credit Application for Setco, in order to allow the County to purchase blades.

**Decision: Commissioner Lewis moved to approve the Credit Application for Setco. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### ACCEPTANCE OF ROADS WITHIN CEDAR ESTATES DIVISION 2 VIA RESOLUTION 2022-33

Present: Tiffany Olsen- Planning & Development Director

The Board met to Accept Roads within the Cedar Estates Division 2 via Bingham County Resolution 2022-33. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen.

Director Olsen explained that Dusty Whited, Public Works Director, has approved the roads, which is solidified in his letter submitted and marked as Exhibit B. Attached is also a letter of Engineering stating that pressurized irrigation is functioning as required and the subdivision is ready for acceptance.

**Decision: Commissioner Lewis moved to approve Bingham County Resolution 2022-33, a Resolution authorizing acceptance of offer of dedication of road right-of-way and public improvements shown on the Cedar Estates, Division No. 2. Commissioner Bair seconded. All voted in favor. The motion carried and said Resolution was approved as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2022-33**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE CEDAR ESTATES, DIVISION NO. 2 BINGHAM COUNTY, IDAHO**

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

**WHEREAS**, The Bingham County Commissioners accepted the Final Plat for Cedar Estates Division No. 2, at an open meeting held and signed for on September 22, 2021; and


**WHEREAS**, The Final Plat for Cedar Estates, Division No. 2, was recorded in the Bingham County Clerk's Office as Instrument Number 737592 and is attached as Exhibit "A"; and

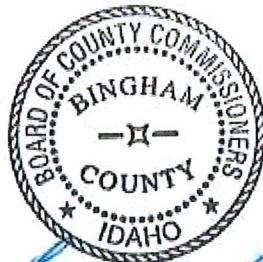
**WHEREAS**, The Bingham County Public Works Director has acknowledged that Bingham County Road Standards have been met and recommends that a portion of roadways within Cedar Estates, Division No. 2 also known as 1580 North (Cedar Court), 835 East (Baneberry Way) and 845 East (Red Cedar Court), be accepted as a public road right-of-ways and is attached as Exhibit "B"; and

**THEREFORE BE IT HEREBY RESOLVED**, at a Public Meeting held on September 21, 2022, the Board of County Commissioners, Bingham County, Idaho that it is in the public's interest and accepted a portion of roadways within Cedar Estates Division No. 2 also known as 1580 North (Cedar Court), 835 East (Baneberry Way) and 845 East (Red Cedar Court), as public road right-of-ways and will be added to the county highway system.

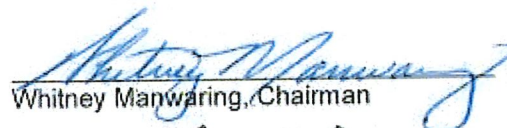
**SIGNED this 21<sup>st</sup> day of September 2022.**

ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk



**BINGHAM COUNTY COMMISSION**

  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Jessica Lewis, Commissioner

“EXHIBIT A”

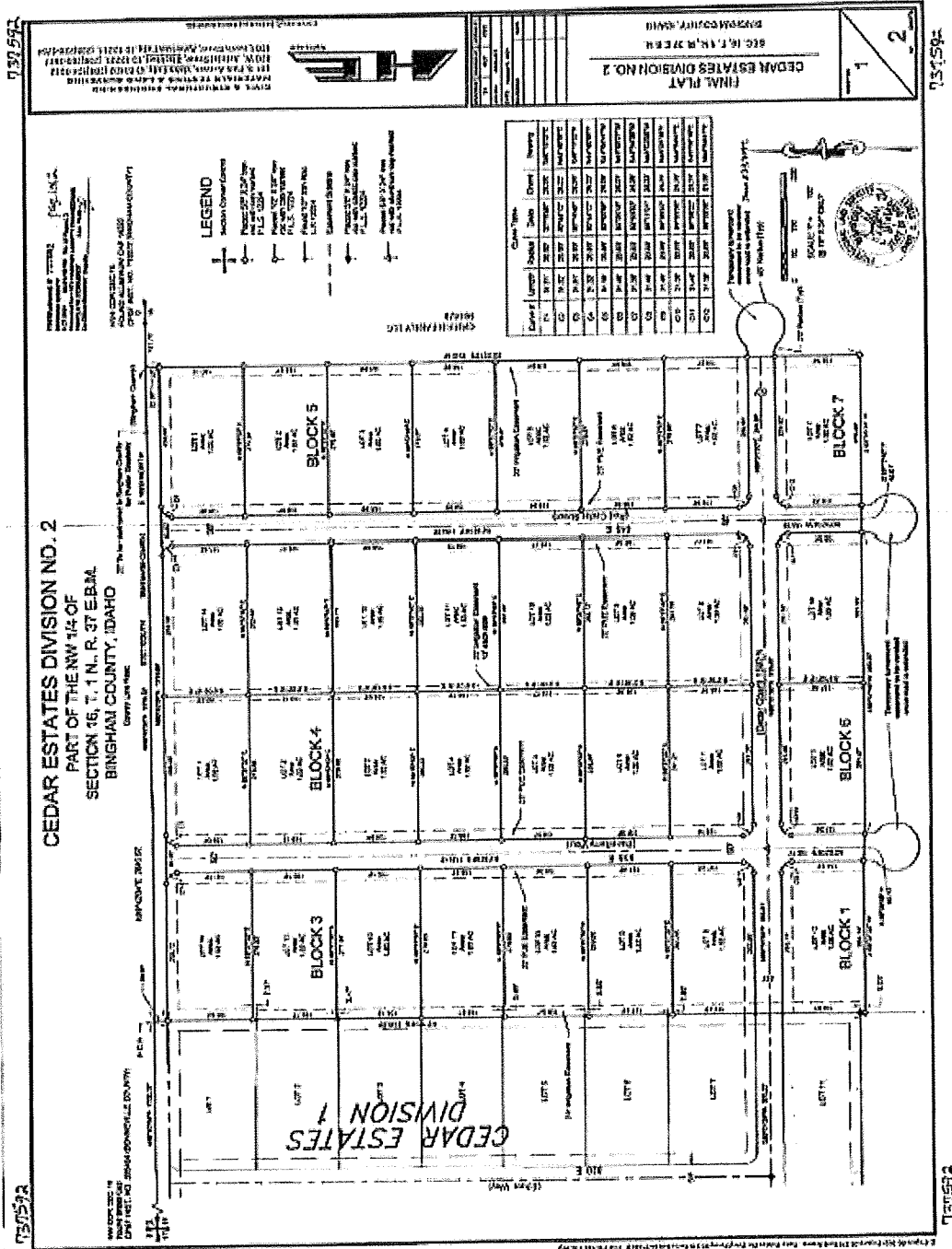






Exhibit "B"



Dusty Whited  
Bingham County Public Works  
245 N 690 W  
Blackfoot, ID 83221  
208 782-3864 office  
208 785-8063 fax  
[dwhited@co.bingham.id.us](mailto:dwhited@co.bingham.id.us)

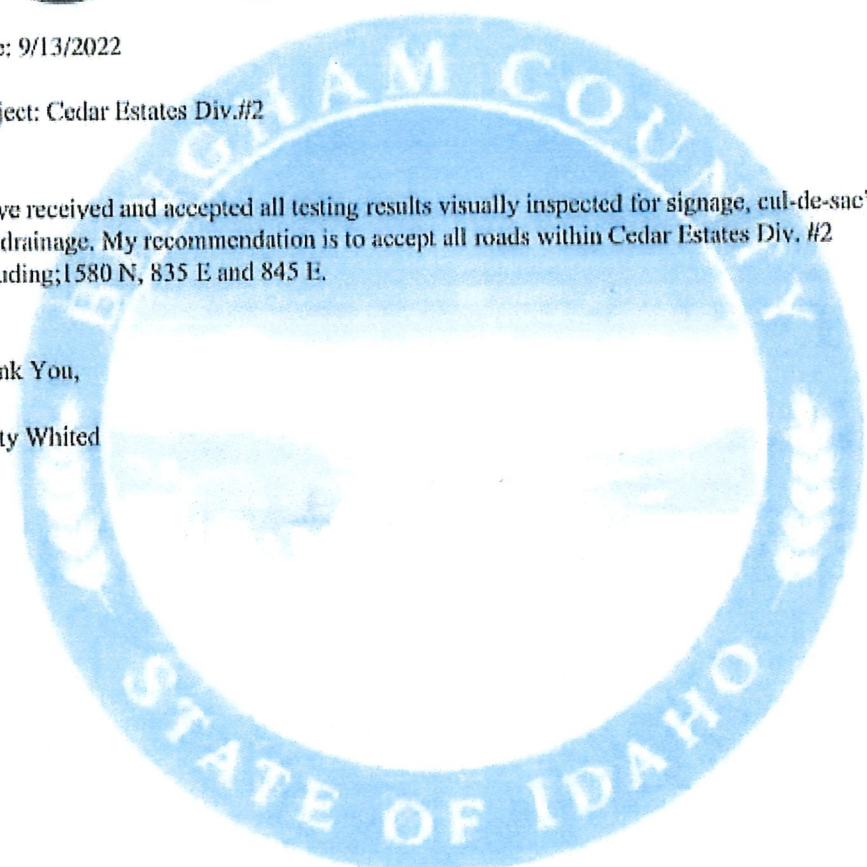
Date: 9/13/2022

Subject: Cedar Estates Div.#2

I have received and accepted all testing results visually inspected for signage, cul-de-sac's and drainage. My recommendation is to accept all roads within Cedar Estates Div. #2 including; 1580 N, 835 E and 845 E.

Thank You,

Dusty Whited





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

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June 22, 2022

**Re: Cedar Estates Phase1 and 2 Irrigation System**

Bingham County,

The Irrigation system is fully functional at this time.

If you have any questions please contact me at (208) 785-2977.

Sincerely,

B. Luke Jolley, PE

HLE, Inc.



THE MOTION PASSED TO DISMISS UNTIL TUESDAY SEPTEMBER 20, 2022



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



WHITNEY MANWARING, CHAIRMAN

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

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

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

**CASH WARRANTS**

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

**JAIL MEDICAL**

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

**COLLEGE OF EASTERN IDAHO**

A Certificate of Residency was approved by the Board and sent to the College of Eastern Idaho for the following Bingham County student: Carson S. Lilya.

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

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

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

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

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

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

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

**APPROVAL OF ALCOHOL LICENSE'S**

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

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

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

EXECUTIVE SESSION

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

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

SHERIFF'S OFFICE

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

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

EXECUTIVE SESSION

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

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

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

Present: Scott Mensching- IT Director

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

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

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

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

Derrick Dye- MHD Development

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

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

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

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

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

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

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

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

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

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

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



HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director

The Board met with Laraine Pope to discuss department update.

TREASURERS OFFICE

Present: Tanna Beal- County Treasurer

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

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

Present: Jeff Gardner- Sheriff Gardner


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

Sheriff Gardner explained this is to replace outdated equipment.

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

THE MOTION PASSED TO DISMISS UNTIL FRIDAY SEPTEMBER 23, 2022

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, September 23, 2022  
County of Bingham    )

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

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

CLAIMS

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



PERSONNEL ACTION FORMS

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

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

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

ALCOHOL LICENSE

The Board approved Alcohol License, which was as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXECUTIVE SESSION

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

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

THE MOTION PASSED TO DISMISS UNTIL THURSDAY SEPTEMBER 29, 2022

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

WHITNEY MANWARING, CHAIRMAN

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

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

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

PUBLIC WORKS DEPARTMENT

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

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

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

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

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

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

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

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

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

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

#### EXECUTIVE SESSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF  
ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE SILVER  
LEAF SUBDIVISION NO. 4  
BINGHAM COUNTY, IDAHO**

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

**WHEREAS**, The Bingham County Commissioners accepted the Final Plat for Silver Leaf Subdivision No. 4, at an open meeting held and signed for on September 22, 2021; and

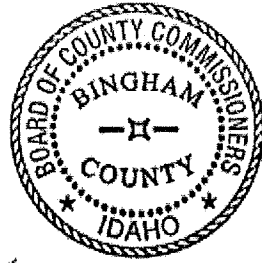
**WHEREAS**, The Final Plat for Silver Leaf Subdivision No. 4, was recorded in the Bingham County Clerk's Office as Instrument Number 737393 and is attached as Exhibit "A"; and

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

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

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

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



**BINGHAM COUNTY COMMISSION**

ATTEST:

*Pamela Eckhardt*  
Pamela W. Eckhardt  
Bingham County Clerk

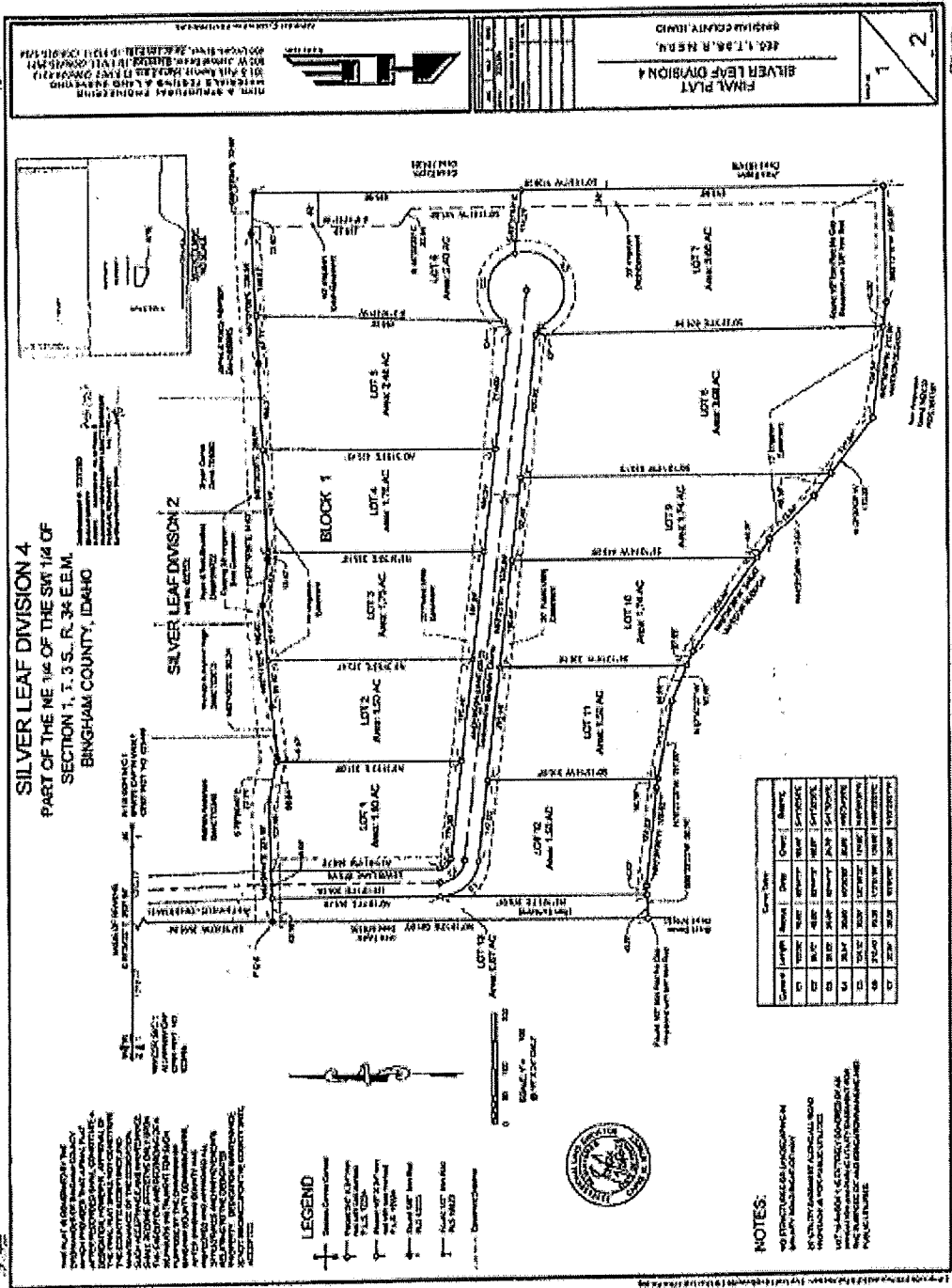
*Whitney Manwaring*  
Whitney Manwaring, Chairman

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

*Jessica Lewis*  
Jessica Lewis, Commissioner



"EXHIBIT A"



**SILVER LEAF DIVISION 4**  
 PART OF THE NE 1/4 OF THE SW 1/4 OF  
 SECTION 1, T. 3 S., R. 34 E. B1A  
 BINGHAM COUNTY, IDAHO

**BOUNDARY DESCRIPTION**  
 That certain 1/4 section of Silver Leaf Division 4, Township 3 South, Range 34 East, County of Bingham, State of Idaho, as shown on the attached plat, is bounded as follows: On the north by the NE 1/4 of the SW 1/4 of Section 1, Township 3 South, Range 34 East, County of Bingham, State of Idaho, as shown on the attached plat; on the east by the SE 1/4 of the SW 1/4 of Section 1, Township 3 South, Range 34 East, County of Bingham, State of Idaho, as shown on the attached plat; on the south by the SE 1/4 of the SW 1/4 of Section 1, Township 3 South, Range 34 East, County of Bingham, State of Idaho, as shown on the attached plat; on the west by the NW 1/4 of the SW 1/4 of Section 1, Township 3 South, Range 34 East, County of Bingham, State of Idaho, as shown on the attached plat.

**OWNERS DEDICATION**  
 We, the undersigned, do hereby dedicate to the public the right to use the land described in the above plat for the purpose of water control and irrigation, and we do hereby dedicate to the public the right to use the land described in the above plat for the purpose of water control and irrigation, and we do hereby dedicate to the public the right to use the land described in the above plat for the purpose of water control and irrigation.

**RECORDERS CERTIFICATE**  
 I, the undersigned, Recorder of Bingham County, Idaho, do hereby certify that the foregoing plat has been recorded in my office, and that the same is a true and correct copy of the original as shown to me by the applicant.

**SURVEY NARRATIVE**  
 The subject plat was surveyed by the undersigned on the 12th day of September, 2022, at the request of the undersigned, and the same is a true and correct copy of the original as shown to me by the applicant.

**SURVEYORS CERTIFICATE**  
 I, the undersigned, Surveyor of Bingham County, Idaho, do hereby certify that the foregoing plat has been surveyed in accordance with the provisions of the laws of the State of Idaho, and that the same is a true and correct copy of the original as shown to me by the applicant.

**ZONING APPROVAL**  
 The undersigned, Zoning Administrator of Bingham County, Idaho, do hereby certify that the foregoing plat is in compliance with the zoning regulations of Bingham County, Idaho.

**COUNTY APPROVAL**  
 The undersigned, County Commissioner of Bingham County, Idaho, do hereby certify that the foregoing plat is in compliance with the laws of the State of Idaho.

**IRRIGATION CERTIFICATE**  
 The undersigned, Irrigation Engineer of Bingham County, Idaho, do hereby certify that the foregoing plat is in compliance with the laws of the State of Idaho.

**TREASURERS CERTIFICATE**  
 I, the undersigned, Treasurer of Bingham County, Idaho, do hereby certify that the foregoing plat is in compliance with the laws of the State of Idaho.

**CERTIFICATE OF APPROVAL**  
 I, the undersigned, Surveyor of Bingham County, Idaho, do hereby certify that the foregoing plat is in compliance with the laws of the State of Idaho.

**ACKNOWLEDGMENT**  
 I, the undersigned, do hereby acknowledge the foregoing plat and the same is a true and correct copy of the original as shown to me by the applicant.

**COUNTY SURVEYORS APPROVAL**  
 I, the undersigned, Surveyor of Bingham County, Idaho, do hereby certify that the foregoing plat is in compliance with the laws of the State of Idaho.

"EXHIBIT B"



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

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August 10, 2022

Re: Silver Leaf 4 Irrigation System

Bingham County,

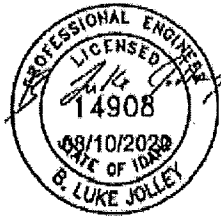
Per the plans the irrigation lines were connected to the existing irrigation system. The irrigation system is fully functional at this time.

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

Sincerely,

B. Luke Jolley, PE

HLR, Inc.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

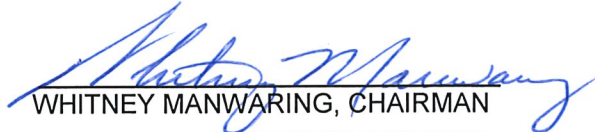
A brief discussion was held in regards to cost, which would be the time to survey, publication costs and notice costs. Director Olsen stated she is not sure how the costs would come from within the County's budget. Director Olsen added that a proposed schedule would be made to confirm the Public Hearing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

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

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

THE MOTION PASSED TO DISMISS UNTIL FRIDAY SEPTEMBER 30, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, September 30, 2022  
County of Bingham    )

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

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

**CLAIMS**

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

**PAYROLL**

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

**COLLEGE OF SOUTHERN IDAHO**

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

**COLLEGE OF EASTERN IDAHO**

A Certificate of Residency was approved by the Board and sent to the College of Eastern Idaho for the following Bingham County student: Monserrath Castanon.

**PERSONNEL ACTION FORMS**

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

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



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

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

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

Present: Krista Cernyar- Extension Office

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

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

APPROVAL OF COMMISSIONER MINUTES FROM JULY 18-29, 2022

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

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

APPROVAL OF ALCOHOL LICENSES

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

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

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

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

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

THE MOTION PASSED TO DISMISS UNTIL MONDAY OCTOBER 3, 2022



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



WHITNEY MANWARING, CHAIRMAN