

STATE OF IDAHO)
 : ss. Friday, July 1, 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 \$354,271.34.

PAYROLL

Payroll was approved in the amount of \$694,869.00.

PERSONNEL ACTION FORMS

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

Employee Status Sheet: Deputy Coroner to Chief Deputy Coroner
New Employee Status Sheet: Chief Deputy Prosecutor

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

Chairman Manwaring stated that the Board of County Commissioners would move out of their regular Commission meetings into the Board of Equalization.

BOARD OF EQUALIZATION APPEAL HEARING- JUSTIN MAROTZ

Present: Danielle Wooton- Appraiser
 Becca Goodwin- Appraiser
 Debbie Cunningham- Appraisal Supervisor
 Justin Marotz- Appellant
 John Dewey- County Legal Counsel
 Shelli Conn- Appraiser

The Board of Equalization met to receive the Appeal to the Board of Equalization filed by Justin Marotz in regards to Parcel RP1284501. Chairman Manwaring welcomed all to the meeting and explained the rules and process in which the hearing would proceed.

Ms. Dalley swore in Mr. Marotz at this time and the Chairman turned the time over to Mr. Marotz for his testimony.

Mr. Marotz stated this home has an unfinished basement, is a 1956 home and remains just as that. The electrical has not been updated and is still on fuses, which he is unsure if that is considered. There is no electrical ground in the home and if he were to sell the home, it would be an issue. There are sewer line issues and to fix those would be over \$10,000.00. There are heating boiler issues and to replace heating in the home would be between \$8,000.00 and \$12,000.00. The bathroom is rotting as well and the

approximate cost to fix all issues is \$60,000.00. He is not sure if these things could be considered into the value but he believes they should.

Ms. Dalley swore in Ms. Cunningham at this time.

The time was turned over to Ms. Cunningham for her testimony, wherein she explained that the State requires the County to be at market value. The County uses a mass appraisal system to value all property and all information is collected from different sources, which is then compiled into a ratio study. The information is then submitted to the State who will determine if the County is in compliance.

Ms. Cunningham further explained the comparables provided to the Board. The first comparable is a home located at 2055 Highland Drive, which sold for \$300,000.00 on 8/6/2021. This home was built in 1967, is 1,522 square feet with a basement, a garage and is on .270 acres. The second comparable is a home located at 385 McAdoo, which sold for \$326,500.00 on 10/7/2021. This home was built in 1932, is 1,687 square feet, with a basement, a garage and is on .275 acres. The last comparable is a home located at 1545 York Drive, which sold for \$375,000.00 on 6/1/2021. This home was built in 1986, is 1,728 square feet, with a basement, a garage and is on .295 acres.

Commissioner Bair asked Ms. Cunningham if it was considered that the basement is unfinished, to which she confirmed it was.

A brief discussion was held in regards to the age of the home, wherein Ms. Cunningham explained if they are able to see the home, it could be taken into consideration. On this particular file, they did decrease a percentage due to depreciation.

The Appellant had no rebuttal but added that the foundation is also cracked surrounding the home. Commissioner Bair asked the Appellant if he would allow the Appraisers to come and look at the home, to which the Appellant stated he would. Mr. Marotz will work with the Appraisers Office to schedule that appointment.

Chairman Manwaring stated the Board of Equalization would make a decision at a later date, which will be mailed to the Appellant.

BOARD OF EQUALIZATION- GORDON POLATIS

Present: Danielle Wooton- Appraiser
Becca Goodwin- Appraiser
Debbie Cunningham- Appraisal Supervisor
Gordon Polatis- Appellant
Shelli Conn- Appraiser
John Dewey- County Legal Counsel

The Board of Equalization met to hear the Appeal filed by Gordon Polatis regarding RP0255111 and RP0255112. Chairman Manwaring welcomed all to the meeting and explained the rules and process in which the hearing would proceed. Chairman Manwaring confirmed that Debbie Cunningham has previously been sworn in for all Board of Equalization Hearings being heard today.

Ms. Dalley swore in Mr. Polatis and the time was turned over to Mr. Polatis for his testimony.

Mr. Polatis RP0255111 is a manufactured home. It is not a stick built home and for that purpose, it is grossly overvalued. It looks as though it is a foundation home but the foundation on the main portion of the home is only to ground level and is concrete. It is also in the flood plain, which should devalue the property. The garage and the add-on portion are foundation built but again, the main portion of the home is a manufactured home. The property was purchased for the amount of \$180,000.00, due to those considerations in 2018. He referred to Exhibit 1, which is an article from Fortune Magazine, Moody's Analytical Service article, in analyzing property values within the State of Idaho, wherein you can see that

Idaho is number one out of over 400 markets within the United States, with Boise being 73% over valued. They are evaluating this is due to area income and those types of things that the home market in Idaho is overvalued. Chairman Manwaring informed Mr. Polatis that his three minutes for testimony was complete and the Board would need to read the remainder of the article.

Ms. Cunningham stated within the Rules for the Board of Equalization Hearing, it states that no new testimony would be accepted on the day of the Appeal Hearing. She questioned the Chairman if the documentation that Mr. Polatis provided would be considered new evidence and not taken into the record. Mr. Dewey reviewed the exhibit and stated that the rules come from the Board and the Board would have discretion to enforce or make an exception. Commissioner Lewis addressed her concern and stated that the Appraisers have followed the rules. Chairman Manwaring stated if he were in the Appellant's shoes and he did not provide the Board with information but it was included within his testimony he does not have an issue. Commissioner Bair stated he is agreeance, if the document was part of his testimony. The time was turned over to Ms. Cunningham for her testimony.

Ms. Cunningham stated that the Appraisers Office is aware that the home is partially a manufactured home, which was noted and an extra 15% depreciation was given for that fact. The comparable provided are used as the best way to know what similar properties are selling for. Comparable number one is a home located at 195 North 685 West, sold in August of 2021 for \$355,000.00 and the subject property is marked as \$360,620.00. The comparable was built in 1976 and subject property was built in 1980. The subject property is 2,060 square feet and the comparable property is 1,696 square feet. The comparable does have a basement, to which the subject property does not. The lot size is considerably smaller on the comparable home but the subject property is on 11.875 acres and some value shown is for that acreage not just specific to the home.

The second comparable is on 1276 W Hoff Road was sold for \$389,000 on August 3, 2021. This home was built in 1920, is 2,196 square feet and is 2,196 square feet.

The last comparable has more acreage at 20 acres and sold for \$400,000.00 on March 21, 2021. This home was built in 1983 and is 2,360 square feet. This home was the best comparable and would account for the 15% depreciation given because the subject property is partially a manufactured home.

Commissioner Bair asked Ms. Cunningham what value was placed on comparable for number 3 for additional acreage, to which she stated, should be approximately \$5,000.00 because of the additional acreage.

Ms. Cunningham asked to add that Bingham County has to remain within 10% of market value per Idaho Code and that is what the Appraiser's Office has to follow. Mr. Polatis stated this is a different market than being looked at currently. If he were buying or selling, that would be the subject matter as to property values and evaluations. This county cannot sustain these types of increases. Ms. Cunningham stated that is the reasoning for providing comparable, to explain that is the current market here and not any other county.

Commissioner Bair explained that the roll as the Board of Equalization is to make sure that the property values in relation to values of similar characteristics are all the same. Whether it is overvalued or sustainable is not what the Board reviews.

Mr. Polatis stated that he does not believe that Bingham County has assessed and raised values 71% countywide for at least five years, to which Commissioner Bair and Commissioner Lewis stated the County has done so. Commissioner Bair stated the value reflects what the market currently is, which are also shown within the comparable provided.

The Appeal Hearing for RP0255111 was closed.

Chairman Manwaring turned the time over to Mr. Polatis for his testimony regarding RP0255112.

Mr. Polatis stated there was an error made pertaining to the square footage, as there is only one single floor plan on the home and no upper floor with a bonus room of 446 square feet. Again, this is overvalued. The home was built for \$550,000.00 and he understands this is being assessed at market value but he is stating that market value does not exist, as the market is currently unsustainable. To base solely in home sales, he understands but not all property owners are paying market value on their assessed properties.

Ms. Cunningham referred to Assessor's Office Exhibit 1, which was sent to the homeowner asking to go look at the home and there was no response received. Therefore, they have used the building permit and the floor plans to determine the square footage. Knowing there is less square footage actually makes her comparable sales better as they did not have anything with as much square footage listed on the floor plans. Next, Ms. Cunningham reviewed the comparable provided to the Board.

Ms. Cunningham stated that the subject home was built in 2019, has 3,825 square feet, no basement, \$1,300 square foot of garage and is 2.028 acres. The first comparable is located at 1437 N 630 E, and sold for \$849,000.00 on July 2, 2021. This home was built in 2016, has 3,096 square feet, a 1,028 square foot garage and is 1.72 acres.

The second comparable is located at 832 E 1415 N, and sold for \$835,000.00 on June 22, 2021. This home is 2550 square feet, has a basement of 2,550 square feet, a garage of 1,158 square feet and is 1.20 acres.

The last comparable is located at 1054 W 50 S, and was sold for \$900,000.00 on May 12, 2022. This home was built in 2018, is 2,346 square feet, and shows that 0% of the 950 square feet basement is finished. This home has a two-stall garage and is on 6.52 acres.

Chairman Manwaring asked Ms. Cunningham if it makes a difference to conduct comparables closer to the subject property. Ms. Cunningham responded by stating that they try to remain as close as possible but as they conduct mass appraisal, they have the ability to use any homes with Bingham County.

Mr. Polatis gave his closing statement by stating that he would refer back to the market being grossly overvalued comparable to what would sustain. The reason for that is known and these properties have been sold to individuals coming from out of state and this is a bargain to pay the prices currently being paid. There are several homes close to the acreage such as his and are not assessed at these values.

There was nothing further. Chairman Manwaring stated that the Board would make their decision at a later date and a decision would be mailed to Mr. Polatis.

BOARD OF EQUALIZATION APPEAL HEARING- MICHAEL & STEPHANIE HAY

Present: Debbie Cunningham- Appraisal Supervisor
 Becca Goodwin- Appraiser
 Danielle Wooton- Appraiser
 Shelli Conn- Appraiser
 John Dewey- County Legal Counsel

The Board of Equalization met to hear the Appeal filed by Michael & Stephanie Hay regarding RP8254000. Chairman Manwaring welcomed all to the meeting and explained that the Appellant was not present for the Appeal Hearing.

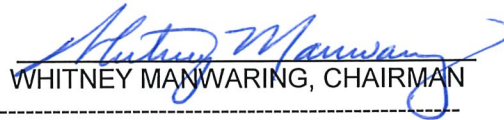
Ms. Cunningham stated that the Appraisal Office met with Mr. Hay after he had scheduled the Appeal and in fact did confirm that the basement of the home was unfinished. They had not been into the home previous to this meeting and from the Building Permit, it stated that the basement was fully finished. Therefore an adjustment was made from \$1,281,080.00 but did adjust the value to \$1,131,950.00, which is an adjustment of \$148,234.00 for the lack of having a finished basement.

It was believed that after the meeting and adjustments had been made, Mr. & Mrs. Hay no longer needed their Appeal Hearing but there was no contact from the Appellant confirming the same.

Chairman Manwaring stated that a decision would be made at a later date and mailed to the Appellant.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY JULY 5, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, July 5, 2022
County of Bingham)

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

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

TAX EXEMPTION APPLICATION

The Board met to approve the Tax Exemption Short Form Application submitted by Grove City Lodge Afam No 33, pursuant to Idaho Code Section 63-602C.

Decision: Commissioner Bair moved to approve the Tax Exemption Application submitted by Grove City Lodge Afam No. 33, as presented. Commissioner Lewis seconded. All voted in favor. The motion carried.

EXECUTIVE SESSION

The Board met in Executive Session pursuant to Idaho Code Section 74-206(1)(e), to consider preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body. Commissioner Lewis moved to go into Executive Session at 8:33 a.m. Commissioner Bair seconded. The motion carried and the Board moved into Executive Session. The Board moved out of Executive Session at 9:22 a.m.

Decision: No Decision was made at this time.

BOARD OF EQUALIZATION APPEAL HEARING- STANLEY SEARLE

Present: Stanley Searle- Appellant
 Debbie Cunningham- Appraisal Supervisor
 John Dewey- County Legal Counsel
 Donavan Harrington- County Assessor
 Becca Goodwin- Appraiser
 Shelli Conn- Appraiser
Via Phone: Gary Shewey- Commercial Appraiser

The Board of Equalization met to hear the Appeal filed by Stanley & Kent Searle, regarding RP0373906, RP0372304, RP0372001, RP0372101 and RP0373401. Chairman Manwaring welcomed all to the meeting and explained the rules and procedures to be followed.

Ms. Dalley swore in Donovan Harrington, Stanley Searle and Gary Shewey. Chairman Manwaring turned the time over to Mr. Searle for his testimony to be timed for three minutes.

Mr. Searle stated if the Board were to look at the maps and information provided, it looks as though the only portion that was increased was the dry grazing and has took such an increase, wherein if you look at the maps is either flat lava bed or roadways. There is no way to graze any of the subject properties being discussed. He explained that he spends a large amount of money and time trying to keep weeds down and if it were 50 acres of grazing ground he would have no issue with the increase. His understanding is that the Assessor's Office had to raise the rate in order to equalize throughout the County. When he contacted the State, they informed him that they had nothing to do with the increase and that it was the County. In order for him to Appeal to the State, he had to go through the Appeal process with the County first. The equalization of what is being charged for a piece of ground that is not used or grazed and there is no grass growing. His main concern is the amount of increase in one year.

Chairman Manwaring asked Mr. Searle for clarification that he is okay with the increase on irrigated property but that his main concern was the property that is lava bed and cannot be grazed or irrigated.

Commissioner Lewis asked Mr. Searle whom he spoke with at the State level that informed him it was the County who had done the increase. Mr. Searle stated that he does not recall the individual that he spoke with but it was the State Tax Commission.

Mr. Shewey testified the State Tax Commission sent a letter in May stating that the dry grazing properties were out of compliance with the State averages. Therefore, all parcels were increased and that applies to what would be dry grazing, which is the lowest agricultural class. The County realizes that some of the properties are lava beds and the Tax Commission will not allow such ground to be waste but it is possible that it could be adjusted to a lower level, where it is strictly lava. He stated that Mr. Searle mentioned a County road, which could be removed as waste and canals or things of that nature could as well but the change in value was dictated by the State Tax Commission.

Chairman Manwaring stated that he could see dry grazing in the spring or the fall as things could be growing on the property but on lava beds, there is very few weeds or sagebrush that grows. To him, with dry grazing, there could be grazing done still.

Mr. Shewey stated the only thing that Mr. Searle may receive by pursuing this further is if the County could extend what is considered waste. He added that the value was cut in half and a new notice was sent to Mr. Searle but still leaves over \$30.00 per acre on the property. If it were lowered more, he does not know that he would have an issue with that but he would defer to Mr. Harrington.

Commissioner Bair asked Mr. Shewey for clarification and that dry grazing is the lowest valuation and there is not a category to place waste ground. As Mr. Searle stated, the property cannot be grazed because it is in small pieces. Mr. Shewey stated that is correct and the only other category that could be used would be category 18, which is other rural, which could be assigned a value but that would start to depart from agricultural use. He is unsure rather that is the proper form. The best result would be to get new determination if it is possible to categorize as waste or to go to a lower value on the fields that have lava flows.

Mr. Shewey stated that Mr. Searle might take this to the Board of Tax Appeals and see if he could get a ruling to help all parties in changing the way that waste ground is appraised but at this point, the County has to follow State tax guidelines and policies.

Mr. Searle stated the biggest issue is that he knows that the County is going to re-appraise farm ground in general and how that would take place. He reiterated that he appreciates everything that the Appraisal Office has done in attempt to lower the values.

There was nothing further. Chairman Manwaring stated that the Board would make their decision at a later date, which will be mailed to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- BENNY GATLEY JR

Present: Danielle Wooton- Appraiser
Benny Gatley- Appellant
Donavan Harrington- County Assessor
Debbie Cunningham- Appraiser Supervisor
Becca Goodwin- Appraiser
Shelli Conn- Appraiser

The Board met to hear the Appeal filed by Benny Gatley Jr, in regards to RP8200901. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Benny Gatley Jr, Appellant and the time was turned over to Mr. Gatley for his testimony.

Mr. Gatley stated he has one addition to the letter that has been submitted to the Board, which is the issue with trains. There is a train that comes by the house daily and the house will shake. The train's horn goes off each time they hit the intersection next to the Wapello School and it is deafening. He is used to this but it could be a deterrent as it is so close to the home.

Ms. Dalley swore in Debbie Cunningham and Danielle Wooton at this time and the time was turned over to the Assessor's Office for their testimony.

Ms. Wooton stated the subject property is located in the Wapello area and presented the comparables as presented to the Board. The first comparable is a home located at 767 E. 1200 N. and sold for \$260,000.00 on 7/6/2021. This home was built in 1907, is 990 square feet, with a basement, a garage and is on .87 acres. The second comparable is a home located at 48 W. 50 S. and sold for \$266,000.00 on 4/23/2021. This home was built in 1915, is 988 square footage, with a basement, a garage and is on 1.89 acres. The last comparable is a home located at 459 S. Fisher that sold for \$180,000 on 6/1/2021. This home was built in 1947, is 999 square feet, with a basement, a garage and is on .251 acres.

Chairman Manwaring asked it is taken into consideration if homes are close to a railroad crossing or railroad tracks. Ms. Cunningham stated that consideration has been given in regards to that issue. When you look at the comparables, they sold for considerably more than what was on the subject property, which would be one of the reasons why.

Mr. Gatley had no rebuttal statement.

Chairman Manwaring stated the Board will make their decision at a later date and a decision would be mailed to the Appellant.

MEETING WITH JIMMY ROBERTS, COUNTY CORONER, TO DISCUSS BUDGET FOR THE CORONER'S OFFICE

Present: Jimmy Roberts- County Coroner
Pamela Eckhardt- County Clerk
Gina Perschon- County Auditor
Lynette George- Chief Deputy Clerk

The Board met with Jimmy Roberts, County Coroner, to discuss the proposed FY 2022-2023 budget for the Coroner's Office.

BOARD OF EQUALIZATION APPEAL HEARING- ANN VANORDEN

Present: Ann VanOrden- Appellant
Donavan Harrington- County Assessor
John Dewey- County Civil Counsel
Debbie Cunningham- Appraisal Supervisor
Shelli Conn- Appraiser
Via Phone: Gary Shewey- Commercial Appraiser

The Board met to hear the Appeal filed by Ann VanOrden, in regards to RP1254200. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley Swore in Ann VanOrden and the time was turned over to Ms. VanOrden for her testimony.

Ms. VanOrden stated in reviewing the comparables provided, she still believes the value is excessive. She feels that since her taxes were doubled ten years ago and again currently. Her biggest concern is the large increase to property taxes.

Mr. Shewey stated the front of the office is an office, an apartment, a basement and a lot. This is a ten-year-old appraisal and as Ms. VanOrden stated it has been ten years since it has been appraised. This may be an opportunity to look at the property. He has tried to work with Ms. VanOrden but it appears that her largest concern is the possibility of an increase to her property taxes.

Ms. VanOrden stated prices are starting to decline but if these values are based off what the market is currently, they will be higher. There will be a correction soon and the property owners will be stuck with a higher value in taxes.

Chairman Manwaring stated that the Board would make their decision at a later date, which will be mailed to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- JOHN & BONNIE MOON, LLC

Present: John Moon- Appellant
Bonnie Moon- Appellant
Donavan Harrington- County Assessor
John Dewey- County Legal Counsel
Stephen Meikle- Attorney for Appellant
Shelli Conn- Appraiser
Becca Goodwin- Appraiser
Via Phone: Gary Shewey- Commercial Appraiser

The Board met to hear the Appeal filed by John & Bonnie Moon LLC, in regards to RP1295300. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in John Moon, Bonnie Moon and Stephen Meikle and the time was turned over to Mr. Moon for his testimony.

Mr. Meikle stated that Mr. and Mrs. Moon are present to explain some things that may not be evident without further discussion in terms of how to value their property because of the conditions for making income in Blackfoot proper.

Mr. Moon explained that RC Willey is building a large facility on Sunnyside Road in Idaho Falls, which will impact many businesses who will lose 50-60% of sales. If this occurs, it is not reasonable for them to

remain in business in Blackfoot, which is a worry. They will end up selling the building or use it as a warehouse. The business environment in Blackfoot is difficult and people seem to travel from Blackfoot to Idaho Falls or even Pocatello to Idaho Falls. The Internet has also had an impact on sales.

Ms. Moon testified that money could not be made off many commercial locations to keep business open. Ms. Moon asked if she could submit a letter to the Board as she did not finish reading it during the allotted 3-minute for testimony. Chairman Manwaring asked Legal Counsel if this was acceptable, to which he confirmed there was no objection regarding the letter being submitted.

Mr. Shewey stated that he met with the Attorney for the Appellant's after which the value was adjusted from \$400,000.00 to \$273,000.00 based on the asking price of the Blacker's furniture store. The difference is that the Moon's have acreage and satellite buildings. Next, Mr. Shewey referred to the information provided regarding the upcoming RC Willey Store, wherein he explained that January 1 is the assessment date and they will review changes that may have occurred.

Mr. Moon stated he is not against paying an increase in taxes but would like to be sure that he can afford what is being asked. There are a lot of nervousness throughout the community regarding what may occur in the future.

Mr. Meikle stated the outbuildings had not been resolved and believed there was an adjustment made due to the income not being profitable. In fact, there have been discussions regarding just demolishing the buildings. Mr. Shewey stated this was debatable, as he did not receive a clear picture of what the use may be or rather, there is income involved. If he could get an explanation as to the use and income, he could look into this further. Mr. Moon addressed Mr. Shewey and stated the sheds are open, have had no improvements and they do not solicit individuals to rent the sheds. The approximate rent received is \$1,000.00 per year and it is not worth the effort. Mr. Shewey stated there is an opportunity to generate income off those buildings but he cannot further make an adjustment at this time but the Board could do so if they wish.

Appellants Rebuttal: Ms. Moon stated the supply and demand for commercial is not good right now and the location is not the best either. The building is old and one of the things that detracts value is the neighborhood. She reiterated that she loves the community and wants to do what is right but she feels this is too much.

Commissioner Lewis asked Mr. Shewey for clarification regarding the commercial building record that states other improvements and if that is where the outbuildings would be considered. Mr. Shewey stated that is correct and there should be an indication of around \$100,000.00 for outbuildings.

Chairman Manwaring stated that the Board would make their decision at a later date, which would be mailed to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- WAYNE BROWER FAMILY TRUST

Present: Becca Goodwin- Appraiser
Shelli Conn- Appraiser
John Dewey- County Legal Counsel
Donavan Harrington- County Assessor
Debbie Cunningham- Appraisal Supervisor
Danielle Wooton- Appraiser

The Board met to hear the Appeal filed by Wayne Brower Family Trust, in regards to RP0315201. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Mr. Brower and the time was turned over to Mr. Brower for his testimony.

Mr. Brower stated he submitted information prior to this hearing, which states the items to consider regarding the assessment of the residential home on agriculture land. The value of dwellings is also dependent on the access to utilities and value of existing properties in the area. This home is on the east side of the Union Pacific Railroad and impedes the ability to some of the access to utilities on the opposite side of US Highway 91, which is the Blackfoot Irrigation Canal and becomes a limiting factor for some single-family housing. There is no natural gas along US Highway 91, therefore propane becomes the option for heating. There have been no homes added within the last 15 years 1 mile North of the property. There have been no homes added on US Highway 91 in the last 20 years South of the property for 3 miles. As identified previously, the home was built in 1959 with an addition in 1968 and another addition in 1982. For evaluation purpose, when the home was built a coal furnace was installed, wherein instead of putting ductwork in, they dumped the hot air into the floor space. Later on, a gas furnace was installed with some ductwork but is unable to reach some of the areas in the home for proper heating. His request for consideration would be a 10% reduction of the increase only of 2022, which would be \$9,310.00, making the new assessed value \$251,690.00.

Ms. Cunningham stated the subject property was built in 1959, total square footage is 3,454 with a garage and fully finished basement. The total acreage is 79.624. Ms. Cunningham reviewed the comparables provided, wherein the first is a home located at 645 W. 150 N that sold for \$475,000.00 on 2/3/2021. This home was built in 1948; total square footage is 1,806 with a garage and unfinished basement. The total acreage is 33 acres of agriculture ground. The second comparable is a home located at 839 E 1415 N that sold for \$395,000.00 on 1/4/2021. This home was built in 1985, is 1,640 square feet with a basement and garage. The total acreage is 1 acre. The last comparable is a home located at 184 N. 760 W that sold for \$430,000.00 on 8/24/2021. This home was built in 1966, is 1,966 square feet with a basement and garage. The total acreage is 5 acres.

Mr. Brower asked Ms. Cunningham if she has the county assessed value is for the provided comparables, to which she stated she did not have that information with her. Ms. Cunningham explained their office is required to look at the market value and what they sold for in comparison to his home. Mr. Brower stated the reality is that the county valuation given for this year is not the sale price, which he appreciates.

Appellant's Rebuttal: Mr. Brower stated he had nothing to add at this time.

Chairman Manwaring stated that the Board would make their decision at a later date, which would be mailed to the Appellant.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY JULY 6, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, July 6, 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- Deputy Clerk

DISCUSSION & DECISION REGARDING EVIDENCE TECH WAGE & ANIMAL CONTROL OFFICER WAGE

Present: Chief Deputy Sheriff Jeff Gardner
John Dewey- County Legal Counsel

The Board met to discuss and make a decision regarding the wage for Evidence Tech and Animal Control Officer. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Gardner.

Chief Deputy Gardner stated he has worked with HR regarding the Evidence Tech position within the Sheriff's Office. The Sheriff's Office is considered a separate entity from the City of Blackfoot Police Department and PERSI would not be affected. The employee nor the county would not have to pay into PERSI for this specific position, to which Mr. Dewey added was confirmed by PERSI. This individual currently makes \$15.60 per hour for the City of Blackfoot Police Department and is willing to fill the County Evidence Tech position until it can be filled permanently. He would propose to offer her the same amount (N4, Step 8 \$15.63). Further, he would like to keep this amount in moving forward with the hiring process in order to make this position presentable.

Decision: Commissioner Lewis moved to allow the Blackfoot City Police Evidence Tech to work part time for the County at N4, Step 8, until this position can be filled. This new wage will be posted for the position instead of a set starting wage. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Chief Deputy Gardner stated the Animal Control Officer position has been vacant since the end of April. There have been two applications submitted, wherein they have offered the position to one applicant but are requesting a higher wage of \$18.00 per hour. This individual comes with an extensive background, has worked as a vet tech in town and has a wide variety of experience. He is proposing a wage of N10, Step 7, which is \$18.05 and not do a reclassification. Commissioner Lewis stated the integrity of the whole step and grade system is important to make it fair throughout the County.

Decision: Commissioner Bair moved to approve the proposal made by Chief Deputy Sheriff Jeff Gardner and approve the pay for the Animal Control Officer at N10, Step 7. Commissioner Lewis seconded. All voted in favor. The motion carried.

SHERIFF'S OFFICE

Present: Chief Deputy Sheriff- Jeff Gardner
Pamela Eckhardt- County Clerk
John Dewey- County Legal Counsel
Gina Perschon- Auditor

The Board met with Chief Deputy Sheriff Jeff Gardner to discuss updates within the Sheriff's Office and budget requests. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Gardner.

Chief Deputy Gardner stated the current jail population is 109 inmates.

Next, discussion was held in regards to the proposed FY 2022-2023 budget for the Sheriff's Office.

DEER MEADOWS

Present: Chris Street- HLE
Tiffany Olsen- Planning & Development Director
Dusty Whited- Public Works Director
Scott Briscoe- Scott Briscoe Construction

John Dewey- County Legal Counsel

The Board met to hold discussion and make a possible decision regarding an amendment to the Development Agreement for Deer Meadows Development. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Planning & Development Director, Tiffany Olsen.

Director Olsen stated she received a request from Deer Meadows Development with Chris Nelson and Scott Briscoe, wherein they are interested in revising the Development Agreement for Cedar Estates Division 2. The Development Agreement for Cedar Estates Division 1 was amended previously, wherein the developers would pay all infrastructure costs in lieu of securing bond or receiving any building permits in order to move forward with construction, which is what they are requesting today for Division 2. Director Olsen explained that Rocky Mountain Power requires a Final Plat to be recorded before they will begin any of their power engineering, which is unique but many Developers that work with Rocky Mountain Power know this requirement.

Again, the request today is for Board's consideration of amending the Development Agreement based upon three portions left, which total \$85,700.00. Those three portions are three temporary turnarounds, one sign and one cluster mailbox. The request would be for the Developers to secure financing or letter of credit at 120% of that cost.

Developer Olsen explained the option to amend was exercised for Cedar Estates Division 1, which was the first time that a Development Agreement has been amended such as this. There are administrative tasks that are required for amending an agreement and it is challenging for the Planning & Development Department, County Surveyor and Public Works to track and be sure these items are completed. The irrigation system is fully functional and photos were provided showing the cluster mailboxes that have been installed. Director Olsen stated when she spoke with Mr. Nelson, conversation was held regarding the ways in which other jurisdictions handle Development Agreements and construction, wherein she reached out to a Planning & Development Directors group and received a number of responses. This is not a standard practice in other counties and Bingham County's Development Agreement is lenient. She explained in her position as the Planning & Development Director, her responsibility is to Bingham County and given the climate economically she personally believes that the agreements should be held from the time of construction until the time of completion with the warranty period. Several of the surrounding counties do not sign the Final Plat until the construction and insulation of improvements have been accepted. She recognizes this is not feasible under Rocky Mountain Powers agreement as they require the Final Plat. The current Development Agreement states if infrastructure is built by the Developer, there are no building permits that can be issued, wherein recording the Final Plat allows Deer Meadows Development to sell lots but no building permits will be issued until the infrastructure is accepted.

In the request Mr. Nelson stated it would have cost \$1 million dollars for them to secure the security for all of the improvements at the front end. Now that the cost is substantially less, the request is to finance that portion, sell lots and issue building permits in order to begin construction process.

Commissioner Bair stated he is curious as to how much infrastructure is completed, wherein Mr. Briscoe stated infrastructure is complete for Divisions 1 and 2. He stated plans were to complete Division 2 and move onto Division 3 but there is no sewer infrastructure in Division 3. Commissioner Bair stated if there is room to hook into the Eastern Idaho Regional Waste Water Authority, any Developers that have infrastructure in the ground can hopefully obtain sewer permits, if paid for. Mr. Briscoe stated the plan was to be prepared in this aspect in case there are sewer permits, they are prepared to purchase those.

Director Olsen reiterated there is no verbiage within Bingham County Ordinance that allows for amendment of a Development Agreement but it would be her position to hold the Development Agreement at the time of recording a Final Plat through the time of construction phases of the subdivision.

Mr. Street stated he would like to give a brief synopsis. When the engineering costs were sent in, mailboxes are in for Divisions 1 and 2, street signs are being placed for Division 2 and currently the

temporary turnaround heading to the East of Division 2 is being built. The temporary turnaround heading to the South have not begun yet as the anticipation is that as soon as paving of the turnaround to the East, they will start digging sewer to the South. Mr. Street explained their hope is to have a release to be able to sell lots in order to buy ERU's at the Eastern Idaho Regional Waste Water Authority meeting, to begin gaining permits.

Mr. Briscoe stated it seems like a waste of money to get a bond to be sure things are performed correctly when paying for things as the project proceeds. Idaho Power does not have any requirements such as this but charges and engineering fee upfront, Rocky Mountain Power does have those requirements.

Mr. Whited stated he would prefer to see the turnarounds installed and by Mr. Briscoe's admission, he is not sure if it will be paved until late fall or early spring. It is within the Road Standards Manual that there has to be a turnaround and has to be paved. It has been required for other developers and he would like to see the turnarounds paved.

Commissioner Lewis asked if the County would maintain the roads if they are not accepted, to which Mr. Whited stated there is currently an issue with Division 1 as the North/South road has been accepted but the East/West road that connects the two has not. The County has maintenance responsibility of two roads but along the back road connects the two, there could be trespassing issues as it is still a private road. Director Olsen asked Mr. Whited if he has received the sampling from the East/West Road, to which he stated he would have to confirm.

Director Olsen explained all workmanship is required to be guaranteed for one year after accepted and Developers should not be released from a Development Agreement until the warranty period has been exhausted but it has been done in the past. Director Olsen explained she is currently working with the County Surveyor and Public Works Director to implement a coordination system to perfect the administration of this process. After a letter is received stating the irrigation system is installed and tested, the one-year mark will be tracked and around the nine-month mark, they will look at the subdivision to be sure that all requirements are being met. If so, the request will come before the Board to release the Development Agreement after the warranty time has passed.

Legal Counsel stated there is no legal issue or obligation to release the Developer from this Development Agreement but the last time he stated some of the principals and concerns that Director Olsen has mentioned but there is no legal issue with doing so.

Commissioner Lewis stated to address amending the agreements, the ordinance should be clarified under the development section, to which Director Olsen agreed by stating the Planning & Development Department may look at a re-administration fee for a Development Agreement as there are several steps and extra tracking included in amending an agreement.

Chairman Manwaring confirmed there are no further concerns or matters to address and asked for a motion at this time.

Decision: Commissioner Lewis moved to amend the Development Agreement with Deer Meadows Development for phase 2 of Cedar Estates, to include funding for 3 turnarounds at 120% of the construction fee and the County will maintain the same completion date of September 22, 2023. Commissioner Lewis amended the motion to allow issuance of 50% of building permits because the roads are completed. This amendment is due to the turnarounds being the only thing left to be completed and it is under \$100,000.00 in value of construction. Director Olsen commented on the motion and stated 50% is the current percentage. Commissioner Lewis confirmed the 50% would be changed to 75% of building permits could be issued, because the roads are constructed, turnarounds are to be completed and is under \$100,000.00 in value of construction to be completed. Commissioner Bair seconded. All voted in favor. The motion carried.

PUBLIC WORKS DEPARTMENT

Present: Dusty Whited- Public Works Director

The Board met with Dusty Whited to discuss department updates.

IT BUDGET DISCUSSION

Present: Scott Mensching- IT Director
Pamela Eckhardt- County Clerk
Lynette George- Chief Deputy Clerk
Gina Perschon- Auditor

The Board met with Scott Mensching, IT Director, to discuss the proposed FY 2022-2023 budget for the IT Department.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel Matters. Commissioner Lewis seconded. All voted in favor. The Board moved into Executive Session at 1:32 p.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 1:45 p.m.

Decision: There was no decision to be made on the record at this time.

COURTS BUDGET MEETING

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

The Board met to discuss the proposed FY 2022-2023 budget for Magistrate and District Courts.

BOARD OF EQUALIZATION APPEAL HEARING- HANNAH GREEN- VIA TELEPHONE

Present: Debbie Cunningham- Appraisal Supervisor
Becca Goodwin- Appraiser
John Dewey- County Legal Counsel
Via Phone: Gary Shewey- Commercial Appraiser
Hannah Green- Appellant

The Board met to hear the Appeal filed by Hannah Green, in regards to RP1164000. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Hannah Green and Gary Shewey at this time and the time was turned over to Ms. Green for her testimony.

Ms. Green stated the property value for her property has increased by over \$100,000.00. While she does agree that her property has increased in value, her belief is that the value of her property is closer to \$190,000.00 rather than \$240,000.00. Her property is primarily valued using the income approach because people who buy this kind of property do so to rent out units while they occupy them. Owner occupied purchasers make up the majority of the buyers for this type of asset. Furthermore, the use of comparable sales should be weighed in the least, as comparable sales are backwards looking. For

example, any comparable sales used from six months ago would reflect sales in the market where the interest rates were 3% drastically increasing the value of the property at the time. Seven or eight months ago increased rates would have been 2.25%, which no longer reflect the current market value in this area. As of the first of this month, her rents are \$1,575.00 per month. As of this day, interest rates are sitting at approximately 6%, which means inevitably for an investor or owner occupant to make any money on this property, they would have a 7.5% cap rate or higher. At \$1,575.00 per month times 12 months per year, is a total of \$18,900.00 for the year. When 35% is deducted establish net operating income, which is less than market standard at 40%, the total is \$12,285.00 per year. At a 7.5% cap rate that places her value at \$163,800.00, which is lower than the \$190,000.00 evaluation that she is asking for. At a 6.5% cap rate, only one half of percentage higher than where the rates are currently, the analyzed value of \$189,000.00. Each of the units requires a substantial amount of renovation and the additional cost of renovating these units would be approximately \$50,000.00 to a market buyer, which needs to be accounted for in the evaluation. The proposed value does not take into consideration the current condition of the units and the work that is needed in order to increase the amount of rent to market standard. Even increasing rent, which would be a stretch, would bring value to \$202,800.00.

There were no questions for the Appellant.

Mr. Shewey stated he valued this property with gross rental which is located within the packet provided to the Board and Appellant. There is also a sale of a triplex of similar age and rental capability. He stated that January 1 is the lien date and in the future if there are adjustments to be made for interest rates, that could happen. To assume because interest rates have raised that market share will be lost is not correct. As he stated prior, the sale used is similar in size and age.

Ms. Dalley swore in Donovan Harrington at this time and Mr. Harrington asked Ms. Green how long she has owned the property. Ms. Green stated that she does not wish to disclose that information publicly at this time and she appreciates that Idaho is a non-disclosure state but she will state that the assessed value is not to be based on value of the property today. Mr. Harrington stated he is the Bishop of the areas ward and he has financially helped some of the families that live in the particular property. He does know for a fact that the rent increased from the first of the year from \$850.00 to \$1,100.00. Ms. Green stated that she is not aware of that. Mr. Harrington stated that he has written checks in said amounts for assistance. Ms. Green stated she had not received any documentation regarding checks of such and asked that Mr. Harrington provide her with that proof.

Mr. Shewey stated it is required to use market rents to the best of their ability and although she may state she is collecting \$500.00 per month for rent, as the Assessor stated it is lower than what it should be.

Commissioner Bair asked Mr. Shewey regarding the history of the appraisals, to which Mr. Shewey stated the appraisal is a ten-year-old appraisal. Commissioner Bair stated that Ms. Green discussed condition and wondered if someone could look at the property. Mr. Shewey stated he is not sure that it would make a difference to do so and the older properties are increasing along with the newer. He would be happy to look at the property but again is not sure that it would make a difference.

Ms. Green stated the property was last remodeled in 1957 and has had no remodel since.

Appellants Rebuttal: Ms. Green further stated as far as the income approach she believes it should be based upon the current rent being brought in by the unit.

Chairman Manwaring stated that the Board would make their decision at a later date, which would be mailed to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- A. JUNE BEWLEY TRUST

Present: A. June Bewley- Appellant
John Dewey- County Legal Counsel
Debbie Cunningham- Appraisal Supervisor
Donavan Harrington- County Assessor
Becca Goodwin- Appraiser
Shelly Conn- Appraiser
Danielle Wooton- Appraiser

The Board met to hear the Appeal filed by A. June Bewley, in regards to RP1375200. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Ms. Bewley at this time and the time was turned over to Ms. Bewley for her testimony regarding the Appeal filed.

Ms. Bewley stated the purpose is for her to appeal the proposed increase from \$174,750.00 to \$304,596.00, which is an increase of \$129,846.00 in one year. That follows a \$32,650.00 four years ago and together that totals an increase of \$167,275.00 increase over the last five years, which she feels is unwarranted. She visited the State Tax Commission website provided by the Assessor's Office, which was to determine approximate property tax value. This was not available to her until June 24th and her documentation was due to the Board by June 27th. The tax code area was not listed that is shown on her assessment notice, which is 001000. The closet she could come to is 00100, wherein she does not feel the website is accurate. She pulled the estimated tax rate under the tax code area closest to hers and that rate is .013910778. Coincidentally on June 24th, the local newspaper indicated that the City stated the tax rate would be .006, which is doubled the cities tax rate that was quoted in the paper. She applied the tax rate from the website against the net assessed value on the assessment notice which was \$179,596.0 and developed an estimated property tax for 2022 in the amount of \$2,498.32, which is \$555.0 more than she paid in 2021.

There were no questions for Ms. Bewley at this time.

Ms. Dalley swore in Debbie Cunningham and Danielle Wooton. The time was then turned over for the testimony from Ms. Wooton.

Ms. Wooton stated the subject property, which is located at 1257 Abby Road, was built in 2001 with a total square footage of 2,725. This home has a basement that is 70% completed, an attached garage and sits on .284 acres. The first comparable is a home located at 1095 E. Harmony Drive, built in 1973, has 1,280 square footage, basement and sits on one acre, which sold for \$330,000.00 on 4/14/2022. The second comparable is a home located at 285 Horrocks Drive, built in 1952, 1,292 square footage, basement, garage and sits on .361 acres, which sold for \$340,000.00 on March 4, 2022. The last comparable is a home located at 945 York Circle, built in 1961, 1,025 square footage, basement, garage and sits on .22 acres, which sold for \$315,000.00 on 5/23/2022.

Ms. Bewley stated she does not see how properties that were built in 1900's can compare to her home. Ms. Wooton responded by stating if homes newer than hers, they would find that the value is much higher. Ms. Bewley stated last time she appealed that was done and charged her \$32,650.00 more. It seems to be inconsistent. Ms. Cunningham added that the best sales are used for the time period and it is possible the last time she appealed, the values were different.

Appellants Rebuttal: Ms. Bewley stated she is proposing that her property value be \$177,721.00, which comes from research that she has done. If her property value is increased to \$304,596.00, that is a 74% increase and she does not believe this has ever occurred in the history of the United States. That is unsustainable and does not where the figures are coming from. Market values are temporary and have already started to decrease.

Commissioner Bair asked Ms. Cunningham what the state code is that is used to established value, to which Ms. Cunningham explained that State Code requires that the County should be within 10% of market value. The comparables provided are market value and that is what property is selling for. It is not reasonable to think that property would have gone from \$174,000.00 last year to \$177,000.00 this year. It is not reasonable and the market has gone significantly higher. Although it may seem unfair, that is what is required by State Code.

Chairman Manwaring stated that the Board would make their decision at a later date, which would be mailed to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- STEPHEN J. BLASER

Present: Justin Oleson- Appellant on behalf of Stephan J. Blaser
Becca Goodwin- Appraiser
Shelli Conn- Appraiser
Donavan Harrington- County Assessor
Debbie Cunningham- Appraisal Supervisor
John Dewey- County Legal Counsel

The Board met to hear the Appeal filed by Justin Oleson on behalf of his father, Stephen J. Blaser, in regards to RP0414507, RP0414500, RP0424400 & RP0427000. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Justin Oleson at this time and the time was turned over to Mr. Oleson for his testimony regarding the submitted Appeal.

Mr. Oleson stated his general concern is that values went up on several the properties. The ones he has brought before the Board today are the only properties that are of big concern. In regards to RP0427000, the rent is \$550.00 per month, the formula is the 12 x 12.17, which would put this property at \$80,322.00. This is a large inflated value but he understands if that is the valuation, it is the fair way to evaluate property. The value of the home is the concern for this property and should be \$98,900.00 not the \$114,000.00. According to the rental calculations, the value would have been \$80,322.00. Again, this is an old home, one bedroom, living room, small kitchen with a back porch. If you go with the assessor's appraised market value, the rent should be \$675.00 to make the value.

Ms. Cunningham explained that Mr. Oleson had come in and met with the Assessors Office. Originally this home was valued at \$62,100.00, which was reduced to \$43,900.00 in recognition of the fact that this is a rental property and has some issues. A corrected notice was then sent to Mr. Oleson regarding this change. That is amount that is equitable for rental property in the area, although there is 20 acres involved with the property and it is not the normal rental property.

Commissioner Lewis asked when the assessed value of homes is being addressed if it includes the first acre or just the home, to which Ms. Cunningham stated it was for the home only.

Mr. Olsen confirmed that he had received the most current value and stated it was still incorrect as the adjusted notice included the 19 acres of farm ground.

Commissioner Bair asked Legal Counsel if there is any flexibility if the property is a rental property. Legal Counsel referred to the Appraisers Office, wherein Ms. Cunningham stated that adjustments made to this being a rental home. There is the market analysis which is the comparables provide but the gross rent multiplier is also used. The amount was not decreased as much as the Appellant had requested as the market sustains higher value and as its been testified before, it is the Appellant's decision to charge \$550.00 in rent, which is a management decision. This home could be rented at a higher amount.

Next, Mr. Oleson addressed RP0424400 wherein he stated this home is rented for \$600.00 per month and is an old farm house. He stated his proposal value is \$102,377.00 but he does not believe it is worth that amount.

Ms. Cunningham stated the subject property was built in 1929, is 807 feet with no basement but sits on 20 acres, which is unusual for a rental home. The comparables used are not perfect as there are no comparables with this amount of acreage but again the issue is the value of the home itself. The first comparable located on 775 Riverton Road is a home built in 1930 and the assessed value is \$135,778.00. The second comparable located at 255 South 900 West is a home built in 1950 and the assessed value is \$103,766.00. The third comparable is a home located at 42 North Stout and the assessed value is \$120,000.00. Again, these are considerably higher than the value of his home but they have taken into consideration that it is a rental and used the gross rent multiplier and added a little more because of the acreage situation. Originally the value was \$83,835.00 on just the home, which was adjusted to \$62,400.00 as shown on the Corrected Notice.

Mr. Oleson stated if the value is increased because of the acreage, those acreages are not rented. It is only the home being rented and is a separate assessment for the agriculture.

Next, Mr. Oleson addressed RP0414500 by stating this is an old farmhouse and is a small house. It is a one bedroom and is currently being rented for \$1,000.00 per month. He disagrees with the calculation but based upon the rental amount it should be \$146,040.00, which is the home and lot. The corrected notice received stated the value of \$158,300.00. Again, the calculation will be accepted but it should not be increased as it has.

Ms. Cunningham reviewed the comparables provided to the Board and the Appellant. The subject home was an owner-occupied home until recently. Therefore, she would like to look at the comparables closer. The subject home was built in 1948, is 1129 square feet on the main floor, has a small attached garage on .61 acres. The first comparable is located at 523 W. Highway 26 was built in 1960, 1200 square feet on the main floor, no basement and on ½ an acre, which sold for \$233,500.00. The second comparable is located at 251 South 900 West sold for \$220,000.00, square footage of 1,094, no garage and is on 2.5 acres. The last comparable at 866 North 900 East sold for \$265,000.00, built in 1972, square footage of 1,040 on the main floor and basement. The value was originally at \$141,680.00 and adjusted to \$103,300.00.

Next, Mr. Oleson addressed RP0414507 by stating this home has had additions made to it and is being rented out for \$1,000.00 per month. His believe is that this home should be valued at \$146,040.00 but is currently valued at \$168,000.00.

Ms. Cunningham stated the subject home is estimated to have been built in 1920, has a square footage of 1,280 and is on .596 on acres. The first comparable located at 523 W. Highway 26 was built in 1960, square footage of 1,200 and sits on ½ an acre but sold at \$233,500.00. The second comparable is located at 371 N. 200 W., sold for \$228,000.00 on October of 2021 and was built in 1948. This home is 1,048 square feet and is on .284 on acres. The last comparable is located at 1070 W. 110 S., sold for \$238,960.00 in July of 2021, was built in 1962, square footage of 1,326 with no basement and is on 1.27 acres. Originally the subject home was valued at \$150,363.00 and was adjusted to \$113,950.00, which is noted on the Corrected Notice.

Appellant's Rebuttal: Mr. Oleson stated the housing market has been out of control and the concern is using the high values as new market values. The County should be careful in adjusting values, next year there may be issues if the market crashes.

BOARD OF EQUALIZATION APPEAL HEARING- JUSTIN OLESON

Present: Justin Oleson- Appellant
Donavan Harrington- County Assessor
Debbie Cunningham- Appraisal Supervisor
Becca Goodwin- Appraiser
Shelly Conn- Appraiser

The Board of Equalization met to hear the Appeal filed by Justin Oleson, regarding RP7042100, RP0440220 and RP0429302. Chairman Manwaring welcomed all to the meeting and explained the rules and process in which the hearing would be held.

Ms. Dalley swore in Mr. Oleson and the Chairman turned the time over to Mr. Oleson for his presentation.

Mr. Oleson first addressed RP0440200, which he rents for \$700.00 per month. This home is an old Boise Cascade home, 2 bedrooms, 1 bath and built on a large living room. The Appraisers looked at the home and decreased the value from \$251,000.00 to \$193,000.00 but he still believes this value is high. With this proposed value, he would need to increase rental fees to \$1,350.00. He stated that he may be able to increase the rent to \$800.00 but this has been rented to the same individual for 3-4 years.

Ms. Cunningham stated that the Appraisal Department did go and look at the property and it has been a cared for home but has the addition with some square footage. She reviewed the comparables provided to the Board and Appellant. The first comparable was a home located at 523 W. Hwy 26 that sold for \$233,500.00 on 12/22/2021. This home was built in the 1960 and is 1,200 square feet with no basement on .50 acres. The second comparable is a home located at 371 N. 200 W, which sold for \$228,000.00 on 10/29/2021. This home was built in 1948, has 1,048 with no basement on .50 acres. The last comparable is a home located at 275 S. 900 W., that sold for \$225,000.00 on 12/27/2021. This home was built in 1950 and has 932 square feet on 2.50 acres.

Commissioner Bair asked if the property is more than one acre, how is the value placed at \$67,000.00. Ms. Cunningham stated up to one acre is valued at \$55,000.00 and anything over that is \$12,000.00 per acre.

Appellants Rebuttal: Mr. Oleson stated the acreage is funny as there is probably one acre of lawn and one acre of blow sand. If this were ag land, it would not be taxed on the extra one acre. Again, this home is not worth \$193,000.00. It has paneling, 1980's brown carpet and is an aged home. He will accept the calculations although he does not agree with them.

Next, Mr. Oleson addressed RP7042100 and stated this is an older home in Riverside area. It is in pore shape and originally he purchased it for \$25,000.00. He currently charges \$550.00 for rent as the home is not in good shape but is not worth remodeling to fix it up. There are constant issues with electrical and plumbing.

Commissioner Bair asked how the rural/residential lot was calculated at \$29,890.00. Ms. Cunningham explained that this home sits inside of the Riverside townsite and townsite land is valued differently because the lots are usually smaller.

Commissioner Lewis asked if the Appraisal Department had been out to look at the home, to which Ms. Cunningham responded they had not. In speaking with Mr. Oleson, the adjustment had been made from \$79,335 to \$69,000.00, due to the condition of the home explained by Mr. Oleson.

Ms. Cunningham reviewed the comparables provided to the Board and Appellant. The first comparable is located at 371 N. 200 W., and sold for \$228,000.00 on 10/29/2021. This home was built in 1948 and is 1,048 square feet with no basement on .50 acres. The second comparable is located at 271 S. 900 W., that sold for \$220,000.00 on 11/5/2021. This home was built in 1895 and is 1,094 square feet with no basement and is on 2.50 acres.

The last comparable is located at 275 S. 900 W., and sold for \$225,000.00 on 12/27/2021. This home was built in 1950 and is 932 square feet and is on 2.50 acres.

Appellant's Rebuttal: Mr. Oleson stated he would have appealed last year, as there was a significant increase, but he did not receive his Assessment Notice in the mail. The value of this property has gone up substantially in the last two years.

Next, Mr. Oleson discussed RP0429302, which is not in good shape. He stated that he bought this home at a sale and again would have been in last year due to the significant increase but did not receive an Assessment Notice. He currently rents this home for \$700.00 per month. There are plumbing issues, sewer issues and the roof is coming off.

Ms. Cunningham stated the Appraisal Department did go and look at this home, which value was decreased from \$128,915 to \$72,850.00. The first comparable is located at 271 S. 900 W., and sold for \$220,000.00 on 11/5/2021. This home was built in 1895 and is 1,094 square feet with no basement or garage and is on 2.50 acres. The second comparable is located at 275 S. 900 W., and sold for \$225,000.00 on 12/27/2021. This home was built in 1950 and is 932 square feet with no basement or garage and is on 2.50 acres. The last comparable is located at 137 E. 200 N., and was sold for \$170,000.00 on 12/15/2020. This home was built in 1908 and is 945 square feet on 1.00 acres.

Mr. Oleson asked Ms. Cunningham if the 3.2 acres could be changed to ag land as this is waste ground and does not have water access that is why it is all weeds. Ms. Cunningham responded by stating that the State requires it be more than 5 acres but stated per Mr. Oleson's request, it could be added into the farm next to it. Mr. Oleson stated he would go into the Assessor's Office to make this change.

Chairman Manwaring stated that a decision would be made on a later date and mailed to Mr. Oleson.

THE MOTION PASSED TO DISMISS UNTIL THURSDAY JULY 7, 2022



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Thursday, July 7, 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- Deputy Clerk

BOARD OF EQUALIZATION APPEAL HEARING- ROBERT BOYD

Present: Debbie Cunningham- Appraisal Supervisor
 Danielle Wooton- Appraiser
 Becca Goodwin- Appraiser
 Shelli Conn- Appraiser
 John Dewey- County Legal Counsel
 Donavan Harrington- County Assessor

The Board met to hear the Appeal filed by Robert Boyd, in regards to RP8270030. Chairman Manwaring welcomed all to the Appeal Hearing and stated that Mr. Boyd submitted an Appeal Application. The Board waited for 15 minutes and the Appellant did not show up. Therefore, the Board will review all information as submitted.

Ms. Dalley swore in Debbie Cunningham, Danielle Wooton and Donovan Harrington.

Chairman Manwaring briefly reviewed the Appellants Application by stating the assessed value was \$609,533.00. Mr. Boyd stated he paid \$525,000.00 last year for the home and the home next to his house has more square footage, more bedrooms and one more bathroom than his home, which was purchased for \$520,000.00. Also, the home prices appear to be softening.

Ms. Wooton stated the parcel located next to the subject home, it was 812 square feet less than the subject home, which may be where the discrepancy came from.

Ms. Cunningham stated for the record that Mr. Boyd is not present to provide information, therefore the value presented by the Assessor's Office should stand.

Ms. Wooton stated the assessed value for the first comparable is located at 418 W. 270 N., which is \$561,648.00. The second comparable has the assessed value of \$514,945.00. The last comparable is located at 242 W. 200 N., and has an assessed value is \$474,972.00.

Chairman Manwaring stated that a decision would be made at a later date and sent to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- SHJH SHELLEY, LLC

Present: John Dewey- County Legal Counsel
Debbie Cunningham- Appraisal Supervisor
Danielle Wooton- Appraiser
Shelli Conn- Appraiser
Becca Goodwin- Appraiser
Donovan Harrington- County Assessor
Scott Harris- Appellant
Jeff Hawkes- Appellant
Via Phone: Gary Shewey- Commercial Appraiser

The Board met to hear the Appeal filed by SHJH Shelley LLC, in regards to RP2151400 and RP2151500. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Scott Harris, Jeff Hawkes & Gary Shewey. The time was turned over to the Appellant for their testimony on the Appeal.

Mr. Hawkes stated they have been working on this project for many years and it has not been easy. The goal is to be good neighbors and provide affordable housing to the Shelley area. The most compelling analysis performed is comparing their project to other multifamily projects in the area. The one on 610 Fir Street is 68 units, which is valued at \$3.486 Million, which is \$51,000.00 per unit. The second one is Cedars which is located on West Maple Street which is 80 units and valued at \$41,000.00 per unit. The last is West Pine Associates is located on West Pine, which is 18 unites and valued at \$33,000.00 per unit. He stated they appreciate the effort of the Assessor and his staff in terms of working with them but believes the latest valuation was approximately \$102,000.00 per unit. That is still half of what they view their competition as being and their competition is half of what they are currently being assessed. In the end, to operate a multi-family project with 54 units, there are no garages, no separate driveways and it is not a townhome project. In a simplest form that is the most compelling argument and something they would respectfully ask the Board to consider in the valuation of the property.

Commissioner Bair asked Mr. Hawkes if he knew of the age of the projects that he mentioned, to which he stated that as near as he could tell, the 80-unit project was built in 1998 but he was not able to determine exact dates of construction.

Mr. Shewey stated the complexes mentioned are older and need to be research done. Those should be a restricted grant government program housing units which precludes value and waive income approach process. He referred to RP2151600, which is 36 units and income was generated based on rent. Information was provided by Mr. Hawkes and Harris showing that their actual occupancy as of 12/31 was 92% and in order to be fair for vacancy, he took 10% off to effect actual vacancy and collection loss. The income and expenses are estimated to be \$30% of effective growth income. Therefore, the improvement value on this particular parcel is \$3,377,400.00 plus land which is \$70,000.00.

RP2151400 and RP2151500, wherein he stated there are two parcels is that one is a parking lot and in order to include a look at income or advertise lot is added into that particular parcel. The land value there is \$104,000.00 and has been taken from the income stream to project market value analysis. The same analysis is used 30% for expenses. The improvement value is \$1,795,400.00 plus \$140,000.00 for land. Therefore, the total income approach is \$5,382,800.00. In addition, cost has been considered and appears to be a reasonable opinion of value.

Mr. Hawkes asked Mr. Shewey how the income approach is based on a parcel. Again, they got their final endorsement with HUD in August of 2021, were in a partial year and their net operating income was \$102,000.00. The numbers being used are a full year of estimated income based on current rents. Published rents today do not come close on revenue as to what is actually being charged. He knows the market has increased in value but you cannot get to market rent that quick.

Mr. Shewey stated he is required to reflect market value which his numbers reflect a conservative number for market value. He stated in 2021 SHJH was given the partial value as they were not rented fully and he did not conduct the appraisal until it looked as though there was an opportunity for them to be rented. A partial value was afforded in 2021 due to the fact they were not in the rental process but when reviewed on January 1, 2022, their occupancy was almost 93%, which is the percentage used in developing a value.

Applicant's Rebuttal: Mr. Hawkes stated if the Board looks at analysis of wages and income, it is not too far off of market rates. He does not believe the Fir property should be valued at half of what his property is currently valued. They had a partial year in 2021 and have worked to lock into leases signed back in August, September and October of 2021, wherein they are barely getting to the part where they are able to increase rent. Lastly, he would remind the Board that income is not as high as reflected within the documents provided by the Commercial Appraiser.

Chairman Manwaring stated that a decision would be made at a later date and sent to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING- JONAS MARCINKO

Present: Shellie Conn- Appraiser
Becca Goodwin- Appraiser
Debbie Cunningham- Appraisal Supervisor
Donavan Harrington- County Assessor
John Dewey- County Legal Counsel
Danielle Wooton- Appraiser
Jonas Marcinko- Appellant

The Board met to hear the Appeal filed by Jonas Marcinko, in regards to RP0408302. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Jonas Marcinko and the time was turned over to Mr. Marcinko for his testimony.

Mr. Marcinko explained his home is not new and there is a severe amount of damage that has occurred to the home. The windows are fogging and molding inside, the foundation is damaged, siding is coming off, the roof should be replaced within a few years, the front door is cracking and pillars are cracking. This home was a first time build and with all of the repairs needed, he does not see the value being this high.

Commissioner Lewis asked Mr. Marcinko if the Assessor's Office had looked at the home, to which he confirmed they had.

Ms. Cunningham stated the Assessor's Office did go and look at the home and an adjustment was made from \$342,470.00 to \$292,650.00, which is an adjustment of \$49,820.00. Ms. Cunningham stated the subject home has a square footage of 2,925 square feet, wherein it is difficult to find a comparable that had a second floor in a similar manner with the amount of acreage of 7.712 acre lot. The first comparable is located at 756 South 1500 West, built in 2001, has 1,221 square feet on the main floor, 1,021 in the basement for a total of 2,442. This is 500 square feet less than the subject property and sold for \$449,500.00 in September of 2021. The second comparable is located on Riverton Road, has considerations to be made as it sits between Riverton road and I-15. This home was built in 2011, has 1,198 square feet on the main floor and 1,172 in the basement, which sold for \$505,000.00 in June of 2021. The last comparable is located near Goshen, was built in 1902 but was remodeled in 1980. This home has total square footage of 2,817 and sold for \$405,000.00. Ms. Cunningham also informed the Board that Mr. Marcinko has an open shed on the property, valued at \$25,000.00, which none of the comparables had. When this amount is removed, the total for the home and land is \$353,248.00.

Mr. Marcinko stated it is confusing as to how the value is assessed. One year ago, these values were not close to what they are currently. He understands the values are due to current market value but does not believe that is fair for residents that have lived in the area for a long time period.

Ms. Cunningham stated the County is required to be within 90% of what the market value is currently. The market is high currently but the County has to follow requirements and be within 90% of the market value as of January 1st of the previous year.

Chairman Manwaring stated that a decision would be made at a later date and sent to the Appellant.

BOARD OF EQUALIZATION APPEAL HEARING-CAROL ARAVE

Present: Shelli Conn- Appraiser
Becca Goodwin- Appraiser
Debbie Cunningham- Appraisal Supervisor
Danielle Wooton- Appraiser

The Board met to hear the Appeal filed by Carol Arave, in regards to RP1327210. Chairman Manwaring welcomed all to the Appeal Hearing and stated that he had spoken to Ms. Arave who informed him that she would no longer be needing the Appeal hearing.

Therefore, this Appeal hearing is now cancelled.

APPROVAL OF CASH WARRANTS, CLAIMS, ADMINISTRATIVE DOCUMENTS & PERSONNEL ACTION FORMS

CLAIMS

Claims were approved in the amount of \$179,071.53.

PRESENTATION OF LIFE SAVING AWARDS- CHIEF DEPUTY SHERIFF JEFF GARDNER

The Board met with several Bingham County Employees and members of the public in order to present life saving awards for an incident that occurred on May 9, 2022 in the Assessor's Office.

Donovan Harrington read a letter of recognition to those who assisted in saving the life of April Coburn, an employee of the Assessor's Office.

Chief Deputy Gardner presented a lifesaving award to Zane Clements and Deputy Ben Kearsley.

Blackfoot Chief of Police Gordon Croft presented a lifesaving award to Officer Adam Mann and Corporal Kyle Pentrack.

Mayor Carroll stated there are still a large amount of people around the United States pushing to defund the police activities. This is an example to show the tremendous teamwork in our community between the Sheriff's Office and the City Police. He would like to thank all who were involved in working together to safe Ms. Coburn.

Chairman Manwaring stated the Commissioners appreciate what transpired that day and from experience it is not easy but thanked all involved on behalf of Bingham County.

Krystal Puentes, Department of Motor Vehicles, presented a plaque to the officers, along with a card to show their thanks. April Coburn thanked all involved, it means the world to her that they stepped in to save her life.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY JULY 8, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, July 8, 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- Deputy Clerk

MEETING WITH BLACKFOOT CITY MAYOR TO INTRODUCE BLACKFOOT FIRE CHIEF HOWELL & BLACKFOOT POLICE CHIEF CROFT

Present: Mayor Marc Carroll
 Tiffany Olsen- Planning & Development Director
 Gwen Inskeep- County Surveyor
 Pamela Eckhardt- County Clerk
 Bryon Howell- Blackfoot Fire Chief
 Gordon Croft- Blackfoot Chief of Police

The Board met with Mayor Marc Carroll to allow him to formally introduce the new Blackfoot Fire Chief and Blackfoot Chief of Police. Chairman Manwaring welcomed all to the meeting and turned the time over to Mayor Carroll.

Mayor Carroll stated he would like to formally introduce the new Fire Chief and Police Chief to the County Commissioners, Chief of Police Gordon Croft and Chief Bryon Howell.

Chairman Manwaring welcomed both Chief Croft and Chief Howell and stated he is looking forward to working with them both.

Commissioner Lewis congratulated both Chief Croft and Chief Howell. She introduced Tiffany Olsen, Planning & Development Director and Gwen Inskeep, County Surveyor and stated they will be involved in development throughout the County.

APPROVAL OF BINGHAM COUNTY RESOLUTION 2022-24 & RESOLUTION 2022-25

The Board met to approve Bingham County Resolution 2022-24 and Resolution 2022-25, both resolutions regarding destruction of Election Records maintained by the Clerk's Office.

Decision: Commissioner Lewis moved to approve Resolution 2022-24 and Resolution 2022-25, both resolutions regarding the destruction of Election Records maintained by the Clerk's Office. Commissioner Bair seconded. All voted in favor. The motion carried and said resolutions were adopted as follows:

BINGHAM COUNTY RESOLUTION 2022-24

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

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

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

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

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

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

THEREFORE, it is hereby resolved:

That the following Elections records may be disposed of pursuant to Idaho Code §34-217(1) (a-g) as being at least five years, from the date the records were created:

County initiatives/referendums and recall petitions that qualify for placement on the ballot from 2002 to 2013 (including Mosquito Abatement, S1108 Referendum, S1184 Referendum, and S1110 Referendum). Also school levy records and Moreland Water & Sewer elections from 2000 to 2013).

March and May 2017 Combination Election Record and Poll Books, including the ballot accounting pages.

That the following **May 19, 2020** Primary Election records may be disposed of pursuant to Idaho Code §34-217(2) (a-g) as being at least two years, from the date the records were created:

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

That the following **March 10, 2020** Presidential Primary Election records may be disposed of pursuant to Idaho Code §34-217(2) (a-g) as being at least two years, from the date the records were created:

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

That the following **May 18, 2021** Bond/Levy Election records may be disposed of pursuant to Idaho Code §34-217(3) (a-f) as being one year from the date the records were created:

Notice of election; personal identification affidavits; ballot tracking logs; automated tabulation election logs; receipt of supplies; copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device; record of the number of ballots printed and furnished to each polling place; and oath of challenge forms.

That the following **March 9, 2021** Bond/Levy Election records may be disposed of pursuant to Idaho Code §34-217(3) (a-f) as being one year from the date the records were created:

Notice of election; personal identification affidavits; ballot tracking logs; automated tabulation election logs; receipt of supplies; copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device; record of the number of ballots printed and furnished to each polling place; and oath of challenge forms.

That the following **March 8, 2022** Bond/Levy Election records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

Unused ballots, spoiled ballots, official ballot stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, computer mapper voter lists, and duplicate poll books.

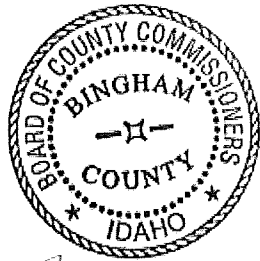
That the following **November 30, 2021** Mayoral Runoff Election records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

Unused ballots, spoiled ballots, official ballot stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, computer mapper voter lists, and duplicate poll books.

Furthermore, such records may be destroyed after July 12, 2022.

Signed and dated this 8 day of July, 2022.

BINGHAM COUNTY COMMISSIONERS



ATTEST:

Pamela Eckhardt
Pamela W. Eckhardt, Clerk

Whitney Manwaring
WHITNEY MANWARING, Chairman

Mark R. Bair
MARK R. BAIR, Commissioner

Jessica Lewis
JESSICA LEWIS, Commissioner

BINGHAM COUNTY RESOLUTION 2022-25

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

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

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

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

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

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

THEREFORE, it is hereby resolved:

That the following **May 17, 2022** Primary Election records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

Unused ballots, spoiled ballots, official ballot stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, computer mapper voter lists, and duplicate poll books.

Furthermore, such records may be destroyed after July 19, 2022.

Signed and dated this 9 day of July, 2022.



ATTEST:

Pamela W. Eckhardt
Pamela W. Eckhardt, Clerk

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring
WHITNEY MANWARING, Chairman

Mark R. Bair
MARK R. BAIR, Commissioner

Jessica Lewis
JESSICA LEWIS, Commissioner

BOARD OF EQUALIZATION APPEAL- LAYNE GARDNER

Present: Becca Goodwin- Appraiser
Shelli Conn- Appraiser
Debbie Cunningham- Appraisal Supervisor
Donavan Harrington- County Assessor
Layne Gardner- Appellant
Via Phone: Gary Shewey- Commercial Appraiser

The Board met to hear the Appeal filed by Layne Gardner, in regards to RP1308100 & RP1292600. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Layne Gardner, Donovan Harrington and Gary Shewey at this time. The time was turned over to Mr. Gardner for his testimony.

Mr. Gardner stated he previously owned the home on 680 South Stout Street that sold for over \$1 million dollars. The fair market value when looking at that unit shows that the units on Stout Street would be selling for approximately \$60,000.00 per unit. His billing at 525 South Fisher is much newer, has the exact same floor plan and square footage, with the assessed value being \$82,500.00 per unit. That is a 22,000.00 difference. There is currently a 35% increase and he believes a more fair value would be \$70,000.00 per unit.

Mr. Shewey stated there is dispute on what the actual sale price of the particular property. His appraisal is \$1.88 million. The property is not in good condition and there was maintenance being done as he was checking the property. His projected value currently provided is conservative for this property. There is an old motel at 1375 South Broadway that sold for \$1,050,000.00 and is in rough shape as well. His opinion that the sale price of \$1 million may not be correct. When valuing properties such as Mr. Gardner's, the best way to do so is to look at each unit, along with value based on what current rent would be.

Appellant's Rebuttal: Mr. Gardner stated he would like the Board to remember that he is a local owner and not an individual that has moved from out of state. When looking at fair market value, be sure that property sold locally is what is taken into consideration. It is not fair to the individuals that are renting from him and wonders where they would rent.

Next, Mr. Gardner discussed RP1308100 and stated this property is 10 years older than the property located on Stout Street and should not be valued higher. If not less, it should be the valued the same as the property on Stout Street.

Mr. Shewey stated he uses mass appraisal and he gathers as much information as possible. This property is currently valued for \$510,000.00 on the building and \$55,000.00 on the land for a total of \$565,000.00, which he believes is undervalued.

Appellant's Rebuttal: Mr. Gardner stated the last time the property at 595 South Fisher was assessed; it was assessed at \$293,000.00. The new assessment is \$673,000.00, which makes for an increase of 52%. If there was a 52% increase in the rent amount, it would not be sustainable for his renters and he will not do that.

Mr. Shewey stated there was an adjustment done and a new notice was sent to the Appellant. The adjusted value on RP1292600 is \$528,500.00 and the adjusted value on RP1308100 is \$565,000.00.

Chairman Manwaring stated a decision would be made at a later date and mailed to the Appellant.

BOARD OF EQUALIZATION APPEAL- T&K PRISTINE PROPERTIES LLC

Present: Becca Goodwin- Appraiser
Shelli Conn- Appraiser
Debbie Cunningham- Appraisal Supervisor
Donavan Harrington- County Assessor
Danielle Wooton- Appraiser
Tony Ciccone- Appellant
Karolyn Taberna- Appellant

The Board met to hear the Appeal filed by Tony Ciccone & Karolyn Taberna, in regards to RP1378004 & RP1378002. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley swore in Debbie Cunningham, Tony Ciccone, Karolyn Taberna and Shelli Conn and the time was turned over to the Appellant for testimony.

Mr. Ciccone stated he would not be able to sell his home for the assessed value provided. The increase of \$119,000.00 in one year is a large increase. He explained that he had accessed the Bingham County Parcel Map, wherein he has found other properties that were assessed at a smaller percentage.

Ms. Taberna stated they have had the same tenants and they try to keep the rent at the same rate. They have only increased one time in 4 ½ years. One couple has five children and the other couple are both retired. Currently the rent covers taxes, insurance and repairs, with no additional income. The properties are in the same condition as when purchase but they have maintained them. There is no central air and there is a cooler/heater in each room.

Ms. Cunningham stated the first property listed by the Appellant, there was an increase of 43% and this is a single-family dwelling. The second mentioned by the Appellant is a new construction property and has only been picked up on the occupancy role, which is why the only value shown is for the land itself.

Ms. Taberna stated this home was occupied 2 to 3 months prior to their property and theirs was increased right away.

Ms. Cunningham stated the subject properties are located on Meggan Street and are townhomes built in 2007. These properties both have a garage on the main floor, a main floor of 684 square feet with an upper floor of 942 square feet and a basement of 684 for a total of 2,310 on a .11 acre lot. The comparables provided are not perfect but are similar. The first comparable is located at 2001 Lawrence Lane that sold for \$275,000.00 on 3/2/2022. This property was built in 2021, has a main floor square footage of 1,570 square feet on a .024 acre lot. She stated that she would skip over reviewing the other two comparables as they are both twin homes, which is not a perfect comparable but used simply because they do have a garage. They do not have the upstairs as the subject property.

She pulled a newer comparable on Meggan Street that sold for \$300,000.00 in May of 2022 and has the same square footage. The second is located on Court Street that sold for close to \$300,000.00 recently also. The market value is fair as excessive increase as occurred and the County is require by the State to be within 10% of what market value currently is.

Mr. Ciccone stated he understands the square footage is the same but the other comparables have gas heating, central air, granite countertops and all new appliances.

Chairman Manwaring stated a decision would be made at a later date and mailed to the Appellant.

BOARD OF EQUALIZATION- SCOTT BROWER

Present: Danielle Wooton- Appraiser
Debbie Cunningham- Appraisal Supervisor
Scott Brower- Appellant
Genese Brower- Appellant
Shelli Conn- Appraiser
Becca Goodwin- Appraiser

The Board met to hear the Appeal filed by Scott Brower, in regards to RP0315303. Chairman Manwaring welcomed all to the Appeal Hearing and reviewed the rules and procedures to be followed.

Ms. Dalley Swore in Danielle Wooton, Genese Brower and Scott Brower. The time was turned over to the Appellant's for their testimony.

Mr. Brower stated the original home was built in 1898, with an addition in 2002. There is limited access to utilities and propane is the only source for heating. The Union Pacific Railroad being close by should also add depreciation. The value of the properties in the area should also be a factor in assessing the value of his property. He has not done any improvements to the home to warrant the increase in value.

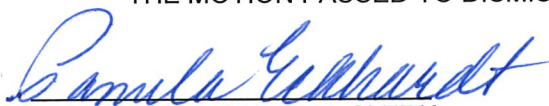
Ms. Wooton stated the subject home was built in 1898 and a 33% depreciation was given due to the age of the home. The first comparable is located at 131 N. 200 E., and sold for \$340,000.00 on 12/18/2020. This home was built in 1979, has a main floor square footage of 2,700.00, a basement square footage of 700, has a garage and is on 2.240 acres. The second comparable is located at 962 E. 1100 N., Blackfoot and sold for \$407,500.00 on 6/1/2021. This home was built in 1967, has a main floor square footage of 2,100, has a basement square footage of 576, has a garage and is on 2 acres. The last comparable is located at 1426 N. 1100 E., and sold for \$479,000.00 on 8/2/2021. This home was built in 1977, has a main floor square footage of 2,425, a basement square footage of 790, has a garage and is on 2019 acres.

Ms. Cunningham explained the depreciation was given as when the home was remodeled and added onto, there were functional problems such as the main floor being small, half basement is finished and the other half is used for storage.

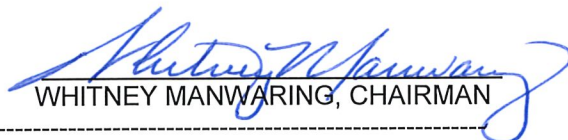
Chairman Manwaring asked if it was taken into consideration that there are limited access to utilities or the home is close to the railroad tracks. Ms. Cunningham stated these issues are used in consideration.

There was nothing further and Chairman Manwaring stated a decision would be made at a later date and mailed to the Appellant

THE MOTION PASSED TO DISMISS UNTIL MONDAY JULY 11, 2022



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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, July 11, 2022
County of Bingham)

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

Present: Chairman Manwaring
Commissioner Lewis
Pam Eckhardt- County Clerk
Excused: Commissioner Bair

PERSONNEL ACTION FORMS

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

Employee Status Sheet: Evidence Technician
Salary Increase Form: Deputy Clerk/Elections Assistant
Patrol Deputy
Detention Sergeant
Detention Sergeant
Patrol Deputy
Patrol Deputy
Detention Deputy
Trainee Appraiser

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

STAFF MEETING

Present: Lynette George- Chief Deputy Clerk
Donavan Harrington- County Assessor
Jimmy Roberts- County Coroner
Scott Reese- Parks & Recreation
John Dewey- Human Resources Director/County Legal Counsel
Laraine Pope- Human Resources Technician
Eric Jackson- Building Maintenance Director
Tiffany Olsen- Planning & Development Director
Cody Lewis- Drug Court
Paul Rogers- Prosecuting Attorney
Jeff Gardner- Chief Deputy Sheriff
Shawn Hill- Probation Department
Laura Lora- Indigent Services/Payroll
Julie Buck- Extension Office
Sheri Landon- Magistrate/District Court
Jaeme Freeman- District Court Clerk
Danette Miller- Elections
Chief Gordon Croft- Blackfoot Police
Tanna Beal- County Treasurer

Excused: Marc Carroll- City of Blackfoot Mayor
Dusty Whited- Public Works Department
Scott Mensching- IT Director

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

Pledge of Allegiance: Chairman Manwaring.

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

Employee Years of Service Recognition: Chief Deputy Jeff Gardner recognized Samantha (Cutlers) Delacruz for five years of service to Bingham County. She works in the Dispatch Center and is a great asset to Bingham County.

Chief Deputy Jeff Gardner recognized Josh Eaton for five years of service to Bingham County. Josh Eaton is a Patrol Deputy and is great at what he does.

Next, Chief Deputy Jeff Gardner recognized Laura Harris for fifteen years of service to Bingham County. She is the Detention Secretary and handles all of the finances for the jail.

Chief Deputy Jeff Gardner recognized Joni Ramirez for fifteen years of service to Bingham County. She is the Sergeant in the Detention Center and is a valuable asset to Bingham County.

Sheri Landon recognized Jaeme Freeman for fifteen years of service to Bingham County. Jaeme handles all Treatment Court matters for Bingham County and Judge Simpson out of county cases, along with being cross trained to help other District Court Clerks. Jaeme is personable, is great with the public and cares immensely about the cases and individuals in Treatment Court. The participants get to know her and depend on her as a good public service for the Courts. She is a large asset to Bingham County.

Chairman Manwaring: Discussed CPR Training and stated this training is not mandatory but would be available countywide. He explained he is in favor of it not being mandatory but does believe that each department should attend CPR Training, not to specifically be certified but to be knowledgeable. There will be classes scheduled during the fall and anyone who is interested can attend.

Commissioner Bair: Reminded all employees to be careful as there is a lot of road construction and Road and Bridge is doing chip sealing currently.

Clerk Eckhardt: Stated that she would like to acknowledge Lynette George who will be retiring. She stated she appreciates all of her hard work and dedication to Bingham County. Gina Perschon will be the new Chief Deputy Clerk and Patty Walters will take over Cash Warrants and Claims, as well as recording and passports. Lastly, Laura Lora, will be the new Payroll Clerk and what is left of Indigent/Veteran Services.

Next, Clerk Eckhardt presented two options for the new county seal that was designed by Get Found First. This has been discussed for some time and several changes have been made. After discussion and input from department heads, it was determined that the blue version of the seal, would be the new Bingham County seal. Once Clerk Eckhardt has received the files from Get Found First, she will send out an email and departments can use the new county seal after the 1st of August.

Laura Lora: Commissioner cut off for approval of wage increases or promotions is July 15th and timesheets are due July 21st.

Donavan Harrington: Stated that he would like to show his appreciation for the effort during the Board of Equalization. There were 20 residential property appeals and 7 commercial property appeals. There were dozens discussed in house and resolutions made prior to holding an Appeal hearing. Commissioner Bair reiterated his thanks to the Appraisal Office for their preparation and hard work during the Board of Equalization.

Second, he has hired two new appraisers this week, Robin Lora and Tim Cragun.

Jimmy Roberts: Introduced his new Chief Deputy Coroner, Stacy Salazar, who comes with a lot of experience in emergency medical service field and also with organ donation. She is on the recipient side and works for a company virtually. She will be a large asset to Bingham County. There are also two new deputies, Dallen Farmer and Jena Reed.

Within the last four weeks, Bingham County has lost four young adults from the ages of 18 to 24. Please be sure to talk to children and their friends about speed and driving. In the last two weeks, there have also been two Covid-19 positive deaths in Bingham County.

Scott Reese: Had no updates at this time.

Sheri Landon: Had no updates at this time.

Laraine Pope: Stated she has sent out Safety Policy to all employees, all Supervisors need to sign the form and return to Human Resources. This documentation will be placed on the employee bulletin boards throughout the County.

PERSI is inviting retired employees back to work without contributions on their behalf or the employer. Please contact Human Resources as each case must be looked at with PERSI before a rehire.

Jason Marlow: Currently working on the Driver's License Office remodel. If there are any issues with temperatures, please contact them and they will get it taken care of as quickly as possible.

Tiffany Olsen: Had no updates at this time.

Shawn Hill: Had no updates at this time.

Cody Lewis: Stated Felony Drug Court Graduation is on July 26th at 4:00 p.m., and Misdemeanor Drug Court Graduation is on July 28th at 4:00 p.m.

Paul Rogers: Stated that David Cousin has accepted a new judgeship in Caribou County and the new Chief Deputy Prosecutor will be Ryan Jolley.

Mr. Rogers stated that he would like to thank Pam and all of the Court Clerks as it has been a busy month. Within the last three weeks, there have been three Jury Trials with all three convictions. Trials will be steady through the month of July and things will be busy.

Jeff Gardner- Chief Deputy Sheriff: Had no updates at this time.

Tanna Beal: Had no updates at this time.

Laura Lora- Indigent Services: Had no updates at this time.

Julie Buck: Stated there were 137 youth that attended the 4-H Camp and two canning classes will be held in August. There are a number of 4-H programs throughout the summer, please contact her with any questions.

Danette Miller: Stated that there will not be an August 30th Election this year, which would have been any of the schools who would like to do a bond or levy.

Chairman Manwaring introduced Chief Gordon Croft- Blackfoot Police. Chief Croft stated that he has been with the city since 2000, was born and raised in Idaho and trying to settle into his new office.

Chairman Manwaring confirmed there was nothing further for discussion and stated the next Staff Meeting is scheduled for Monday, August 1, 2022 at 8:30 a.m.

Nothing further at this time.

BOARD OF EQUALIZATION APPEAL HEARING DECISION

Present: Donovan Harrington- County Assessor
Debbie Cunningham- Appraisal Supervisor
John Dewey- County Legal Counsel
Ollie Wimbish- Deputy Prosecutor
Becca Goodwin- Appraiser
Danielle Wooton- Appraiser
Shelli Conn- Appraiser

The Board met to make decisions regarding Appeals that have been heard by the Board of Equalization. Chairman Manwaring welcomed all to the meeting.

Dianna Moore RP8200900 Value was adjusted to \$137,516.00 per in person inspection after the Board of Equalization Appeal Hearing.

Decision: Commissioner Bair moved to approve the change in assessment notice for Parcel RP8200900 to \$137,516.00. Commissioner Lewis seconded. All voted in favor. The motion carried.

Justin Marot RP1284501 Value of the home adjusted from \$277,357.00 to \$236,700.00 for a newly adjusted amount of \$269,218.00.

Decision: Commissioner Lewis motioned to change the value of the home from \$277,357.00 to \$236,700.00. Commissioner Bair seconded. All voted in favor. The motion carried.

Gordon & Marla Polatis RP0255112 Value was upheld.

Decision: Commissioner Bair moved to uphold the value of \$824,399.00 for parcel RP0255112. Commissioner Lewis seconded. All voted in favor. The motion carried.

Gordon & Marla Polatis RP0255111 Value was upheld.

Decision: Commissioner Lewis moved to uphold the value of \$360,620.00 for parcel RP0255111. Commissioner Bair seconded. All voted in favor. The motion carried.

Michael & Stephanie Hay RP8254000 (Did not appear for the Appeal Hearing) The Appraiser went out and the basement was unfinished. Therefore, the value was decreased during the Appeal Hearing to the amount of \$1,131,950.00

Decision: Commissioner Bair moved to approve the adjusted value of \$1,131,950.00 for RP8254000. Commissioner Lewis seconded. All voted in favor. The motion carried.

Benny Gatley Jr RP8200901 Value of the home was adjusted from \$122,533.00 to \$112,850.00 for a new value total of \$167,850.00.

Decision: Commissioner Lewis reduce the value to \$167,850.00 for parcel RP8200901. Commissioner Bair seconded. All voted in favor. The motion carried.

Ann VanOrden RP1254200 Value was adjusted to \$155,260.00.

Decision: Commissioner Bair motioned to accept the assessment for parcel RP1254200 in the amount of \$155,260.00. Commissioner Lewis seconded. All voted in favor. The motion carried.

Stanley & Kent Searle properties were briefly discussed but no decision was made. This matter was postponed until 3:00 p.m. in the afternoon.

John & Bonnie Moon LLC property was brief discussed but no decision was made. This matter was postponed until 3:00 p.m. in the afternoon.

Hannah Green RP1164000 Value was upheld.

Decision: Commissioner Lewis moved to uphold the value of \$244,310.00 for parcel RP1164000. Commissioner Bair seconded. All voted in favor. The motion carried.

Layne Gardner RP1292600 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$528,500.00 for parcel RP1292600. Commissioner Lewis seconded. All voted in favor. The motion carried.

Layne Gardner RP1308100 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$565,000.00 for parcel RP1308100. Commissioner Lewis seconded. All voted in favor. The motion carried.

Wayne Brower Family Trust RP0315204 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$388,861.00 for parcel RP0315204. Commissioner Bair seconded. All voted in favor. The motion carried.

A June Bewley Trust RP1375200 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$304,596.00 for parcel RP1375200. Commissioner Lewis seconded. All voted in favor. The motion carried.

Stephen Blaser RP0427000 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$114,746.00 for RP0427000. Commissioner Bair seconded. All voted in favor. The motion carried.

Stephen Blaser RP0424400 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$132,153.00 for RP0424400. Commissioner Lewis seconded. All voted in favor. The motion carried.

Stephen Blaser RP0414500 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$158,300 for RP0414500. Commissioner Bair seconded. All voted in favor. The motion carried.

Stephen Blaser RP0414507 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$168,950.00 for RP0414507. Commissioner Lewis seconded. All voted in favor. The motion carried.

Justin Oleson RP0440200 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$193,548.00 for RP0440200. Commissioner Bair seconded. All voted in favor. The motion carried.

Justin Oleson RP0429302 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$155,222.00 for RP0429302. Commissioner Bair seconded. All voted in favor. The motion carried.

Justin Oleson RP7042100 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$98,890.00 for RP7042100. Commissioner Bair seconded. All voted in favor. The motion carried.

Robert Boyd RP8270030 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$609,533.00 for RP8270030. Commissioner Lewis seconded. All voted in favor. The motion carried.

Jonas Marcinko RP0408302 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$378,468.00 for RP0408302. Commissioner Bair seconded. All voted in favor. The motion carried.

T&K Pristine Properties LLC RP1378004 Value was upheld

Decision: Commission Bair moved to uphold the value of \$269,627.00 for RP1378004. Commissioner Lewis seconded. All voted in favor. The motion carried.

T&K Pristine Properties LLC RP1378002 Value was upheld

Decision: Commissioner Bair moved to uphold the value of \$269,627.00 for RP1378002. Commissioner Lewis seconded. All voted in favor. The motion carried.

Scott Brower RP0315303 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$313,750.00 for RP0315303. Commissioner Bair seconded. All voted in favor. The motion carried.

The Remaining Board of Equalization decisions were continued until after the afternoon meetings.

APPROVAL OF REASON & DECISION FOR THE ZONING AMENDMENT FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE SUBMITTED BY GALE LIM CONSTRUCTION LLC & ROD ALBERTSON

Present: Tiffany Olsen- Planning & Development Director
 Addie Jo Harris- Planner
 Chris Street- HLE
 John Dewey- County Legal Counsel

The Board met to approve the Reason & Decision for the Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture submitted by Gale Lim Construction LLC and Rod Albertson.

Decision: Commissioner Bair moved to approve the Reason & Decision for the Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture, along with the Comprehensive Plan Map Amendment, submitted by Gale Lim Construction LLC and Rod Albertson. Commissioner Lewis seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR LAVA RIDGE COVE SUBDIVISION SUBMITTED BY GALE LIM CONSTRUCTION LLC & ROD ALBERTSON

Present: Tiffany Olsen- Planning & Development Director
Addie Jo Harris- Planner
Chris Street- HLE
John Dewey- County Legal Counsel

The Board met to approve the Reason & Decision for Lava Ridge Cove Subdivision submitted by Gale Lim Construction LLC and Rod Albertson.

Decision: Commissioner Lewis moved to approve the Reason & Decision for the Lava Ridge Code Subdivision, a 16-lot subdivision, submitted by Gale Lim Construction LLC and Rod Albertson. Commissioner Bair seconded. All voted in favor. The motion carried.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION FOR APPROVAL OF H&H SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director
Chris Street- HLE
Addie Jo Harris- Planner
John Dewey- County Legal Counsel

The Board held a meeting to receive the recommendation of the Planning & Zoning Commission to Approve the H&H Subdivision. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Addie Jo Harris.

Ms. Harris presented the Staff Report at this time.

Chairman Manwaring confirmed there would be private wells and connection to sanitary sewer service. He asked when Government Agencies, it seems as though canal companies are contacted as well. He does not see that Riverside Canal was contacted. Ms. Olsen asked if the canal company was managed by another entity, to which Chairman Manwaring stated it was not, it is an entity and stated the canal company should be added to the Government Agency list. Ms. Olsen confirmed that she would add said canal company to the list for notice.

Commissioner Lewis stated the record reads that approval from the City of Blackfoot was still needed and asked if that was still pending. Ms. Harris stated it is typical practice that they do not sign until the Final Plat. Next, Commissioner Lewis stated in looking at the plat and aerial and asked Ms. Harris if this is an open space or of there was something on the property. Ms. Harris stated one of the parcels has an existing home and the other is a buildable lot.

Chairman Manwaring stated there will be individual wells and hook up to Groveland Sewer.

Decision: Commissioner Lewis moved to uphold the recommendation to approve the subdivision Application for H&H Subdivision, a 2-Lot subdivision, on approximately 1.16 acres, zoned R/A and is located at approximately 174 North 380 West in the Groveland Townsite. This subdivision will have individual wells, sanitary sewer will be provided by the Groveland Water and Sewer District. Commissioner Bair added that he has reviewed the subdivision regulations and agree with the conclusions made by Planning & Zoning Commission and Staff. 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.

IT DEPARTMENT

Present: Scott Mensching- IT Department
John Dewey- Human Resources Director
Excused: Commissioner Lewis

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

Mr. Mensching stated that the discussion he would like to hold, he would prefer to have all three Commissioners present, which he had requested. Mr. Mensching stated that he would like to discuss the request from the Sheriff's Office to give one of their employees network security access. He would like to understand from all Commissioners on their opinion or recommendation on this specific matter. Commissioner Bair asked Mr. Mensching if he would like to reschedule when Commissioner Lewis will be present, to which he stated he would. Mr. Dewey informed Mr. Mensching that he could go ahead and have the discussion as there is a quorum present and if there is disagreement between the two Commissioners, additional input could be received from Commissioner Lewis at another meeting.

Chairman Manwaring stated he was in attendance of the original meeting where this was discussed between the IT Department, the Sheriff's Office and himself. Therefore, he advised Mr. Mensching that he could address his concerns and questions with Commissioner Bair at this time.

Mr. Mensching stated he is receiving pressure regarding this request from not only the Sheriff's Office, but the Human Resources Office as well.

Mr. Mensching asked Commissioner Bair if he supported the request to give full network security access to a Sheriff's Office employee. He further explained that security access was given previously specifically for computers within the Sheriff's Office. After a short time, access was being abused and changes were being made to security rights on various devices, after which that access was taken away. Since that incident, four meetings have been held, specifically with Human Resources, the Sheriff's Office and Chairman Manwaring, to discuss the issue. Each meeting seems to be a continuous meeting until he gives in and approves network access. Mr. Mensching stated he is attempting to find out if his job is in jeopardy if he does not give this access or how he should proceed. In a security sense, giving network security access is a bad idea. He stated the specific employee does work for the Sheriff's Office and would supposedly work for the IT Department but an individual cannot work for two masters.

Mr. Mensching stated communication has been difficult and it is hard for him to allow security risk with someone who cannot follow rules, let alone having someone from a separate department get security access to the network. To try to keep communication between IT and the Sheriff's Office is impossible and it has been well known during the Motorola Project until currently. He is at the point where if it has to be done, he will do it but he does not agree that it is safe and he does not get the feeling that this is a choice.

Commissioner Bair stated he does not view the Sheriff's Office as a separate department. In his mind, Bingham County is all the same. He reiterated that there has to be middle ground and his understanding was at the last meeting, Chief Deputy Gardner had offered to let the specific employee come back into the umbrella of the IT Department and specifically work with the Sheriff's Office. He thought this was a

great solution and that all parties had agreed at that time. Therefore, he does not understand what happened between that last meeting and now.

Mr. Mensching stated four meetings into this issue; there is a lot of pressure being place on him to allow full network security access to this employee. These meetings continue until he gives in and allows the access. If he is in charge of the IT Department and is doing a good job, there should be consideration given but he is at the point where if he does not say yes, he is scared to lose his job.

Commissioner Bair asked Mr. Mensching to clarify if he feels as though he has been pressured to allow access when he was not in favor of doing so. Mr. Mensching confirmed.

Mr. Mensching stated from an IT standpoint, giving network security access is a bad idea and explained that security compartmentalized. All midsized business has this and the specific employee being discussed is certified as the Motorola Administrator. That gives him the knowledge that IT Department does not have. This would be asking to take the security side and give access to all other items, besides what the employee has been trained for. This is standard security protocol and he is looking for input, as it is a large concern for him.

Chairman Manwaring stated previous to the last meeting held, there were several issues and the major issue was the transition with Motorola and the gentleman present during the meeting made a suggestion as to how the departments should proceed. It was suggested to draft a Memorandum of Understanding for both parties to sign and that is where the meeting ended.

Mr. Mensching stated the meetings held prior to the last, all seemed like pressure and he has only said yes because it is meetings of bombardment to make the decision and the only answer is yes. Chairman Manwaring stated in his eyes, nothing has changed, as it seems like things are okay for some time and then access is denied. Mr. Mensching stated that things did change as he did not follow protocol and that is why access was taken away.

Mr. Mensching stated that he is a concerned a protocol will be set and it is not followed. This Sheriff's Office Employee works in a separate department and can make separate decisions. There was no communication during the Motorola Project and did not have an access code to log into the software. The communication is not there and he is worried it will not get any better.

Commissioner Bair stated there has to be a way for the two departments to get to a middle ground and work together. Evidently, the IT Department solution is different from what the Sheriff's Office would like. Commissioner Bair asked Mr. Mensching what is suggested solution would be. Mr. Mensching responded stating he does not have a solution. In his mind, there is no access to be given and if there needs to be a solution, than he would come up with a solution.

Mr. Mensching reiterated if he were to give the access that is being requested, he would 100% be giving in and being pushed to allow access. Commissioner Bair stated that he disagreed with that statement. Mr. Mensching stated to give the access being requested, the Sheriff's Office employee would have access to the entire network, which would be him caving and is not what he believes is safe. If this needs to be done, than he will do that.

Chairman Manwaring stated he would like to come to a conclusion as to how all parties can move forward in a positive way and suggested that Mr. Mensching meet with Commissioner Lewis to receive her input. Mr. Mensching stated that he believes the Commissioners present today would like him to give access to the Sheriff's Office employee and go against what he believes. Commissioner Bair reiterated that there has to be a way to move forward and be on the same page. He has heard solutions come from the other side but not from Mr. Mensching, which is concerning.

Commissioner Bair asked Legal Counsel if he has suggestions, to which Mr. Dewey stated he did not but he would let the Board know that he has spoken with another IT Department employee and he agrees with Mr. Mensching in regards to the security issue and that it is not a good idea. There have been

several things stated during this meeting that are mischaracterizations of interactions that have been had. Ultimately, he stated either deference to Scott and his opinion or direction from the Board to go a different direction. Commissioner Bair stated things would not continue as they are and a solution will be made.

Chairman Manwaring asked Mr. Mensching to create a security protocol that will govern the coordination of the Sheriff's Office and the IT Department.

All precautions need to be taken but both departments need to work together in moving forward. Commissioner Bair added that he appreciates everything that Mr. Mensching has done for Bingham County.

BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance
Excused: Commissioner Lewis

The Board met with Jason Marlow to discuss department updates.

ASSESSOR'S OFFICE BUDGET DISCUSSION

Present: Donovan Harrington- County Assessor
Debbie Cunningham- Chief Deputy Assessor/Appraisal Supervisor
Excused: Commissioner Lewis

The Board met with Donovan Harrington to discuss the proposed budget for Fiscal Year 2022-2023.

TREASURER'S OFFICE BUDGET DISCUSSION

Present: Tanna Beal- Treasurer

The Board met with Tanna Beal to discuss the proposed budget for Fiscal Year 2022-2023.

EXTENSION OFFICE BUDGET DISCUSSION

Present: Julie Buck
Krista Cernyar

The Board met with Julie Buck and Krista Cernyar to discuss the proposed budget for Fiscal Year 2022-2023.

CONTINUANCE OF BOARD OF EQUALIZATION DECISIONS FROM 9:00 A.M.

Present: Donovan Harrington- County Assessor
Debbie Cunningham- Appraisal Supervisor
Excused: Commissioner Bair

Chairman Manwaring welcomed all to the meeting and explained that this meeting was a continuance from the 9:00 a.m., meeting.

Stanley Searle RP0372001 Value was adjusted from \$2,070.00 (\$65.00 per acre) to \$223.00 (\$7.00 per acre).

Decision: Commissioner Lewis moved to approve the adjusted value of \$223.00 for RP0372001. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Stanley Searle RP0373906 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$340.00 for RP0373906. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Stanley Searle RP0372101 Value was adjusted from \$195.00 (\$65.00 per acre) to \$21.00 (\$7.00 per acre).

Decision: Commissioner Lewis moved to approve the adjusted value of \$21.00 for RP0372101. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Stanley Searle RP0372304 Value was adjusted from \$764.00 (\$65.00 per acre) to \$82.00 (\$7.00 per acre).

Decision: Commissioner Lewis moved to approve the adjusted value of \$82.00 for RP0372101. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Stanley Searle RP0373401 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$455.00 for RP0373401. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

John & Bonnie Moon, LLC RP1295300 Value was building value was adjusted from \$427,300.00 to \$416,255.00 for a total value of \$507.855.

Decision: Commissioner Lewis moved to approve the adjusted building value of \$416,255.00 for a total assessed value of \$507,855.00 for RP1295300. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

SHJH Shelley, LLC RP2151500 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$70,000.00 for RP2151500. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

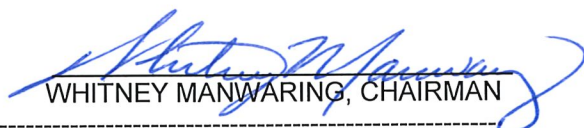
SHJH Shelley, LLC RP215400 Value was upheld

Decision: Commissioner Lewis moved to uphold the value of \$2,014,900.00 for RP2151400. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Nothing further.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY JULY 12, 2022


PAMELA W. ECKHARDT, CLERK


WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO)
 : ss. Tuesday, July 12, 2022
County of Bingham)

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

Present: Chairman Manwaring
 Commissioner Bair
 Lindsey Dalley- Commission Clerk

PLANNING & DEVELOPMENT/EXECUTIVE SESSION

Present: Tiffany Olsen- Planning & Development Director
 John Dewey- County Legal Counsel

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 2:04 p.m. The Board moved out of Executive Session at 2:23 p.m.

Director Tiffany Olsen stated she has provided information and reasons as to why this position is being requested. This position will not only fill vacancy when she is not in the office but would also provide administrative duties and responsibilities such as overseeing and train the new Planner and Assistant Planner, along with making sure that all job duties are being fulfilled. She stated within the last few months, the work she has been doing on Economic Development within the County Ordinance, it is requiring more of her attention out in the field, than being in the office doing things administratively as well as providing action before the Board. It makes sense to look at this position within a hierarchy from the performance to the pay as well.

Further, she explained that an assistant position in the office although their department may be small, work is extremely self-directed, requires attention to detail and there are proper procedures/protocols that have to be followed. They deal with difficult people and often times when this occurs, front staff would direct that individual to the next person in charge, which would be this assistant position so that she is not always working with what would be required in the office. It is important to differentiate their department from other departments in that a lot of the work completed by the Planning & Development Division is not covered by insurance and therefore their division is high-risk division that requires no potential for error. If there is an error, there may be significant costs both financially and publicly related to those decisions. She would like to create a new position, Assistant Director/Lead Planner, and would propose the position be placed within the supervisor range between an N20 and N24. Previously it was discussed the N24 range and within a reclassification request memo, Human Resources stated they would recommend an N22 range. At this time she would like the Board to consider an N23 range for this position. Currently the individual who would obtain the proposed position is currently at an N18, Step 3 (\$20.82), with an anniversary date in August.

Commissioner Bair stated the specific individual is still new to the Planning and Development Division and wonders if it would make more sense to increase one or two steps in order to give additional time before jumping to a higher grade. Ms. Olsen stated recently a Planner was hired with little to no experience, who is currently at \$22.08. Legal Counsel interjected and stated the new Planner has a significant amount of education but a reclassification should not be discussing individual employees but the job itself and rather or not, it is justified at this time.

Decision: There was no decision made at this time and the matter was tabled for after the Appeal Hearing for the Arco Wind LLC's Application for Commercial Wind Turbines.

APPEAL OF THE PLANNING & ZONING COMMISSION'S CONDITIONAL USE PERMIT DECISION TO APPROVE THE ARCO WIND, LLC'S APPLICATION FOR COMMERCIAL WIND TURBINES

Present: Nancy Hampton- Appellant
Steve Henderson- Appellant
Brenda Pace- in opposition
Jeff Carr- Museum of Idaho
Suzanne Wisner- in opposition
Richard Wisner Jr- in opposition
Tiffany Olsen- Planning & Development Director
Addie Jo Harris- Planner
John Dewey- County Legal Counsel
Via Zoom: Mark Green- North Renew Energy LLC
Seth Ginsberg- North Renew Energy LLC
Excused: Commissioner Lewis

The Board held a meeting to hear the Appeal of the Planning & Zoning Commission's Conditional use Permit Decision to approve the Arco Wind, LLC's Application for Commercial Wind Turbines. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Tiffany Olsen.

Director Olsen presented the Staff Report at this time.

BASIS FOR APPEAL: The Appellant stated the following:

1. Inadequate time for public review/comment.

The Appellants stated the Planning & Zoning Commissions Public Hearing was set for April 13, 2022 and they received written notice of the Application on March 22, 2022 (as supported by the Property Owners Mailing Affidavit, Exhibit S-18). Within the Property Owners Notice, it states "refer to our (P&Z) website to see the order of the meeting and for more information on the Application." Further, the notice follows Bingham County Code and allows unlimited comment up to 8 days prior to the hearing, after which is limited to 2 pages. The Appellants state by the time the Staff Report was provided to the public on the website, there was insufficient time to review the 700 pages and submit comments limited to 2 pages.

2. Lack of (or failure to include) review/comment by State, Federal, and other Pertinent Agencies. The Appellants state numerous mentions of "extensive collaboration with Federal and State and local departments on conservation and environmental studies" and pertinent studies or plans that were "in progress" or "on-going" were made by the Applicant during the Public Hearing and in the Application. The major agencies cited by the Appellants include BLM, IDFG, FAA, INL, USFWS, and the State of Idaho. Also, USFWS, DOE (or the INL) and the FAA do not appear on either list of agencies that were notified.
3. Many important details pertinent to public, private and county interests for a project this large and complex are missing and many questions from the Planning & Zoning Commissioners were met with "that comes later" or that is "in progress" or "in negotiation".

(A). A major aspect of the project (Solar) is presented in the Application but not addressed.

(B) Power purchasing contracts and turbine sales agreements are pending.

(C) Important details for aspects of decommissioning and disposal included in the application are preliminary and incomplete.

(D) The Application includes no details for transporting components to the site, potential alteration of existing or construction of new roads, and impacts to Highway 20 as a result of construction activities.

Board's discussion and review of Appellant's basis for Appeal:

1. Inadequate time for public review/comment.

Staff commented that Bingham County Code does not require the posting or publishing of Staff Reports to the public in advance of a Public Hearing. However, Staff publishes the Staff Reports and all testimony received prior to the Public Hearing as soon as the Government Agency deadline for comment (14 days prior to the Public Hearing) has passed. This usually occurs 7-10 days prior to the Public Hearing, depending on the County Webmaster's availability. The Application is subject to Record Request and the Appellants could have requested the information in advance of the Public Hearing. Additionally, although comment is limited to 2 pages eight days before the Public Hearing, public (verbal) testimony at the Public Hearing was not limited. Ms. Hampton did submit written testimony (T-13 dated April 5, 2022 consisting of 6 pages and again on April 11, 2022 consisting of 2 pages) as well as Mr. Henderson (T-21, dated April 12, 2022 consisting of 2 pages) however she nor Mr. Henderson requested additional time for comment or testified at the Public Hearing. From review of the Minutes and Decision, the Commission conditioned approval of the Application based on testimony and concerns presented in the record and from the verbal public testimony presented at the Public Hearing.

Commissioner Bair stated he has reviewed the record provided and it appears that all requirements listed within the Planning & Zoning Ordinance were followed and asked Director Olsen for confirmation. Director Olsen stated that was correct and explained that notice was provided to all property owners within one mile of the subject property and several outside of one mile as the boundaries extend into Bonneville County. Within the packet there are two Affidavit of Mailings, one for Bingham County residents and one for Bonneville County residents to document the same. Director Olsen stated for these types of Applications, Bingham County Code requires a larger radius for notification. Typical notice is 300 feet from a project site and for wind turbines, it is a minimum of one mile.

2. Lack of (or failure to include) review/comment by State, Federal, and other Pertinent Agencies.

Staff commented that the list of Government Agencies includes the BLM (both the Pocatello and Idaho Falls Offices), Idaho Fish and Wildlife, and Idaho Department of Lands (although this agency was not mentioned by the Appellants) See Exhibit S-17. The INL is outside of the project area 1-mile radius; the lands within the 1-mile radius are owned by the BLM.

Idaho Fish and Game did respond with a Government Agency Comment (see Exhibit T-5) stating "Idaho Department of Fish and Game staff, along with the Idaho Governor's Offices of Species Conservation (OSC) and Energy and Mineral Resources (OEMR), have been and will continue working closely with NorthRenew Energy and their consultants to develop the Bird and Bat Conservation Strategy for the proposed project. Provided by Becky Johnson, Idaho Department of Fish and Game Environmental Staff Biologist.

Further, Bingham County Code Section 10-1-4: Applicability, states, "This Title applies to the development and use of all lands within the unincorporated area of Bingham County, Idaho, except those portions of tribal land within the exterior boundaries of the Fort Hall Indian Reservation which Bingham County does not have jurisdiction to regulate due to Federal law. All persons, entities and government units, including their political subdivision, shall comply with this title unless specifically exempted by State or Federal law. In the interpretation and application of this title, the provisions

contained herein are declared to be minimum requirements. Nothing in this title shall eliminate the need to conform to appropriate State or Federal regulations or the need to obtain any other required permits. The Appellants are correct, the Applicants must adhere to all State and Federal regulations and obtain the required permits from said agencies. The Applicants testified to Code Section 10-7-44(B)(5) in that "The Project initiated its Aeronautical Study of the initial turbine layout in September 2020. The Project has continued to correspond with the FAA to advance this study and anticipated the completion of the initial phase of the assessment in Q1 2022." Additionally, in the Applicants response to Code Section 10-7-44(D)(8) "Evidence of notification of the FAA, United States Fish and Wildlife Services, Department of Environmental Quality, and the appropriate Fire Departments will be submitted to the County Planning and Development Department along with the Project Building Permit Application. (See also Application pages 44-46 and A-2.) With regard to the comments from the Department of Environmental Quality (Exhibit T-4), the comments were provided in the event the County did not have an Ordinance regulating Wind Turbines and were offered as considerations.

Given the testimony, the Planning & Zoning Commission found the Applicants are working with the mentioned Agencies to procure the required permitting for the project and further, Bingham County Planning & Development will require said permitting and approval prior to issuing a building permit.

Commissioner Bair asked Director Olsen if it is unusual to not have State, Federal or other Agency permits at the time of CUP approval or do they need to only be completed before issuing a Building Permit. Director Olsen explained with the number of State and Federal Agencies involved, Applicants are required to work with in procuring separate permits, many of those Agencies want to know where things are at on the local level within the permitting process therefore it is preliminary to receive permitting or approval from agencies on a project (that is yet to be approved within the County). She further explained it would be customary to receive those items if an approval for a Conditional Use Permit were awarded to the Applicants, which would give them the entitlement to proceed with the permitting agencies. Again, Director Olsen confirmed that all permitting must be completed before a Building Permit is issued.

3. Many important details pertinent to public, private and County interested for a project this large and complex are missing and many questions from the Planning & Zoning Commissioners were met with "that comes later" or that is "in progress" or "in negotiation".

(A) A major aspect of the project (Solar) is presented in the Application but not addressed. Staff referred the Board to Section 1.1 of the Application wherein it states "Solar development is planned to occur in a later phase of the project and is not a part of this Application".

(B) Power purchasing contracts and turbine sales agreements are pending. Staff informed the Board that Power Purchasing Contracts and Turbine Sale Agreements are purported to be pending as the project was being requested for approval. These items are not required as part of the Conditional Use Permit Application.

(C) Important details for aspects of decommissioning and disposal included in the application are preliminary and incomplete. Staff referred to Mr. Green's (Applicant) testimony that the team will refine and finalize the Decommissioning Plan based upon the final project configuration, which will occur prior to the submission for a building permit and be monitored for compliance by Planning & Development.

(D) The Application includes no details for transporting components to the site, potential alteration of existing or construction of new roads, and impacts to Highway 20 as a result of construction activities. Staff referred the Board to Section 7.4 of the Application where access is described. Highway 20 is under the jurisdiction of the State of Idaho (who also received notice of the Application but did not provide a comment.) Additionally, Bingham County Public Works Director

provided written comment (see Exhibit T-3) wherein he has no concerns with the Application as the existing road being used for access is not a County road.

Discussion regarding Appeal argument number included Commissioner Bair who asked if there were any requirements within County Ordinance to build roads that will connect towers, to County standards. Director Olsen stated there was not and most typically the roads to wind turbines are undeveloped or simply a dirt road. Although, the roads would be built to a standard to withstand any type of fire safety requirements for equipment, as well as the vehicles that are transporting turbines do require a certain load strength in order to drive on. At the conclusion of the wind turbine project, decommissioning would include removing of that asphalt and bringing everything back to the green space/current space as is now.

Chairman Manwaring asked Director Olsen how the Applicant's would work with the Shoshone Bannock Tribes as they would more than likely ask for a site plan in the event work is being done and human remains are located. Director Olsen explained there have been discussions between the Shoshone Bannock Tribes and the Arco Wind team pertaining to if there are sites of sensitivity for the Tribes. Within the protocols being prepared, there is a process set forth for the anticipated discovery of historic property and further details that if they find something that appears to be older than fifty years, that all work within 100 feet would stop, the discovery site would be secured and there is a list that the Tribes and the Applicants are putting together of qualified professional archeologists with the expertise in cultural history of the region and of these Tribes. The list will be agreed upon by both parties and those individuals would essentially be "on call" if something were located. The parties would involve the SHPO, the Idaho State Historic Preservation Office if there were significance to that artifact. The parties also have a separate policy if human remains were to be found, which is similar but identified as a separate item. Therefore, it does appear that the Applicant is working with the Shoshone Bannock Tribes, to meet the requirements of that condition.

Commissioner Bair referred to Bingham County Ordinance Section 10-8-3(4) of the Conditional Use Permit criteria wherein it states "the use shall not be hazardous, or disturbing to existing or future uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property, or the general welfare of the public by reason of excessive production of traffic, noise, fumes, odors and other pollutant." Commissioner Bair stated that part of the testimony received was concern regarding dust or fire protection and asked Director Olsen if there was a dust or fire mitigation plan filed, to which she stated that she does not recall that specifically. Director Olsen stated the closest turbine would be one mile from the highway. Therefore, she is not certain as to what length a dust abatement would be required as a lot of the site activity would be quite a ways away from the highway.

Chairman Manwaring stated in his review of the Staff Report, there were several concerns addressed, specifically working with the Shoshone Bannock Tribes regarding artifacts that may be located. He stated that Director Olsen confirmed that the Applicant is working with the Shoshone Bannock Tribes to be sure there is a policy in place if there are artifacts located.

Chairman Manwaring asked Director Olsen if the Idaho National Laboratory (INL) was within the notification boundary, to which she stated they are not within that boundary and therefore, were not notified as the land within 1-mile is owned by BLM.

Chairman Manwaring addressed the concern submitted in regards to birds and bats, wherein Idaho Fish and Game was notified as a Government Agency and the Applicant is working with Idaho Fish and Game in moving forward with the project. Director Olsen referred to T-5, testimony from Becky Johnson, Environmental Staff Biologist with the Idaho Fish and Game, who stated she would continue to work with the Applicant's during the duration of the project. With regards to the FAA, the Board may recall on a prior wind project, notice was received identifying that each turbine has its own FAA Application and approves for the site and each one is permitted individually. Those notices come to the Board of County Commissioners and in turn provided to Planning and Development but have not yet been received. These documents should be received before issuing a Building Permit to acknowledge that each turbine has been approved by the FAA.

Director Olsen added that the Applicant did request and received two Conditional Use Permits within the last two years for two meteorological towers, which would provide studies of the wind for the area. With that information, it assisted in determining if this specific area is an appropriate site for wind production, which was determined it was and have moved to the second phase on County level permitting.

There were no further concerns or discussion by the Board.

Decision: Commissioner Bair moved to conditionally uphold the decision of the Planning & Zoning Commission and approve the request from Arco Wind, LLC and Northwest Energy, LLC, to construct and operate up to 39 commercial wind turbines and associated infrastructure located on approximately 5,352 acres of land zoned "N/A" Natural Resources, as described in the Application materials as supplemented with additional information in the Staff Report, in accordance with the requirements of Bingham County Code Title 10 "Zoning Regulations" and subject to all applicable laws and regulations with the following conditions:

1. Obtain a Take Permit from the US Fish and Wildlife; and
2. In the event an archaeological artifact is located, the Developer will allow a reasonable amount of time for the Shoshone-Bannock Tribe to review and the parties will work together to procure or protect the archeological findings on Government land; and
3. (New Condition) To Obtain a fire and dust mitigation plan.

Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried. Commissioner Lewis was absent.

Commissioner Bair moved to close the Conditional Use Permit Appeal Hearing. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Upon denial or approval of a Conditional Use Permit with adverse conditions, 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 ordinances seek judicial review as provided by Chapter 52, Title 67, Idaho Code.

CONTINUATION OF PLANNING & DEVELOPMENT MEETING

Present: Tiffany Olsen- Planning & Development Director
John Dewey- County Legal Counsel/Human Resources Director

The Board met to continue discussion regarding the Executive Session held pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen.

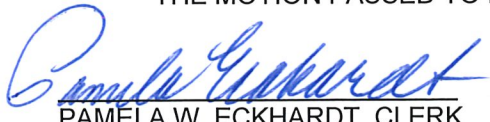
Director Olsen further explained that she would like the structure of having an Assistant Director position being paid in a range that is higher than the staff that would be overseeing the division. She would like to see the position at an N24, if the Board felt as though that is not appropriate, she would accept an N23.

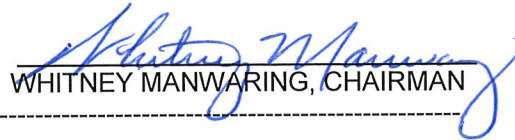
Commissioner Bair stated it would be his preference to increase this individual a few steps instead of the grade increase, to compensate for good work but believes the grade increase should be done when she has additional experience. Director Olsen stated that she does not agree with the suggestion as the job description as a Planner is very different from what her job description would be as the Assistant Director/Lead Planner.

Chairman Manwaring stated he would rather the Assistant Director position be within the N23 range, Step 4 (\$24.08). Legal Counsel reiterated that his recommendation would be an N22 grade.

Decision: This matter will be rescheduled in order for all three Commissioners could be present.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY JULY 13, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, July 13, 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

CASH WARRANTS

Cash Warrants were approved in the amount of \$ 1,297.33.

MEDICAL INDIGENT MATTER

RECORDED: A Release of Financial Assistance Lien was signed by the Board and recorded as Instrument No. 747341.

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's: Matthew W. Munoff and Jennifer T. Croft.

SHERIFF'S OFFICE

Present: Jeff Gardner- Chief Deputy Sheriff

The Board met with Chief Deputy Sheriff Jeff Gardner to discuss updates within the Sheriff's Office.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
 Paul Hamilton- Faulkenrath Construction
 Brett Falkenrath- Faulkenrath Construction
 Blake Jolley- Connect Engineering
 John Dewey- County Legal Counsel/Human Resources Director

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

Mr. Whited discussed the City of Blackfoot Blackfoot Sewer Extension Plans and explained that Seefried Lane and Hepworth Lane started out being a water line project late last fall. At that time, a patch back was to be done but since then a considerable amount of the road has been damaged and the City has decided to do a sewer line project as well. Therefore, that will intel the entire road being removed for that section. Mr. Hamilton stated the water line project will go from Lawrence Lane south to Hepworth Lane

and the sewer line project will go from Lawrence Lane, down 3/4 of the road. Mr. Whited stated that 2/3 of this road is within the County and the other portion is in the City and most of the project is being done at the developers cost. The sewer line project has not been placed out for bid as they are requesting for the County's approval prior to doing so.

Mr. Whited stated the main issue is the road cross section as it has ribbon curbing. He has been working with the City of Blackfoot in regards to rather or not ribbon curbing will be placed on the County's portion and if so, the City will require the same on theirs. The City would prefer to not have ribbon curbing and stated the Board would need to make an exception to its standards. Chairman Manwaring stated he would not have an issue with there not being ribbon curbing. Commissioner Bair and Lewis agreed as this is not a new County road.

Decision: Commissioner Lewis moved to consider this maintenance on an existing County road and not require ribbon curbing be put on the County's portion of this road where the sewer project will be. Commissioner Bair seconded. All voted in favor. The motion carried.

Mr. Whited asked since this is another project that will be going out to bid, could the current bond be extended as it is due to run out in one year, Mr. Faulkenrath stated the initial discussion was due to the water main extension wherein they own the contract for the water main extension. Conversation was held to discuss the possibility of completing the two projects at the same time, wherein the City ran into an issue and was unable to award the project to Faulkenrath without public bidding. They anticipate on bidding on the sewer main extension and combining the two projects but would like to be sure that the County is in favor of a schedule extension. Mr. Faulkenrath stated the intention would be if this project were not awarded, they are obligated to complete the project prior to the other beginning. Mr. Whited stated his recommendation would be to place this on hold in order to see who is awarded the bid. If Faulkenrath is awarded the bid, an engineer's estimate would be done for the second half of the project and get an additional bond. Legal Counsel confirmed that a second bond would be needed at that time.

The Board gave Mr. Whited the permission to sign off on the plans from Connect Engineering once prepared and updated.

Next, Mr. Whited discussed a salary proposal for a Tier 2 for the Weed Tech 2 position. This proposal was discussed with Legal Counsel who has no issues with this proposal. If a new truck driver wanted to decline medical insurance, they would have all other benefits and would get a higher pay. In this case, the individual has lifetime insurance through a previous government agency that he retired from, therefore the medical insurance has not been a benefit to him in the past. Commissioner Lewis stated she believed the Tier 2 was for hiring and recruitment reasons, to which Legal Counsel stated that was the purpose but it was not limited to his recollection. Commissioner Lewis stated this was discussed previously wherein there was several employees that this would apply too and there is a threshold that the County has to follow in regards to medical insurance to meet the Affordable Care Act and it was decided this could possibly be an ongoing matter. Chairman Manwaring stated his recollection was this began for recruitment but it was discussed further if others requested, it was possible.

Mr. Whited stated the current Weed Tech 2 employee has requested this option and the proposal is before the Board for further discussion and possible approval. Legal Counsel stated that he would need to speak with Gem Plan to get the percentages that need to be maintained within the County for medical insurance in order to be prepared if there are other employees who wish to take advantage of this opportunity. Commissioner Bair stated that it might be a good time to amend the Employee Handbook to cover this matter in the case this comes up again.

There was not a decision made on this matter in order for Legal Counsel to speak with Gem Plan to determine the guidelines for a Tier 2 for current employees.

Next, Mr. Whited moved into discussion regarding a Bridge Planning Study for larger bridges within the County and prior approval for the same. He explained this is a beneficial planned study, which is done through the Idaho Transportation Department Bridge Inspection Reports to determine which bridges need

to become projects for future funding. It would help not only for funding purposes but planning purposes as well.

Commissioner Bair asked if this study would be funded by grants, to which Mr. Whited explained there are no grants but is proposing to fund with HB0772 funding that has become available from the State.

Decision: Commissioner Lewis moved to accept the Bingham County Project Planning for scope of work for bridges from Keller Associates in the amount of \$42,140.00 to be paid with HB0772 funding. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Prior Approval for additional stripping of roads in the amount of up to \$40,000.00, to be paid with HB0772 funding.

Decision: Commissioner Bair moved to approve up to \$40,000.00 for additional stripping of roads throughout the County, which will be paid for with HB0772 funding. Commissioner Lewis seconded. All voted in favor. The motion carried.

Next, Mr. Whited stated he would propose that the Board accept 1580 North Cedar Court Road within the Cedar Estates Division 1.

Decision: Commissioner Lewis moved to approve Resolution 2022-27, a Resolution accepting 1580 N. Cedar Court Road between 805 E and 820 E within Cedar Estates Division 1. Commissioner Bair seconded. All voted in favor. The motion carried and said Resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2022-27**

A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE CEDAR ESTATES, DIVISION NO.1 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);

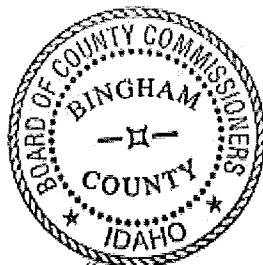
WHEREAS, The Bingham County Commissioners accepted the Final Plat for Moreland Estates Division No. 2, at an open meeting held on May 24, 2021 and signed for on May 24, 2021; and

WHEREAS, The Final Plat for Cedar Estates, Division No. 1, was recorded in the Bingham County Clerk's Office as Instrument Number 732588 and is attached as Exhibit "A"; and


WHEREAS, The Bingham County Public Works Director has acknowledged that the Bingham County Road Standards have been met and recommends that roadways within Cedar Estates, Division No.1 also known as 1580 N. (Cedar Court) be accepted as a public road right-of-ways; and

THEREFORE BE IT HEREBY RESOLVED, at a Public Meeting held on July 13, 2022, the Board of County Commissioners, Bingham County, Idaho that it is in the public's interest and accepted roadways within Cedar Estates Division No.1 also known as 1580 N. (Cedar Court) as a public road right-of-ways, it will be added to the county highway system.

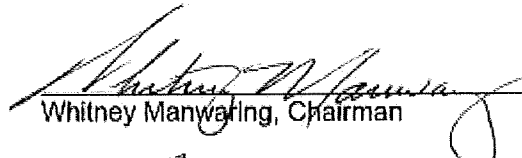
SIGNED this 13th day of July 2022.



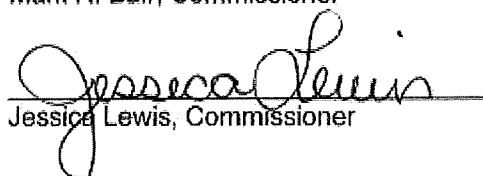
ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Mark R. Bair, Commissioner


Jessica Lewis, Commissioner

Lastly, Mr. Whited stated he would recommend the Board approve the Solid Waste Credit Application for Melco, LLC for the amount of \$1,000.00. He explained that Derrick Goings had contacted both references and there were no issues.

Decision: Commissioner Bair moved to approve the Solid Waste Credit Application for Melco, LLC, with a credit limit of \$1,000.00. Commissioner Lewis seconded. All voted in favor. The motion carried.

MEETING REQUESTED BY RALPH BAKER TO CONSIDER LOWERING OVERALL TAXES ON THE UPCOMING TAX YEAR FOR LOW INCOME RENTERS WITH NO FEDERAL GOVERNMENT SUBSIDIES

Present: Donavan Harrington- County Assessor
Debbie Cunningham- Chief Deputy Assessor/Appraisal Supervisor
Ralph Baker- Requested Meeting

The Board met with Ralph Baker to discuss his request to consider lower overall taxes on the upcoming tax year for low-income renters with no federal government subsidies. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Baker.

Mr. Baker stated initially he had filed an Appeal with the Board of Equalization to address this matter but was directed to schedule a meeting before the Board of Commissioners outside of the Board of Equalization. He explained the rent he charges has remained extremely low and the County has been keeping the taxes low as well. When he read the Board of Equalization requirements, he found that his current situation would not apply because he does not disagree with the market value.

He submitted a summary letter to the Board wherein he explained that he has been helping the community and honest people. He has been a property owner for approximately 30 years and has properties throughout both Bingham and Bannock County. Generally, when someone begins renting, the rent remains the same amount. In attendance with him was several individuals that currently rent from him. As the market continues to increase, it has made it hard for these individuals to live without having to become a ward to the state. None of these individuals are receiving benefits from the state at this time and he feels as though it would not be fair to increase their rent in order to keep up with the increase in market values.

Commissioner Bair stated that the Board has no control over taxes. Commissioner Lewis agreed and stated the County only sets the levy for the County. There are multiple levies that are set by other entities and in discussing adjustments to value, she would like the Assessor's Office to explain the process because it is pursuant to Idaho Statute. Mr. Harrington explained Section 42 Housing is available and those are turned over to the Consulting Appraiser for the State Tax Commission. They complete all evaluations for these matters. Mr. Baker stated that he has not applied for Section 42 Housing and over the years individuals have come to him when they have had a vacancy, which does not happen often, because the rent remains low.

Mr. Harrington stated the Board of Equalization has since completed but this property could be referred to the Commercial Appraisal to have him to a reappraisal. This would take into consideration costs or income. Chairman Manwaring suggested that Mr. Baker contact the State to complete documentation and see if they can qualify for assistance.

THE MOTION PASSED TO DISMISS UNTIL MONDAY JULY 18, 2022

PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Commission Clerk

WHITNEY MANWARING, CHAIRMAN