

STATE OF IDAHO )  
 : ss. Wednesday, June 22, 2022  
County of Bingham )

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

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

**ADMINISTRATIVE DOCUMENTS**

The Board met to approve Administrative Documents as presented.

**Decision: Commissioner Bair moved to approve Administrative Documents. Commissioner Lewis seconded. All voted in favor. The motion carried.**

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

The Board met to approve Commissioner Minutes from May 1-13, 2022. Chairman Manwaring reiterated that any corrections needed have been changed within said minutes.

**Decision: Commissioner Lewis moved to approve Commissioner Minutes from May 1-13, 2022. Commissioner Bair seconded. All voted in favor. The motion carried.**

**SHERIFF'S OFFICE**

Present: Jeff Gardner- Chief Deputy Sheriff

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

Chief Deputy Gardner presented the Prior Approval for Major Purchase of a new convection oven for the jail. Said purchase is in the amount of \$14,003.78 and is to be paid from Fund 5-3-800-0001.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a new convection oven for the jail. Said purchase is in the amount of \$14,003.78 and is to be paid from Fund 5-3-800-0001. Commissioner Lewis seconded. All voted in favor. The motion carried.**

Chief Deputy Gardner stated the jail population is currently 115.

**PUBLIC WORKS**

Present: Dusty Whited- Public Works Director  
Patrick Taney- Owner of parcel on Nagasty Road

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 stated that he would first like to discuss a parcel located on Nagasty Road, as Mr. Taney is present at this time. Mr. Taney explained that he is requesting to deed a portion of Nagasty Road over to Bingham County. He does not want anything in return but he does not benefit from having it. If this

process requires a survey or Quit Claim Deed, he would be willing to pay for said service and documentation. The road has been in place since the early 1960's.

**Decision: Mr. Taney will work with HLE in drafting a Quit Claim Deed in order to deed a portion of Nagasty Road to the County.**

Next, Mr. Whited discussed the estimated amount of gravel for the Blackfoot Reservoir Road. It has been Bonneville County's request to purchase gravel from Bingham County after crushing in the mountains. This would be placed on their portion of Blackfoot Reservoir Road to meet what Bingham County has done.

**Decision: Commissioner Lewis moved to approve the amount of gravel to be used on Blackfoot Reservoir Road, for the 6,750 tons of gravel out of the Christensen Pit. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the request to create a Solid Waste Account at the Central Transfer Station for the Idaho Transportation Department.

**Decision: Commissioner Lewis moved to follow suit of what other counties are doing and charge the Idaho Transportation Department for garbage brought to the Central Transfer Station. Commissioner Bair seconded. All in favor, Commissioner Bair and Commissioner Lewis. All opposed, Chairman Manwaring.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of equipment lifts. Said purchase is in the amount of \$56,037.88 and would be paid from Fund 02-40-899-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of equipment lifts in the amount of \$56,037.88, to be paid from Fund 02-40-899-00. Commissioner Lewis seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of two snowplows in the amount of \$30,974.00 and would be paid from Fund 02-40-803-00.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of two snowplows in the amount of \$30,974.00, to be paid from Fund 02-40-803-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of one road grader in the amount of \$390,323.83 and would be paid from Fund 02-40-803-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of one road grader in the amount of \$390,323.83, to be paid from Fund 02-40-899-00. Commissioner Lewis seconded. All voted in favor. The motion carried.**

#### DISCUSSION REGARDING THE VALUE OF THE ATOMIC CITY WATER SYSTEM

Present: Pam Eckhardt- County Clerk  
Dusty Whited- Public Works Director  
John Dewey- County Legal Counsel  
Kyle Jones- HLE  
Addie Jo Harris- Planner

The Board met to hold discussion in regards to the value of the Atomic City Water System. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Discussion was held in regards to the water rights and the value of said rights.

Discussion was held in regards to cost that has been put into the water system, cost to get the second well functional and the possible minimum bid to be set for the upcoming auction.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel Matters. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 3:16 p.m. The Board moved out of Executive Session at 4:28 p.m.

**Decision: The Board has provided Mr. Dewey the approval to add his request for salary increase into the Human Resources Budget.**

THE MOTION PASSED TO DISMISS UNTIL THURSDAY JUNE 23, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                      : ss.                    Thursday, June 23, 2022  
County of Bingham        )

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

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

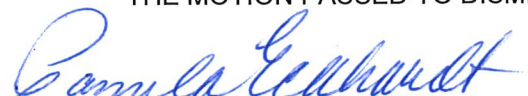
LIBERTY ROAD- TRIP OUT IN THE FIELD TO REVIEW LIBERTY ROAD ISSUES AND POSSIBLE PROJECT PLAN

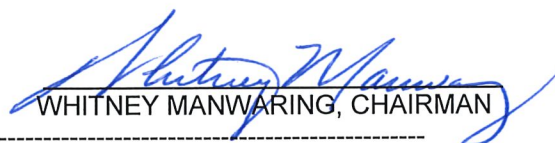
Present: Dusty Whited- Public Works Director  
                                  Troy Lenhart- Road & Bridge Supervisor

The Board went out in the field with Dusty Whited and Troy Lenhart, to drive and review Liberty Road, along with hold discussion regarding possible project plan.

Mr. Whited stated the approximate cost would be \$130,000.00 per mile, on approximately 8 miles is what would be completed. Therefore, the approximate cost would be \$1.1 Million for the entire project to be completed.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY JUNE 24, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                      : ss.                    Friday, June 24, 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- Deputy Clerk  
Excused:            Commissioner Lewis

PROCLAMATION DECLARING JUNE 2022 AS WORLD ELDER ABUSE AWARENESS MONTH IN BINGHAM COUNTY, IDAHO

Present:            Susan Cronquist- SICOG

The Board met to sign a Proclamation declaring June 2022 as World Elder Awareness Month in Bingham County, Idaho. Chairman Manwaring welcomed all to the meeting and turned the time over to Commissioner Bair for reading of the Proclamation.

**Decision: Commissioner Bair moved to approve the Proclamation as presented, declaring June 2022 as World Elder Abuse Awareness Month in Bingham County, Idaho. Chairman Manwaring seconded. Both voted in favor. The motion carried and said Proclamation was signed as follows:**

# BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Mark R. Bair

Jessica L. Lewis



Lindsey Dalley, Commission Clerk  
501 N. Maple #204  
Blackfoot, ID 83221  
Phone: 782-3013  
Fax: 785-4131

- WHEREAS; Older adults deserve to be treated with respect and dignity to enable them to serve as leaders, mentors, volunteers and vital participating members of our communities;
- WHEREAS; In 2006, the International Network for the Prevention of Elder Abuse, in support of the United Nations International Plan of Action, proclaimed a day to recognize the significance of elder abuse as a public health and human rights issue; and
- WHEREAS; 2022 marks the 16<sup>th</sup> Annual World Elder Abuse Awareness Month. Its recognition will promote a better understanding of abuse and neglect of older adults; and
- WHEREAS; The National Center on Elder Abuse (NCEA), Southeast Idaho Council of Governments (SICOG), and the Area Agency on Aging (AAA) recognize the importance of taking action to raise awareness, prevent and address elder abuse; and
- WHEREAS; As our population lives longer, we are presented with an opportunity to think about our collective needs and future as a nation; and
- WHEREAS; Ageism and social isolation are major causes of elder abuse in the United States; and
- WHEREAS; Recognizing that it is up to all of us, to ensure that proper social structures exist so people can retain community and societal connections, reducing the likelihood of abuse; and
- WHEREAS; Preventing abuse of older adults through maintaining and improving social supports like senior centers, human services and transportation will allow everyone to continue to live as independently as possible and contribute to the life and vibrancy of our communities; and
- WHEREAS; Where there is justice there can be no abuse; therefore, NCEA urges people to restore justice by honoring older adults.
- WHEREAS; Join us in our engaging and empowering movement, and putting an end to abuse.
- THEREFORE; I, Whitney Manwaring, Mark R. Bair and Jessica Lewis of Bingham County Commissioners, do hereby proclaim June 2022 as World Elder Abuse Awareness Month in Bingham County, Idaho, and encourage all of our communities to recognize and celebrate older adults and their ongoing contributions to the success and their ongoing contributions to the success and vitality of our country.

"Potato Capital"

June, 2022


Dated this 24<sup>th</sup> day of June, 2022

Sincerely,

BOARD OF BINGHAM COUNTY COMMISSIONERS

  
Whitney Manwaring, Chairman

  
Mark Bair, Commissioner

  
Jessica Lewis, Commissioner

#### CLAIMS

Claims were approved in the amount of \$111,959.19.

**Decision: Commissioner Bair moved to approve Claims in the amount of \$111,959.19. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

#### APPROVAL OF TAX INQUIRY

The Board met to make discuss and make a decision regarding the submitted Tax Inquiry for RP1380000. Chairman Manwaring explained that this is on the basis that the owners were only receiving 50% of the Homeowners Exemption.

**Decision: Commissioner Bair moved to approve the submitted Tax Inquiry for RP1380000. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

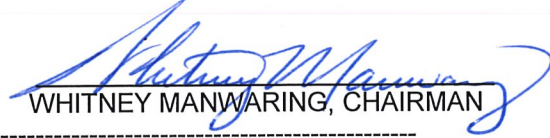
#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 8:28 a.m. Chairman Manwaring moved to go out of Executive Session at 8:32 a.m. Commissioner Bair seconded. The Board moved out of Executive Session at 8:32 a.m.

**Decision: Per recommendation made by Susan Denny- Indigent Services, Commissioner Bair moved to approve Cremation Case Number 2022-15. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY JUNE 27, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                  : ss.                   Monday, June 27, 2022  
County of Bingham        )

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

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

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

**DISCUSSION REGARDING PROBATION DEPARTMENT BUDGET**

Present:           Pam Eckhardt- County Clerk  
                  Shawn Hill- Probation Department  
                  Mark Gough- Probation Department

The Board met to review the Fiscal Year 2022-2023 proposed budget for the Probation Department.

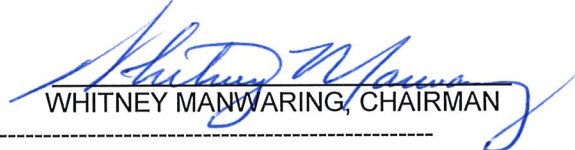
**DISCUSSION REGARDING DRUG COURT BUDGET**

Present:           Cody Lewis- Drug Court  
                  Pam Eckhardt- County Clerk

The Board met to review the Fiscal Year 2022-2023 proposed budget for Drug Court.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY JUNE 28, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                  : ss.                   Tuesday, June 28, 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

REVIEW OF PLANNING & DEVELOPMENT BUDGET- TIFFANY OLSEN

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to review the Fiscal Year 2022-2023 proposed budget for Planning & Development.

DECISION REGARDING THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE THE 3-PUTT PARTNERS, LLC, REQUEST FOR ZONING AMENDMENT FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE AND A COMPREHENSIVE PLAN MAP AMENDMENT

Present: Tiffany Olsen- Planning & Development Director  
Chris Street- HLE  
Eric Jackson- surrounding property owner  
Gwen Inskeep- County Surveyor  
Rod Albertson- Applicant  
Mike Anderson- Applicant  
John Dewey- County Legal Counsel  
Mike Wietstock- Attorney for Alan Stander  
Gaylen Stander- surrounding property owner  
Layne Hamilton- citizen  
Allen Stander- surrounding property owner

The Board held a Public Hearing to receive the Planning & Zoning Commissions recommendation to approve the 3-Putt Partners LLC, request for Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture and a Comprehensive Plan Map Amendment to Residential/Residential Agriculture at 38 S. 900 W., Blackfoot, Idaho. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Olsen.

Director Olsen presented the Staff Report for the record.

Chairman Manwaring asked Director Olsen when the multi-use corridor was created, to which she stated she believes it was 2018. Chairman Manwaring explained there were several different uses going down the highways and made the decision go out 300 feet, making those areas multi-use. Some of the side roads were made multi-use and Thomas Road has had a lot of smaller subdivision applications and 900 West was made a multi-use as well.

Commissioner Bair stated that both sides of 900 West were change to Residential/Residential Agriculture when the Comprehensive Plan was changed but Thomas Road was only done on the South side.

There were no further questions for Director Olsen and the time was turned over to the Applicant's Representative for his testimony.

Chris Street- HLE, Applicant's Representative, testified in favor and explained that the goal is to be sure traffic is directed onto a subdivision road to limit access onto 900 West, which is the safest route for traffic. Mr. Dewey interjected and stated that Mr. Street is to not discuss the subdivision at this point. Mr. Street continued testimony by explaining the possibility to have more connections to water and sewer. There were concerns brought up during the Planning & Zoning Commission Hearing, one being flooding, as there were pictures submitted showing that there has been flooding within the area. With regards to the connections, when this Application was first proposed, the development provided for individual wells and septic systems. Mr. Street explained currently there is an underground well, which provides water rights for irrigation. With the Planning & Zoning Commissions condition of a community well, the Applicants will need to change the use from irrigation to a domestic use or ask for additional water rights for non-consumptive uses.



Commissioner Bair asked Mr. Street for confirmation if the water rights were just for these 20 acres, to which Mr. Street confirmed. During the Planning & Zoning Commission Hearing, there was testimony presented that the residential setting uses more water than an agricultural setting. Mr. Street clarified that with residential uses, there will in fact be less water used because there is a difference between irrigation that is consumptive use and non-consumptive use. Mr. Street reiterated that not all of the ground would be irrigated, as there will be homes and roads, which will mean about one-third less water usage than to irrigate the same ground.

Mr. Street explained that he reached out to Maureen O'Shea- State National Flood Insurance Program Coordinator, who provided him with documentation (CC-9A), in regard to Pre-Firm and Post-Firm claims for flood plain. He stated that he is confident in the accuracy of the map as the flood plain is determined by FEMA and is well regulated.

Lastly, Mr. Street stated this property meets the criteria and is adequate to be rezoned. It touches an "R/A" Comprehensive Plan Area located at the road frontage, there are one-acre lot sizes in the area, it saves larger pieces of Agricultural Land for continued Agricultural uses, it saves road frontage access and there are facilities close by to provide services.

Next, testimony in favor was received as follows:

Mike Anderson- located at 658 W. 30 S., Blackfoot, Idaho and partner of 3-Putt Partners, LLC, testified stating that he researched accident reports on 900 West and went back approximately six months. There were no accidents reports within that timeframe. Most accidents he found were related to high school traffic. Chairman Manwaring asked Mr. Anderson if he had any request from the school for flashing lights at the Highway 39 and 900 West intersection, to which Mr. Anderson stated he had not received any feedback regarding flashing lights. Mr. Anderson stated that the high school will always be the issue, especially with young drivers and agreed that flashing lights would be beneficial.

Mr. Anderson added that this is a smaller piece of property they are working on improving and have already removed thousands of dollars worth of garbage from the land. He is also concerned that there is not enough housing in the area for kids to remain in the area once they leave their parents homes.

Rod Albertson, located at 657 W. 45 S., Blackfoot, Idaho, and partner of 3-Putt Partners, LLC, testified stating there is a need to build homes for individuals coming to the area and this Application will give that opportunity.

Testimony in opposition:

Gaylen Stander (CC-12), located at 37 S. 1010 W., Blackfoot, Idaho, testified by referring to the FEMA Flood Plain Map and stated that he has been operating surrounding property for 45 years and things have changed with how the water flow comes in. He was going to build a home on his property 10 years ago but did not due to the water coming in differently than the map shows. He would challenge the accuracy of FEMA mapping as it does flood in the area and it did not used to.

Mark Wietstock, Attorney for Alan Stander, located at 8752 W. Overland Avenue, #114, Boise, Idaho, testified that his client had asked him to review information on the State of Idaho Fish and Game website pertaining to local birds identified as in peril. He has since reviewed the website and noted nearly fifty different species within Bingham County that are identified as in peril. He stated that he has listened to the testimony given during this Public Hearing and believes that they are all pressing concerns that should be addressed further.

He explained that his client lives right next to the subject property and is extremely concerned as to the impact this development will cause. The point of his appearance is that his client felt the Board needed to be aware of the issues. Chairman Manwaring stated that Government Agencies, such as Fish and Game, are sent notice and there was no response received, therefore he asked Mr. Wietstock if he had spoken directly with Fish and Game. Mr. Wietstock responded that he had not but believes that his client had.

Eric Jackson, located at 73 S. 900 W., Blackfoot, Idaho 83221, testified that he is against this Zone Change as he lives approximately ½ mile South of the subject property. One issue he has is the nitrates in the area and would like to know where the closest high nitrate area is. Director Olsen referred the Board to Exhibit S-11 and stated that this area is not a high nitrate area. He explained that he previously worked for the Snake River School District, who had to spend over \$50,000.00 to drill a new well at the Junior High in the Thomas area because of high nitrates in the water. They had to pack water into the school for 2-4 months because they would not allow students to drink the water. A brief conversation was held in regards to the reasoning for this, which was failure of the septic system and not due to being located in a Nitrate Priority Area. Ms. Olsen stated all septic systems are regulated by the Idaho Department of Public Health and they do allow septic systems in Nitrate Priority Areas. These areas require complex septic systems so there are additional filtration mechanisms but there are quite a few subdivisions still able to build in the high nitrate areas.

Mr. Jackson added that he has lived in the area for 34 years and it seems as though about every other month on his way home on 900 W, there is an automobile accident. He does not believe that only going back the previous six months is a viable time to get a calculation of how many accidents have occurred. Commissioner Lewis asked Mr. Jackson if he had a copy of any accident reports, to which he stated he did not.

Alan Stander, located at 50 South 900 West, testified there needs to be a right-of-way created for him to access to his electric fence that needs to be maintained. Ms. Olsen addressed Mr. Standers concern by stating that the Board does not have a copy of the Plat at this time to see if there are any easements or right of way for him to have access to but if that is before them, that is something they could consider.

Layne Hamilton, located at 839 West Riverton Road, asked if the company was not willing to consider attaching their sewage system to the line currently along the highway. Chairman Manwaring stated that matter was discussed by Mr. Street who was reminded that the subdivision could not be discussed at this time. Mr. Hamilton stated the problem with sewage and nitrates is being minimized and in his communication with the Department of Environmental Quality and Department of Health, he feels that they see their responsibility of letting county commissioners know what the results of testing are but they do not like to be the ones to step in and say a subdivision cannot be approved. He stated if you are in a high groundwater level, the potential for problems being connected to sewage and nitrates increases.

Mr. Hamilton referred to a book by Charles Krauthammer, *Things That Matter Most*, where he wrote, "America is a free country where you can build whatever you want but not anywhere you want." Mr. Hamilton stated that is why there are zoning laws and he would like to explain why he does not believe this subject area is the place for a housing development or Zone Change. In April 2021, George Wheiner, Post Register, wrote an article called "Planning & Zoning Are How We Share The Earth", wherein he explained what Oregon did to save the important agriculture areas of the Willamette Valley and others area from being destroyed by development. In the June 20, 2022, Post Register insert, Intermountain Farm and Ranch with the headline "My Right to Farm Amid Rapid Development", it explains why changing 20 acres of farm ground to housing is a bad decision for counties.

With the County Code and the Comprehensive Plan, past leadership put Bingham County on a good course. However, it appears that things are getting off track with decisions such as this one and the one made in Riverton. When he asked the question, what are the positives for the residents of Bingham

County, he does not receive a convincing answer. The response when pointing out the negatives for Bingham County, occasionally someone will state, "A man has the right to do what he wants with his land". His answer to that statement is that the right should not be given to destroy important things with land or with things that harm neighbors. He has learned if left unchecked, people will do just that. Destroy things and places, which in turn harms others. Everyone would like a house in the country.

Mr. Hamilton stated that he has personally spoke to Fish and Game concerning the subject area and this parcel is part of the community of Thomas. The farming and ranching community of Thomas, Riverton, Pingree and others, along with the north end of the Fort Hall Indian Reservation are all part of a very important natural resource area. Thomas Area does not want to become the Ammon of Bingham County, Pingree does not want to become the Chubbuck of Bingham County, especially when there are no positives but several negatives. Mr. Hamilton referred to minutes from the Bingham County Commissioners meeting with Bruce Olenick, Department of Environmental Quality,

The main concern is nitrates, wherein two years ago Bruce Olenick- Department of Environmental Quality, met with the County Commissioners, wherein after reading about this meeting, he contacted Mr. Olenick. Both Riverton and Thomas have high groundwater levels and he wanted to know if this was problematic when dealing with developments and individual wells, which it is.

At a meeting with County Commissioners concerning the Riverton Area, Brett McDaniel mentioned sewage problems near Mapleton and Utah County. He visited Mapleton, along with the west side of Utah County and spoke to agricultural individuals, wherein there was a lot to learn such as the consequences when allowing too many people to use individual septic systems in areas of high groundwater. The issue is high groundwater and when you let problems go to long, you have lots of angry people and issues that are difficult to control. As time goes on and finding that other places have acted wisely like Malad, Dayton and Menan, he is sure that none of these people would approve this Zone Change. Southern Ada County around Kuna has done a couple of things, such as allowing 10-acre plots and do not allow subdivisions unless they can connect to major and city sewage. They allow farmland to be sold no smaller than ten acres but with only one home.

Gaylen Stander testified a second time and stated he had to drill a well in 1981 and the water level was right at 15 feet and since then it has gone down. He wanted to make a point that the water may come back up, which will cause issues.

#### Applicant's Rebuttal:

Chris Street- HLE, gave a rebuttal statement stating that prior to a Zone Change, HLE looks at where the ground is, how it fits, but they also look at three things on the Idaho Department of Water Resources website: critical ground water area, groundwater concern and area of nitrate priority. None of these are an issue for this subject property. Nitrate contamination can come from farming, septic systems that have failed or agricultural ranching or dairies. There was testimony that the groundwater is high, which is partially true. The wells are 150 feet deep, with the first 3-5 feet being top soil and 20-100 feet of gravel/sand, then the layer of salt, which is stopping the water from coming up into the higher levels.

In regards to the list of animals provided that may be in peril, the Board relies on experts such as Idaho Fish and Game who received notice twice and there was no response received. If there were any major issues, they would submit comment.

Chris Street stated that Mr. Hamilton brought up the Right to Farm Act, which protects farmers and counties or other entities cannot consider farming as a nuisance. The needs are based upon several things and comparing cities does not make sense to him. Commissioner Lewis reiterated that decisions are made based upon information received. There is a case, Whitted vs. Canyon County, where the Court

decided that a subdivision in a farming area did not violate the Right to Farm Act because the Right to Farm Act is informational and lets people know they have the ability to farm in the area.

All testimony was closed and moved into Commissioner Discussion, which was as follows:

Bingham County Code Section 10-4-2(c) states that the purpose of the "R/A" Zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities that have:

1. Suitability of parcel for agricultural purposes.

Chairman Manwaring stated with one-acre lots, individuals are still allowed to have livestock or garden. Commissioner Lewis concurred and stated this is a small parcel that the property owners no longer wish to farm, it is hard to determine what is prime agriculture ground, and also agreed with Mr. Street's comment that by using the smaller parcel, it keeps the larger ground available to be used for agricultural purposes.

2. Proximity to existing areas of similar population density.

Commissioner Bair stated there is a map within the Staff Report that shows that the subject property is bordered on all sides by large agricultural tracks. Commissioner Lewis stated that Exhibit S-13 shows a wide range of parcel sizes within a half-mile radius.

3. Lot size compatible with existing lot sizes in the immediate area.

Commissioner Lewis stated the map included with Exhibit S-13 shows the breakdown as to lot sizes, 18 parcels that are 1-acre in size and 17 parcels that are 1.5 acres. At least half of the parcels are less than what is allowed in an Agricultural Zone. In reading the Land Use Planning Act, there is a court case, Ferguson vs. the Board of County Commissioners, where the court held it was acceptable to adopt a zoning classification in conflict with the Comprehensive Plan when the non-conforming uses are pervasive but the character of the neighborhood is actually changed from the purported zoning classification. There appear to be many non-conforming uses in the area if more than half of the lots within the Agriculture Zone are smaller than the 5-acre lot size allowed.

4. Compatible with the existing uses in the immediate area.

The Board found no concerns. Chairman Manwaring stated it is in close proximity to the Snake River Junior High and High School.

5. Protection from incompatible uses.

Chairman Manwaring stated within the area, there is a mixed use of "A" and "R/A"

6. Accessibility to adequate utilities

The Board found no concerns.

7. Adequate service by roadways.

Chairman Manwaring stated this is a local road and he has no concerns. Commissioner Bair added that any road built inside of a subdivision would be built to county standards. Commissioner Lewis stated there was testimony that this property is in close proximity to a highway, which is meant to move traffic.

A Zone Change from "A" Agriculture to "R/A" Residential/Agriculture should comply with the specific purpose of the Comprehensive Plan, by promoting the health, safety and general welfare of the people of the County as follows:

- a. To protect property rights, property values and the use of property:

Commissioner Lewis stated that in the Comprehensive Plan, the goal with property rights is to not adversely impact property values. In addition, within the Comprehensive Plan, it states when housing standards are improved, home values increase and retain value and surrounding land and home values increase. It was provided within photographs, that prior to this Application, the property was covered with garbage.

Commissioner Bair stated that the Board has to make a decision and take into account the property rights to both parties. Often times, it is not a clear-cut decision and is difficult to make.

- b. To ensure that adequate public facilities and services are provided to the people at a reasonable cost:

Chairman Manwaring reiterated that the Board has no control over the cost for adequate public facilities.

- c. To ensure that the economy of the county is protected and enhanced:

Commissioner Bair stated the economy of the County is enhanced by adding houses to the tax base. Once again, this is to be balanced with the property rights of the owners around.

Commissioner Lewis added that the Comprehensive Plan states, "Bingham County is known as the potato capital of the world with its rich agricultural heritage but new industry and technology are becoming increasingly important to the economy of the County." It also states, as housing is approved and generated, businesses are attracted to the area and commercial demands increase because there are more individuals, as well as economic development in the area because the housing is provided. The Comprehensive Plan does focus on agriculture but also recognizes there are other industries important to the economy and housing is a big economic driver.

- d. To ensure that the important environmental features of the county are protected and enhanced:

Commissioner Lewis stated there are experts that take this into consideration, who then submit comment and information and the Planning and Zoning Commission's condition of having connection to a community well will help to protect environmental features of the area

- e. To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals:

Chairman Manwaring stated this has been discussed and within the Ordinance, it still allows a garden or other agricultural uses.

- f. To encourage urban and urban-type development within or near incorporated cities:

Commissioner Lewis stated within the Reason & Decision of the Planning & Zoning Commission, it states that this is not considered urban-type development. It is one-acre or larger lots that can still be used for agriculture purposes.

- g. To avoid undue concentration of population and overcrowding of land:

Commissioner Bair stated the ordinance allows one-acre lots in a rural setting and would not be overcrowding.

- h. To ensure that the development on land is commensurate with the physical characteristics of the land:

The Board found no concerns.

- i. To protect life and property in areas subject to natural hazards and disasters:

Chairman Manwaring stated this is an issue that the entire county faces and everyone is subject to possible issues.

- j. To protect fish, wildlife and recreation resources:

The Board found no concerns. The Board relies on Fish and Game to submit concerns and input, but none was received.

- k. To avoid undue water and air pollution:

Chairman Manwaring stated the Right to Farm Act, which does protect agricultural uses near residential areas even though agriculture can create dust and noise.

Commissioner Lewis concurred and stated that the Board relies on the experts to make those decisions and if there were concerns, they would be addressed.

- l. To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis:

Chairman Manwaring stated that notice was sent to the Snake River School District, wherein no comment was received. This is the case with every Public Hearing and the Board has yet to receive feedback from any school district.

Chairman Manwaring stated that any school district that has been notified has not submitted any testimony or concerns. In speaking with a few of the school districts, it amazes him how many state their numbers are low but online students have increased. Therefore, the numbers are there, they just are not in school.

Commissioner Bair referred to the Comprehensive Plan Map and stated that one thing he does not like about this specific Application is the idea of a subdivision right in the middle of ag ground. It is touching a Residential/Agriculture area on the East side and does believe that it meets the criteria.

Commissioner Lewis stated the definition of the Comprehensive Plan is the conversion of land as the need arises to something that is still rural in character. By knowing that the Comprehensive Plan Map was done in 2018, at that time there was a need and knew it was coming. Things have moved a lot faster than anticipated and the Comprehensive Plan Map should have been updated sooner.

Commissioner Bair stated he questions if now is the proper time to do so. If it were up to him, this would be tabled until the area was reviewed as a whole to see what changes should be made.

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

**Decision: Commissioner Lewis Commissioner Lewis moved to uphold the decision made by the Planning & Zoning Commission to approve the Zone Change for 3-Putt Partners LLC, to amend the Zoning Designation from "A" Agriculture to "R/A" Residential/Agriculture, as well as the Comprehensive Plan amendment to Residential/Residential Agriculture. This decision is based upon the Staff Report as presented, the Reason & Decision of the Planning & Zoning Commission and the information presented during the Public Hearing. Commissioner Bair seconded. All voted in favor. The motion carried.**

DECISION REGARDING THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE WITH CONDITIONS, A 16-LOT SUBDIVISION TO BE KNOWN AS "THE ACRES SUBDIVISION"

Present: Tiffany Olsen- Planning & Development Director  
Chris Street- HLE  
John Dewey- County Legal Counsel  
Rod Albertson- Applicant  
Mike Anderson- Applicant

The Board met to hold a meeting to receive the recommendation of the Planning & Zoning Commission to approve the 16-Lot Subdivision, to be known as The Acres Subdivision. Chairman Manwaring welcomed all to the meeting and the time was turned over to Director Tiffany Olsen.

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

Commissioner Lewis stated it looks as though the Right to Farm information is missing from the information shown on the Plat. Director Olsen stated that the information would be added to the Final Plat. She also asked if there were any easements for other individuals through the property, to which Director Olsen stated not that she recalls from the Subdivision Guarantee nor what the proposed plat is at this time.

Discussion was held specifically in regards to water and possible contamination. Commissioner Bair asked instead of putting in a lift station and other expensive things, why couldn't the Board require a pressurized sewer system that would go into the line. Director Olsen stated that she was not sure of that question at this time but does not believe a quote was requested based upon this scenario.

Chairman Manwaring referred to testimony from Mr. Street, wherein he stated this was discussed, along with sanitary sewer lift station and pressurized sewer lines, with a brief review of said estimated costs.

Commissioner Lewis referred to a letter from the Department of Environmental Quality, wherein the letter recommends consolidation of drinking water and or wastewater services to reduce contamination, which will be done with the requirement of a community well.

The Board concluded their deliberation and Chairman Manwaring entertained a motion at this time.

**Decision: Commissioner Lewis moved to uphold the recommendation of the Planning & Zoning Commissions decision to approve the 16-Lot Subdivision, to be known as The Acres Subdivision, based upon the information provided within the record and with the conditions to connect to a community well, the Right to Farm Act being placed on the Final Plat and the location of the community well placed on the Final Plat. Commissioner Bair seconded. All voted in favor. The motion carried.**

DECISION REGARDING THE PLANNING & COMMISSIONS RECOMMENDATION TO APPROVE THE THADDEAUS SCOTT ZONING AMENDMENT FROM "R" RESIDENTIAL TO "C1" LIGHT COMMERCIAL

Present: Tiffany Olsen- Planning & Development Director  
Thaddeaus Scott- Applicant  
Kaylee Scott- Applicant

The Board met to receive the Planning & Zoning Commissions recommendation to approve the Thaddeaus Scott Zoning Amendment from Residential to Light Commercial. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Tiffany Olsen.

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

Chairman Manwaring turned the time over to the Applicant for his testimony.

Thaddeaus Scott, Applicant, stated that he has owned this property for approximately four years. He has met with the Fire Department who advised, due to level of occupancy, what kind of fire suppression system would need to be installed, along with a smoke detector system. He will be installing a commercial system, which will be integrated throughout the entire building. He also met with Health and Welfare who stated it is required to have a direct exit from the sleeping area for the infants.

There was no testimony in opposition nor in neutral. Testimony was closed and moved into the Boards deliberation.

Chairman Manwaring stated he has no concerns and this request fits in the multi-use corridor.

Commissioner Bair had no comments or concerns.

Commissioner Lewis had no comments or concerns.

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

**Decision: Commissioner Bair moved to uphold the decision made by the Planning & Zoning Commission to approve the Zone Change for Thaddeaus and Kaylee Scott, located at 1205 W. Highway 39, Blackfoot, Idaho, from "R" Residential to "C1" Light Commercial on approximately 1.04 acres. Said motion is based upon the record and the Reason & Decision of the Planning and Zoning Commission. Commissioner Lewis seconded. All voted in favor. The motion carried.**

#### PLANNING & DEVELOPMENT UPDATE

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

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

Director Olsen stated that she would like to hold discussion regarding notice of curtailment received from the Eastern Idaho Regional Waste Water Authority and where the notice should be placed. She explained that last week Commissioner Bair informed her that any subdivision or parcel that had a Will Serve Letter but does not have a current agreement with the Eastern Idaho Regional Waste Water Authority, would not be served which is a huge conflict for their department because the letter is needed in order to issue a building permit.

Commissioner Bair stated this would be in place until August 4<sup>th</sup> Commissioner Lewis asked if the Will Serve Letter states anything to let the Applicant know they will need to do another step to get a connection. Commissioner Bair stated that each individual that has received a Will Serve Letter has been told that they would need to pay for ERU's to save the spot.

Director Olsen stated as the County, something should be done as there are a lot of connections and services. She has received eleven calls in one day and this is huge for her office. Commissioner Bair stated he would prefer that those calls be directed to him. She would also like to place the letter received from EIRWWA, on the County Website so that it is available for the public.

After discussion, the Board informed Director Olsen that they have no issue with this letter being placed on the website and email developers.

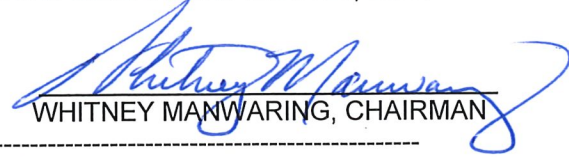
Next, Director Olsen gave an update regarding the upcoming Planning & Zoning Commission for August 10, 2022. The meeting previously scheduled for July 13, 2022 has been cancelled for to lack of a quorum.



Director Olsen gave an update on the work session with the City of Blackfoot regarding the Area of Impact Agreement, which went extremely well. She is currently working on a revised agreement to present at a later date.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY JUNE 29, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO                    )  
                                          : ss.                    Wednesday, June 29, 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

ORDINANCE 2022-10

The Board met to approve Bingham County Ordinance 2022-10, an ordinance and Order providing for the vacation of portions of the Moreland Townsite in Bingham County Idaho.

**Decision: Commissioner Bair moved to approve Bingham County Ordinance 2022-10, an ordinance and Order providing for the vacation of portions of the Moreland Townsite in Bingham County, Idaho. Commissioner Lewis seconded. All voted in favor. The motion carried and said ordinance was recorded as follows:**

**Instrument # 746910**

BINGHAM COUNTY

6-29-2022 09:22:04 AM No. of Pages: 7

Recorded for : BINGHAM COUNTY COMMISSIONERS

PAMELA W. ECKHARDT

Fee: 0.00

Ex-Officio Recorder Deputy



**BINGHAM COUNTY  
ORDINANCE 2022-10**

**AN ORDINANCE AND ORDER PROVIDING FOR THE VACATION OF PORTIONS OF THE  
MORELAND TOWNSITE IN BINGHAM COUNTY, IDAHO**

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

Section 1: **Vacation of County Road Rights-of-Way:** Pursuant to Idaho Code § 40-203, the Bingham County Commissioners hereby vacate Road Right-of-Way's within the Moreland Townsite as follows:

**MORELAND TOWNSITE**

1.

Portions of First West (750 W) and Center Street (175 N) adjoining Instrument No. 206569 and Blocks 7 & 8 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The east 24.5 feet of First west (750 W) from the northwest corner of Block 8 south to the southwest corner of Block 7 lying west of Instrument number 206569, Block 7 and Block 8.

The north 14.5 feet of Center Street (175 N) lying south of Block 7.

Beginning at the southwest corner of Block 7; thence south 14.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block 7; thence east 24.5 feet to the point of beginning.

2.

Portions of First East (725 W) and First North (190 N) adjoining Block 4 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The west 24.5 feet of First East (725 W) lying east of Block 4.

The north 24.5 feet of First North (190 N) lying south of Block 4.

Beginning at the southeast corner of Block 4; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block 4; thence north 24.5 feet to the point of beginning.

3.

Portions of First North (190 N), First East (725 W) adjoining Block 3 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The south 24.5 feet of First North (190 N) lying north of Block 3.

The west 24.5 feet of First East (725 W) lying east of Block 3.

Beginning at the southeast corner of Block 3; thence east 24.5 feet; thence southwest to the southeast corner of Bingham County Ordinance 2021-12; thence north 24.5 feet to the point of beginning.

Beginning at the northeast corner of Block 3; thence north 24.5 feet; thence southeast to a point 24.5 feet east of the northeast corner of Block 3; thence west 24.5 feet to the point of beginning.

4.

Portions of Center Street (175 N), First West (750 W) and First South (160 N) adjoining Block 6 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The South 24.5 feet of Center Street (175 N) lying north of Block 6.

The East 24.5 feet of First West (750 W) lying west of Block 6.  
The North 24.5 feet of First South (160 N) lying south of Block 6.  
Beginning at the southwest corner of Block 6; thence south 24.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block 6; thence east 24.5 feet to the point of beginning.  
Beginning at the northwest corner of Block 6; thence west 24.5 feet; thence northeast to a point 24.5 feet north of the northwest corner of Block 6; thence south 24.5 feet to the point of beginning.

**5.**  
Portions of First South (160 N), First West (750 W) and Second South (150 N) adjoining Block 5 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:  
The south 24.5 feet of First South (160 N) lying north of Block 5.  
The east 24.5 feet of First West (750 W) lying west of Block 5.  
The north 24.5 feet of Second South (150 N) lying south of Block 5.  
Beginning at the southwest corner of Block 5; thence south 24.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block 5; thence east 24.5 feet to the point of beginning.  
Beginning at the northwest corner of Block 5; thence west 24.5 feet; thence northeast to a point 24.5 feet north of the northwest corner of Block 5; thence south 24.5 feet to the point of beginning.

**6.**  
Portions of First East (725 W) and First South (160 N) adjoining Block 2 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:  
The west 24.5 feet of First East (725 W) lying east of Block 2.  
The north 24.5 feet of First South (160 N) lying south of Block 2.  
Beginning at the northeast corner of Block 2; thence north 24.5 feet to the northeast corner of Bingham County Ordinance 2021-12; thence southeast to a point 24.5 feet east of the northeast corner of Block 2; thence west 24.5 feet to the point of beginning.  
Beginning at the southeast corner of Block 2; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block 2; thence north 24.5 feet to the point of beginning.

**7.**  
Portions of First South (160 N), First East (725 W) and Second South (150 N) adjoining Block 1 of the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:  
The south 24.5 feet of First South (160 N) lying north of Block 1.  
The west 24.5 feet of First East (725 W) lying east of Block 1.  
The north 24.5 feet of Second South (150 N) lying south of Block 1.  
Beginning at the northeast corner of Block 1; thence north 24.5 feet; thence southeast to a point 24.5 feet east of the northeast corner of Block 1; thence west 24.5 feet to the point of beginning.  
Beginning at the southeast corner of Block 1; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block 1; thence north 24.5 feet to the point of beginning.

**CHRISTIANSSEN'S ADDITION TO MORELAND TOWNSITE**

**1.**

Portions of First East (725 W), First North (190 N) and Second East (710 W) adjoining Block A of the Christiansen's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The West 24.5 feet of Second East (710 W) lying east of Block A.

The north 24.5 feet of First North (190 N) lying south of Block A.

The east 24.5 feet of First East (725 W) lying west of Lot 3 Block A.

Beginning at the northwest corner of Block A; thence west 8 feet; thence southwesterly to a point 24.5 feet west of the southwest corner of Lot 2 Block A; thence east 24.5 feet to the southwest corner of Lot 2 Block A; thence north to the point of beginning.

Beginning at the southwest corner of Block A; thence south 24.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block A; thence east 24.5 feet to the point of beginning.

Beginning at the southeast corner of Block A; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block A; thence north 24.5 feet to the point of beginning.

**2.**

Portions of First North (190 N), First East (725 W) and Second East (710 W) adjoining Block B of the Christiansen's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The south 24.5 feet of First North (190 N) lying north of Block B.

The east 24.5 feet of First East (725 W) lying west of Block B.

The west 24.5 feet of Second East (710 W) lying east of Block B.

Beginning at the northwest corner of Block B; thence west 24.5 feet; thence northeast to a point 24.5 feet north of the northwest corner of Block B; thence south 24.5 feet to the point of beginning.

Beginning at the northeast corner of Block B; thence north 24.5 feet; thence southeast to a point 24.5 feet east of the northeast corner of Block B; thence west 24.5 feet to the point of beginning.

Beginning at the southeast corner of Block B; thence south 24.5 feet to the southeast corner of Bingham County Ordinance 2021-12; thence northeast to a point 24.5 feet east of the southeast corner of Block B; thence west 24.5 feet to the point of beginning.

Beginning at the southwest corner of Block B; thence south 24.5 feet to the southwest corner of Bingham County Ordinance 2021-12; thence northwest to a point 24.5 feet west of the southwest corner of Block B; thence east 24.5 feet to the point of beginning.

**3.**

Portions of First East (725 W), First South (160 N) and Second East (710 W) adjoining Block C of the Christiansen's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The east 24.5 feet of First East (725 W) lying west of Block C.

The north 24.5 feet of First South (160 N) lying south of Block C.

The west 24.5 feet of Second East (710 W) lying east of Block C.

Beginning at the northwest corner of Block C; thence west 24.5 feet; thence northeast to a point 24.5 feet north of the northwest corner of Block C; thence south 24.5 feet to the point of beginning.

Beginning at the northeast corner of Block C; thence east 24.5 feet; thence northwest to a point 24.5 feet north of the northeast corner of Block C; thence south 24.5 feet to the point of beginning.

Beginning at the southeast corner of Block C; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block C; thence north 24.5 feet to the point of beginning.

Beginning at the southwest corner of Block C; thence south 24.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block C; thence east 24.5 feet to the point of beginning.

**4.**

Portions of First South (160 N), First East (725 W), Second South (150 N) and Second East (710 W) adjoining Block D of the Christiansen's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The south 24.5 feet of First South (160 N) lying north of Block D.

The east 24.5 feet of First East (725 W) lying west of Block D.

The north 24.5 feet of Second South (150 N) lying south of Block D.

The west 24.5 feet of Second East (710 W) lying east of Block D.

Beginning at the northwest corner of Block D; thence west 24.5 feet; thence northeast to a point 24.5 feet north of the northwest corner of Block D; thence south 24.5 feet to the point of beginning.

Beginning at the northeast corner of Block D; thence east 24.5 feet; thence northwest to a point 24.5 feet north of the northeast corner of Block D; thence south 24.5 feet to the point of beginning.

Beginning at the southeast corner of Block D; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block D; thence north 24.5 feet to the point of beginning.

Beginning at the southwest corner of Block D; thence south 24.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block D; thence east 24.5 feet to the point of beginning.

**GRIMMETT'S ADDITION TO THE MORELAND TOWNSITE**

**1.**

Portions of Second West (760 W), First West (750 W) and First North (190 N) adjoining Block A of the Grimmert's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The East 24.5 feet of Second West (760 W) lying west of Block A.

The North 14.5 feet of First North (190 N) lying south of Block A.

The West 24.5 feet of First West (750 W) lying east of Block A.

Beginning at the southeast corner of Block A; thence east 24.5 feet; thence southwest to a point 14.5 feet south of the southeast corner of Block A; thence north 14.5 feet to the point of beginning.

Beginning at the southwest corner of Block A; thence south 14.5 feet; thence northwest to a point 24.5 feet west of the southwest corner of Block A; thence east 24.5 feet to the point of beginning.

**2.**

Portions of First North (190 N), Center Street (175 N) Second West (760 W) and First West (750 W)

Adjoining Block B of the Grimmett's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The South 24.5 feet of First North (190 N) lying north of Block B.

The North 20 feet of Center Street (175 N) lying south of Block B.

The East 24.5 feet of Second West (760 W) lying west of Block B.

The West 24.5 feet of First West (750 W) lying east of Block B.

Beginning at the northwest corner of Block B; thence west 24.5 feet; thence northeast to a point 24.5 feet north of the northwest corner of said block; thence south 24.5 feet to the point of beginning.

Beginning at the northeast corner of Block B; thence north 24.5 feet; thence southeast to a point 24.5 feet east of the point of beginning; thence west 24.5 feet to the point of beginning.

Beginning at the southeast corner of Block B; thence east 24.5 feet; thence southwest to a point 20 feet south of the point of beginning; thence north 20 feet to the point of beginning.

Beginning at the southwest corner of Block B; thence south 20 feet; thence northwest to a point 24.5 feet west of the point of beginning; thence east 24.5 feet to the point of beginning.

**3.**

Portions of Center Street (175 N), First South (160 N), Second West (760 W) and First West (750 W) around Block C of the Grimmett's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The South 9.5 feet of Center Street (175 N) lying north of Bingham County Ordinance 2000-04.

The North 5 feet of First South (160 N) lying south of Bingham County Ordinance 2000-04.

The West 5 feet of First West (750 W) lying east of Bingham County Ordinance 2000-04.

The East 24.5 feet of Second West (760 W) lying west of Block C.

Beginning at the northwest corner of Block C; thence West 24.5 feet; thence northeast to a point that is 29 feet north of the point of beginning; thence south 29 feet to the point of beginning.

Beginning at the northeast corner of Bingham County Ordinance 2000-04; thence north 9.5 feet; thence southeast to a point 5 feet east of the point of beginning; thence west 5 feet to the point of beginning.

Beginning at the southeast corner of Bingham County Ordinance 2000-04; thence east 5 feet; thence south 5 feet; thence west 5 feet; thence north 5 feet to the point of beginning.

Beginning at the southwest corner of Block C; thence south 24.5 feet; thence northwest to a point 24.5 feet west of the point of beginning; thence east 24.5 feet to the point of beginning.

**4.**

Portions of First South (160 N), First West (750 W) and Second South (150 N) around Block D of the Grimmett's Addition to the Moreland Townsite located in Section 26 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

The South 24.5 feet of First South (160 N) from the northwest corner of Bingham County Ordinance 2000-05 east to the northeast corner of Block D.

The North 24.5 feet of Second South (150 N) from the southwest corner of Bingham County Ordinance 2000-05 east to the southeast corner of Block D.

The West 24.5 feet of First West (750 W) lying east of Block D.

Beginning at the northeast corner of Block D; thence north 24.5 feet; thence southeast to a point 24.5 feet east of the northeast corner of Block D; thence west 24.5 feet to the point of beginning.

Beginning at the southeast corner of Block D; thence east 24.5 feet; thence southwest to a point 24.5 feet south of the southeast corner of Block D; thence north 24.5 feet to the point of beginning.

Section 2: **Reversion to Adjoining Landowners.** Pursuant to Idaho Code § 50-311, the portion of road to be vacated in Section 1 shall revert to the adjoining landowners in Bingham County, Idaho, except as otherwise described in Section 1: A.

Section 3: **Easements Reserved.** All easements and appurtenances for existing sewer, gas, water and similar pipelines, ditches and canals, and for existing electrical, telephone and similar utility lines are reserved.

Section 4: **Recording.** This Ordinance and Order shall be recorded in the records of the County Recorder, Bingham County, Idaho.

Section 5: **Effective Date.** This Ordinance and Order shall be in full force and effect upon its passage and approval by the Board of County Commissioners and its publication as required by law.

Section 6: Pursuant to Idaho Code § 40-203, the above described highways or public right-of-ways have not been used by the public and have not been maintained at the expense of the public in at least three years during the previous fifteen years and/or have not been constructed and at least twenty years have elapsed since their dedication.

**Passed and approved by the Board of County Commissioners, County of Bingham, State of Idaho, this 6<sup>th</sup> day of June 2022.**

Signed this 29 day of June 2022.



ATTEST:

Pamela Eckhardt  
Pamela W. Eckhardt  
Bingham County Clerk

BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO

Whitney Manwaring  
Whitney Manwaring, Chairman

Mark R. Bair  
Mark R. Bair, Commissioner

Jessica Lewis  
Jessica Lewis, Commissioner



## PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Pam Eckhardt- County Clerk  
Troy Lenhart- Road & Bridge Supervisor  
Derrick Going- Solid Waste Supervisor

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 explained the submitted Prior Approval for Major Purchase of a cone liner in the amount of \$7,313.95, to be paid from Fund 02-46-490-01. This will be a replacement of one that was recently used and to keep stock.

**Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of a cone liner in the amount of \$7,313.95, to be paid from Fund 02-46-490-01. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, discussion was held regarding the proposed budget for Fiscal Year 2022-2023.

## LOMBARD CONRAD ARCHITECTS

Present: Pam Eckhardt- County Clerk  
Jeff Gardner- Chief Deputy Sheriff  
Sheri Landon- Courts  
Jason Marlow- Building Maintenance  
Ken Gallegos- Lombard Conrad Architects

The Board met to discuss updates regarding the future possible expansion of the Bingham County Jail.

## INDIGENT SERVICES BUDGET

Present: Laura Lora- Indigent Services Director  
Pam Eckhardt- County Clerk

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

## HUMAN RESOURCES

Present: John Dewey- County Civil Counsel  
Jeff Gardner- Chief Deputy Sheriff  
Pam Eckhardt- County Clerk

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

Chief Deputy Sheriff Gardner explained the part time evidence tech position and stated there have been several applications received but until interviews can be held and an offer made, he would like to offer the part time Evidence Clerk for the City of Blackfoot has offered to work for the County for 4 hours a day. He is proposing to allow her to fill the position with the starting wage of N14, Step 8 (\$15.63), to match what she is being paid by the City of Blackfoot, until the position can be filled on permanent basis.

Chairman Manwaring confirmed with Chief Deputy that this position is being advertised until filled but that this part time employee could fill in until that happens.

A brief discussion was held in regards to how that would affect PERSI, wherein it was decided that Mr. Dewey will look further into this as essentially this would mean the specific employee would be working part time for two PERSI employers.

Next, discussion was held in regards to the Safety Policy provided to the Board, wherein Mr. Dewey explained that the State Insurance Company would give a discount if these policies are signed by department heads and put in place. This policy simply states that each department head will ensure that the workplace is safe and this policy is in place. If the Board approves, this policy will also be placed on the bulletin boards throughout the courthouse.

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel Matters. Commissioner Bair seconded. All voted in favor. The Board moved into Executive Session at 2:56 p.m. The Board moved out of Executive Session at 3:17 p.m.

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

DISCUSSION REGARDING LIBERTY ROAD

Present: Dusty Whited- Public Works Director

The Board met with Dusty Whited to discuss and make a possible decision regarding the Liberty Road Project. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Whited stated that the Board had gone out and looked at Liberty Road last week to discuss use of one-time funding to complete the project, in order to complete all at once. Mr. Whited stated that since he started working for Bingham County, Liberty Road has been a constant Issue. If a 2-inch overlay were to be done, that should last for at least 20 years.

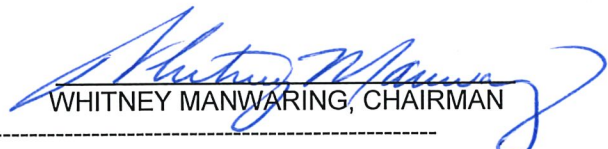
Commissioner Bair asked Mr. Whited what his recommendation would be, wherein Mr. Whited stated that with the use of one-time funding that may not become available again, he believes this is project would be the best use of said funds. They have received several complaints and it would be a benefit of the County to complete this project all at once.

Commissioner Bair and Commissioner Lewis both agreed that this is the best use of the one-time funding.

**Decision: Commissioner Bair moved to instruct the Public Works Director to move forward with doing an overlay for the entire distance of Liberty Road. Commissioner Lewis seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL THURSDAY JUNE 30, 2022

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
 : ss. Thursday, June 30, 2022  
County of Bingham )

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

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

**BOARD OF EQUALIZATION**

Present: John Dewey- County Civil Counsel  
Debbie Cunningham- Appraisal Supervisor  
Becca Goodwin- Appraiser  
Diana Moore- Appellant

The Board met to hold an Appeal Hearing in regards to the Appeal filed by Dianna Moore. Chairman Manwaring welcomed all to the meeting, introductions were held and he gave an overview of the rules/procedures in which the Hearing would proceed.

Lindsey Dalley, Commission Clerk, swore in Ms. Diana Moore at this time and the time was turned over to Ms. Moore for her testimony and basis for this Appeal.

Ms. Moore stated thirty years ago when assessments were done, they were completed on real property value, not market value. In 2015-2017 there were no increases at all and if the increase was due to the school levies, she is okay with that. When it comes to market value and what would happen if there was a crash in the economy. Several years ago, this occurred and she was unable to obtain a loan to fix the roof on her home. A few things to explain this home is overvalued is due to the four ditches that run through the property and the glass pieces that are all over the property that she has to pick up and she would not put beef cows on the property. It was used as a dump and each year it is a constant battle with weeds, along with the ton of remodeling that needs to occur on the home.

She has received several testimonies from people surrounding this property stating that people are struggling. There are several that are on Social Security and still struggling to make ends meet. She alone receives \$1,700.00 per month and is also working to put food on her table. She is not sure how she can continue to stay in her home if values still increase. Taxes are unaffordable for people who are currently struggling already.

She further explained that he property is unfinished, no flooring is completed, the bathroom does not function property, the upstairs is incapable of being heated and cooled properly and the downstairs is not finished. She has done nothing to increase the value of her home this much and this is unfair to individuals that have been in this county for years and trying to live after a pandemic. This will cause her to be pushed out of her home.

Chairman Manwaring asked if she has allowed the Assessor’s Office to visit her home. She responded by stated that they had not been out to reassess. Ms. Moore was informed that this assessment would add value to her home and she disagrees. If she would like to stay in her home for the next 10-15 years, this property tax increase will not help with that. The entire \$1,700 she receives goes straight to bills and that is why she is working to make ends meet.

Chairman Manwaring asked Ms. Moore if she had comparables for the Board, to which she stated she did not bring anything and she is aware the county has the proper information. If the county would like to look

into it further, they could do so. She has been trying to keep the home livable but is struggling with bug invasion and snakes.

Commissioner Bair asked Ms. Moore when her home was built, wherein she stated she believes it was approximately 1940s.

Commissioner Lewis had no questions at this time.

Ms. Cunningham stated that the Appraisers Office was not aware that there is an upstairs and downstairs. Ms. Moore explained that there is an upstairs that consists of one open room with a ½ bath and the downstairs is unfinished.

Ms. Cunningham explained that this home was built in 1896 and that the Appraisers would not go to the home without permission. Chairman Manwaring added cards will be send out randomly for assessments to occur but normally it has to be requested by the property owner.

Ms. Cunningham was sworn in at this time and testified that Ms. Moores home is currently assessed at \$146,879.00 and is located on Highway 91. Total footage is 904 square feet and as stated before, they do not have this home as having an upstairs or downstairs. This is on a lot size of 1.643 acres.

Ms. Cunningham reviewed the comparables presented to the Appellant and the Board and explained that market value is state required and the County is required to be within 10% of market value.

Commissioner Lewis asked Ms. Cunningham if they are not allowed to go and assess the home, how are values determined. Ms. Cunningham stated a cost program is used which uses square footage, along with age and condition of the home. When information is ran through, the value is given. From there, they have to trend value which may increase what was given in the program.

Ms. Moore gave rebuttal by stating that the home is aging, the property is devalued by several issues. There is not a whole lot that could be done with the property and valuing her property on market value is not proper. She disagrees and it is not in the best interest of the property owners. After a pandemic when people were unable to work or lots their homes, it is unreasonable and unfair.

Commissioner Lewis stated it seems as though the disconnect is that the Assessor's Office has not been out to reassess the home and asked Ms. Moore if she would be willing to allow them to do so. Ms. Moore responded by stated that she would not trust their market value and if they are going to use the upstairs against her because of added footage, no she will not allow them to come reassess the home.

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

Nothing further.

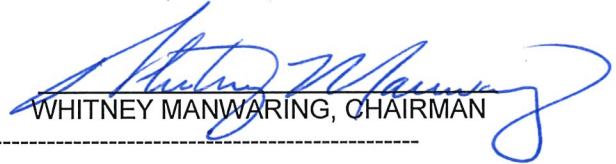
CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses .....	\$349,937.24	Tort.....	\$1,500.00
Road & Bridge .....	\$499,569.32	Veterans Memorial.....	\$626.22
Airport.....	\$20.75	Weeds.....	\$51,904.22
Justice Fund .....	\$377,061.96	Emergency Communication... ..	\$17,665.12
District Court.....	\$65,560.30	Road & Bridge Special	
Historical Society.....	\$49.50	Projects.....	\$18,267.08
Indigent.....	\$75,124.79	Waterways .....	\$3,825.20
Parks & Recreation.....	\$13,113.71	PILT.....	\$2,595.36
Revaluation.....	\$29,855.96	Drug Court Fund.....	\$4,012.29
Solid Waste .....	\$216,652.35	Junior College.....	\$20,650.00
		Consolidated Elections.....	\$8,748.20

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, JULY 1, 2022



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



WHITNEY MANWARING, CHAIRMAN