

STATE OF IDAHO)
 : ss. Monday, March 14, 2022
County of Bingham)

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

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

JUST SERVE BLACKFOOT- DALE & SUSAN CHRISTIANSEN

Present: Dale Christiansen- Just Serve Blackfoot
Susan Christiansen- Just Serve Blackfoot
Pam Eckhardt- County Clerk

The Board met to discuss possible cleanup projects that would benefit Bingham County. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Christiansen.

Mr. Christensen stated that he and his wife are the Blackfoot Specialists for Just Serve, wherein they are attempting to connect with individuals who would like to do service or those who have service projects to be done. Specifically they will be holding a large cleanup project on April 23, 2022 and would like to see if Bingham County has specific cleanup projects they would like to propose.

Chairman Manwaring stated the individuals within the Rose area have done roadside cleanup in the past and suggested to cleanup along Highway 26. Mr. Whited, who is the Public Works Director, would be the main contact for this specific project.

Commissioner Lewis asked Mr. Christensen if he had been in touch with the City of Blackfoot in regards to the green belt as there is always trash or debris along the path. Mr. Christensen made note of that and state that he would contact the City.

Clerk Eckhardt proposed the landscaping at the Museum or the Historical Society Building as they could always use some work and she would be the contact for this specific project.

Discussion was held in regards to the possibility of projects at the North Bingham Park and Sportsman's Park, to which the Board informed Mr. Christensen to get in touch with Scott Reese & Tyler Draney.

The Board stated they would be in favor of allowing Just Serve to be a part of assisting with the mentioned projects and informed Mr. Christensen to keep in touch would keep in touch if they needed further information for planning.

TREASURER'S OFFICE

Present: Tanna Beal- County Treasurer

The Board met with Tanna Beal to discuss department updates within the Treasurer's Office and presentation of the Financial Reports, as required by Idaho Code.

TAX EXEMPTION APPLICATION'S

Present: Pam Eckhardt- County Clerk
Audrey Barzee- Assessor's Office
Donavan Harrington- County Assessor

The Board met to discuss and make a decision regarding the submitted Tax Exemption Applications. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Harrington.

Mr. Harrington first presented Tax Exemption Application's pursuant to Idaho Code §63-602GG, Low-income housing owned by nonprofit organizations, which were as follows:

Community Council of Idaho (formerly Idaho Migrant Council)

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

SEICCA

RP1049100 Apartments at 250 S Oak, Blackfoot

Eastern Idaho Special Services Agency Inc.

RP1082000 1560 Camas, Blackfoot
RP1139802 1420 Camas, Blackfoot

Decision: Commissioner Lewis moved to approve Tax Exemption Application's pursuant to Idaho Code §63-602GG, Low-income housing owned by nonprofit organizations. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Mr. Harrington presented Tax Exemption Application's pursuant to Idaho Code §63-602E, property used for school or educational purposes, which were as follows:

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

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

Idaho Stem Academy

RP0336003 9 N 550 W, Blackfoot

Decision: Commissioner Lewis moved to approve Tax Exemption Application's pursuant to Idaho Code §63-602E, property used for school or educational purposes. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Mr. Harrington presented Tax Exemption Application's pursuant to Idaho Code §63-602D, certain hospitals, which were as follows:

Health West, Inc.

RP3019805 330 N Main, Aberdeen
RP3019804 330 N Main, Aberdeen

Decision: Commissioner Lewis moved to approve Tax Exemption Application's pursuant to Idaho Code §63-602D, certain hospitals. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Mr. Harrington presented Tax Exemption Application's pursuant to Idaho Code §63-602B, Religious limited liability companies, corporations, or societies, which were as follows:

Assembly of God South Idaho District

RP7009000 Fort Hall

Decision: Commissioner Lewis moved to approve Tax Exemption Application's pursuant to Idaho Code §63-602B, Religious limited liability companies, corporations, or societies. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Mr. Harrington presented Tax Exemption Application's pursuant to Idaho Code §63-602N, irrigation water and structures, which were as follows:

Martel Lee Smith II
RP2119901 Irrigation ditch or system
behind October Cove. Mr. Martel
still owns the land.

Decision: Commissioner Lewis moved to approve that 73% of the value is to be exempt for the above-mentioned property. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

PRIOR APPROVAL FOR PURCHASE- SOLID WASTE

Present: Dusty Whited- Public Works Director

The Board met to discuss a submitted Prior Approval for Major Purchase of a new Solid Waste truck in the amount of up to \$130,000.00, to be paid from Fund 23-70-803-00. Mr. Whited explained he is asking for the spending authority in this amount as the availability for trucks is slim and once a truck becomes available he does not have the time to get it placed on the agenda for the Board approval before the truck is sold.

Decision: Commissioner Lewis moved to give Mr. Whited the spending authority for up to the amount of up to \$130,000.00 for a new Solid Waste truck, to be paid out of Fund 23-70-803-00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MARCH 16, 2022


PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Deputy Clerk


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
: ss. Wednesday, March 16, 2022
County of Bingham)

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

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

CLAIMS

Claims were approved in the amount of \$2,962.00.

COLLEGE OF EASTERN IDAHO

A Certificate of Residency was approved and sent to the College of Eastern Idaho for the following Bingham County Student: Lauren E. Waggoner.

Decision: Commissioner Lewis moved to approve Claims, Cash Warrants and Administrative Documents, which include Claims in the amount of \$2,962.00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

SOUTH BINGHAM SOIL CONSERVATION DISTRICT DONATION

The Board met to discuss and make a possible decision as to the amount that would be donated to the South Bingham Soil Conservation District.

Chairman Manwaring stated in the past Bingham County has donated \$2,000.00. On March 10, 2022, Commission Clerk, Lindsey Dalley, received an email from Alesia at the South Bingham Soil Conservation District who stated they would be requesting \$3,000.00 this year to match what the Central Bingham Soil Conservation District receives. Commissioner Lewis added that she is unaware of how the amount of \$2,000.00 was determined but that it has been that way for years. Chairman Manwaring stated that he would like the Commission Clerk to review previous minutes to see if there is further explanation.

Both Commissioners agreed that this requested increase should be discussed during budget time and that a letter should be sent to the South Bingham Soil Conservation District, stating the same.

Decision: Commissioner Lewis moved to approve the \$2,000.00 donation to the South Bingham Soil Conservation District as budgeted. Commission Clerk, Lindsey Dalley, will do research on the funding amounts to determine the history of the amounts. The request of an additional \$1,000.00 will be addressed in the upcoming budget time. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

SHERIFF'S OFFICE

Present: Captain Robert Sobieski- Bingham County Sheriff's Office

The Board met to hold a Public Hearing for comment and adoption of Bingham County resolution 2022-09, a formal resolution setting reimbursement rates to tow companies when such tows are requested by Bingham County Law Enforcement after a motorist accident. Chairman Manwaring welcomed all to the meeting and introductions were held.

Chairman Manwaring stated that said fees were increasing more than 5%, which is the reason for this Public Hearing. Said fees will increase to the amounts, which are as follows in order to coincide with what the Idaho State Police charges:

Light Duty- \$200 hr	Medium Duty- \$250 hr
Storage - \$45/day	Storage - \$45/day
Mileage - \$4.00/mile	Mileage - \$4.00/mile

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

Commissioner Lewis asked Commission Clerk, Lindsey Dalley, for confirmation and that proper notice was published in the Bingham News Chronicle, to which Ms. Dalley confirmed. Chairman Manwaring entertained a motion at this time.

Decision: Commissioner Lewis moved to approve Bingham County Resolution 2022-09, a formal resolution setting reimbursement rates to tow companies when such tows are requested by Bingham County Law Enforcement after a motorist accident. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried and said Resolution was adopted as follows:

BINGHAM COUNTY RESOLUTION NO. 2022-09

A FORMAL RESOLUTION SETTING REIMBURSEMENT RATES TO TOW COMPANIES WHEN SUCH TOWS ARE REQUESTED BY BINGHAM COUNTY LAW ENFORCEMENT AFTER A MOTORIST ACCIDENT.

WHEREAS, Bingham County is a political subdivision of the State of Idaho, organized under Idaho Code §31-808, and is led by a Board of County Commissioners consisting of three (3) members who are duly elected and authorized to direct County business as authorized by law, (Idaho Code §§31-701 and 31-801);

WHEREAS, Bingham County Ordinance No. 2015-02 permits the Bingham County Commissioners to set and change fees related to the reimbursement paid to tow companies for their assistance to motorists when requested by law enforcement and when not specifically requested by the motorist,

WHEREAS, on March 16, 2022 the Bingham County Commissioners held an open meeting to discuss the reimbursement rates to tow companies and the need for uniformity in such rates;

WHEREAS, in an effort to ensure that the costs associated with a tow following an accident for Bingham County citizens are standardized and equitable;

THEREFORE IT IS HEREBY RESOLVED, by the Board of County Commissioners, Bingham County, Idaho, that:

1. DEFINITIONS:

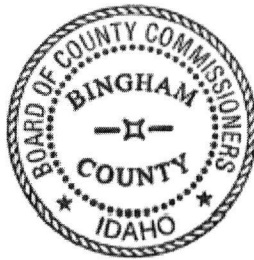
- a. **Light Duty Vehicle**—Passenger vehicles, light trucks, minivans, full size pickups, sport utility vehicles, and full size vans weighing less than ten thousand (10,000) pounds gross vehicle weight with no more than four (4) tires.
- b. **Medium Duty Vehicle**—Mid-size vehicles, delivery trucks, utility vehicles, motor homes, parcel trucks, ambulances, small dump trucks, landscape trucks, flatbed, refrigerated, and box trucks, small and medium school busses weighing between ten thousand and one (10,001) pounds and twenty-six thousand (26,000) pounds gross vehicle weight with four (4) tires or more.
- c. **Non-Preference Tows**—Tows requested by law enforcement at the scene of an accident when the motorist, who was in the accident, does not have a preferential tow company.

- 2. The maximum rate that can be charged for non-preference rotation tows are as follows:

Light Duty- \$200 hr	Medium Duty- \$250 hr
Storage - \$45/day	Storage - \$45/day
Mileage - \$4.00/mile	Mileage - \$4.00/mile

- 3. Storage fees will only be acquired for a maximum of 60 days. At the end of 60 days storage, maximum storage costs will not exceed \$2700.00
- 4. Bingham County respects the right of private business to set their rates and acknowledges that participation as a licensed tow company for the purpose of being listed on Bingham County's rotation is strictly voluntary.

DATED this 16th day of March 2022.



BINGHAM COUNTY COMMISSION

Whitney Manwaring
 Whitney Manwaring, Chairman

ATTEST:

Pamela W. Eckhardt
 Pamela W. Eckhardt
 Bingham County Clerk

Mark R. Bair, Commissioner

Jessica L. Lewis
 Jessica L. Lewis, Commissioner

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
 Derrick Goings- Solid Waste Supervisor
 Troy Lenhart- Road & Bridge Supervisor
 John Dewey- County Legal Counsel

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 General Notice to Destroy Weeds, which is required by the State to be published yearly. Mr. Whited confirmed that there have been no changes made to this Notice.

Decision: Commissioner Lewis moved to approve the Notice for General Notice to Destroy Weeds. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Mr. Whited explained the scope for design of the platform for a mini excavator for the Solid Waste Department. He stated that the plan is to remove the Bilt Rite and will have a platform designed in order to walk a mini excavator onto the platform and use it to perform the same functions that the Bilt Rite has done. This replacement is needed as approximately \$20,000.00 is put into maintenance yearly on the Bilt Right and could lease a brand-new mini excavator at a lesser cost. Mr. Whited confirmed that this was the lowest bid of the two he had collected. The first bid was received from Keller and Associates in the amount of \$36,000.00 and the second bid was received from HLE in the amount of \$7,000.00.

Decision: Commissioner Lewis moved to approve the Solid Waste Transfer Station Structural Design Services presented by HLE, which was the lower of two bids, in the amount of \$7,000.00 for the scope of work to design the platform and associated support structures for a mini excavator. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Mr. Whited explained a Temporary Solid Waste Hauling Contract with TDW Enterprises, LLC, regarding solid waste hauling for an additional 30 days, while Bingham County is working through the contract process. He stated that TDW Enterprises has signed this contract and have no concerns. The last Temporary Hauling Contract was for \$2.40 per mile and the price on the Contract before the Board today is \$3.50 per mile.

Decision: Commissioner Lewis moved to approve the Solid Waste Temporary Hauling Contract with TDW Enterprises, LLC, to haul solid waste for \$3.50 per mile for an additional 30 days. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Mr. Dewey stated that he had been in communication with Superior Transportation who submitted a bid for hauling solid waste in the amount of \$4.20 per mile. They had misunderstood how the surcharge would be calculated, which is calculated as of the effective date of the contract. The most recent information from the US Energy Information Administration was from Monday and that number is high. Superior Transportation did not predict fuel prices increasing and the County is not at a point of trying to decide whether or not to go into negotiation with the next lowest bidder or re-bid. Commissioner Lewis stated she believes it would be best for the County to go with the next lowest bidder, which was also the recommendation of Mr. Whited. Mr. Whited stated he has had communication with Great Rift, the next lowest bidder, who is interested and willing to sign a contract immediately. Mr. Dewey added that the Temporary Hauling Contract has a 7-day opt out, which is put in place anticipating that a more permanent agreement would occur with the next lowest bidder.

Decision: Commissioner Lewis moved to direct Legal Counsel and the Public Works Director to negotiate with the next lowest bidder for Solid Waste Hauling Contract, which is Great Rift Transportation. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Mr. Whited explained the submitted Prior Approval for Major Purchase of a flatbed from Riverside Boot and Saddle to put onto the new sign truck. Said purchase is for the amount of \$3,800.00, which is the cheapest quote and would be paid from Fund 02-40-803-00.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of a flatbed for the new sign truck in the amount of \$3,800.00 and would be paid from Fund 02-40-803-00. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Next, Discussion was held regarding chipseal and microsealing oils, wherein Mr. Whited explained with increasing cost he would like to lock in the presented contracts. Mr. Whited explained the presented maps showing the different areas to be micro sealed and chip sealed. There are two separate contracts and Mr. Whited was able to negotiate the cost on both.

Decision: Commissioner Lewis moved to approve the 2022 Type 3 Microsurfacing from VSSI at \$1.473 per square yard for a total of \$1,028,617.38. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Commissioner Lewis moved to approve the plan for microsealing and road servicing for 2022 District 1 is microseal of 15.14 miles and chipsealing of 19.36 miles. District 2 is microseal of 16.93 miles and chipsealing of 19.66 miles and District 3 is microseal of 14.54 miles and chipseal of 14.6 miles. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Lastly, Mr. Whited explained the first contract from Idaho Asphalt for MC500 and a second sheet was provided to the Board that explains a separate proposal with the budget for this year. Instead of buying cold mix oil and making cold mix as previously done, he would like to propose the purchase of a used paver for this year and use additional funds to buy hot mix to start overlaying roads with hot mix. He has talked to several counties who are doing this and it has gone well. The lifespan of the paver in question would be 10-20 years for what it will be used for. After further discussion, it was agreed upon by the Board to hold off on this purchase of MC500 oil in order to look into buying a paver with hot mix.

Lastly, the contract for chipseal oil wherein there was a change made and he has not received the updated contract but as soon as it is received it will be brought to the Board for their signatures if approved. This contract is for CMS2, wherein the chips were sent to the lab and had them tested for cleanliness value and is currently meeting State speck. The contract total would be \$520,785.00 for chipseal oil.

Decision: Commissioner Lewis moved to approve CMS2 purchase from Idaho Asphalt for chipseal at \$489.00 per ton. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

MOTION FOR RECONSIDERATION OF THE REASON & DECISION OF THE BOARD OF COUNTY COMMISSIONERS REGARDING THE APPLICATION TO CHANGE THE ZONING DESIGNATION FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE FOR THE WEST RIVER FARMS, LLC/ BRYAN AND MARY SEARLE APPLICATION

Present: Tiffany Olsen- Planning & Development Director
Blake Jolley- Connect Engineering
Derrick Dye- Developer
Karl Grover- Landowner
Karlene Higham- Landowner
Joe Higham- Landowner

The Board met to review the Motion for Reconsideration of the Reason & Decision of the Board of County Commissioners regarding the Application to change the Zoning Designation from "A" Agriculture to "R/A" Residential/Agriculture for the West River Farms LLC/ Bryan & Mary Searle Application. Chairman Manwaring welcomed all to the meeting and introductions were held. Chairman Manwaring stated per Idaho Code Section 67-6535(2)(b), any 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 days. Chairman Manwaring turned the time over to Planning & Development Director Tiffany Olsen.

Director Olsen presented the Staff Report at this time.

There were no questions for Director Olsen at this time and the Commissioners moved into their deliberation and review of the record.

Chairman Manwaring stated that he and Commissioner Lewis would review the concerns presented by Mr. Driscoll and address each one, which were as follows:

That Planning & Zoning had voted 7-1 to approve the Application, not unanimously as stated in the Reason & Decision. Chairman Manwaring stated this is out of the Board's control as it is a recommendation that comes before them. Ms. Olsen clarified that this was an error on and reflected the vote was seven members in favor and one in opposition.

That the affected School District did not respond and he would request reconsideration to give the district another chance to participate, as they are unable to attend every land use hearing. Chairman Manwaring stated this is a concern to the Board. Although the school districts are sent notice two times, there is no comment or concerns received. The County has asked the schools to respond and they still do not. Commissioner Lewis stated that the County has met all requirements and there is still no response received. Director Olsen added that Government Notice is provided to 33 Government Agencies of every Public Hearing item. There was one Application that was across 800 East and incorporated some of the school district property as open space purportedly used for a subdivision and there was still no comment received from the School District. Bingham County does want and need responses but are not receiving returned letters to indicate they are not receiving notice. Director Olsen stated she appreciates Mr. Driscoll's request to allow the school additional time for comment, however she feels that the County has extended that opportunity through the Public Hearing phase for their comments.

Mr. Driscoll supported the requirement of a fire well. Chairman Manwaring reiterated that at this time, this is a Zoning Modification and in the future if development occurs, a fire well and community well could be required. This Application is specifically for the Zoning Modification not for development.

Suitability of parcel for agricultural purposes. Just because this parcel could still be farmed isn't enough. It could also be turned into 200+ acres of residential housing, with no further limitations by the County. This is not some pivot corner or some parcel that is rocky or hard to irrigate. This is prime agricultural land.

Chairman Manwaring explained again that this is a Zoning Modification Application and as a Board there are disagreements from time to time but if a parcel is requested to change from "A" Agriculture to "R/A" Residential/Agriculture, it has to be contiguous on at least one of the four sides, which this parcel is. Chairman Manwaring read from the Comprehensive Plan, which states "The Comprehensive Plan reflects the desirable future situation for land within a jurisdiction. The Comprehensive Plan does not operate as a legal controlling zoning law but rather serves as a guide and advice to the Government Agencies".

Commissioner Lewis added that the County follows the Idaho Land Use Handbook. There are multiple court cases within the handbook that state that the Comprehensive Plan is a guiding document but the specific statement, "Idaho Law is well established that an Applicant's rights are determined by the ordinance in existence at the time of filing the application, not the Comprehensive Plan". Therefore, the ordinance is what needs to be looked in decision-making. She also added that Residential/Agriculture still allows for agricultural uses.

Commissioner Lewis stated that she would like to comment on the concern that Mr. Driscoll referred to and that this specific Zone Change would hurt the economy. The Comprehensive Plan specifically states that housing is a benefit and is positive for the economy. Therefore, that statement does not line up with what the Comprehensive Plan states.

Next, Chairman Manwaring stated that he would like to go through each requirement reviewed within their first Public Hearing. The purpose of an "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 the following:

1. Suitability of parcel for agricultural purposes.

Chairman Manwaring reiterated that the Board had no concerns, as there was a stipulation for two-acre parcels, which would still allow for agriculture use.

2. Proximity to existing areas of similar population density.

The Board had no concerns.

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

The Board found no concerns. Chairman Manwaring stated a majority of the property would still be farmed.

4. Protection from incompatible uses.

The Board found no concerns.

5. Accessibility to adequate utilities.

The Board found one concern. Chairman Manwaring stated there was one concern regarding the issue with the power in the area. Shortly after the Public Hearing was held, the Board held a meeting with Rocky Mountain Power who stated if there were issues in the area, they need to know in order for them to address that issue.

6. Adequate service by roadways.

The Board found no concerns.

Further, the Board reviewed if the request for a Zone Change from "A" Agriculture to "R/A" Residential/Agriculture complies with the specific purpose of the Comprehensive Plan in that an amendment to the Map designation would be required from Agriculture to Residential/Residential Agriculture, by promoting the health, safety and general welfare of the County as follows:

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

The Board found no concerns. Chairman Manwaring added that each property owner has property rights.

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

The Board found it has no control over the costs for public facilities and services.

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

The Board found no concerns. Chairman Manwaring reiterated what Commissioner Lewis had said previously and that housing would not hurt the economy.

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

The Board found no concerns.

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

The Board found no concerns; the Board stated prime agriculture ground should be protected and most of the property will continue to be farmed according to the Applicants testimony.

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

The Board found no concerns; Chairman Manwaring added that there are smaller lots in the area.

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

The Board found no concerns.

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

The Board found no concerns.

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

The Board found no concerns; Chairman Manwaring added that there were issues brought up during previous subdivision Application's and Randy Adams, Shelley Fire Chief has been good to provide his comments on each situation. He would like to see a firewell to fight fires. If you are out in the County and relying on a tanker and you are out of water, this could cause issues and would be beneficial to have fire hydrants. Commissioner Lewis added that option would be available during the Subdivision Application, once it is known what will be developed.

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

The Board found no concerns; the Board acknowledged there was testimony regarding eagles nesting on/near the property but there were no concerns or comments received from Idaho Fish and Game.

- k. To avoid undue water and air pollution.

The Board found no concerns.

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

The Board found no concern and reiterated there was not a response from the School District.

Commissioner Lewis added the purpose of the Motion for Reconsideration today is to review the record and determine if the Board erred in making their decision. The Board has had the time to review the record and there was no error in their decision. Chairman Manwaring entertained a motion at that time.

Decision: Commissioner Lewis moved to uphold the decision to approve the Zone Change request by West River LLC and Bryan & Mary Searle, for approximately 208.73 acres from "A" Agriculture to "R/A" Residential/Agriculture and the modification of the Comprehensive Plan Map to reflect this parcel as Residential/Residential Agriculture, after reviewing the record and concerns submitted

within the Request for Reconsideration. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206 (1)(d), to consider records that are exempt from public disclosure. Commissioner Lewis moved to go into Executive Session. Chairman Manwaring seconded. Both Commissioners voted in favor and the Board moved into Executive Session at 2:09 p.m. The Board moved out of Executive Session at 2:23 p.m.

Decision: Commissioner Lewis moved to suspend Case Number 2022-1 per the recommendation of Laura Lora- Indigent Services Director, pending other resources. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

Commissioner Lewis moved to deny Case Number 2022-2 per the recommendation of Laura Lora- Indigent Services Director, due to lack of cooperation. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

ATOMIC CITY DISCUSSION

Present: Kyle Jones- HLE
Spence Ward- HLE
Steven Adams- Developer
John Dewey- County Civil Attorney
Dusty Whited- Public Works Director
Tiffany Olsen- Planning & Development Director
Donavan Harrington- County Assessor
Pam Eckhardt- County Clerk

The Board met to hold discussion regarding the Atomic City Water Facilities Plan Study and propose alternative to address current and future deficiencies. Chairman Manwaring welcomed all to the meeting and introductions were held. Prior to proceeding with the meeting Chairman Manwaring confirmed with Mr. Adams that he does not currently have a pending Subdivision Application through Planning & Development, to which was confirmed. He stated that he had just signed the purchase contract this morning.

Mr. Jones explained the packet provided to the Board is a draft version of the plan study but is close to having a final draft. He explained that HLE has analyzed the Atomic City Water System and have made recommendations they have in order to improve the system.

Mr. Jones stated in 2020 HLE was awarded the contract to do facility planning on the Atomic City Water System. When Atomic City filed for disincorporation, this study was placed on hold. Once Bingham County took over, HLE was paid to proceed with the facility planning. This particular system is small, piping is all pvc and was updated not long ago. Mr. Jones stated that fire hydrants were installed in the system but the downside is that there is not a fire flow pump, therefore making the system unable to provide fire flow currently. The two pumps in the pump house pull water from the 60,000-gallon water storage tank but they are only capable of providing roughly 100 gallons per minute, per pump, which is not sufficient for fire flow. Atomic City is not in a fire district, wherein the Idaho National Laboratory and the Bureau of Land Management currently assist if needed, along with the City of Blackfoot. Mr. Jones confirmed that he had contacted Chief Gray with the Blackfoot City Fire in regards to what he would like to see, wherein he recommended 500 gallons per minute if possible but that more would be helpful.

Mr. Jones explained that Atomic City has two wells, wherein only one is operational at this time.

Chairman Manwaring asked Mr. Jones if since the Bureau of Land Management is in the area during the summer, if they have a stand pipe at their station, to which Mr. Jones responded that they have a connection to the system but do not have their own well on their lot.

Chairman Manwaring asked Clerk Eckhardt for clarification regarding the water issue with the Bureau of Land Management, to which Clerk Eckhardt explained that they were charged as a commercial account for \$111.00 but during the summer months were charged \$222.00, which decreases to \$55.00 during the winter months. There was no agreement pertaining to a specific amount and that is why they had contacted her regarding the amount.

Mr. Whited asked if Atomic City had a valve exercising program and a hydro flushing program or how long it had been since any of the valves had been exercised or the hydrants had been flushed, to which Mr. Jones stated he was not aware. Mr. Whited explained this should occur annually. If there is a fire in the area and hydrants have not been flushed or the valves are not exercised, that could cause issues.

Chairman Manwaring asked if Mr. Jones would contact the previous Mayor or volunteer fire chief if the valves had been exercised or the hydrants has been flushed. Clerk Eckhardt and Commission Clerk, Lindsey Dalley, provided contact information to Mr. Jones in order to make said contact. Mr. Jones stated once he has received the answer on this matter, he will add that information into the facility planning document.

Mr. Jones stated between the two wells, there are water rights to roughly 237 gallons per minutes. The 25- horsepower submersible pump, pumps roughly 100 gallons per minute, which it is suggested to place a similar pump into the second well. Well number one is drilled to a depth of 638 feet and the second is at 670 feet depth, wherein there is roughly 100 gallons pumped per minute and would be able to pump approximately 200 gallons per minute with the second well. The current population within the Atomic City area is approximately 41 citizens, wherein there are 28 homes that are currently connected to the system and the average daily demand is 6.1 gallons per minute, which is low in his mind.

Another issue from the tank to the booster pumps is that they go from a 4-inch pipe down to a 1 ½ inch pipe, which leads to believe this is the reason that it is not able to feed enough water to run properly. Therefore, another recommendation is that the pipe should be increased in size to the tank from the booster pumps.

Next, Mr. Jones referred to section five, wherein it explains Development and Evaluation of Alternatives. Mr. Jones stated the current issues of the water system are explained and the recommendation to improve those issues. The options would be to make no improvements, which would not meet the requirements and standards of The Department of Environmental Quality. Option two would be to rehabilitate well number two, which was discussed previously and would hopefully be reviewed soon to be sure it is possible to remove the well liner. If so, HLE would be able to work with that current well. If not, the next alternative would be to drill a new well.

Mr. Jones explained that the tank is a 60,000 capacity and is not adequate and undersized if a system is installed that would pump 500 gallons per minute for fire flow. For a specific system such as this one, it is currently 8,000 gallons under capacity of what standards are.

The system currently does not have a flow meter after the booster pumps to know what is actually being pumped into the system. There is a flow meter by well one that measures the flow of both wells to the tank but there is nothing that measures flow to the system. It is the recommendation of HLE to install a flow meter in order after the booster pumps.

Mr. Jones explained that water meters are installed but they have not been read regularly and he is unsure what kind of condition they are in. Therefore, that has been added into its own specific section recommending installation of new water meters, which would have the capability of doing drive-by readings or a radio read in order to know what the flow for each user is. Clerk Eckhardt stated that all meters are assessed \$37.00. Mr. Jones recalled that the meters were installed in 2008 but did not run them properly. If meters are not being read, an individual would be free to use any amount they choose with no control.

Mr. Jones referred to Section 5, Miscellaneous System Improvements, which stated that the Department of Environmental Quality had completed a sanitary survey. There were several deficiencies that need to be addressed to avoid non-compliance, which were that the hydropneumatic tanks were not on stable ground, the sealing around well one and the third being fencing to be installed around the well site two as there is no fencing to control access to the well.

The rehabilitation cost for well two is approximately \$40,000.00, which includes removal of the liner, a new 25-horsepower pump, a new well pump controller and miscellaneous expenses included. These numbers are estimated costs as of right now. If it is not possible to remove the liner, a new well may need drilled or another alternative.

To drill a new well the approximate cost would be \$300,000.00, which includes well design, drilling of the well, a new 25-horsepower pump, new pump controller, electrical, piping from the well to the tank and any miscellaneous that may be incurred.

Next, cost explained in the packet is cost for storage tank, which is approximately \$120,000.00, which included a new 10,000-gallon tank, piping from the tank to the system and any miscellaneous cost that may be incurred.

The estimated isolation, control, and by-pass valving costs is approximately \$40,000.00, which includes pipe from the tank to booster pumps, pump to the waste piping and valves and a booster pump flow meter/vault.

The estimated cost for a pump house, booster pump and chlorine treatment are approximately \$250,000.00, which included a 20' x 30' pump house, booster pumps and controls, chlorine treatment and fire flow pumps and chloride.

The estimated cost for meter replacement for touch read is approximately \$12,000.00 in capital costs, along with \$500.00 per year annual for maintenance. For radio read the cost is approximately \$14,000.00 in capital cost with \$150.00 per year for maintenance.

For all improvements, cost is approximately \$359,000.00.


Mr. Jones stated there is funding available if the County would like to move forward with the improvements.

Clerk Eckhardt asked Mr. Jones if the recommendations would be the same if Atomic City had not discontinued, to which he stated he would recommend close to the similar improvements and they would have had to go for the same funding to assist with the project.

There was no decision made at this time and this matter will be placed on hold to see if the well liner could be removed from well two. Once that is determined, another meeting would be held for decision on how to proceed.

THE MOTION PASSED TO DISMISS UNTIL THURSDAY MARCH 17, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Thursday, March 17, 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

APPROVAL OF BALLOT NUMBERS & POLLING LOCATIONS FOR THE PRIMARY ELECTION ON MAY 17, 2022

Present: Danette Miller- Election Office
Megan Kearsley- Election Office
Pam Eckhardt- Court Clerk

The Board met to approve ballot numbers and polling locations for the Primary Election on May 17, 2022. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Miller.

Ms. Miller stated that she would like to propose approval purchase of ballots for 75% of the registered voters and sixteen polling locations, which have not changed.

Decision: Commissioner Lewis moved to approve polling locations and ballot numbers for the May 17, 2022 election to include 75% of the number of registered voters. Commissioner Bair seconded. All voted in favor. The motion carried.

HENRY'S CREEK RANGELAND FIRE PROTECTION ASSOCIATION DISCUSSION

Present: Dusty Whited- Public Works Director
David Rafferty- Henry's Creek Rangeland Fire Protection Association
Tony Garro- Henry's Creek Rangeland Fire Protection Association

The Board met to hold discussion with Henry's Creek Rangeland Fire Protection Association and the possibility of a Mutual Aid Agreement to assist with fires within the Shelley-Firth Rural Fire District. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Rafferty.

Mr. Rafferty gave a brief explanation of the drafted Mutual Aid Agreement proposed to put in place between the Henry's Creek Rangeland Fire Protection Association and the Shelley-Firth Rural Fire District. He explained that he has been attempting to get this document executed for the past several years and has had no luck, which is why they are before the Board today. This specific agreement to allow the RFPA to assist in fighting fires in Bingham County, even if the fire may be on land of a non-member.

An RFPA is organized as a 501c3 organization, which is considered charitable donation He stated there is no tax funding collected and all individuals who assist are fully volunteer. This organization was put in place

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206 (1)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session. Commissioner Lewis seconded. All voted in favor and the Board moved into Executive Session at 8:18 a.m. The Board moved out of Executive Session at 8:34 a.m.

Decision: Commissioner Lewis moved to change the salary for the specific employee discussed today to an S4, Step 4 (\$27.50) on the Sheriff's Office Payscale for Fiscal Year 2022, which will also change his anniversary date to March. Commissioner Bair seconded. All voted in favor. The motion carried. Commissioner Lewis confirmed on the record that this would be in place for the March pay period.

SOLID WASTE HAULING CONTRACT


Present: Dusty Whited- Public Works Director
Pam Eckhardt- County Clerk

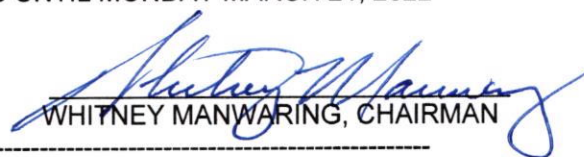
The Board met to approve the Solid Waste Hauling Contract with Great Rift Transportation, LLC. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

Mr. Dewey explained that this contract has a 90 day opt out with or without cause for either party. This contract shall begin on April 4, 2022 and shall continue for a period of five years, unless terminated earlier.

Decision: Commissioner Bair moved to approve and sign the Contract with Great Rift Transportation, LLC, for hauling of solid waste to Bannock County. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL MONDAY MARCH 21, 2022


PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Deputy Clerk


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
: ss. Monday, March 21, 2022
County of Bingham)

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

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206 (1)(d), to consider records that are exempt from public disclosure. Commissioner Lewis moved to go into Executive Session.

Chairman Manwaring seconded. Both Commissioners voted in favor and the Board moved into Executive Session at 9:31 a.m. The Board moved out of Executive Session at 9:46 a.m.

Decision: Commissioner Bair moved to increase the salary for Surveyor/GIS Technician to N27, to allow Donovan Harrington to hire depending on experience. Commissioner Lewis seconded. All voted in favor. The motion carried.

DECISION REGARDING REQUEST FOR QUALIFICATIONS FOR THE JAIL EXPANSION PROJECT

Present: Chief Deputy Sheriff- Jeff Gardner
John Dewey- County Legal Counsel
Tiffany Olsen- Planning & Development Director
Pam Eckhardt- County Clerk

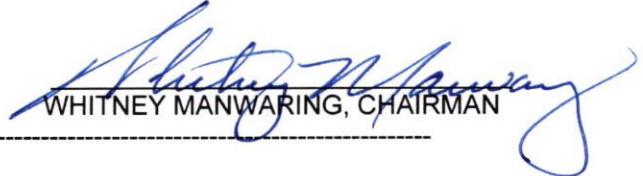
The Board met to discuss and make a decision regarding the Request for Qualifications for the Bingham County Jail Expansion. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Gardner.

Chief Deputy Gardner explained within the Request for Qualifications published, it stated that a Committee would be appointed to review qualifications submitted. Mr. Dewey stated the Committee should be appointed to evaluate each submission to be sure criteria is met and to comply with the Request for Qualifications.

This matter will be scheduled to appoint members of the Committee, along with a final decision to award bid upon approval of the Committee.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY MARCH 22, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, March 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

INDIGENT MATTER

RECORDED: A Release of Financial was approved by the Board and recorded as Bingham County Instrument No. 743713.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVA WHISPERING WINDS SUBDIVISION

Present: Chris Street- HLE
Tiffany Olsen- Planning & Development Director

The matter of a 4-Lot Subdivision to be known as Whispering Winds Subdivision was heard by the Bingham County Planning & Zoning Commission ("Commission") on January 12, 2022. Following testimony and discussion, the Commission voted unanimously to recommend approval of the Whispering Winds Subdivision, a 4-Lot Short Plat, to the Board of County Commissioners.

This Board of County Commissioners ("Board") met to discuss the matter in Open Meeting on March 22, 2022, with Chairman Manwaring, Commissioner Bair and Commissioner Lewis present. The meeting was held pursuant to Idaho Open Meetings Laws, the Idaho Land Use Planning Act, and relevant Bingham County Ordinances, specifically section 14 of Bingham County Ordinance 2012-08. This Board reviewed the discussion of the "Commission", the information found in the record, and deliberated on those issues in light of the applicable governing law. A decision as then issues that day that is memorialized by these Reason and Decision below.

Planning & Development Director, Tiffany Olsen, presented the Staff Report for the Application and the Applicant's Representative, Chris Street, with HLE, Inc., was present for questions.

Chairman Manwaring asked Director Olsen for clarification of the comment provided by Dusty Whited, Bingham County Public Works Director, who stated the field access must be removed to meet Bingham County Road Standards for driveway spacing of 175 feet on a road posted 50 mph. Mr. Street explained that the field access is used to access the shed on the property, which is why it is not labeled as a property access. The Applicant will voluntarily remove the access, as it was a requirement made by Mr. Whited because of the approach spacing.

Chairman Manwaring asked if each lot would have open irrigation, to which it was confirmed there would be a pressurized water system. Mr. Street explained there would be pressurized water coming out of the existing ditch pump. Commissioner Bair stated that this information should be included on the Plat map for future developers. Director Olsen stated this would be clarified and could be placed as a condition if approved.

Chairman Manwaring clarified there were no further questions for Director Olsen or the Applicant's Representative and entertained a motion at this time.

Decision: Commissioner Lewis moved to uphold the recommendation from the Planning & Zoning Commission to approve a Short Plat to be known as Whispering Winds Subdivision for the property located at 790 West 100 South on 5.98 acres, based upon the record presented, with one condition to add that pressurized irrigation would be labeled on the Plat for future developers. Chairman Manwaring added that the Plat also be labeled that this would be serviced by the Watson Canal Company by a pressurized system. Commissioner Bair seconded. All Commissioners voted in favor. The motion carried.

The parties have 14 days to ask for a reconsideration of the decision pursuant to Idaho Code §67-6535(2)(b); the parties have 28 days from the date of this document to appeal this decision for Judicial Review pursuant to Idaho Code §67-52 and/or to request a takings analysis pursuant to Idaho Code §67-8003, protection of private property.

Nothing Further.

PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director

The Board met with Planning & Development Director, 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 first presented the Reason & Decision for Zoning Modification from "R/A" Residential/Agriculture to "C2" Heavy Commercial and the Bingham County Comprehensive Plan Map designation from Residential/Residential Agriculture to Multi-Use on 5.20 Acres, submitted by Kent and Carolee Carlson. It was confirmed on the record that this document has been reviewed and the necessary changes have been made.

Decision: Commissioner Bair moved to approve the Reason & Decision for Zoning Modification from "R/A" Residential/Agriculture to "C2" Heavy Commercial and the Bingham County Comprehensive Plan Map designation from Residential/Residential Agriculture to Multi-Use on 5.20 Acres, submitted by Kent and Carolee Carlson. Commissioner Lewis seconded. All voted in favor. The motion carried.


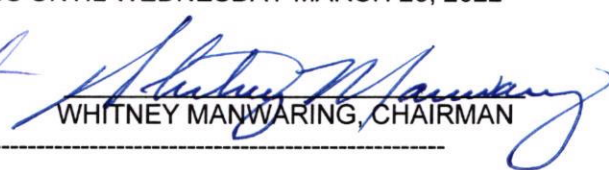
Director Olsen gave an update regarding the upcoming items to come before the Planning & Zoning Commission.

Next, discussion was held in regards to the Transportation Coalition, to which Director Olsen proposed that she attend these meetings in the future as growth and development are discussed. The Board had no issue with Director Olsen attending future meetings.

Director Olsen stated that the City of Blackfoot will be holding their Planning and Zoning Meeting tonight and that she would be attending via Zoom as there is an agenda item pertaining to the Area of Impact Agreement.

Lastly, Director Olsen proposed that she would like to purchase a key fob for the interior door for better security. This is due to both the public and other County employees coming and going freely through their office, which is not secure. She explained that she spoke with Chief Deputy Sheriff Jeff Gardner who advised her that a high cost for installation would be \$1,200.00 but was not aware of an exact amount. Director Olsen will work to gather an approximate cost to bring before the Board for approval of purchase.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MARCH 23, 2022


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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, March 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

Commissioner Bair moved to appoint Commissioner Lewis as Temporary Chairman due to Chairman Manwaring being absent at the onset of meetings.

SHERIFF'S OFFICE

Present: Chief Deputy Sheriff- Jeff Gardner

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

Chief Deputy Gardner stated there are currently 110 inmates in the jail and housing outside of the County is not an option every surrounding county is full as well.

The Sheriff's Office, which include patrol, jail staff and detective division are currently fully staffed.

DISCUSSION & DECISION REGARDING COUNTY LOGO

Present: Pam Eckhardt- County Clerk
Megan Kearsley- Election Office
Tanna Beal- County Treasurer
Chief Deputy Sheriff- Jeff Gardner

The Board met to discuss and make a possible decision regarding the remastered County logo. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained there had been a scheduled time within the last couple of days wherein all County employees had the opportunity to vote on their choice of logo, wherein only 20% participated. The progress has not gone well with EvoGov and she would like to find a local individual or company to assist with this project. Commissioner Lewis suggested contacting Get Found First to set up a meeting as they assist with these type of projects.

There was not a decision made at this time. The Board was in favor of Clerk Eckhardt contacting Get Found First to see if they could assist with remastering the County logo and would come before the Board on a later date.

RESOLUTION 2022-12

The Board met to approve Bingham County Resolution 2022-12, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specific to seven map cabinets.

Decision: Commissioner Bair moved to approve Bingham County Resolution 2022-12, a formal resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specific to seven map cabinets. Commissioner Lewis seconded. All voted in favor. The motion carried and said Resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2022-12**

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

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

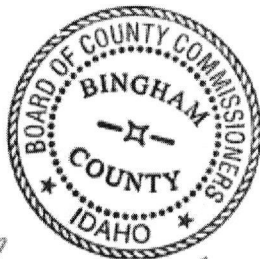
WHEREAS, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

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

Road & Bridge Shop that were moved to the basement of the Courthouse

Seven (7) map cabinets

DATED this 23rd day of March 2022.



ATTEST:

Pamela Eckhardt
Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION

Whitney Manwaring
Whitney Manwaring, Chairman

Mark R. Bair
Mark R. Bair, Commissioner

Jessica Lewis
Jessica L. Lewis, Commissioner

TRAIL CREEK PROPERTY MANAGEMENT

Present: Pam Eckhardt- County Clerk
Gina Perschon- County Auditor
Karrie Anderson- Trail Creek Property Management
Jason Marlow- Bingham County Building Maintenance

The Board met to discuss rental agreements on County owned properties, managed by Trail Creek Property Management. Chairman Manwaring welcomed all to the meeting and introductions were held.

Chairman Manwaring stated approximately one week ago, it was brought to the Boards attention that there was no payment received towards rent for the property located at 48 Airport Road for three months and that eviction notice had been served. He explained when something like this occurs, the County should be aware. Ms. Anderson explained the renter was behind three months in rent when she was served the eviction notice. They took the proper precautions to cure the matter but after several notices, rent was not current and therefore, eviction notice was rendered. On top of the three months of rent (\$2,760.00), there would be attorney fees as well.

Chairman Manwaring explained that he had contacted Aaron with Trail Creek Properties in regards to the issues with having three dogs, along with the number of vehicles parked around the property and asked if inspections were conducted. Ms. Anderson stated that inspections are held but had not been for the past year and a half due to Covid-19.

A discussion was held in regards to the rental located at 56 Airport Road, wherein Ms. Anderson stated that she has sent them notice in regards to the large amount of vehicles parked surrounding the property, which was cured but the vehicles seem to come back to the home. A second notice was sent, the issue was cured and now the vehicles are back. The renters had contacted Trail Creek Property Management to inform them that the large amount of vehicles was due to family members needing a place to stay. Ms. Anderson informed them that this also was against the lease agreement and there were to be no extra residents living in the home. Chairman Manwaring stated that a letter could be sent from the County informing them that the issue needs to be cured as it is not in compliance with the lease agreement.

After discussion, it was decided that the Board would meet with Trail Creek Property Management quarterly to discuss any updates or issues that may be occurring. The County will draft a letter to the renter for property 56 Airport Road, to address the specific issues discussed.

APPOINTMENT OF COMMITTEE FOR JAIL EXPANSION PROJECT

Present: Chief Deputy Sheriff- Jeff Gardner

The Board met to appoint individuals to the Committee for the Jail Expansion Project in order to review the Request for Qualifications submitted. Chairman Manwaring welcomed all to the meeting and explained this matter was placed on the agenda in order to formally appoint members to the Committee regarding to review of qualifications to move forward with the jail expansion project.

Chief Deputy Sheriff Jeff Gardner explained that the following individuals are his proposals to be appointed to said committee:

Chief Deputy Sheriff Jeff Gardner
Tiffany Olsen- Planning & Development Director
Jeff Steadman
Ryan Wilson

After review, the Board had no concerns with this proposal.

Decision: Commissioner Bair moved to appoint Chief Deputy Sheriff Jeff Gardner, Tiffany Olsen, Jeff Steadman and Ryan Wilson, to the Committee to review the submitted Request for Qualifications for the jail expansion project. Commissioner Lewis seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING ARPA FUNDING

Present: Pam Eckhardt- County Clerk
Chief Deputy Sheriff Jeff Gardner
Tiffany Olsen- Planning & Development Director

The Board met to hold a discussion and to make a possible decision regarding American Rescue Plan Act Funding and the designate funds to go to the Eastern Idaho Regional Waste Water Association and replacement of radios for emergency services. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Sheriff Jeff Gardner.

Chief Deputy Sheriff explained there were three proposals brought before the Board last week, wherein the proposal in the amount of \$527,538.60, was the preferred quote from Motorola Solutions. With that, there was an agreement there would be funding from Homeland Security in the approximate amount of \$97,000.00 to be placed towards said purchase. Chief Deputy Sheriff confirmed that the funds from Homeland Security are in the possession of the Sheriff's Office and the project plan was approved and the funding has been committed to be spent on radios. He explained that twenty-five radios would go to Shelley Fire Department, twenty-five would go to the Firth Fire Department, twenty-five for the Shelley QRU, twenty-seven would go to Bingham County Sheriff Office and thirty for the Blackfoot Fire Department, for a total of ninety-six radios. Chief Deputy added that twenty-five would go to Aberdeen as well, to which the total amount was incorrect in the documents.

After further discussion, the Board placed the radio replacement decision on hold in order for Chief Deputy Sheriff Jeff Gardner to add the additional radios to the quote in order to have the accurate number of radios and amount.

Next, Discussion was held regarding the request from the Eastern Idaho Regional Waste Water Authority regarding funding to expand the capacity of the system. Commissioner Bair explained when the Governor came to meet with the Board, he was interested in making sure that there was input from all four entities, which include the City of Ammon, City of Shelley, Bingham County and Bonneville County. He explained that the following commitments have been made thus far:

City of Ammon	\$1.6 Million
City of Shelley	\$300,000.00- \$400,000.00
Bonneville County	\$1.5 Million
Bingham County	previously proposed \$1.5 Million

Commissioner Bair stated all parties have verbally committed, although Bingham County has not committed in an Open Meeting but the preliminary estimate of the expansion project is \$34 Million. He explained that there has been an Application submitted to the Department of Environmental Quality in the amount of \$34 Million to see if that funding would be available. It would be beneficial if the State would cover funding but after further research, it was determined that the four entities would commit and that the State would cover any cost not covered at that point.

Commissioner Bair stated that enough ERU's have been sold that if everyone were using said ERU's, the system would be at capacity. The fear is that growth will need to be stopped if there is not enough capacity to provide services. Commissioner Lewis added that this project was a priority of the American Recovery Protection Act Funding.

Decision: Commissioner Bair moved to commit \$1.5 Million of the American Recovery Plan Act funding for the expansion of the Eastern Idaho Regional Waste Water Authority Plant, upon the

condition that the balance of these funds are met by the Department of Environmental Quality Grant. Commissioner Lewis seconded. All voted in favor. The motion carried.

HUMAN RESOURCES

Present: John Dewey- Human Resources Director/County Legal Counsel
Sheri Landon- Courts
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.

Mr. Dewey stated that he would like to turn the time over to Ms. Landon for her request to discuss the payout of paid time off and compensation time earned by an employee who leaves prior to the minimum of three (3) years of service with Bingham County. Ms. Landon stated she currently has one employee that has worked for Bingham County for one year and has been offered other employment. She has been a great employee and would like her to leave with a good feeling about the County, with the possibility of coming back if other employment does not work for her. This specific employee has barely missed work and she feels as though she should be compensated for all of her hard work.

Mr. Dewey stated that he would recommend that this matter be brought before the Personnel Board prior to coming before the Board of County Commissioners. The Board agreed and at this time, this matter would be tabled until it can be brought before the Personnel Board.

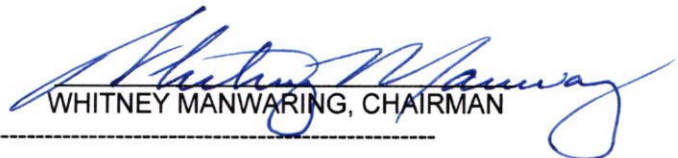
EXECUTIVE SESSION

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. Commissioner Lewis seconded. All voted in favor and the Board moved into Executive Session at 8:16 a.m. The Board moved out of Executive Session at 8:30 a.m.

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

THE MOTION PASSED TO DISMISS UNTIL THURSDAY MARCH 24, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Thursday, March 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

PRIOR APPROVAL FOR MAJOR PURCHASE- PUBLIC WORKS DEPARTMENT

Present: Troy Lenhart- Road and Bridge Supervisor

The Board met to discuss the submitted Prior Approval for Major Purchase of stock tires in the amount of \$15,647.68, to be paid from Fund 02-47-473-01. Mr. Lenhart explained this was to restock tires before the cost increases.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of tires in the amount of \$15,647.68, to be paid from Fund 02-47-473-01. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried.


SPYGLASS

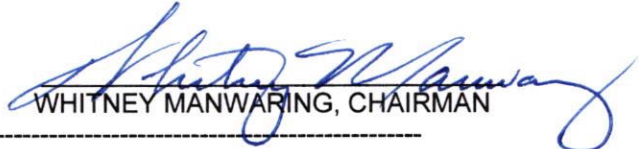
Present: Pam Eckhardt- County Clerk
Via Phone: Chandler Gabbey- SpyGlass Senior Sales Director

The Board met to hold discussion regarding the possibility of working with SpyGlass in order to hold a technology audit to see if there are any savings available. Clerk Eckhardt explained that this audit has been beneficial to the County in the past and wherein there have been wireless connections since Covid-19, along with several services added, she believes it would be beneficial to review all records to find any savings.

After discussion, the Board was in favor of running said audit, wherein an approval to move forward and a kick-off meeting would be scheduled for a later date.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MARCH 25, 2022


PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Deputy Clerk


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
: ss. Friday, March 25, 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

CLAIMS

Claims were approved in the amount of \$125,885.76.

PERSONNEL ACTION FORMS

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

Employee Status Sheet: Solid Waste Operator
Surveyor/GIS Technician

INDIGENT MATTER

RECORDED: A Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No. 743825.

Decision: Commissioner Bair moved to approve Claims, Cash Warrants, Administrative Documents and Personnel Action Forms as presented, which include Claims in the amount of \$125,885.76. Commissioner Lewis seconded. All voted in favor. The motion carried.

DECISION REGARDING AWARD OF REQUEST FOR QUALIFICATIONS FOR THE JAIL EXPANSION PROJECT

Present: Chief Deputy Sheriff- Jeff Gardner

The Board met to make a decision to award the qualifications for the jail expansion project. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Sheriff.

Chief Deputy Sheriff stated that the committee had been appointed and has reviewed the submitted qualifications from Lombard & Conrad Architects. All committee members have reviewed and saw no major issues and that all requirements had been met. Further, his recommendation would be to award the bid to Lombard & Conrad Architects.

Decision: Commissioner Lewis moved to award the Request for Qualifications to Lombard & Conrad Architects. Said submission was reviewed by the committee who had no issues. Commissioner Bair seconded. All voted in favor. The motion carried.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206 (1)(d), to consider records that are exempt from public disclosure. Commissioner Bair moved to go into Executive Session. Commissioner Lewis seconded. All voted in favor and the Board moved into Executive Session at 8:38 a.m. Commissioner Lewis moved to go out of Executive Session. Commissioner Bair seconded. All voted in favor and the Board moved out of Executive Session at 8:49 a.m.

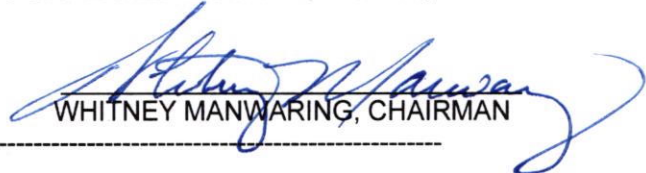
Decision: Commissioner Lewis moved to approve Emergency Cremation Case Number 2022-09, per the recommendation of Laura Lora- Indigent Services Director. Commissioner Bair seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MARCH 30, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Deputy Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, March 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

INDIGENT MATTER

RECORDED: A Notice of Lien and Application for Financial Assistance was approved by the Board and recorded as Instrument No. 744015.

RECORDED: A Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No. 744016.

TAX MATTERS

The Board met to make a decision regarding the submitted Tax Inquiry for the following parcel and reasoning:

RP0509400- The owner signed up for the Homeowners Exemption on his home for the occupancy roll.

Decision: Commissioner Bair moved to approve the submitted Tax Inquiry. Commissioner Lewis seconded. All voted in favor. The motion carried.

APPROVAL OF COMMISSIONER MINUTES FOR MARCH 1-11, 2022

The Board met to approve the Commissioner Minutes for March 1-11, 2022. Chairman Manwaring reiterated for the record that all three Commissioners have reviewed said minutes and that the necessary changes had been made.

Decision: Commissioner Lewis moved to approve the Commissioner Minutes for March 1-11, 2022. Commissioner Bair seconded. All voted in favor. The motion carried.

RESOLUTION 2022-13

The Board met to discuss and approve Bingham County Resolution 2022-13, a formal Resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specific to the Bingham County Sheriff's Office.

Decision: Commissioner Bair moved to approve Bingham County Resolution 2022-13, a formal Resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specific to the Bingham County Sheriff's Office. Commissioner Lewis seconded. All voted in favor, the motion carried and said Resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2022-13**

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

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

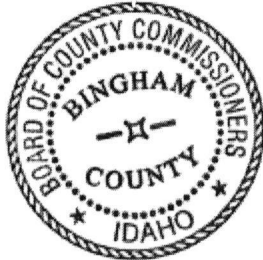
WHEREAS, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

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

BINGHAM COUNTY SHERIFF'S OFFICE

Vin #	Year	Make	Model
1C6RR7XTXJS206946	2018	RAM	TK

DATED this 30th day of March 2022.



ATTEST:

Pamela W. Eckhardt
 Pamela W. Eckhardt
 Bingham County Clerk

BINGHAM COUNTY COMMISSION

Whitney Manwaring
 Whitney Manwaring, Chairman

Mark R. Bair
 Mark R. Bair, Commissioner

Jessica L. Lewis
 Jessica L. Lewis, Commissioner

SHERIFF'S OFFICE

Present: Chief Deputy Sheriff Jeff Gardner

The Board met with Chief Deputy Sheriff Jeff 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 Sheriff.

Chief Deputy Sheriff stated the jail population as of this morning was 103 inmates. There are current inmates being housed in the Jefferson County Jail as well. There are currently 8 state inmates that they are working to find beds for at this time. He stated that Lieutenant Fellows is currently working with the Judges to see if it is possible to release any inmates on ankle monitors to free up space.

Next, discussion was held in regards to radio replacement and the committed amount of funding to go towards said purchase. Chief Deputy Sheriff Jeff Gardner explained that conversations were held with all Fire Chief's, to determine the correct amount of radios needed, wherein the final amount of \$506,191.07, minus approximately \$98,288.32 for a total of close to \$410,000.00.

Decision: Commissioner Bair moved to approve the use of American Recovery Plan Act Funding for radio replacement in the amount of \$407,902.75. Commissioner Lewis seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Andy Hasselbring- Real Estate Broker/Citizen
Luke Jolley- HLE
Derrick Goings- Solid Waste Supervisor
John Dewey- County Legal Counsel
Via Zoom: Tiffany Olsen- Planning & Development Director

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

Mr. Whited stated that he would like to turn the time over to Mr. Hasselbring to discuss his submitted Request for Commissioner Meeting pertaining to the current Approach Ordinance. Mr. Hasselbring stated the reason for requesting a meeting before the Board today is to discuss the current Approach Ordinance, wherein he has found a few issues that go against what is within other County Ordinances and are in competition with property ownership rights. He would like to hold a discussion with the Board and requests that another Public Hearing be held.

Mr. Hasselbring stated that Ordinance 2022-07 states that all approaches and intersections shall meet the cite distance and spacing standards shown in the Bingham County Approach Spacing Standards, wherein "all" is a very powerful word and nowhere in it does it state that existing approaches or existing parcels are grandfathered in. Essentially this states that there is non-conforming approaches throughout Bingham County. He would like to propose that existing parcels and existing approaches having one access grandfathered in, whether that access is for one driveway or for the number of division rights that a parcel may have. As of right now, most are in violation.

Second, Mr. Hasselbring referred to Chapter 8- Variance and Waiver of Administrative Decision and Rule or Ordinance, was repealed through Ordinance 2021-6. This is stating that the ability to grant waivers and variances has been repealed. When he looks back to the Ordinance adopting the Approach Spacing Standards, it gives the opportunity for a variance at the discretion of the Public Works Director, which is in conflict and should be corrected. Idaho Regulatory Taking Act Guidelines, which was published by Lawrence Wasden, Attorney General, in March of 2020 and within his opening statement he states, "In 1995 the legislature amended this statute to apply to local units of government. Idaho Code 67-6508, was

amended to ensure that Planning & Zoning Land Use Policies do not violate private property rights. With this ordinance, the access has been taken away from property and their development rights within said properties by stating that they cannot have an access. This is in conflict with Idaho Law as well as Washington and Utah Law.

In addition, Mr. Hasselbring referred to the Idaho Regulatory Taking Act Guidelines, which ask to determine whether a property is being taken by eminent domain or by regulatory abuse. One of the six questions asked is, does the regulatory have a significant impact on the landowners economic interest. When you take away a property access, you substantially impact its economic interest. Next, does the regulation deny a fundamental attribute of ownership, wherein if a property is zoned for Residential/Agricultural uses, but take away its fundamental right to be able to use it for residential use, there is a conflict. Taking of private property is something that has been mitigated and gone through the legal system several times, wherein he has read that the County typically wins and the Ordinance is upheld except for in situations where a business is put out of business by the regulation or when vested development rights have been removed.

Chairman Manwaring stated the County has the Approach Ordinances and he personally has disagreed with some of the distances. This was given to HLE as there have been areas that have improved or driveways have been placed. This was in hopes that it would be narrower as the key word to keep in mind is safety, which is why these ordinances are put in place. Chairman Manwaring stated driveways have been approved right across from other driveways since these Approach Standards have been adopted and asked Mr. Jolley to explain. Mr. Jolley stated these standards come down to the industry standard. HLE Follows the same requirements at the Idaho Transportation Department and they like approaches to line up across the street but that is not a requirement for the approach spacing.

Commissioner Lewis asked Mr. Jolley if residential accesses and farm accesses are similar, to which Mr. Jolley explained that residential would have more traffic than a farm access, depending on the season but in his mind, there is not a distinction between the two.

Commissioner Bair asked Legal Counsel for his legal opinion on questions stated by Mr. Hasselbring, to which Mr. Dewey explained there has been code in the past, which did not allow leeway in this situation and would be prohibited if it did not meet the guidelines. Currently code allows discretion to be exercised in order to maintain safety. Ultimately, there are accesses throughout Bingham County that may or may not meet standards currently in place and he believes the engineering opinion is that this does not promote safety on roads. The engineered study, which gives guidelines and if there is a provision to grandfather in parcels that, did not have to meet the requirements that would eviscerate some of the effect of the ordinance and would not be safe. The Road and Approach Standards Manuals have been engineered and stamped by an engineer consistent with Idaho Code. In regards to the conflicts mentioned, he believes there are conflicts but there would always be some level of conflict and the question is what to do when proceeding. There could room to move away from the standards case by case, so long as the Public Works Director is satisfied there is safety.

Mr. Dewey stated Idaho Code has a Variance code, which had to do with variances from administrative division and interpretations of the code. The problem applied with it towards the County code is that it allowed people to come before the Board and ask for said code to not apply to them, which is not best practice.

Commissioner Bair asked Mr. Dewey regarding regulatory takings, wherein Mr. Dewey explained that takings are a case-by-case analysis and it is extreme deprivation of value that constitutes a taking. If someone suggest there has been a taking, there are steps to analyze the specific situations. The current ordinance is much less risky in terms of takings than the prior Ordinance was.

Mr. Dewey explained these instances are good to review and it is possible that a different engineer would have a different opinion, which could be beneficial.

Commissioner Lewis asked Mr. Dewey for clarification regarding grandfathering as it has been mentioned several times but is not something that the County sees a lot. Mr. Dewey stated that grandfathering is not mentioned within the County Ordinance because the Ordinance deals specifically with new approaches.

Mr. Hasselbring stated that surrounding counties have spacing standards but in addition, they will not strip property owner rights while future development. The focus of this ordinance is future development. Chairman Manwaring asked Mr. Hasselbring if he has a copy of the verbiage from surrounding counties, to which he stated that he did not but he would be happy to get it to the Board for their review.

Mr. Whited stated that he spoke with Kyle Bermester- Bannock County Public Works Director, who informed him that their policy states that the ordinance has to be met from the time that the property was developed. Therefore, had that property been subdivided prior to this policy, it would have been grandfathered into that Ordinance. If you take a subdivision that was subdivided in 2010, it only has to meet the Ordinances in place at that time. However, if you subdivide a new piece of property it has to meet their new Ordinance.

Mr. Dewey stated the he is unaware how the County came up with the numbers within the prior Ordinance. There is not an engineer stamp on any documentation showing how those numbers were calculated and the County relies on a professional engineer to guide the decisions with regards to roads. He is not sure how that would apply if it cannot show why those numbers were put in place. Commissioner Bair added that is the reason that HLE was hired, is that the County needs a professional opinion.

Mr. Whited stated there are two options at this point, which one would be if the Board feels they would like to invest funding to have another engineering firm re-evaluate the Approach Ordinance that would be a decision to be made by the Board. The second option would be if a group of citizens proposed this re-evaluation to the County, that would be something done by an engineering firm. Mr. Whited explained that he personally believes that looking at individual opinions on something to do with public health and safety goes against the State Public Works Ordinance.

Chairman Manwaring stated he believes there are several issues within the Ordinance and he would like to see verbiage from surrounding counties to review. He explained that HLE was hired originally but it may be that the County should hire another engineering firm to look at the Ordinance.

Commissioner Lewis added that she would like to see verbiage from surrounding counties as well.

Commissioner Bair was in agreeance as well but is not in favor of hiring another engineering firm to cover the same information that was reviewed by HLE.

After discussion, it was decided that Mr. Hasselbring will provide verbiage from surrounding counties and proposed language to Legal Counsel. Mr. Dewey stated if the Board does approve to hold another Public Hearing, it would make sense to have verbiage on hand to be able to show what is being reviewed/changed. Once verbiage is received, reviewed by the Board and Legal Counsel, it will then be determined if there should be another Public Hearing held to receive further input from citizens.

Next, Mr. Whited stated that he would like to review and ask the Board for approval to move forward with the Public Hearing for Solid Waste fee increase. Mr. Whited stated that he has worked extensively with Kraig Edwards to develop the proposed fee scheduled, wherein the wood chip fee was added, deferred payment fee of \$5.00 was added, a weight ticket of \$5.00 was added, the residential and commercial fee was increased for both resident and non-resident in order to keep up with the increase in cost.

Decision: Commissioner Lewis moved to direct the Public Works Director to proceed with the increase of Solid Waste fees due to the increase for transportation of solid waste and hold a Public Hearing before the Board. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of MAG Chloride in the amount of \$25,000.00, to be paid from Fund 32-00-659-01.

Decision: Commissioner Bair moved to approve the submitted Prior Approval for Major Purchase of MAG Chloride in the amount of \$25,000.00, to be paid from Fund 32-00-659-01. Commissioner Lewis seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of Culverts and Bands in the amount of \$7,321.20, to be paid from Fund 02-40-645-00.

Decision: Commissioner Lewis moved to approve the submitted Prior Approval for Major Purchase of Culverts and Bands in the amount of \$7,321.20, to be paid from Fund 02-40-645-00. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Bingham Ag Services Credit Application, formally Bingham Co-op, is to simply update the Application to keep on file. There is not a large amount purchased from this particular business but it is helpful to have on file for when it is needed.

Decision: Commissioner Bair moved to approve the Bingham Ag Services Credit Application in the amount of \$25,000.00. Commissioner Lewis seconded. All voted in favor. The motion carried.

Next, Mr. Whited stated that the bridge on 800 North at 1000 East was part of the Windmill route and their engineers surveyed that bridge, rating it as severe. After inspecting it, there has been some bracing completed to attempt to get it through the year and they are in the process of putting together a quote for replacing the bridge for next winter when the water goes out. He does not feel as though that this bridge is safe at this time and he is proposing to close to large truck traffic and would like to post that there are no trucks over 26,000 pounds until it can be replaced. Cedar Creek Windmill Farms will be installing a jump bridge in order to get their equipment across safely. Mr. Whited stated that he is unsure what that consist of as they have not seen a plan. By posting that signage stating that there is to be no trucks over 26,000 pounds, if a truck does go across and there is an issue, the County has done what is needed to cure any liability that may arise.

Decision: Commissioner Lewis moved to approve to place a sign stating “No trucks over 26,000 pounds on the bridge”, on the bridge located at 800 North 1000 East due to a safety issue. This will be in place until the bridge can be fixed in the fall. Chairman Manwaring seconded. All voted in favor. The motion carried.

Lastly, Mr. Whited explained the submitted Prior Approval for Major Purchase for a used asphalt paver, in the amount of up to \$150,000.00, which is located in Northern Montana and if this is approved, it would be brought to the County as soon as possible. Said purchase will be paid out of Fund 02-40-803-00.

Decision: Commissioner Bair moved to approve the submitted Prior Approval for Major Purchase for a used asphalt paver in the amount of up to \$150,000.00, to be paid out of Fund 02-40-803-00. Commissioner Lewis seconded. All voted in favor. The motion carried.

DISTRICT COURT REMODEL DISCUSSION

Present: Pam Eckhardt- County Clerk
Sheri Landon- Courts
Danette Miller- Election Office
Laura Lora- Indigent Services
Eric Jackson- Building Maintenance

The Board met to discuss and make a possible decision regarding the proposed remodel of the Courts division. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt asked to please excuse Judge Simpson and he extends his apologies for not being able to attend but this has been discussed previously. She stated that the Governor has signed the indigent bill yesterday and therefore this office will no longer be needed for Indigent Services. The plan being proposed

is to start in the archiving office. The Archivist would temporarily move into the old office behind District Court in the hallway, which has been used for any visiting judges. Next, Laura Lora would be brought down into the Clerk's Office when the Chief Deputy Clerk retires but she would still be involved with Indigent Services and Veteran Services. The other employee in Indigent Services would move to the archiving office and there is an attorney client office that could be moved over in order for Indigent Services to use. There would be removal of a few walls within the Indigent Services Department to coincide with the remodel of the restrooms and the other portion would be used to store equipment for the Election Department. A brief discussion was held regarding the possibility of storing the Election Department equipment over in the Courthouse Annex Building downstairs, to which Ms. Miller stated that would not be an option as it would not be good for the machines to be rolled across the street to the Courthouse for early voting. It would be more convenient to have them in Courthouse. Plus there is not an elevator to the basement.

Mr. Jackson stated that he is waiting on drawings to move forward with this project. Clerk Eckhardt added that after all of this has concluded, then the District Court remodel could commence. After speaking with the IT Department, they will not need the anticipated extra server room.

At this time, they are not aware of an estimated cost but would work to gather estimates but the Board is in favor of this proposal of remodel. There is funding within the Court Facilities and maybe Consolidated Elections that could be used. Specific designations as to where funding would come from would be clarified at a later date once estimates and plans are received. Commissioner Lewis stated this remodel is a priority especially with the growth in Bingham County and knowing it will need done within the next five years anyway.

COMPLETION OF PUBLIC WORKS AGENDA ITEMS

Present: Dusty Whited- Public Works Director

The Board met with Mr. Whited to complete the items listed on the Public Works agenda.

Mr. Whited explained the proposal for speed limit change on Trego Road. He stated that he is proposing this change as it was brought to his attention that the speed limit is 35 mph by the school and all commercial through the area with lots of approaches. A speed study was conducted and the speed study is 34.9 and therefore, he feels that 35 mph for the entire road would be appropriate. Idaho Asphalt has semi-trucks and trailers on the road, along with several other trucking companies and he is surprised that this has not been changed before. This proposal would be to change the speed limit to 35 mph from Highway 39 to Pioneer Road.

Decision: Commissioner Lewis moved to approve the change of speed limit to 35 mph on Trego Road, from Highway 39 to Pioneer Road, per the recommendation of the Public Works Director. Commissioner Bair seconded. All voted in favor. The motion carried.

Discussion regarding the Atomic City Facility Emergency Plan will be tabled until next week.

Next, discussion was held regarding approval to install variable flow device and pressure tank for the Public Works Fire Well. Mr. Whited explained the way it was designed, if it is left on it will continue surging back and forth, making for an extremely expensive power bill. Bear Electric determined that it would need a variable flow device and a pressure tank, which could be done for the amount of \$9,051.00.

Decision: Commissioner Bair moved to allow the Public Works Director to move forward with purchase and installation of a variable flow device and pressure tank for the Public Works Fire Well. This amount will be paid out of the PILT Fund as this is a continuation of completing the Public Works Shop. Commissioner Lewis seconded. All voted in favor. The motion carried.

Lastly, Mr. Whited presented that he would like to replace the historical sign located at the end of Wolverine stating as it is severely damaged with bullet holes. This sign was initially installed as part of a non-profit but he does not have an issue replacing this sign and pay for it out of the sign budget.

Decision: Commissioner Lewis moved to approve the purchase of a sign to replace the historical sign at the end of the Wolverine, to be paid out of the sign budget. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING CIRCUIT BREAKER ISSUE- REQUESTED BY DEBBIE DUCHSCHER

Present: Debbie Duchscher- Citizen
Mark Call- Realtor
Donavan Harrington- County Assessor
Audrey Barzee- Assessor's Office- Deputy Clerk
Vickie Capson- Assessor's Office- Deputy Clerk
Debbie Cunningham- Chief Deputy Assessor

The Board met with Debbie Duchscher to discuss her recent issue with circuit breaker program. Chairman Manwaring welcomed all to the meeting and introductions were held.

Chairman Manwaring stated that Ms. Duchscher had contacted him in regards to an issue with the circuit breaker, getting her home sold and building a new home. She has sold her home and has not been able to move into it yet. Chairman Manwaring advised her to contact the Commission Clerk to get onto the agenda in order to address this matter before the Board.

Mr. Harrington stated that he has done research, wherein it has concluded that the property owner would not be eligible to apply for the property tax reduction on the old home even though they are living in it. They must be the owner of the home in order to apply for the property tax reduction. However, there was a law change about three years ago that allows for a property owner to apply for the property tax reduction on new construction, even if it is after the April 15th deadline.

Ms. Duchscher was satisfied with the information provided to her and she will move forward in the direction as presented. Once she is moved into her new home, she will come into the Assessor's Office to fill out the appropriate application.

Next, a brief discussion was held in regards to the information provided to the Board pertaining to taxing property on reservation ground that was privately held. Mr. Harrington explained they are with regards to any ground that is held by a non-tribal member. Those lands that are held privately by tribal members, are not being taxed, however the statute states that the County has the latitude to assess value on the privately held ground on the reservation. Anything that is held by the tribal counsel or the US Government would not be subject to tax or valuation. Anything held outside of the trust is subject to tax and valuation.

It was stated for the record that this came into discussion pertaining to a tax deed issue and a home that is to be taken by tax deed, wherein there was question.

APPROVAL OF DONATION TO HENRY'S CREEK RANGELAND FIRE PROTECTION ASSOCIATION

Present: David Rafferty- Henry's Creek RFFPA

The Board met to discuss and approve donating funds to the Henry's Creek Rangeland Fire Protection Association. Chairman Manwaring explained there was a request received from Henry's Creek Rangeland Fire Protection Association, to assist them with funding for their liability insurance.

Chairman Manwaring stated there was a meeting held two weeks ago, wherein the Board met with Tony Garro and David Rafferty in regards to a possible Memorandum of Understanding with the Shelley Fire District. Said agreement has since been approved and executed by all parties.

The second discussion that was held was regarding the possibility of Bingham County donating funds to the RFFPA, to assist them with paying their liability insurance which is \$2,500.00. Chairman Manwaring

stated that it was agreed that Bingham County would split said cost with Bonneville County, wherein Bonneville County approved and has paid \$1,250.00.

Decision: Commissioner Bair moved to approve the donation of \$1,250.00 to the Henry's Creek Rangeland Fire Protection Association for cost to pay half of their liability insurance. Said Donation would be paid out of PILT. Commissioner Lewis seconded. All voted in favor. The motion carried.

APPROVAL TO PROCEED WITH SPYGLASS AUDIT

Present: Pam Eckhardt- County Clerk

The Board met to make a decision regarding Bingham County participating in a SpyGlass Snapshot Audit to see if there are any cost savings within its services and billings. Chairman Manwaring stated the County participated in this audit several years ago and there were savings found. There have been several new services added and it would be beneficial to see if there are any further savings available.

Decision: Commissioner Lewis moved to approve the SpyGlass Snapshot Audit Agreement. Commissioner Bair seconded. All voted in favor. The motion carried.


CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses \$386,966.48	Veterans Memorial.....\$185.62
Road & Bridge.....\$217,266.05	Weeds.....\$5,250.02
Airport.....\$2,271.45	Emergency Communication..\$45,023.29
Justice Fund.....\$358,152.05	Road & Bridge Special
District Court.....\$68,088.04	Projects.....\$3,532.70
Fair, District/State...\$11,000.00	Waterways.....\$934.50
Indigent.....\$65,059.57	Drug Court Fund.....\$3,377.40
Parks & Recreation\$15,658.14	Junior College.....\$300.00
Revaluation.....\$32,985.24	Consolidated Elections.....\$24,740.35
Solid Waste\$146,106.91	

THE MOTION PASSED TO DISMISS UNTIL FRIDAY APRIL 1, 2022



PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Deputy Clerk



WHITNEY MANWARING, CHAIRMAN