

STATE OF IDAHO)
 : ss. Tuesday, November 1, 2022
County of Bingham)

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

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

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONERS RECOMMENDATION TO APPROVE THE 6TH AMENDED BINGHAM INDUSTRIAL PARK SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director
 Verl Jarvie- Blackfoot Fire Marshall
 Bryon Howell- Blackfoot Fire Chief
 Chris Street- HLE

The Board met to receive the Planning & Zoning Commissions recommendation to approve the 6th Amended Bingham Industrial Park Subdivision. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Olsen.

Director Olsen presented Staff Report at this time.

Chairman Manwaring referred to the Custom Soil Resource Report and asked Director Olsen if access will be available to the two cellars facing the East and West side, to which she confirmed there would be access. Director Olsen referred to Exhibit CC-2 and explained there is an access easement that comes through to those cellars, which is 50 feet wide and will have sufficient access.

Commissioner Bair asked if there is sufficient room to get around lot 16, between lots 16, 14 and 15, to which Director Olsen stated there is another access easement at the North end that allows for sufficient room, the additional access easement will be verified and upon approval, could be placed as a condition. Commissioner Bair stated if approved, it should be a condition that each parcel has proper legal access.

Commissioner Lewis stated her concern is without having testimony from the property owners, they may not want the access. If this is placed as a condition and the condition cannot be met, it will be denied. Director Olsen stated lot 16 does show that owner is Lambert Rose Partners LLC. She and Mr. Street will be sure the condition for proper legal access to both lots and the easements are recorded in unison.

Commissioner Bair asked Mr. Street for clarification if there is access, to which Mr. Street explained there is access to each individual cellar. In discussions with Mr. Nickell, they did not talk about having access all of the way through but he is sure that is the direction they are proceeding.

Chairman Manwaring stated if the property is sold in the future, there might be issues between property owners. Commissioner Lewis added that she is not comfortable placing a condition, if approved, that may not be met. Director Olsen stated so long as the motion includes that both lot owners have sufficient and mutually agreeable access for the plat to be recorded, that should be sufficient.

Decision: Commissioner Bair moved to uphold the decision of the Planning & Zoning Commission to approve the request for Replat within Lot 13 of Block 2 of the Bingham Industrial Park Subdivision, based upon the record presented, Reason & Decision of the Planning & Zoning Commission and the discussion held today with the condition that there be an agreement with property owners that each lot will have proper legal access. Commissioner Lewis stated she would like to add to ensure that the lots are properly labeled, depending on the order in which they are

recorded. Commissioner Bair amended his motion to add the same. Commissioner Lewis seconded. All voted in favor. The motion carried.

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

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

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE THE BASALT BAR SUBDIVISION PRELIMINARY PLAT

Present: Tiffany Olsen- Planning & Development Director
Verl Jarvie- Blackfoot Fire Marshall
Bryon Howell- Blackfoot Fire Chief

The Board met to receive the Planning & Zoning Commissions recommendation to approve the Basalt Bar Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Director Olsen.

Director Olsen presented the Staff Report at this time.

Commissioner Bair expressed his concern that the subdivision will have smaller lots, individual septic systems for each and being in close proximity to the Snake River. Chairman Manwaring concurred and stated the individual septic systems for each individual lot is also a concern for him.

Commissioner Lewis stated on the plat, why Lot 3 has a little flag and not either just an easement or go all the way to the road. Director Olsen stated this is an interesting shape of lot in general. Bingham County Code Requires 75 feet of frontage and in working with Legal Counsel, at the time was John Dewey, it was determined that 75 feet from termination of that joint easement access of land that would be owned by the lot owner of Lot 3, to constitute that property. Commissioner Lewis asked Director Olsen if there was 20 feet between the home and lot line to do an easement, wherein Director Olsen stated that is correct.

Commissioner Lewis also asked what the definition is for a community system, wherein it reads in the Code that a property owner can have ¼-acre lot if you have both community systems but it does not specifically state what is considered a community water system. Her thought is that the code is not defined well enough to restrict that from being a community system. Director Olsen explained when looking at Lot 3, having the entire drain field and the easement on that being greater than ½ acre and the other being less than ½ acre with that community water system, that was taken as meeting the code requirements. Commissioner Lewis stated this one is not as large of a concern as it meets the one-acre requirement but what if it did not meet that requirement.

Discussion was held in regards to Bingham County Code Section 10.2.3, Community Sewage Disposal System and Bingham County Code Section 10.6.6(b)(1)&(2), Residential Zoning District and it was determined that these code are contradicting. Director Olsen stated there could be an argument to be made if the septic system involves a septic permit or if it is a community sewage disposal system. One thing that could be considered, if approved with conditions, would be to add a condition that a septic permit and all associated items that come with a joint system, be approved by the Department of Public Health before moving forward.

Commissioner Lewis stated she does not feel comfortable in approving this Application without having additional information, specifically from Legal Counsel and the Department of Public Health. Commissioner Bair concurred.

After further deliberation, Chairman Manwaring entertained a motion on the Application.

Decision: Commissioner Lewis moved to remand the Application for Basalt Bar Estates Subdivision back to the Planning & Zoning Commission for more information specifically on the community sewage disposal system that is proposed on Lot 2 and Lot 3. Also for additional input regarding the definition Bingham County Code Section 10-2-3 on the Community Sewage Disposal System and Section 10-6-6(B)(1)&(2) the Area Regulation- Residential Zoning District, as they are contradicting. In addition, the Board is requesting input from Legal Counsel and the Idaho Department of Public Health on the best way to move forward. Commissioner Bair seconded. All voted in favor. The motion carried.

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

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

BI-WEEKLY UPDATE MEETING WITH TIFFANY OLSEN- PLANNING & DEVELOPMENT DIRECTOR

Present: Tiffany Olsen- Planning & Development Director
Verl Jarvie- Blackfoot Fire Marshall
Bryon Howell- Blackfoot Fire Chief

The Board met with Tiffany Olsen to discuss updates for the Planning & Development Division.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY NOVEMBER 2, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, November 2, 2022
County of Bingham)

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

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

CASH WARRANTS

Cash Warrants were approved in the amount of \$288,282.32 & \$50.00, for a total of \$288,332.32.

PAYROLL

Payroll was approved in the amount of \$742,976.47.

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

TAX INQUIRIES

The Board approved Tax Inquiries, which were as follows:

RP8271150	Year 2022	Homeowner signed up for Homeowners Exemption
RP0633701	Year 2022	Homeowner signed up for Homeowners Exemption
RP8271130	Year 2022	Homeowner signed up for Homeowners Exemption
RP2041500	Year 2022	Homeowner signed up for Homeowners Exemption
RP0451406	Year 2022	Homeowner signed up for Homeowners Exemption
RP0318602	Year 2022	Homeowner signed up for Homeowners Exemption
RP0629610	Year 2022	Homeowner signed up for Homeowners Exemption
MH0629610	Year 2022	Homeowner signed up for Homeowners Exemption
RP3018700	Year 2022	Homeowner signed up for Homeowners Exemption
RP8198800	Year 2022	Homeowner signed up for Homeowners Exemption
RP0515405	Year 2022	Homeowner signed up for Homeowners Exemption
RP1088500	Year 2022	Homeowner signed up for Homeowners Exemption
RP0384012	Year 2022	Homeowner signed up for Homeowners Exemption
RP1312426	Year 2022	Homeowner signed up for Homeowners Exemption
RP1344203	Year 2022	Homeowner signed up for Homeowners Exemption
RP0193904	Year 2022	Homeowner signed up for Homeowners Exemption
RP8268200	Year 2022	Homeowner signed up for Homeowners Exemption
RP1319438	Year 2022	Homeowner signed up for Homeowners Exemption
RP1171301	Year 2022	Homeowner signed up for Homeowners Exemption
RP1255301	Year 2022	Homeowner signed up for Homeowners Exemption
RP1300119	Year 2022	Homeowner signed up for Homeowners Exemption
RP1300131	Year 2022	Homeowner signed up for Homeowners Exemption
RP1300133	Year 2022	Homeowner signed up for Homeowners Exemption
RP0036104	Year 2022	Homeowner signed up for Homeowners Exemption
MH0036104	Year 2022	Homeowner signed up for Homeowners Exemption

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

SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff
Paul Rogers- Prosecuting Attorney
Laraine Pope- Human Resources Director

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

Sheriff Gardner stated the current jail population is 106 inmates and gave a brief update on Bancorp. He explained there are 6-7 Toyota Rav 4 vehicles that will be delivered soon and Human Resources is working on the insurance for these vehicles.

Next, Sheriff Gardner stated that he would like to propose that the Board consider making the current Driver's License position, a full time position rather than a part time position, as there have not been any applicants. This full time position would replace the two part time positions previously approved.

Commissioner Lewis stated she had no concerns with the proposal, as public service is important.

Sheriff Gardner stated his goal is to have Drivers License open during the lunch hour and if this full time position is approved, that will assist in doing so.

There are salary savings to cover both wages and benefits for this proposal.

Decision: Commissioner Lewis moved to change the Drivers License position from part time to full time. This will withdraw the two part time positions previously approved. Commissioner Bair seconded and added that the wage would be N11, Step 1-9 (range depending on experience). All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
 Justin Johnson- City of Shelley
 Scott Reese- Parks & Recreation
 Tyler Draney- Parks & Recreation
 Gwen Inskeep- County Surveyor
 Paul Rogers- Prosecuting Attorney

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

Mr. Whited turned the time over to Justin Johnson from the City of Shelley, to discuss their request to waive the Right-of-Way Permit Fee in order to install irrigation pipe for water service to the North Bingham County Park. Mr. Johnson explained that the project would start this coming Monday, which will consist of placing 10-inch irrigation line underneath 1275 North Road, which takes you to Exit 108 off I-15. The City of Shelley has spoken with the Eastern Idaho Regional Sewer District and got permission to make the pond bigger but they would like to trench the road to lay the 10-inch irrigation line. This will service the City of Shelley's property close to North Bingham Park, plus the park in the future and would be a one-day project. He is before the Board today to ask if the Right-of-Way Permit fee could be waived for this project.

Mr. Whited stated the permit fee is \$100.00 plus the deposit of \$800.00 and he has no issue with waiving the fee. Mr. Johnson will send the County a copy of the traffic control plan, which will be attached to the permit submitted as well. The \$800.00 deposit is to insure within the first year that any issues that may rise will be taken care of by those funds.

The Board had no issues with this request and Chairman Manwaring entertained a motion at this time.

Decision: Commissioner Bair moved to waive the Right-of-Way Permit Fee and Deposit for the City of Shelley to install irrigation pipe across 1275 North. Commissioner Lewis seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the request made by the Firth Fire District to donate 2-3 loads of gravel. Since the fire station burnt down, they have been storing equipment in a potato cellar on the other side of the highway. In front of that cellar, there is a lack of gravel making it muddy and hard for equipment to get in and out. They are requesting donation of the gravel, along with delivering the gravel but they would spread the gravel themselves. Commissioner Lewis asked Legal Counsel for clarification and that the

County is not able to provide service free to another agency but something would need to be given in return. Mr. Rogers stated that is correct and the County is not able to legally donate gravel.

Commissioner Lewis stated in the past a Memorandum of Understanding has been done showing that the specific entity will pay FEMA rate or a type of service to the County. Mr. Whited stated in the past cemetery districts have bought gravel and paid the County FEMA rate for services.

After discussion, Mr. Whited will speak with Brandon Jolley, Firth Fire, to explain to him that the County cannot legally donate gravel without services returned or FEMA rate paid and that a Memorandum of Understanding would need to be done.

**PUBLIC HEARING TO OPEN THE FISCAL YEAR 2022 BUDGET- REQUESTED BY CLERK
ECKHARDT**

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

The Board met to approve Bingham County Resolution 2022-35, a Resolution opening the Fiscal Year 2022 Budget.

Chairman Manwaring stated there are no citizens in attendance and therefore, there is no testimony to be received.

Decision: Commissioner Lewis moved to adopt Bingham County Resolution 2022-35, a Resolution opening the Fiscal Year 2022 Budget. Commissioner Bair seconded. All voted in favor. The motion carried and said Resolution was adopted as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2022 - 35**

A RESOLUTION TO OPEN FISCAL YEAR 2022 BUDGET

WHEREAS, the Bingham County Commissioners have found it necessary to adjust the Fiscal Year 2022 County Budget for additional expenditures and,

WHEREAS, the adjustments to the following budgeted amount will not result in the increase of anticipated property taxes over the amounts previously levied for Fiscal Year 2022.

NOW THEREFORE, pursuant to Idaho Code §31-1605, the Bingham County Commissioners hereby resolve that the following FY 2022 budget be adjusted by the following amounts:

**Fund 02 Road and Bridge: Expenditures in the amount of \$300,000
Revenue in the amount of \$300,000 from additional highway user revenue.**

**Fund 23 Solid Waste: Expenditures in the amount of \$65,000.
Revenue in the amount of \$65,000 from existing fund balance.**

**Fund 32 Special Projects: Expenditures in the amount of \$545,000.
Revenue in the amount of \$545,000 from additional highway user revenue.**

**Fund 51 American Recovery Plan: Expenditures in the amount of \$280,000.
Revenue from American Recovery Plan in the amount of \$280,000.**

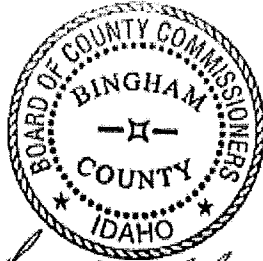
**Fund 60 Consolidated Elections: Expenditures in the amount of \$5,300.
Revenue in the amount of \$5,300 from the proposed North End Recreation District to proceed with an election.**

Fund 16 Indigent Services will be closed with a zero balance: The Idaho Legislature passed HB 735 which repeals the county medically indigent program, repeals the county charity levy, alters the manner in which indigent public defense is funded, and provides property tax relief to Idahoans. The legislation removed the authority for counties to levy for indigent funds in the FY 2023 budget. The remaining fund balance will be transferred in FY 2022 before the year end closure as follows:

**\$200,000 transferred to District Court to assist with Public Defense.
\$376,697 transferred to the General Fund.**

DATED: November 2, 2022

BOARD OF COUNTY COMMISSIONERS



ATTEST:

Pamela Eckhardt
Pamela W. Eckhardt
Bingham County Clerk

By: *Whitney Manwaring*
Whitney Manwaring, Chairman

Mark R. Bair
Mark R. Bair, Commissioner

Jessica Lewis
Jessica Lewis, Commissioner

PRIOR APPROVAL- IT DEPARTMENT

The Board met with Scott Mensching to discuss the submitted Prior Approval documents. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Mensching.

Mr. Mensching explained the Prior Approval for Major Purchase to pay Shirley Featherston for Website Maintenance in the amount of \$2,091.25, to be paid from Fund 01-14-677-01.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase submitted by Scott Mensching to cover expenses for website maintenance in the amount of \$2,091.25, to be paid from Fund 01-14-677-01. Commissioner Lewis seconded. All voted in favor. The motion carried.

Mr. Mensching explained the first Prior Approval for Major Purchase for NEC Support and Software Renewal, which is specifically for the courthouse phone system. Said purchase is in the amount of \$3,480.00, to be paid from Fund 01-14-524-01.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for NEC Support and Software Renewal in the amount of \$3,480.00, to be paid from Fund 01-14-524.01. Commissioner Bair seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR THE RR JOHNSON REAL ESTATE LLC ZONING AMENDMENT FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE

The Board met to approve the Reason & Decision for the RR Johnson Real Estate LLC Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture. Chairman Manwaring stated that the Board and Legal Counsel have reviewed the same and entertained a motion at this time.

Decision: Commissioner Lewis moved to approve the Reason & Decision for the RR Johnson Real Estate LLC Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture. Commissioner Bair seconded. All voted in favor the motion carried.

HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director
Excused: Commissioner Bair

The Board met with Laraine Pope to discuss department updates within Human Resources.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. All voted in favor. The Board moved into Executive Session at 2:18 p.m. Commissioner Lewis moved to go out of Executive Session. Chairman Manwaring seconded. All voted in favor. The Board moved out of Executive Session at 3:08 p.m.

Decision: No decision was made at this time.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, NOVEMBER 4, 2022

PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, November 4, 2022
County of Bingham)

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

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

CLAIMS

Claims were approved in the amount of \$191,115.78.

PERSONNEL ACTION FORMS

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

Salary Increase Form: Deputy Clerk- Treasurer's Office
Emergency Communications Officer
Detention Deputy
Detention Deputy
Patrol Deputy
Employee Status Sheet: Detention Deputy to Patrol Deputy
911 Emergency Communication Officer to Lead ECO

COLLEGE OF EASTERN IDAHO

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

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

APPROVAL OF BINGHAM COUNTY ORDINANCE 2022-15

The Board met to adopt Bingham County Ordinance 2022-15, an Ordinance amending the General Bingham County Zoning Ordinance and the accompanying Zoning Map by changing the zoning use district of real property from its present classification of "R" Residential to "C2" Heavy Commercial for the Mike Fresh Application.

Decision: Commissioner Bair moved to adopt Bingham County Ordinance 2022-15. Chairman Manwaring seconded. Both voted in favor. The motion carried and said Ordinance was adopted and recorded as follows:

Instrument # 750558

BINGHAM COUNTY

11-7-2022 01:46:09 PM No. of Pages: 2

Recorded for: BINGHAM COUNTY COMMISSIONERS

PAMELA W. ECKHARDT

Fee: 0.00

Ex-Officio Recorder Deputy

**BINGHAM COUNTY
ORDINANCE 2022-15**

AN ORDINANCE AMENDING THE GENERAL BINGHAM COUNTY ZONING ORDINANCE 2012-08 AND ACCOMPANYING ZONING MAP BY CHANGING THE ZONING USE DISTRICT OF THE BELOW-DESCRIBED REAL PROPERTY FROM ITS PRESENT CLASSIFICATION AS "R" RESIDENTIAL TO "C2" HEAVY COMMERCIAL.

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

Part of Block 4 of East Moreland Division No. 1 located in the S ½ of Section 24 , Township 2 South, Range 34 East B.M., Bingham County, Idaho described as:

Commencing at the SW corner of Section 24; Thence S 89° 33' 55" E 2482.01 feet along the South Line of said Section; Thence, N 00° 26' 17" E 40.01 feet to a point on the South line of Block 4 and Point of Beginning; Thence, N 00° 25' 04" E 531.29 feet to a point on the Southern right-of-way line of Highway 26; Thence, S 54° 16' 21" E along said Right of Way 919.66 feet to a point of intersection on Highway 26 and South Line of said Block 4; Thence, N 89° 33' 43" W along said Block 4, for a distance of 750.48 feet to the Point of Beginning.

Parcel contains 4.58 acres more or less and is subject to a County Right of Way along the Southeastern and Southern Boundaries.

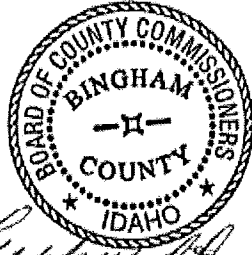
Section 2: This Ordinance shall become effective upon its publication in the manner required by law.

Passed and Approved by the Board of County Commissioners, County of Bingham, State of Idaho, at a Public Hearing held on the 4th day of October 2022.

Signed this 4 day of November 2022

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

ATTEST:



Pamela Eckhardt

Pamela Eckhardt
Bingham County Clerk

Whitney Manwaring
Whitney Manwaring, Chairman

Mark R. Bair
Mark R. Bair, Commissioner

Jessica Lewis
Jessica Lewis, Commissioner

APPROVAL OF BINGHAM COUNTY CONFLICT PUBLIC DEFENDER CONTRACT FOR JEROMY W. PHARIS

The Board met to approve the Bingham County Conflict Public Defender Contract for Jeromy W. Pharis.

Decision: Commissioner Bair moved to approve the Bingham County Conflict Public Defender Contract for Jeromy W. Pharis. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF COMMISSIONER MINUTES FROM AUGUST 15-31, 2022

The Board met to approve Commissioner Minutes from August 15-21, 2022.

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. All voted in favor. The Board moved into Executive Session at 8:31 a.m. Commissioner Bair moved to go out of Executive Session. Chairman Manwaring seconded. All voted in favor. The Board moved out of Executive Session at 9:01 a.m.

Decision: No decision was made at this time.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, NOVEMBER 7, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, November 7, 2022
County of Bingham)

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

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

STAFF MEETING

Present: Pamela Eckhardt- County Clerk
 Donavan Harrington- County Assessor
 Debbie Cunningham- Chief Deputy Assessor
 Laura Lora- Payroll/Veteran Services
 Scott Reese- Parks & Recreation/Emergency Management
 Shawn Hill- Probation Services Director
 Cody Lewis- Drug Court
 Paul Rogers- Prosecuting Attorney

Jeff Gardner- Bingham County Sheriff
Tanna Beal- County Treasurer
Julie Buck- Extension Office
Scott Mensching- IT Director
Danette Miller- Elections Director
Gordon Croft- City of Blackfoot Police Chief

Excused: Marc Carroll- City of Blackfoot Mayor
Jimmy Roberts- County Coroner
Dusty Whited- Public Works Director
Eric Jackson- Building Maintenance Director
Sheri Landon- Court Supervisor
Laraine Pope- Human Resources Director

Via Zoom: Tiffany Olsen- Planning & Development Director

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

Pledge of Allegiance: Commissioner Bair.

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

Special Presentation: Scott Mensching, IT Director, explained that the County domain email name would be changing to "binghamid.gov", as of November 21st. This change is required by CISA Security and will be more secure for the County. All employees will still be able to access their old email and any emails sent to the old email will be delivered into the new inbox. He would ask that each employee add a message at the end of their email signature to inform recipients that the email address will be changing. If there are any questions, please contact the IT Department.

Employee Years of Service Recognition: Paul Rogers recognized Jodi Allen for 15 years of service to Bingham County and stated the Prosecutors Office would crumble without her. She is a huge asset to his office and Bingham County. Sheriff Gardner added that Jodi Allen works on the mental health cases and is a huge help to the Sheriff's Office.

Sheriff Gardner stated last week he recognized Brett Vandyke for 5 years of service to Bingham County and stated he has since left the County to go work at the INL.

Sheriff Gardner recognized Kas Barnes (formerly Kas Aikele) for 15 years of service to Bingham County. She is currently working night shift and was unable to attend this morning. She is one of the most proficient dispatchers that Bingham County has and is a huge asset.

Donavan Harrington recognized Krystal Puentes for 10 years of service to Bingham County. She began working at the RTC, moved into Motor Vehicles and is now working in the Assessor's Office as a Deeds Clerk. She is a huge asset to Bingham County.

Chairman Manwaring: Had no updates at this time.

Commissioner Bair: Had no updates at this time.

Commissioner Lewis: Had no updates at this time.

Clerk Eckhardt: Had no updates at this time.

Laura Lora: Stated due to the Thanksgiving holiday the deadline to submit timesheets will be November 20th.

Donavan Harrington: Stated that he has hired a new Revaluation employee, Kelia Meskel.

Scott Reese: Had no updates at this time.

Tiffany Olsen: Stated that building permit numbers have not gone down and they have 19 inspections scheduled for today. Last month there were 15 new homes and things are still extremely busy in the Planning & Development Division.

Shawn Hill: Had no updates at this time.

Cody Lewis: Had no updates at this time.

Paul Rogers: Stated the current SAUSA Attorney will be leaving and that will leave a vacancy to be filled when the time comes. This position takes care of high profile cases for the local area.

Sheriff Jeff Gardner: Stated the Drivers License Department remodel will be commencing soon and therefore the department will be closed from November 18th through December 1st.

Tanna Beal: Had no updates at this time.

Julie Buck: Stated it is enrollment time for 4-H and scholarships are available as well. There are upcoming day camps on Fridays, beef school and a roping clinic. You can find any information on these classes on their Facebook page.

Scott Mensching: Had no updates at this time.

Danette Miller: Election Day is tomorrow and the polling locations will be open from 8:00 a.m., to 8:00 p.m. The public is welcome to watch the results, which will be presented after 8:00 p.m., in Commission Chambers.

Early voting was a success and there were 966 people who voted in the two weeks that early voting was available. There were 1,750 absentee ballots requested and approximately 76% of those have been returned as of Friday.

Danette Miller stated she would like to thank the Eric Jackson and Jason Marlow for their help in delivering equipment to the polling locations, as well as the Sheriff's Office for security checking of the vaults.

Chief Gordon Croft: Had no updates at this time.

Commissioner Bair confirmed there was nothing further for discussion and stated the next Staff Meeting is scheduled for Monday, December 5, 2022 at 8:30 a.m.

DISCUSSION & DECISION REGARDING RECLASSIFICATION FOR THE 4-H SECRETARY POSITION- REQUESTED BY JULIE BUCK

Present: Julie Buck- Extension Office
Laraine Pope- Human Resources

The Board met to discuss the reclassification request for the part time 4-H Secretary position submitted by Julie Buck. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Buck.

Ms. Buck stated in review of the job descriptions and input from Ms. Pope, similar positions are at a higher rate of pay throughout the County. Ms. Pope concurred and stated the current rate is an N5 and her proposal would be an N10, which starts at \$14.98. With the level of job responsibility, Ms. Pope stated this position should be at an N10.

Decision: Commissioner Lewis moved to approve the reclassification request for the 4-H Secretary position from an N5 to an N10. Commissioner Bair seconded. All voted in favor. The motion carried.

APPROVAL OF THE AMENDED REASON & DECISION FOR THE RR JOHNSON REAL ESTATE LLC, ZONE CHANGE FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL AGRICULTURE

The Board met to approve the Amended Reason & Decision for the RR Johnson Real Estate LLC Zone Change from "A" Agriculture to "R/A" Residential Agriculture.

Decision: Commissioner Bair moved to approve the Amended Reason & Decision for the RR Johnson Real Estate LLC Zone Change as presented. Commissioner Lewis seconded. All voted in favor. The motion carried.

PROBATION DEPARTMENT

Present: Shawn Hill- Probation Department
Mark Gough- Probation Department
Shane Boyle- Idaho Department of Corrections
Ollie Wimbish- Prosecutors Office
Pamela Eckhardt- County Clerk

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

Mr. Hill presented the Contract with Health and Welfare to conduct UA testing

Decision: Commissioner Lewis moved to approve and sign the UA Testing Contract for the Health and Welfare Child Protection Division. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Hill explained the submitted Prior Approval for Major Purchase for body armor for seven probation officers to replace the current body armor, which is outdated. Said purchase is in the amount of \$3,600.00, to be paid from two Funds, 06-54-0678-0005 and 06-55-0678-0005.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of body armor to replaced outdated equipment. Said purchase it in the amount of \$3,600.00 and is to be paid from Funds 06-54-0678-0005 and 06-55-0678-0005. Commissioner Lewis seconded. All voted in favor. The motion carried.

Mr. Boyle reviewed the County Annual Juvenile Justin Report at this time.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, NOVEMBER 9, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, November 9, 2022
County of Bingham)

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

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

TAX INQUIRIES

The Board met to approve submitted Tax Inquiries, which were as follows:

RP0290103	Year 2022	Building was put on the wrong parcel
RP8253500	Year 2022	Homeowner signed up for Homeowners Exemption
RP7016905	Year 2023	Homeowner signed up for Homeowners Exemption
RP2168190	Year 2022	Homeowner signed up for Homeowners Exemption
RP2168240	Year 2022	Homeowner signed up for Homeowners Exemption
RP2168260	Year 2022	Homeowner signed up for Homeowners Exemption
RP2080754	Year 2022	Homeowner signed up for Homeowners Exemption
RP8040310	Year 2022	Homeowner signed up for Homeowners Exemption
RP2098301	Year 2022	Homeowner signed up for Homeowners Exemption
RP1119500	Year 2022	Homeowner signed up for Homeowners Exemption
RP8270720	Year 2022	Homeowner signed up for Homeowners Exemption
RP8271020	Year 2022	Homeowner signed up for Homeowners Exemption
RP8270620	Year 2022	Homeowner signed up for Homeowners Exemption
RP7058607	Year 2022	Homeowner signed up for Homeowners Exemption
RP1399302	Year 2022	Homeowner signed up for Homeowners Exemption
RP1209400	Year 2022	Homeowner signed up for Homeowners Exemption
RP0363018	Year 2022	Homeowner signed up for Homeowners Exemption
MH352534PW037A	Year 2022	Homeowner signed up for Homeowners Exemption
RP0541302	Year 2022	Homeowner signed up for Homeowners Exemption

Decision: Commissioner Lewis moved to approve Tax Inquiries as submitted by the County Assessor. Commissioner Bair seconded. All voted in favor. The motion carried.

CLAIMS

Claims were approved in the amount of \$183,664.73

COLLEGE OF SOUTHERN IDAHO

Certificate of Residency documents were approved by the Board and sent to the College of Southern Idaho for the following Bingham County students: Kayleigh J. Adams and Samantha K. Jackson.

COLLEGE OF EASTERN IDAHO

Certificate of Residency documents were approved by the Board and sent to the College of Eastern Idaho for the following Bingham County students: Colton R. Croft and Carlos M. Pagan.

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

SHERIFF'S OFFICE

Present: Jeff Gardner- County Sheriff
Paul Rogers- Prosecuting Attorney

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

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Troy Lenhart- Road & Bridge Supervisor
Tiffany Olsen- Planning & Development Director
Paul Rogers- Prosecuting Attorney

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 referred to the submitted Prior Approval for Major Purchase of a crusher screen in the amount of \$7,598.25, to be paid from Fund 02-46-491-01. Said purchase is to replace inventory and was within budget planning.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for a crusher screen in the amount of \$7,598.25, to be paid from Fund 02-46-491-01. Commissioner Lewis seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of cutting edges for the road graders. Said purchase is in the amount of \$19,902.00, to be paid from Fund 02-47-499-01. This purchase is also to replace inventory.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of cutting edges for the road graders. Said purchase is in the amount of \$19,902.00, to be paid from Fund 02-47-499-01. Commissioner Bair seconded. All voted in favor. The motion carried.

Mr. Whited explained the submitted Credit Application for Bingham Co-Op, who has shown interest in being a part of the fuel bid. This is simply to update the County Credit Application that they have in their files.

Decision: There were no concerns from the Board and Chairman Manwaring signed the Credit Application at this time.

Lastly, discussion was held in regards to the reclassification of Worthen Road. Mr. Whited stated this was before the Board approximately one month ago, wherein there were a few concerns expressed. One of them being that Director Olsen would clarify that the Planning & Zoning Commission was informed of this request, to which was completed and the second concern was the process in which this reclassification would be solidified. Mr. Rogers explained this would be done by either an Order or Resolution but a Resolution would be preferable. Per County Code, this should be amended on the official County map.

Mr. Whited stated this came up to discussion when he was informed of a Planned Unit Development Application being submitted by Black Rock, which would add an additional 440 doors on Worthen Road. This initiated a traffic and speed study and in doing so realized that the road was severely under classified as a Local Road. According to FHWA, should increase to 400 Average Daily Traffic and Worthen Road is currently at 1,350 Average Daily Traffic. In the documentation provided to the Board, Mr. Whited explained that he has highlighted the proposed functional classification of Major Collector, which is 300-2,600 Average Daily Traffic. Even with the additional Planned Unit Development were approved, this would be an adequate classification for a long period of time.

Mr. Whited stated this would affect how much frontage is required to be Right-of-Way with future developments along that road in order to add turn lanes or wider roads in the future.

Mr. Rogers referred to Bingham County Ordinance 7-3-3(b), which gives the Board authority to change the functional classification of a road.

A separate meeting will be scheduled in order to adopt a Resolution and amend the official County Map for final approval of change in functional classification.

MEETING WITH BLAINE HILLMAN TO DISCUSS CURRENT LEASE OF BINGHAM COUNTY PROPERTY- REQUESTED BY TIFFANY OLSEN, PLANNING & DEVELOPMENT DIRECTOR

Present: Tiffany Olsen- Planning & Development Director
Blaine Hillman- Current Lessee of Bingham County property
Paul Rogers- Prosecuting Attorney
Addie Jo Harris- Assistant Planning & Development Director
Scott Reese- Parks & Recreation
Gwen Inseep- County Surveyor
Dusty Whited- Public Works Director
Via Zoom: Teresa McKnight- REDI

The Board met with Blaine Hillman to discuss the current lease of Bingham County Property. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen.

Director Olsen explained she spoke with Mr. Hillman in regards to the company that has approached Bingham County through REDI for a proposed business opportunity. Bingham County has been working with this prospective company for several months and were finally able to be in a position where there is enough information to come before the Board, which was held in Executive Session as there are both financial information and details exchanged during those meetings. The intent of the proposed business is locate near a substation for their vertical growing operation, which will require a large amount of power. They have been working with Rocky Mountain Power, who has the Goshen Substation just to the west, in negotiating a special power rate for the large draw of power to make their business work.

In looking at the land surrounding the substation, the particular property being discussed today that the County owns was extremely attractive to this company. Idaho Code allows the County to lease property, which this property is currently under Lease to Mr. Hillman and the lease is set to terminate on March 31, 2024. Idaho Code states that County Commissioners can lease property without having to go out to bid or auction for an appropriate or measurable rate but for no more than five years.

Director Olsen explained when the presentation before the Board during Executive Session was completed, the Board moved out of Executive Session and made the decision to direct her to work with Mr. Hillman and look if there was a section of five acres close to the Goshen Substation that would be least intrusive to his operation but knowing that it needs to be in this section for the company. Director Olsen stated there has been a lot of back and forth on telephone calls and have not been able to connect, which brings the matter before the Board today for further discussion and to see what location would work best for this project, along with how the project would proceed.

Discussion was held in regards to property close to the subject property, wherein Mr. Hillman stated that Dusty Whited has discussed with him previously. Mr. Hillman added if trading the two properties were a possibility, he would like to do so. If that trade may occur, he would not want it encumbered by any other projects. Chairman Manwaring stated that the possibility of trading properties to lease has not come before the Board. Mr. Whited stated the other piece of property mentioned by Mr. Hillman would be more advantageous for a gravel pit. It is contiguous to the existing piece of property but there are several things that would have to occur in order for this to happen. A trade would be contingent on approval of a Conditional Use Permit for the gravel mine because the current property being leased has been through

that process. The other property is smaller than the current property being leased but would be close to equal in value. Therefore, there would have to be monetary adjustment involved in the trade.

Discussion was held in regards to a document showing easements and transition lines that were provided by the County Surveyor. Director Olsen stated in looking at the parcel that was created and has a residence, there are transmission lines that run through the property. Therefore, no buildings or structures would be able to locate within that area, which is why she believes the upper corner is more appealing to the company.

Mr. Hillman asked how quick the project would proceed, wherein Director Olsen stated with the current snowfall there would be no earth moving work until spring but they would expect to become operational next summer.

Chairman Manwaring stated after hearing the presentation of the prospective company, the Board is excited to see the growth and benefit that would come to Bingham County.

Director Olsen gave a brief explanation of the prospective company and the benefit it would bring.

Discussion was held in regards to water usage and Director Olsen stated the prospective business would use less water because the water would be recycled within the system. Mr. Hillman asked if this would curtail the amount of water he is able to use, which Director Olsen explained this is something they are researching in detail but she is not sure at this time.

Director Olsen stated if there is not viability with the County water rights, they have looked at the opportunity of a well that would be dedicated for the use.

Mr. Whited stated there has been discussion of jointly using the well currently used in the front to water trees and fill the water trucks for county purposes. To his recollection, there has not been discussion of them using the Hillmans well because the County owns the water rights but the well is on the Hillman property.

Director Olsen stated there are a number of steps in moving forward with this project. If an area can be identified, that area would be dedicated for this project use. The County Surveyor would perform the survey to create an updated legal description, water rights would be reviewed or the opportunity for a culinary well, and the Company would sign their Agreement with Rocky Mountain Power after the lease agreement is signed with the County.

Mr. Hillman explained when he sold the property to the County; there was a 50-foot easement, which has to stay. If this project proceeds, he would like a buffer area because if it is too congested as they are hauling hay and other items, it could cause issues. Chairman Manwaring stated it would be important for Mr. Hillman to meet with Director Olsen and a member of the proposed company to get a better understanding of what is going on and what will occur in the future.

Mr. Rogers stated it would be most effective to schedule a meeting to meet on the subject property with all individuals to clarify what Mr. Hillman means when requesting a buffer area. In the meantime, Director Olsen will get information on water usage to have available to the Board when they meet on the subject property.

Director Olsen added that she would begin working with the County Surveyor to account for the 50-foot easement, draw out what they would lie within the 100-foot buffer, locate the well and work with the Idaho Department of Water Resources to see what the option would be for water.

A meeting with scheduled for November 15, 2022 at 1:00 p.m., to be held at the subject property.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. All voted in favor. The Board moved into Executive Session at 10:34 a.m. Commissioner Lewis moved to go out of Executive Session. Chairman Manwaring seconded. All voted in favor. The Board moved out of Executive Session at 10:54 a.m.

Decision: No decision to be made on the record at this time.

DISCUSSION & POSSIBLE DECISION REGARDING CURRENT OWNERSHIP OF A PORTION OF THE SPRINGFIELD ABERDEEN CANAL SPECIFICALLY "THE RAPIDS" AND POSSIBLE INTEREST IN CONVEYING THIS PORTION TO THE CANAL COMPANY- REQUESTED BY GWEN INSKEEP, COUNTY SURVEYOR

Present: Gwen Inskeep- County Surveyor
Paul Rogers- Prosecuting Attorney

The Board met to hold discussion and make a possible decision regarding the current ownership of a portion of the Springfield-Aberdeen Canal, specifically "the rapids" and the possibility of conveying this portion to the canal company. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Inskeep.

Ms. Inskeep stated in doing the record of survey, it came to her attention that the County owns the parcel south of where the access is to the McDonaldville property, that shows it is the Springfield-Aberdeen Canal. That is also where the rapids are that kids sometimes float. Therefore, it is showing incorrect on the map and Ms. Inskeep stated it has not been fixed as she wanted to discuss it with the Board to inquire their interest in conveying this to the Springfield Aberdeen Canal. Mr. Rogers interjected and stated if the County decided to do so, the canal company would need to accept it.

Ms. Inskeep stated there is a parcel that is South and West is also in the name of the County but would take time and effort as it will need to be surveyed, along with a new legal description written.

The Board was in favor of having Ms. Inskeep speaking with the canal company to see if they would accept this proposal.

Decision: Commissioner Lewis moved to direct Gwen Inskeep to work with the Springfield Aberdeen Canal to see if they are interested in the two parcels currently owned by the County, specifically the parcel where the rapids are and the other is a southwest parcel. If they accept, the rapids would be done immediately and the Surveyor would work on the other parcel at a future date. Chairman Manwaring seconded. Both voted in favor. The motion carried.

DISCUSSION & POSSIBLE DECISION REGARDING GRANT OF EASEMENT FOR THE MCDONALDVILLE PROPERTY SOLD AT AUCTION- REQUESTED BY GWEN INSKEEP- COUNTY SURVEYOR

Present: Gwen Inskeep- County Surveyor
Paul Rogers- Prosecuting Attorney

The Board met to hold discussion and make a possible decision regarding the grant of easement for the McDonaldville Property sold at auction in August. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Inskeep.

Ms. Inskeep this matter was discussed previously and she was directed to move forward with documentation to complete the grant of easement but there was not a motion made on the record regarding the same. Therefore, she wanted to be sure that it was on the record correctly.

Chairman Manwaring stated he did not see the need to place a motion on the record as the Board gave Ms. Inskeep the permission to move forward with drafting proper documentation. Commission Clerk, Lindsey Dalley, confirmed that full funding has been received and the Deed of County Property has been recorded. Therefore, the Grant of Easement should be the last documentation to be completed.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, NOVEMBER 14, 2022



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



WHITNEY MANWARING, CHAIRMAN