

STATE OF IDAHO)
 : ss. Monday, October 3, 2022
County of Bingham)

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

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

STAFF MEETING

Present: Gina Perschon- Chief Deputy Clerk
 Donavan Harrington- County Assessor
 Debbie Cunningham- Chief Deputy Assessor
 Stacie Salazer- Chief Deputy Coroner
 Dusty Whited- Public Works Director
 Scott Reese- Parks & Recreation
 Laraine Pope- Human Resources Director
 Eric Jackson- Building Maintenance Director
 Paul Rogers- Prosecuting Attorney
 Jeff Gardner- Bingham County Sheriff
 Laura Lora- Payroll & Indigent Services
 Sheri Landon- Magistrate/District Court
 Danette Miller- Elections
 Gordon Croft- Blackfoot Police Chief
 Tanna Beal- County Treasurer
 Shawn Hill- Probation Department
Excused: Marc Carroll- City of Blackfoot Mayor
 Scott Mensching- IT Director
 Cody Lewis- Drug Court
 Pamela Eckhardt- County Clerk
Via Zoom: Tiffany Olsen- Planning & Development Director

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

Pledge of Allegiance: Chairman Manwaring

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

Special Presentation: None.

Employee Years of Service Recognition: Dusty Whited recognized Troy Lenhart for five years of service to Bingham County. He is the Road & Bridge Supervisor, works well with the employees and operates any equipment needed. Chairman Manwaring added that Troy Lenhart is a hands on employee and a huge asset to Bingham County.

Danette Miller recognized Megan Kearsley for five years of service to Bingham County. She is creative, a joy to have in the office and is a huge asset to the Elections Department. She added that Megan is a wiz with anything computer related and is glad to have her as an employee.

Shawn Hill recognized Jeff Nelson for fifteen years of service to Bingham County. He is an Adult Misdemeanor Probation Officer and does a great job.

Chairman Manwaring: Had no updates at this time.

Commissioner Lewis: Had no updates at this time.

Gina Perschon: Reminded everyone it is the beginning of the new Fiscal year and any claims to be paid from last Fiscal Year will need to be dated September 30th and the deadline to get those paid is October 19th.

Laura Lora: Had no updates at this time.

Donavan Harrington: Briefly discussed the First Amendment Auditor from Long Island and encouraged that training be held to give employees guidance as to what is and what is not acceptable within the Courthouse. Mr. Harrington added that he appreciates staff and the response from EMS in regards to a woman who experienced medical issues in the Department of Motor Vehicles Department.

Chairman Manwaring stated that Human Resources would plan and schedule a training in regards to this situation and extended his appreciation to Garrett Sandow, City of Blackfoot Attorney, who worked the investigation.

Dusty Whited: Stated that Road and Bridge is continuing to work on the mountain roads.

Stacie Salazar: Stated that the Coroner's Office worked 110 hours last month and drove 680 miles.

Scott Reese: Stated Parks & Recreation is working to winterize the parks, which will be open with power but no water or restrooms.

Sheri Landon: Had no updates at this time.

Laraine Pope: Reminded everyone about the flu shot clinic to be held tomorrow and stated there are still appointments available.

Eric Jackson: Had no updates at this time.

Tiffany Olsen: Stated that Planning & Development has a new Building Inspector, Justin Jepperson, who started one week ago and is doing amazing. They have seen an incline in Building Permit Applications and the October Planning & Zoning Commission Meeting will bring quite a bit of attendance.

Shawn Hill: Had no updates at this time.

Paul Rogers: Stated that he appreciates Garrett Sandow for his assistance on the investigation regarding the Long Island Auditor and thought the investigation went well. Chairman Manwaring asked Mr. Rogers to explain the process of investigation regarding incidents that occur and involve the County. Mr. Rogers stated the incident that occurred was unusual as it occurred on County property but the individual went to the City of Blackfoot Police desk to report the issue.

Sheriff Jeff Gardner: Reiterated on the comment made by Donavan Harrington in regards to training and stated that he would be happy to work with Paul Rogers and Laraine Pope in planning the training. He also would like to share his appreciation for the good working relationship with the City of Blackfoot.

Tanna Beal: Had no updates at this time.

Julie Buck: Stated that the Eastern Idaho State Fair went well and there was an increased number of animals and funding in sales. There are currently several events and classes being held in the Extension Office and reminded everyone to look at their Facebook page for further information.

Danette Miller: Stated that the Election Office is preparing for the November Election and early voting begins on October 24th and ends November 4th.

Chief Gordon Croft: Had no updates at this time.

Chairman Manwaring confirmed there was nothing further for discussion and stated the next Staff Meeting is scheduled for Monday, November 7, 2022 at 8:30 a.m.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY OCTOBER 4, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. **Tuesday, October 4, 2022**
County of Bingham)

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

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

PUBLIC HEARING & DECISION ON A ZONE CHANGE REQUEST FROM "R" RESIDENTIAL TO "C2" HEAVY COMMERCIAL TO MATCH THE MAJORITY OF THE ZONING EXISTING ON THE PROPERTY AND THE MOUNTAIN EDGE COMMERCIAL PARK SUBDIVISION, 2-LOTS REQUESTED BY MIKE FRESH

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

The Board met to hold a Public Hearing & Decision on a Zone Change request from "R" Residential to "C2" Heavy Commercial to match the majority of the zoning existing on the property and the Mountain Edge Commercial Park Subdivision, 2-Lots, requested by Mike Fresh. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Tiffany Olsen, Planning & Development Director.

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

Chairman Manwaring asked Director Olsen for clarification and that there are storage units on one parcel and one building, which does have its own individual well and septic. Director Olsen stated that was correct.

Chris Street, HLE & Applicant's Representative, stated the reason for the split is change in entities that run the storage units and would like to build additional storage units that will be under a new entity and therefore, they would like to break off the existing shop with the landscape company. The rezone is a triangle piece and the request is to clean up the parcel.

The Public Hearing was opened for public testimony, wherein Chairman Manwaring confirmed there was no testimony in favor, in neutral, nor in opposition. The Hearing was closed to testimony and moved into the Board's deliberation.

Chairman Manwaring stated he has no concerns in regards to the Zone Change request nor the Subdivision Application.

Commissioner Lewis stated this Application is straight forward and has no concerns.

Decision: Commissioner Lewis moved to uphold the recommendation from the Planning & Zoning Commission to approve the Zone Change from "R" Residential to "C2" Heavy Commercial for a portion of the parcel located at 644 West 200 North in Blackfoot, Idaho. Based upon the information presented today and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. Commissioner Bair was not in attendance. The motion carried.

Decision: Commissioner Lewis moved to uphold the recommendation from the Planning & Zoning Commission to approve the Mountain Edge Commercial Park Subdivision, a 2-Lot subdivision on 4.57 acres, based upon the record and the approved Zone Change. Chairman Manwaring seconded. Both voted in favor. Commissioner Bair was excused. 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.

PLANNING & DEVELOPMENT UPDATE

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to discuss department updates.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY OCTOBER 5, 2022


PAMELA W. ECKHARDT, CLERK


WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO)
 : ss. Wednesday, October 5, 2022
County of Bingham)

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

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

INDIGENT MATTER

Recorded: A Release of Financial Assistance Lien was approved by the Board and recorded as Bingham County Instrument No: 749692.

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

APPROVAL OF COMMISSIONER MINUTES FROM AUGUST 1-12, 2022

The Board met to approve Commissioner Minutes from August 1-12, 2022.

Decision: Commissioner Lewis moved to approve Commissioner Minutes from August 1-12, 2022. Chairman Manwaring seconded. Both voted in favor. The motion carried.

ALCOHOL LICENSE'S

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

- Cheers & Beers Bar LLC
- Colonial Inn
- Teton House
- Tooley's
- Good 2 Go
- Blackfoot Elk's Lodge #1416
- BGC Café

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

SHERIFF'S OFFICE

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

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

PUBLIC WORKS

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

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

Mr. Whited referred to the request for reclassification of Worthen Road from Manwaring Way to Porterville Road and stated there has been discussion of a new development and as part of the traffic study completed, it was found that Worthen road is severely under classified. Mr. Whited stated the ADT (average daily traffic) of Worthen Road is 1,350 vehicles per day. A local road is up to 400 vehicles per day, a minor collector is between 150-1,110, which Worthen Road exceeds. With the 1,350, it exceeds the minor collector and fits well in the mid-range of the major collector classification. The Vehicle General Flow Report provided to the Board shows that Worthen Road is under classified, especially with the possibility of future development.

Commissioner Lewis stated the concern of the Planning & Development Director is the Application was filed with this being the other road and that is what will be before the Planning & Zoning Commission next week. Mr. Whited stated at this point all that has been submitted is a conceptual drawing and that is what cause him to do a traffic study. The development will have significant impact to the area.

Chairman Manwaring asked Mr. Whited what the change of classification would intel. Mr. Whited explained according to the MUTCD (Manual on Uniform Traffic Control Devices, when setting speed limits is the 85th percentile, which is the 43.1, and will impact the amount of right-of-way to be required for future development. The higher the functional classification, the wider the right-of-way will be required, for future turn lanes or additional lanes of traffic, there is appropriate right-of-way. Mr. Whited stated this would also change the approach distances. He has not looked at the proposed concept specifically to determine whether or not this change would impact development but he would not want to make a recommendation that the traffic study shows should be made because it would impact one particular development that is still in concept phase. Commissioner Lewis stated this development has not come before the Board and therefore, they need to be careful with what is discussed.

Director Olsen stated this information should have been presented to the Board regardless of the development since the numbers warranty the increase. With any potential Land Use Application, a change like this from a local to a higher classification is going to be a substantial change to the design. She informed Mr. Whited that it would be beneficial to submit the traffic study for the Planning & Zoning Commission Public Hearing as part of his Government Agency comment. She stated that she has been working with the Applicant for about two months on traffic and she is not sure the Applicant has seen the information, which is important. There is a lot of development in that area regardless and Director Olsen believes that looking at the traffic is important.

Commissioner Lewis asked Mr. Whited what the process of changing classifications for a road, wherein he explained there are some roads that are on the state classification map. Any roads that are on the state classification map, he would need a recommendation from the Board to be presented to the Idaho Transportation Department, which is then sent to FHWA for final approval. He stated that Worthen Road is not on the state classification map and therefore it is clearly a decision to be made by the Board.

Commissioner Lewis stated the process should be clarified, traffic study should be submitted as an exhibit for the Planning & Zoning Commission Hearing and a recommendation that this be changed to a major collector. This matter will be further researched and added to the agenda at a later date.

Next, Mr. Whited discussed the winter hours for the Solid Waste Department, wherein he stated there are changed each year and the only difference between this year and last year is that this year has been extended to remain open for an additional 30 minutes.

Decision: Commissioner Lewis moved to approve the change in Solid Waste winter hours for both Moreland and Aberdeen landfills. Chairman Manwaring seconded. Both voted in favor. The motion carried and will be as follows:



Bingham County Public Works
245 N 690 W
Blackfoot, Idaho 83221
(208) 782-3173 - (208) 785-8063 (fax)
Dusty Whited - Director

PUBLIC NOTICE

October 3rd, 2022

Moreland Central Solid Waste Transfer Station

Winter Hours

November 7th, 2022 to March 6th, 2023

Beginning Monday, November 7th, 2022 until Monday, March 6th, 2023 the Bingham County Solid Waste Moreland Central Transfer Station's winter hours will be;

Monday – Saturday
7:30 a.m. to 4:30 p.m.



Bingham County Public Works
245 N 690 W
Blackfoot, Idaho 83221
(208) 782-3173 - (208) 785-8063 (fax)
Dusty Whited - Director

PUBLIC NOTICE

October 3rd, 2022

Aberdeen Landfill

Winter Hours

November 7th, 2022 to March 6th, 2023

Beginning Monday, November 7th, 2022 until Monday, March 6th, 2023 the Aberdeen Landfill will only be open on Saturdays.

Saturday

9:00 AM to 4:45 PM



Bingham County Public Works
 245 N 690 W
 Blackfoot, Idaho 83221
 (208) 782-3173 - (208) 785-8063 (fax)
Dusty Whited - Director

October 3rd, 2022

All Commercial Hauling Contractors

During the winter hours of operation from **Monday, November 7th, 2022 until Monday, March 6th, 2023**, the Bingham County Moreland Solid Waste Transfer Station will only accept loads of solid waste from commercial haulers during the following days and hours of operation:

| | |
|--------------------------|-------------------------------|
| Monday – Saturday | 7:30 a.m. to 4:00 p.m. |
|--------------------------|-------------------------------|

During Holidays and Maintenance Day, when there is a reduced hours of operation, Moreland Solid Waste Transfer Station will only accept loads of solid waste from commercial haulers during the following and hours of operation:

| | |
|---------------------------------------|--------------------------------|
| Holidays & Maintenance Day | 7:30 a.m. to 12:00 p.m. |
|---------------------------------------|--------------------------------|

We apologize for any inconvenience this may cause and if you have any questions please feel free to contact me at your convenience.

Discussion was then held in regards to the property owned by Alan Larsen on Reservoir Road, wherein Chairman Manwaring explained that he has talked to Mr. Larsen who informed him that due to the County parking equipment on the property, somehow there was a gate left open and cattle got out into the road. There may have been someone from the public who had gone onto the property and left the gate open but seeing that the County equipment was there, it is hard to tell. This property is in Bonneville County, not far from the Bingham County Line. Due to this event, Mr. Larsen requested that the County provide two loads of gravel to be placed in the lot that the County has been parking. Chairman Manwaring stated he has seen the lot and there are potholes that have developed.

Chairman Manwaring informed Mr. Whited that it would be beneficial to look at other property to use for parking in the future to cure any issues. This would be a good faith decision to be made by the County as the lot has been used for several years without knowing it is private property, but it also used by the citizens.

Mr. Rogers stated his initial thought was that gravel should not be provided without being placed on the agenda for discussion and a final decision made by the Board to clarify the value of the gravel. In the future, it would be beneficial to have an Agreement on file stating that the County is able to park equipment on whatever property that may be. Further, he stated it would be okay for today to move forward with making a decision and have it reflected in the minutes whatever the decision of the Board may be.

Commissioner Lewis stated her concern is if this is done for one property, another property owner may request the same.

For clarification on the record, Mr. Whited stated the gravel would be approximately \$45.00 per load for cost into the gravel and Mr. Whited would be in contact with Mr. Larsen to inform him of the decision.

Decision: Commissioner Lewis moved to approve taking two loads of gravel to Alan Larsen's property on Reservoir Road, due to Bingham County using private property without permission for parking of County equipment. The value of a load of gravel is \$45.00 per load for a total value of \$90.00 and the Board directs the Public Works Director to work with Mr. Larsen to get this accomplished. Chairman Manwaring seconded. Both voted in favor. The motion carried.

DISCUSSION & DECISION TO TRANSFER ASSETS OF ATOMIC CITY- REQUESTED BY CLERK ECKHARDT

Present: Dusty Whited- Public Works Director
 Pamela Eckhardt- County Clerk
 Paul Rogers- Prosecuting Attorney

The Board met to discuss and make a final decision for transfer of assets for Atomic City. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained that the new owners, Blake Lyle and Vickie O'Haro, are partially through getting the water company completed. At this time, she would like to send a letter to the residents informing them of the process and that the new owners would be sending out new service agreements. The new owners are not going to keep the current bookkeeper that the County has used and will be doing all tasks on their own but will continue to use Pete Cortez, the current water operator.

The new owners would like to start cleaning up the property around the trailer and learn the system. The Atomic City computer will be turned over to the new owners as well. Clerk Eckhardt stated there is currently \$50,000.00 in the checking account for Atomic City and \$10,000.00 in the water fund. She is proposing that the \$10,000.00 be transferred with the water system and that the remaining \$50,000.00 be transferred to the County to cover costs that have been paid while running the system.

Mr. Whited informed Clerk Eckhardt that Mr. Lyle could get in contact with them to obtain the current combinations for locks currently in place and provide him with the equipment on hand for the water system. The County would keep a set of keys in case an emergency call occurs but at the point where the County would not be responding, all keys would be provided to Mr. Lyle.

Decision: Commissioner Lewis moved to direct Clerk Eckhardt to work with the news owners of the Atomic City Water System to transfer assets, to be done no more than 60-days from todays date and release liability at that time. Chairman Manwaring seconded. Both voted in favor. The motion carried.

TREASURER'S OFFICE

Present: Tanna Beal- County Treasurer
Pamela Eckhardt- County Clerk
Laraine Pope- Human Resources Director
Paul Rogers- Prosecuting Attorney

The Board met with Tanna Beal to discuss the proposal for reclassification of a Treasurers Office employee. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Beal.

Ms. Beal stated she is requesting a reclassification for the Senior Deputy Treasurer. There has been a revision of the job description, which has changed tremendously. Due to the increase in accounts and citizens coming in and out of the office, she is trying to bring her in line with other people in a similar position. The Senior Deputy Treasurer is current at an N17, Step 11 and she is proposing an N20, Step 9 (\$26.07).

In order to meet the 5% increase requirement of the employee handbook it was discussed increasing to a Step 10 (\$26.86), which could be contingent on her not missing an increase.

Decision: Commissioner Lewis moved to accept the recommendation from the HR Director for reclassification for the Senior Deputy Treasurer from N17, Step 11 to an N20, Step 10, if she does not have an increase already scheduled for her original anniversary date. Commissioner Bair seconded. All voted in favor. The motion carried.

PRIOR APPROVAL- BUILDING MAINTENANCE

Present: Eric Jackson- Building Maintenance
Jason Marlow- Building Maintenance

The Board met to discuss the submitted Prior Approval for Major Purchase for a vacuum pumper for the jail, which is used when the jail floods as there are no floor drains to push water. Said purchase would be in the amount of \$1,700.00, to be paid from the Building and Grounds Fund.

Decision: Commissioner Lewis moved to approve the Prior Approval for Purchase of a vacuum pumper for the jail in the amount of \$1,700.00, to be paid out of Building and Grounds. Chairman Manwaring seconded. Both voted in favor. The motion carried.

HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director
Paul Rogers- Prosecuting Attorney

The Board met with Laraine Pope to discuss department updates.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. All voted in favor. The Board moved into Executive Session at 2:05 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 2:39 p.m.

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

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

Present: Paul Rogers- Prosecuting Attorney
Scott Reese- Parks & Recreation
Tyler Draney- Parks & Recreation
Pamela Eckhardt- County Clerk
Jacqui Sullivan- IDEAS
Adam French- City of Shelley

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

Mr. Rogers stated he met with Adam French and Jacqui Sullivan last week to discuss two final issues with transferring a portion of North Bingham County Park to the City of Shelley.

One issue is the location of the gate, wherein the City of Shelley would like to relocate the gate to the valve house and there were concerns with that. Mr. Rogers explained the road enters into the entire courtyard and there has been vandalism occurring, which is the purpose of the gate. Mr. Reese stated concrete barriers could be placed in order to still allow pedestrians and bikes to go through. Chairman Manwaring stated he would rather have a gate in order to have fire access if needed.

Tyler Draney stated it does need to be locked but they would like to detour people from driving through late at night. He explained they would rather see emergency or utility services or county traffic, and no public traffic through that area.

A brief discussion was held in regards to placing removable bollards, which would allow them to be moved if needed. The Board and Mr. French agreed that would be acceptable and it was decided that the City of Shelley and Bingham County would split the cost.

Next, discussion was held in regards to the east gate, wherein it was decided that the City of Shelley would place a gate across to the tree line or place boulders in order to keep vehicles out. The Board has no issues with this matter and Public Works would assist in providing boulders.

Discussion was held in regards to water division, wherein Chairman Manwaring mentioned the possibility of transferring ground water and install a monitor. Mr. Draney explained the pump only puts out about 150-175 gallons per minute and run 3 times a week from 8:00 p.m. until 10:00 a.m., the next morning. Ms. Sullivan stated use would solely be for potable water. Mr. Draney stated the only issue he would foresee is the garden runs off that same line and there is a hydrant at the arena, a hydrant at the well house and one by the flying field. Mr. French stated they would need to use the hydrants if possible.

Mr. French stated that they are working with Snake River Environmental to water the lawn and garden. Chairman Manwaring stated the County reviewed water rights several years ago and that is when it was recognized that there were not water rights to continue allowing them the water usage they were using. Commissioner Lewis added that the County bought as many water rights as possible at that time but it only covered the North end of the park. Mr. French stated they would use surface water to water the lawn trees.

Commissioner Lewis stated her main concern was in reading the contract, the County does not have water rights and therefore, did not understand how that would work. Mr. French explained they had entered an agreement for a shared well water right that they would transfer from the City of Shelley, including a meter to track the amount of water used. He added it would only be the restrooms and the two hydrants, they do not plan to water what they are now.

Chairman Manwaring stated he is okay with this and stated as it is for the potable water and using hydrants to be used as needed but he would like a meter to track water usage. If there is more water

being used than should be, the County could have the ability to shut the two hydrants off and figure out a line to the garden from the surface water. He suggested scheduling this out for review after one year to track water usage. Mr. Rogers stated there could be a contingency placed on this and have it reviewed in one year after going through a summer of usage to bring numbers in to discuss usage. Also, if the rates are too high, the County reserves the right to shut off the two pumps to the garden if the use is too great for the pump and the City of Shelley would need to figure out another route to water the garden but would still have the water to the restroom.

Decision: All were in agreeance of the proposal. Mr. Rogers will make the necessary changes to the contract and provide to Adam French within the next few days for proposal to the City Council and signature.

DISCUSSION & POSSIBLE DECISION REGARDING THE REQUEST TO OBTAIN AN EASEMENT FOR THE MCDONALDVILLE PROPERTY RECENTLY PURCHASED FROM THE COUNTY- REQUESTED BY BRETT PANTING

Present: Brett Panting- Requested meeting
 Kaitlyn Panting- Requested meeting
 Paul Rogers- Prosecuting Attorney
 Dusty Whited- Public Works Director
 Gwen Inskeep- County Surveyor
 Pamela Eckhardt- County Clerk

The Board held a meeting with Mr. Panting to discuss the request to obtain an easement for the McDonaldville Property recently sold at auction. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Panting.

Mr. Panting stated he had met with Todd and Susan Jensen who are not interested in providing an easement, therefore, his next option is to work with the County to see if an easement through the land. There is already an existing road along the trees and his proposal is they would use that same road and provide gravel, along with maintaining in the future.

Commissioner Lewis asked Mr. Whited to explain the difference between a farm easement and a house access. Mr. Whited explained if there were a change of use, the County would have to look at the approach as a change of use to see if it meets current approach standards.

Mr. Rogers asked Mr. Panting to state the intended use of the property for the record. Mr. Panting stated eventually they would like to build a home but currently would be maintaining weeds and such. He stated they would need to place a culvert as well.

Ms. Inskeep stated she has researched the subject access and if it were a residential access and it does meet distance requirements and would be in the interest of the County to have an actual access easement defined and recorded. She added that she did not see an existing easement. In order to create an access, a record of survey would need to be filed.

Mr. Panting stated he would build and maintain the road, also allow the County to use the road as well if needed.

Commissioner Lewis asked Mr. Rogers what the County could do regarding easements. Mr. Rogers explained he does not believe there are restrictions but all terms need to be laid out in detail. Ms. Inskeep

Decision: Commissioner Lewis moved to move forward with working with the Panting's to provide an easement. The Prosecutor will work on a contract for easement and review the property lease currently in place for requirements for allowing an easement. The County Surveyor will work with the Public Works Director to come up with the best access and the homeowners have agreed once this is decided they will build and maintain the road. Chairman Manwaring added if the driveway is split, the County will share cost to build a fence and then seconded the motion. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY OCTOBER 7, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, October 7, 2022
County of Bingham)

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

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

CLAIMS FOR FISCAL YEAR 2022

Claims for Fiscal Year 2022 were approved in the amount of \$343,916.02.

CLAIMS FOR FISCAL YEAR 2023

Claims for Fiscal Year 2023 were approved in the amount of \$325,102.92.

PERSONNEL ACTION FORMS

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

- | | |
|---------------------------|------------------------------------|
| New Employee Status Sheet | Work Study Intern |
| Salary Increase Form | Admin Asst. Public Works |
| | R&B Supervisor |
| | Parks Foreman |
| | Deputy Court Clerk |
| | Veterans Project Clerk |
| | Probation Officer |
| | Detention Deputy |
| | Patrol Deputy |
| | Patrol Deputy |
| | Emergency Communications Officer |
| | SRO Patrol Deputy |
| | Detention Deputy |
| | Patrol Deputy |
| | Emergency Communications Officer . |

Detention Deputy
Lead Emergency Communications Officer
Emergency Communications Officer
Emergency Communications Officer
Detention Deputy
Patrol Corporal
Patrol Deputy
Emergency Communications Officer
Emergency Communications Officer
Civilian Jail Tech
Drivers License Examiner

Employee Status Sheet

Re-Classification- Deputy Clerk/Recorder
Re-Classification- Deputy Clerk- Jury
Commissioner/Recorder
Re-Classification- Court Clerk Supervisor
Scale House Operator to Lead Scale House Operator
Admin. Patrol Corporal

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

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY OCTOBER 12, 2022

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

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. **Wednesday, October 12, 2022**
County of Bingham)

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

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

INDIGENT MATTER

Recorded: A Release of Financial Assistance Lien was approved by the Board and recorded as Bingham County Instrument No. 749847.

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

APPROVAL OF REASON & DECISION FOR GREAT WESTERN SUBDIVISION

The Board met to approve the Reason & Decision for Great Western Subdivision.

Decision: Commissioner Lewis moved to approve the Reason & Decision for Great Western Subdivision. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR TRESSEL SUBDIVISION

The Board met to approve the Reason & Decision for Tressel Subdivision

Decision: Commissioner Lewis moved to approve the Reason & Decision for Tressel Subdivision. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF BINGHAM COUNTY PUBLIC DEFENDER CONTRACTS

The Board met to approve Bingham County Public Defender Contracts.

Decision: Commissioner Lewis moved to approve the Public Defender Contracts for Trevor Castleton, Manuel Murdoch, Matthew McKowen, Jeffrey Kunz, Jeffrey Jimenez and Scott Madson. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF ALCOHOL LICENSE'S

The Board approved Alcohol License's, which were as follows:

| | |
|----------------------|----------------|
| Riverside Kwik Stop | License No. 31 |
| Hitching Post | License No. 32 |
| Vazquez Restaurant | License No. 24 |
| Mr. Eds Pawn | License No. 25 |
| Pindale Lanes | License No. 26 |
| Valley Country Store | License No. 27 |
| Walgreens #13672 | License No. 28 |
| Seven Eighty Five | License No. 30 |
| Tommy Vaughns | License No. 29 |

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

APPROVAL OF TAX INQUIRIES

The Board met to approve Tax Inquiries submitted by the County Assessor, which were as follows:

| | |
|-------------------------|--|
| RP0153504 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1175500 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP2028500 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0259503 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP2168140 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1418300 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1300130 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1312455 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1312454 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1312422 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8167900 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8010800 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0509000 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP2062000 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1368400 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP2080740 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0310720 for year 2022 | Homeowner signed up for Homeowners Exemption |

| | |
|------------------------------|--|
| RP0218804 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0429308 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0482920 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0483710 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0502506 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0506202 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0507501 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0520810 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0520820 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0525002 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0384813 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0541504 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0300415 for year 2022 | Homeowner signed up for Homeowners Exemption |
| MH0300415 for year 2022 | Homeowner signed up for Homeowners Exemption |
| MH352S34PW0010 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8266370 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8271480 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8271350 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8271310 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8271280 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8270750 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8270680 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8270650 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8270640 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268570 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268560 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268370 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268190 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268180 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268170 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8268120 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8222300 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8181400 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP8270240 for year 2023 | Homeowner signed up for Homeowners Exemption |
| RP0488701 for year 2022 | Billed in error- Should be Intermountain Gas Company |

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

APPROVAL OF AGREEMENT BETWEEN BINGHAM COUNTY & ADA COUNTY FOR PATHOLOGY SERVICES

The Board met to approve the Agreement for Pathology Services between Bingham County & Ada County.

Decision: Commissioner Lewis moved to approve the Agreement for Pathology Services between Bingham County and Ada County. Chairman Manwaring seconded. Both voted in favor. The motion carried.

SHERIFF'S OFFICE

Present: Gary Yancey- Lieutenant for the Bingham County Sheriff's Office
Excused: Jeff Gardner- Bingham County Sheriff

The Board met with Lieutenant Yancey to discuss updates within the Sheriff's Office

PROSECUTORS OFFICE

Present: Paul Rogers- Prosecuting Attorney
Laraine Pope- Human Resources Director
Tyler Draney- Parks & Recreation
Gwen Inskeep- County Surveyor
Via Zoom: Commissioner Bair

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

Mr. Rogers stated he spoke with BJ Driscoll, Legal Counsel for the City of Shelley, who stated the City of Shelley would be signing the document but stated there were Exhibits missing from the document, which are the property and legal descriptions. Therefore, the City Council was unable to sign the document.

Ms. Inskeep stated this would take some time as she looked into the process and since the survey was completed in the late 1800's, the meander line has changed and the County does not have clear title to the west half of the park. There is an application through the Department of Lands that will need to be submitted. She explained there was a written legal description but there was never an official boundary line. This will need to be taken care of before the transfer can occur.

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 2:15 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 2:59 p.m.

Decision: Commissioner Lewis moved to approve a \$2,000.00 merit pay to one employee within the Prosecutor's Office. Commissioner Bair seconded. All voted in favor. The motion carried.

Decision: Commissioner Lewis moved to go forward with what was discussed in Executive Session and allow Paul Rogers and Human Resources to work with Chairman Manwaring and ICRMP to accomplish that. Commissioner Bair seconded. All voted in favor. The motion carried.

ROCKY MOUNTAIN POWER UPDATE

Present: Tim Solomon- Rocky Mountain Power
Tiffany Olsen- Planning & Development Director
Via Zoom: Commissioner Bair

The Board met with Tim Solomon to receive an update from Rocky Mountain Power.

THE MOTION PASSED TO DISMISS UNTIL THURSDAY OCTOBER 13, 2022



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Thursday, October 13, 2022
County of Bingham)

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

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

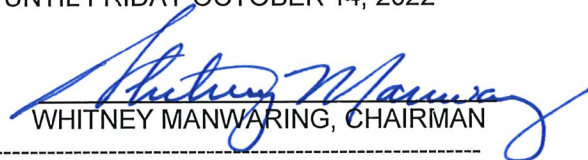
EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code Section 74-206(1)(e), to consider preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body & also pursuant to Idaho Code Section 74-206(1)(c), to deliberate regarding an acquisition of an interest in real property, with a potential of visiting the site located on Bingham County Property located to the East of the Goshen Substation 800 N Goshen Rd. Commissioner Lewis moved to go into Executive Session. Commissioner Bair seconded. All voted in favor. The motion carried and the Board moved into Executive Session at 2:09 p.m. Commissioner Lewis moved to go out of Executive Session. Commissioner Bair seconded. The Board moved out of Executive Session at 3:42 p.m.

Decision: Commissioner Lewis moved to direct the Planning & Development Director to go move forward with renegotiating the lease with the Hillman’s for a property they are currently leasing from Bingham County. If successful, the Planning & Development Director will then meet with the prospective business to determine the acreage and work with the County Surveyor to create a parcel/legal description and move forward with negotiating a 5-year lease based upon Idaho Code. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY OCTOBER 14, 2022


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, October 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- Commission Clerk
Excused: Commissioner Bair

PRIOR APPROVAL’S FOR THE IT DEPARTMENT

Present: Scott Mensching- IT Director

The Board met to review and make a decision regarding the submitted Prior Approval documents for the IT Department.

Mr. Mensching presented several Prior Approval for Major Purchases pertaining to yearly renewal costs and asked the Board for approval of the same.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for the Secret Double Octopus yearly renewal fee in the amount of \$23,904.00, to be paid from Fund 01-14-524-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for GIS ESRI Software renewal in the amount of \$18,850.00, to be paid from Fund 01-1-524-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for VMware Support Software in the amount of \$3,340.00, to be paid out of Fund 01-14-524-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of Tricerate Printing Software yearly renewal in the amount of \$7,497.00, to be paid from Fund 01-14-524-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of CIS Services CrowdStrike Managed Detection and Response Renewal in the amount of \$23,140.00, to be paid from Fund 01-14-524-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF COOPERATIVE AGREEMENT FOR THE UNIVERSITY OF IDAHO EXTENSION PROGRAMS

The Board met to make a decision regarding the submitted Cooperative Agreement for the University of Idaho Extension Programs.

Decision: Commissioner Lewis moved to approve the Cooperative Agreement from the University of Idaho Extension Programs. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR THE ZONING AMENDMENT FROM "R" RESIDENTIAL TO "C2" HEAVY COMMERCIAL FOR MOUNTAIN EDGE LLC

The Board met to approve the Reason & Decision for the Zoning Amendment from "R" Residential to "C2" Heavy Commercial for Mountain Edge LLC.

Decision: Commissioner Lewis moved to approve the Reason & Decision for the Zoning Amendment from "R" Residential to "C2" Heavy Commercial for Mountain Edge LLC. Chairman Manwaring seconded. Both voted in favor. The motion carried.

CLAIMS

Claims for Fiscal Year 2022 were approved in the amount of \$412,772.54.

Claims for Fiscal Year 2023 were approved in the amount of \$338,239.11.

PERSONNEL ACTION FORMS

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

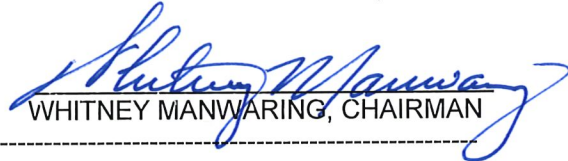
| | |
|-----------------------|---------------------------------|
| Salary Increase Form: | Planning & Development Director |
| | Deputy Clerk Recorder |

| | |
|----------------------------|---|
| | Patrol Deputy |
| | Sergeant |
| | Civil Office Technician |
| | Patrol Sergeant |
| | Detention Deputy |
| | Detention Corporal |
| | Detention Deputy |
| | Detention Deputy |
| | Patrol Deputy |
| | Patrol Deputy |
| Employee Status Sheet: | Court Clerk Supervisor |
| | Deputy Clerk/Jury Commissioner/Recorder |
| New Employee Status Sheet: | Dispatcher |
| | Detention Deputy |

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

THE MOTION PASSED TO DISMISS UNTIL MONDAY OCTOBER 17, 2022


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


 WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, October 17, 2022
County of Bingham)

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

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Lewis moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair seconded. All voted in favor. The Board moved into Executive Session at 9:01 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 9:30 a.m.

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

APPROVAL OF PUBLIC DEFENDER CONTRACT- DAVID CANNON

The Board met to approve the Public Defender Contract for David Cannon.

Decision: Commissioner Lewis moved to approve the Public Defender Contract for David Cannon. Chairman Manwaring seconded. Both voted in favor. The motion carried.

PUBLIC HEARING & DECISION REGARDING THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE ZONE CHANGE REQUESTED BY RR JOHNSON REAL ESTATE, LLC, FROM "A" AGRICULTURE TO "R/A" RESIDENTIAL/AGRICULTURE

Present: Tiffany Olsen- Planning & Development Director
 Chris Street- HLE
 Addie Jo Harris- Planning & Development Assistant Director
 Ryan Jolley- Chief Deputy Prosecutor
 Gary Mecham- Woodville Water & Sewer District
 Larry Murray- in opposition
 Loa Murray- in opposition
Via Zoom: Commissioner Bair

The Board held a Public Hearing to receive the recommendation of the Planning & Zoning Commission to approve the Zone Change requested by RR Johnson Real Estate, LLC, from "A" Agriculture to "R/A" Residential/Agriculture. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Tiffany Olsen, Planning & Development Director.

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

Director Olsen stated that the Applicant, RR Johnson Real Estate LLC, submitted an Application for a Zoning Amendment from Agriculture to Residential to which the Planning & Zoning Commission heard in April of 2021 and recommended for approval for the Board of County Commissioners. Ultimately, that Application was denied by the Board in a two to one vote, on December 10, 2021, with the two votes in opposition stating they respectively did not believe quarter acres lot sizes would be compatible with existing lot sizes in the immediate vicinity.

Given the feedback from the Board of County Commissioners, the Applicant has submitted a new Application in June of this year and is now requesting to amend the zoning off the 84.28 acres from "A" Agriculture to "R/A" Residential/Agriculture with a one-acre minimum lot size for future residential development.

At the time of receiving the Application, Director Olsen consulted with Legal Counsel at the time, John Dewey, who agreed, in review of Bingham County Code Section 10-15-7(B)(2), although the Application is for a Zoning Modification, it is a request for a modification to a zone that is substantially different than what was previously applied for and denied. With that advice, said Application was processed and presented to the Planning & Zoning Commission on August 10, 2022 who provided the following:

- 1) findings that they, as a Commission, agreed this is a new Application and is not substantially the same as previously denied or substantially the same purpose;
- 2) found the Application met the criteria for a Zoning Amendment for Residential/Agriculture; and;
- 3) provided a recommendation to approve the Zoning Amendment from Agriculture to Residential/Agriculture, without conditions.

The Board must determine, on the record, if the Application before them today, is a new Application, pursuant to Bingham County Code Section 10-15-7(B)(2).

County Attorney, Paul Rogers prepared a memorandum, dated October 6, 2022, marked as Exhibit CC-7 on the specific code section, which was read into the record at this time.

Deliberation was held wherein Chairman Manwaring and Commissioner Lewis reviewed the Memorandum submitted by County Attorney, Paul Rogers (Exhibit CC-7), and held deliberation. Commissioner Lewis stated there is a large difference between what is allowed in a Residential designation and a Residential/Agriculture designation, therefore she believes this is a substantially different Application. Chairman Manwaring concurred. Therefore, the Board determined that the Application currently before the Board is a substantially different Application than the one previously denied and the record reflected as such.

After completion of the Staff Report presentation, Chairman Manwaring turned the time over to the Applicant's Representative.

Chris Street, Professional Licensed Surveyor with HLE and the Applicants Representative, explained in the process of the Public Hearings and the Remand Hearing, the same suggestions were given from both the Planning & Zoning Commission and the Board of County Commissioners. The theme was if it were changed to a Residential/Agriculture Zone, all would be in favor. There were discussions on why the proposal was not given for a subdivision as well or a conceptual plan, wherein it is a very simple answer. The Applicant, Mr. Johnson, has spent a significant amount of funds on the first conceptual plans and did not feel as though without knowing what zoning designation would be approved, it was worth the time and funding to produce a subdivision plat. At the time the Application was submitted, there were questions about the sewer moratorium in place and there is a clearer view of what is occurring now. Mr. Johnson hopes that he will be able to work with the Woodville Water and Sewer District to come to a resolution on access to their community water system.

There was no testimony in favor offered.

There was no testimony in a neutral position offered.

Testimony in Opposition was as follows:

Gary Mecham, Woodville Water and Sewer District, stated he would like to reiterate the position of the Woodville Water and Sewer District and they are in opposition of this proposed Zoning Amendment. The location of the subject property is adjacent to the river and the current water system. There are several assumptions on what they may be able to do with impacting on Woodville Water and Sewer. A number of assumptions related to how connection will be made to sewer and how it would be managed. He stated he is aware that the Applicant does not currently have a subdivision plan but these are significant issues that should be addressed. If approved, he feels many of the issues could be overshadowed. There are statements that Woodville Water and Sewer District did not want to work with the Applicant, which is not a correct statement, as they are more than willing to do so.

Mr. Mecham stated the Applicant had sent Woodville Water and Sewer District a letter asking how water would be managed, how they would accept managing water, which he does not believe the letter was included within the Staff Report. Mr. Mecham stated that the Applicant was extended an invite to attend a Board Meeting in order to come up with a plan but the Applicant did not attend nor was there a representative on behalf of the Applicant.

Chairman Manwaring asked Mr. Mecham when the meeting was scheduled and if it was after the initial denial of the Zoning Amendment Application to Residential, to which Mr. Mecham stated that was correct.

Mr. Mecham stated there were corrections that should be made within the testimony specifically, the availability of gas and cable utilities at 1550 N 750 E, which is not accurate. As far as the criteria, it states that there must be adequate utilities and services, as those things have not been defined.

Chairman Manwaring stated there are utilities available but that they may not be adequate. Mr. Mecham concurred and stated that adequate should be removed from the verbiage as the Woodville System is a very small system and is not set up to provide the capacity that the Applicant may be proposing.

Lastly, Mr. Mecham stated there are individuals that would be interested in purchasing the subject property to continue using it for Agriculture purposes.

Larry Murray, residing at 185 Opal Court Apartment 5A, Shelley, Idaho, stated that he would like to express his appreciation to the Board for hearing his plea from the Planning & Zoning Commission Meeting that addressed whether or not the Application is a resubmission or a new submission. He does not agree with the finding made but the Board is the dually elected Commissioners and he appreciates that his plea was heard and ruled on.

Mr. Murray stated he would like to point out that Mr. Street indicated there was support from the community if this was to be introduced as Residential/Agriculture as opposed to Residential. Mr. Murray stated that he is not aware of anyone in the community that is in support of the zoning change and most residents are not in as strong of opposition as they were when it was being proposed as Residential.

The second concern Mr. Murray had and wanted to talk about, which was discussed during the Planning & Zoning Commission Meeting, was that the data being used to create the plats for evaluation is flawed data. Mr. Murray pointed out that there are multiple parcels that were essentially 5+ acres and showing in their name but that they do not have those parcels. They were told after the closing of the testimony that they did have those and that they were little slivers, which were caused when the property was split up using division rights. The closure was not 100% accurate when it was ran through the county system. The Murray's spent two days working with Planning & Zoning and the Assessor's Office trying to resolve this issue. After multiple conversations in person and over the telephone, it was finally resolved by someone at the county who simply re-ran the software. They were ultimately told that it was a problem the County made when they ran the software and that it did not close those parcels out correctly and because they had the underlined property, the original property, those slivers created were accounted in the full size of the property to the Murrays. The point that he wanted to make was that the data was not correct and the Boards

decisions as Commissioners and the decisions of the Planning & Zoning Commissioners, are only as good as the information they receive.

Chairman Manwaring stated that the County has had software problems and for several years has had one specific employee looking for these corrections but it is extremely time consuming.

Mr. Murray stated the data was absolutely flawed and he was told after the meeting that he could not respond but it simply was not true as they do not have those parcels but it is correct on the tax notices. The Assessor's Office told him, he was unsure if it was true or not, that the database being used by Planning & Zoning to create the map is an obsolete database and that they do not maintain the database anymore. Whether that is true or not, I do not know but that is what one of the people in the Assessor's Office told us.

Chairman Manwaring turned the time over to Mr. Street for the Applicant's Rebuttal Statement, which was as follows:

Chris Street, Professional Licensed Surveyor with HLE and the Applicants Representative, stated he was not aware of any meeting held by Woodville Water and Sewer District, that the Applicant was invited to attend. He is aware that a representative from his office reached out several times to the Woodville Water and Sewer District and were told they did not have the capacity. Mr. Street referred to the minutes from the Remand Hearing before the Planning & Zoning Commission (Planning & Zoning Commission Exhibit PZR-19) and read testimony onto the record wherein Larry Murray stated, "during efforts in 2018 to transfer division rights to his property, Mr. Johnson had opposed reasonings and reasonings would devalue his parcel in which he had plans to develop a first-class subdivision similar to Meadow Estates. Mr. Murray believed that Mr. Johnson's original plan was to develop one-acre lots but has now changed his mind. Mr. Murray added that rezoning to Residential/Agriculture would be acceptable as it fits the surrounding area but would oppose a Residential zoning and expressed concerns with potential impacts, existing wells, traffic and infrastructure. Director Olsen reiterated the intent of the Remand Hearing was not to discuss services, access, hazards etc." Also in Mr. Murray's testimony, he stated that he would be in favor of Residential/Agriculture and now has changed his mind.

(Mr. Murray attempted to speak and Chairman Manwaring stated that protocol would be followed and testimony in opposition has been closed. Mr. Murray stated per Bingham County Code Section 1.6.4, there is no allowance for rebuttal from the submitter.) Chairman Manwaring asked Legal Counsel for thoughts and stated this protocol has been followed for several years. Chairman Manwaring stated he will allow the Applicant's Representative to complete his rebuttal statement after which, Mr. Murray will have a chance to voice his concern.

Mr. Street continued his rebuttal by referring to Planning & Zoning Commission Exhibit PZR-20, testimony by Ross Brinker during the Planning & Zoning Commission Remand Hearing, wherein he stated he is in opposition of Residential Zoning but would be in support of a Residential/Agriculture zoning as it would not allow ¼-acre lots. Mr. Street stated this was reiterated in several other testimonies presented during the hearing.

Mr. Murray thanked Chairman Manwaring and stated he would like to point out the way it was stated within the Commission Minutes was not an accurate statement of what he testified. He clarified that he would not be in as much of opposition with a Residential/Agriculture zoning designation as he would with a Residential zoning designation.

Public testimony was closed and the Board moved into deliberation:

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

1. Suitability of parcel for agricultural purposes.

The Board found no concerns. Commissioner Lewis stated that with Residential/Agriculture zoning, the land would continue to be used for both Residential and Agriculture purposes, having at least one-acre in size will allow continued farming or property owners can have a garden. Chairman Manwaring concurred.

2. Proximity to existing areas of similar population density.

The Board found no concerns. Chairman Manwaring stated there are several areas surrounding the subject property that are similar and a Residential/Agriculture zoning designation would fit. Commissioner Lewis added there were questions regarding the presented Property Owners & Parcel Sizes ½-mile proximity parcels by size map in testimony and the Planning & Development Division has updated the map and provided it for this Hearing.

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

The Board found no concerns.

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

The Board found no concerns. Commissioner Lewis stated there are subdivisions located around the subject property and all are zoned Residential/Agriculture or Residential.

5. Protection from incompatible uses.

The Board found no concerns.

6. Accessibility to adequate utilities

The Board found no concerns. Chairman Manwaring stated "adequate utilities" is a word that is used in the Residential/Agriculture zoning requirements. To him, there are utilities, whether they are adequate or not. Commissioner Lewis added there were discussions with the USDA and DEQ in the past, wherein there is a water system there and when there is a subdivision application, expansion to allow access to the community water system could be looked into further.

7. Adequate service by roadways.

The Board found no concerns. Chairman Manwaring stated there are roadways and County roads. If a subdivision application is submitted, the classification of roadway could be changed and a speed study could be conducted. Commissioner Lewis concurred and added that the Public Works Director stated there is adequate roadways.

Decision: Commissioner Lewis moved to uphold the decision made by the Planning & Zoning Commission to approve the Zone Change of 84.28 acres from "A" Agriculture to "R/A" Residential/Agriculture, located at 1550 North West of 800 East, and East of the Woodville Townsite in Shelley, Idaho. This is based upon the information provided today, the record, testimony and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both Commissioners voted in favor. Commissioner Bair was not present to vote. 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

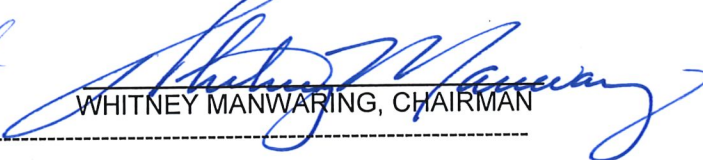
within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

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.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY OCTOBER 18, 2022



PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Commission Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, October 18, 2022
County of Bingham)

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

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

PLANNING & DEVELOPMENT

- Present: Tiffany Olsen- Planning & Development Director

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

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY OCTOBER 19, 2022



PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Commission Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, October 19, 2022
County of Bingham)

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

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

CASH WARRANTS

Cash Warrants were approved in the amount of \$6,637.80, \$2,080.65, \$1,431.09, \$1,840.00, \$31,421.38, for a total of \$43,410.92.

INDIGENT MATTER

RECORDED: A Release of Financial Assistance Lien was approved by the Board and recorded as Instrument No. 750020.

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: Lauren E. Waggoner.

Decision: Commissioner Lewis moved to approve Cash Warrants, Claims & Administrative Documents. Chairman Manwaring seconded. Both voted in favor. The motion carried.

ALCOHOL LICENSE'S

The Board approve an Alcohol License's, which was as follows:

| | |
|-------------------------------|----------------|
| The Short Stop | License No. 43 |
| Regalos Y Novedades Elizabeth | License No. 42 |
| Atomic Motor Raceway | License No. 41 |
| Atomic City Bar & Store | License No. 40 |
| 3 G'S | License No. 39 |
| Food Plaza | License No. 38 |
| Hard Times II | License No. 37 |
| Hard Times Quick Stop | License No. 36 |
| Blackfoot Chevron | License No. 35 |
| Walmart #1905 | License No. 34 |
| Martha's Inc. | License No. 33 |

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

SHERIFF'S OFFICE

- Present:
- Jeff Gardner- Bingham County Sheriff
 - Laraine Pope- Human Resources Director
 - Paul Rogers- Prosecuting Attorney
 - Ken Gallegos- Lombard Conrad Architects
 - Logan Bingham- Headwaters Construction
 - Hyrum Pitt- Headwaters Construction
 - Brent Douglass- Headwaters Construction

The Board met with Sheriff Gardner to discuss department updates and to hold a kick off meeting with Headwaters Construction & Lombard Conrad Architects for the Bingham County Jail Expansion Project.

A kick-off meeting was held with Headwaters Construction & Lombard Conrad Architects in regards to the Bingham County Jail Expansion Project.

Sheriff Gardner explained the Prior Approval for Major Purchase of ammunition in the amount of \$12,000.00, to be paid from Fund 05-02-556-00.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of ammunition in the amount of \$12,000.00, to be paid from Fund 05-02-556-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, Sheriff Gardner explained the Prior Approval for Major Purchase of radar machines for new patrol vehicles in the amount of \$4,258.00, to be paid from Fund 05-02-802-50.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of radar machines in the amount of \$4,258.00, to be paid from Fund 05-02-802-50. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, Sheriff Gardner explained the Prior Approval for Major Purchase of the Taser Lease Agreement for 32 Taser's for use in the jail. This is a 5-year agreement in the amount of \$21,311.80, to be paid from Fund 05-03-800-01.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of the Taser Lease Agreement for 32 Taser's for use in the jail. Said Lease agreement is for the amount of \$21,311.80 and is to be paid from Fund 05-03-800-01. Chairman Manwaring seconded. Both voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
 Paul Rogers- Prosecuting Attorney
 Laraine Pope- Human Resources

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 request to post the starting range on the job postings for Public Works, from Step 1 to Step 7, depending on experience. There are currently two Mechanic positions vacant and one Crusher position and there have been no applicants. The Mechanic would be posted at an N20, Step 1-7 and the Crusher would be posted at an N17, Step 1-7, both depending on experience.

There have been several vacant positions and therefore, there will be salary savings to cover this proposal.

Decision: Commissioner Lewis moved to approve posting ranges of pay for Public Works job announcements in order to attract applicants. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, Mr. Whited explained the Agreement with the Bureau of Reclamation in regards to the culvert placed on the road to the boat dock at McTucker Ponds. The County paid for the culvert but the Bureau of Reclamation agreed to reimburse for said cost, which has been done. This Agreement was supposed to be signed prior to payment to the County but that step was missed. Mr. Whited confirmed that Legal Counsel has reviewed the Agreement and has no issues.

Decision: Commissioner Lewis moved to approve the Agreement with the United States Department of Interior. The title of the document is Covered telecommunications Equipment or Services-Representation and this is in regards to a culvert purchased and reimbursed by them at Mctucker. Chairman Manwaring seconded. Both voted in favor. The motion carried. All voted in favor.

Mr. Whited explained the submitted Prior Approval for Major Purchase of a 2022 CAT 309 Mini Excavator for Solid Waste Transfer Station in the amount of \$157,830.28, to be paid from Fund 23-70-803-00 and was included in the budget. Mr. Whited explained that Solid Waste has been spending approximately \$25,000.00 yearly for maintenance on the current Excavator.

The current equipment will be auctioned off when the time comes.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase of a 2022 CAT 309 Mini Excavator, which is a lease for five years for a total of \$157,830.28, to be paid out of Fund 23-70-803-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

TREASURER'S OFFICE

Present: Tanna Beal- County Treasurer

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

HUMAN RESOURCES

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

The Board met with Laraine Pope to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Julie Buck.

Ms. Buck explained she has received two job applications for the vacant 4-H Secretary position. There is disparity between the department secretaries within the County and in speaking with Clerk Eckhardt and Ms. Pope, the position is currently at an N5 and the other secretary positions within the County are at an N10. She reviewed this with Clerk Eckhardt and they came to the conclusion that an increase to the wages would work.

Discussion was held in regards to the job description and duties involved. Commissioner Lewis stated her concern is that the 4-H Program Coordinator is an N10 and it would make these positions equal. Ms. Buck stated because the Coordinator position has benefits, it does not seem equal to her.

Ms. Pope stated she would like to place this matter on hold in order to review job descriptions and come up with the best pay scale to propose to the Board for final approval. The Board concurred.

Next, Ms. Buck presented the request for a cell phone stipend for the 4-H Program Coordinator in the amount of \$40.00. This is due to this employee being out in the field a large amount of time, constantly needing to be in contact with the office and receiving a large amount of phone calls on her personal cell phone.

Decision: Commissioner Lewis moved to approve a \$40.00 per month cell phone stipend for the 4-H Program Coordinator. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Ms. Pope gave a brief update on current job recruitments within the County.

RECOMMENDATION TO REAPPOINT WILLIAM AULLMAN TO THE PLANNING & ZONING COMMISSION FOR A THIRD TERM PURSUANT TO IDAHO CODE SECTION 67-6504(A)(3) & ADVERTISE PLANNING & ZONING POSITIONS- REQUESTED BY TIFFANY OLSEN- PLANNING & DEVELOPMENT DIRECTOR

Present: Tiffany Olsen- Planning & Development Director
Via telephone: Paul Rogers- Prosecuting Attorney

The Board met to receive the recommendation to reappoint William Aullman to the Planning & Zoning Commission for a third term pursuant to Idaho Code Section 67-6504(A)(3) and advertise Planning & Zoning positions. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen.

Director Olsen explained that William Aullman has been on the Planning & Zoning Commission for two terms and would like to serve a third term. This was previously approved for Commissioner Leavitt and Commissioner Pratt.

Decision: Commissioner Lewis moved to reappoint William Aullman to the Planning & Zoning Commission for a third term pursuant to Idaho Code Section 67-6504(A)(3). Chairman Manwaring seconded. Both voted in favor.

Next, Director Olsen explained the Commissioner District 2 Map provided to the Board, wherein she is seeking permission to advertise this vacancy. Mr. Chappell, who is in the Blackfoot Area of Impact but on the East side of Blackfoot, has chosen to not renew his second term but will continue attending meeting to be sure there is a quorum. This position is for the Groveland area within the Area of Impact and there has been a lot of growth in this specific area. It would be beneficial to have an individual from this target area on the Planning & Zoning Commission.

Commissioner Lewis stated she knows there are many people in the impact area that are on different Boards and other professional entities and asked Director Olsen if they were to apply for this position, would it cause a conflict. Director Olsen responded by stating there is a question on the Application regarding any professional entities that the Applicant may be affiliated with. She stated that she would be happy to add another section stating if associated with any government entities. Once she has done so, she will forward the Application onto Legal Counsel for his approval.

APPROVAL OF AGREEMENT WITH THE BUREAU OF RECLAMATION FOR SPORTSMANS PARK

Present: Scott Reese- Parks & Recreation/Emergency Management

The Board met to approve the Agreement with the Bureau of Reclamation for Sportsmans Park. Chairman Manwaring welcomed all to the meeting and stated there were a few changes that needed to be changed per Legal Counsel, which have since been made.

Mr. Reese stated this is a 5 year Agreement versus the 20 year Agreement that was done in the past. The Bureau of Reclamation provided \$50,000.00 for maintenance for Sportsmans Park, which could be used for power, solid waste, or anything similar.

Decision: Commissioner Lewis moved to approve the Management Agreement for maintenance at Sportsmans Park with the Bureau of Reclamation. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY OCTOBER 21, 2022

PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, October 21, 2022
County of Bingham)

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

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

CLAIMS

Claims for Fiscal Year 2022 were approved in the amount of \$72,294.38.

Claims for Fiscal Year 2022 were approved in the amount of \$120,098.15.

PERSONNEL ACTION FORMS

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

| | |
|---------------------------|--|
| Employee Status Sheet | Lieutenant- Sheriff's Office Lieutenant-Sheriff's Office Office Manager to Administrative Services Manager- Sheriff's Office |
| New Employee Status Sheet | Evidence Technician |

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

ALCOHOL LICENSE'S

The Board approved Alcohol License's, which were as follows:

| | |
|----------------------------------|----------------|
| Broulims #9 | License No. 45 |
| El Jaliciense Mexican Restaurant | License No. 44 |
| Martha's Inc. - Due to error | License No. 33 |
| Shoshone Bannock Casino Hotel | License No. 46 |

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

TAX MATTERS

The Board approved Tax Inquiries, which were as follows:

| | |
|-------------------------|--|
| RP1065400 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1171303 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP0520822 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1171302 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1171305 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1419933 for year 2022 | Homeowner signed up for Homeowners Exemption |
| RP1319439 for year 2022 | Homeowner signed up for Homeowners Exemption |

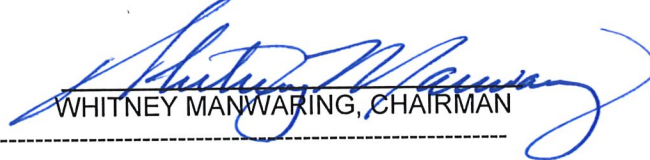
RP1312413 for year 2022

Homeowner signed up for Homeowners Exemption

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

THE MOTION PASSED TO DISMISS UNTIL TUESDAY OCTOBER 25, 2022


PAMELA W. ECKHARDT, CLERK


WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO)
) : ss. Tuesday, October 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- Commission Clerk

EXECUTION OF THE RIVER RUN ESTATES SUBDIVISION, DIVISION 1 & 2 DEVELOPMENT AGREEMENTS

Present: Tiffany Olsen- Planning & Development Director
 Dusty Whited- Public Works Director
 Addie Jo Harris- Planning & Development Assistant Director
 Gwen Inskeep- County Surveyor
 Kaleb Phelps- River Run Estates
 Lisa Phelps- River Run Estates

The Board met to execute the Development Agreements for River Run Estates Subdivision, Divisions 1 and 2. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Tiffany Olsen.

Director Olsen explained the first Development Agreement is for River Run Estates Division 1, which will need to be recorded before River Run Estates Division 2. Division 1 does not have public improvements, is a short plat, there will be a private easement constructed for access, signage and pressurized irrigation system. The Development Agreement requires that an engineer estimate be procured for the costs, which is attached as an exhibit, showing that Luke Jolley, HLE, has indicated that signs and posts at \$500.00 and a pressurized irrigation system at \$2,400.00, for a construction cost of \$2,900.00 for Division 1. Director Olsen stated the Agreement requires the Developer to select which option they would like for construction under the financial guarantee section, wherein the Phelps have requested to procure cash deposit, certified check or bond, equal to 120% of that estimated cost, which would be \$3,480.00. During that timeframe, the lots can be sold after final platted and no sooner. However, once final platted, may issue building permits for up to 50% of the lots but as soon as 50% of the lots have building permits, additional permits will not be issued until the infrastructure is completely installed, has been inspected by the County and the Development Agreement has been satisfied.

Director Olsen stated in looking at Division 2, this is a larger division and involves a County road that the Applicant are building to County Standards, which is why construction drawings have been submitted as an exhibit and have been approved by the Surveyor and Public Works. Also attached is a development cost agreement, showing a total of \$373,180.00. Again, the Developer has chosen to provide a Financial

Guarantee in the amount of \$120%, which would be \$447,816.00 for Division 2. Again, lots cannot be sold until final platted and only 50% of the building permits would be issued within the division, until the public road has been inspected and accepted by the County.

Dusty Whited, Public Works Director, and Gwen Inskeep, County Surveyor, have approved of the same.

Mr. Phelps stated they were at the bank yesterday who stated they would complete a revocable letter of credit but the proper individual was not present to sign. Therefore, he does not have that Letter of Credit in hand and could be provided before he and his wife sign the Development Agreement.

Decision: Commissioner Lewis moved to approve the Development Agreement River Run Estates Division 1, to be signed and recorded once security has been provided to Ms. Dalley. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Commissioner Lewis moved to approve the Development Agreement for River Run Estates Division 2, to be signed and recorded once security has been provided to Ms. Dalley. 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. Commissioner Lewis seconded. All voted in favor. The Board moved into Executive Session at 9:35 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 10:15 a.m.

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

MEETING WITH LOMBARD CONRAD ARCHITECTS TO HOLD AN UPDATE MEETING IN REGARDS TO THE BINGHAM COUNTY JAIL EXPANSION AND COURTHOUSE PROJECTS

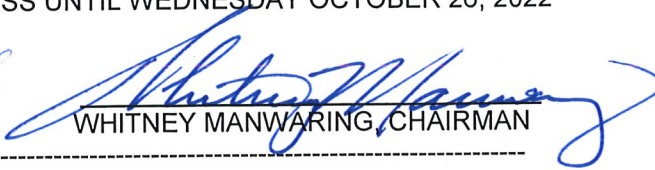
- Present: Jeff Gardner- Sheriff
- Tanna Beal- County Treasurer
- Pamela Eckhardt- County Clerk
- Ben Bernier- Lombard Conrad Architects
- Ken Gallegos- Lombard Conrad Architects
- Sgt. VanBuren- Sheriff's Office
- Sgt. Perez- Sheriff's Office
- Sgt. Ramirez- Sheriff's Office
- Sgt. Talbot- Sheriff's Office
- Lt. Fellows- Sheriff's Office
- Hyrum Pitt- Headwaters Construction
- Paul Rogers- Prosecuting Attorney
- Jason Marlow- Building Maintenance
- Eric Jackson- Building Maintenance
- Via Zoom: Brent Douglass- Headwaters Construction

The Board met with Lombard Conrad Architects to hold an update meeting in regards to the Bingham County Jail Expansion and Courthouse Projects.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY OCTOBER 26, 2022



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, October 26, 2022
County of Bingham)

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

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

CASH WARRANTS

Cash Warrants were approved in the amount of \$50.00, \$50.00, \$50.00 and \$50.00, for a total of \$200.00.

COLLEGE OF SOUTHERN IDAHO

A Certificate of Service was approved by the Board and sent to the College of Southern Idaho for the following Bingham County student: Macenz D. Andersen.

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

ALCOHOL LICENSES

The Board approved Alcohol Licenses, which were as follows:

| | |
|------------------------|----------------|
| El Vaquero | License No. 52 |
| All American Market | License No. 50 |
| Fast Stop 2241 | License No. 51 |
| White Eagle Drive Thru | License No. 48 |
| Collet's Pub | License No. 49 |
| Ridley's Family Market | License No. 47 |

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

PRIOR APPROVAL- IT DEPARTMENT

The Board met to make a decision regarding the submitted Prior Approval for Major Purchase of Dell Backup Maintenance in the amount of \$35,170.53, to be paid out of Fund 01-14-492-01.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of Dell Backup Maintenance, in the amount of \$35,170.53, to be paid out of Fund 01-14-492-01. Chairman Manwaring seconded. All voted in favor. The motion carried.

SHERIFF'S OFFICE

Present: Jeff Gardner- Sheriff

The Board met with Sheriff Gardner to discuss update 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 first explained the request for approval of the Service Agreement with Motorola Solutions for services on the radios, in the amount of \$82,848.88.

Decision: Commissioner Lewis moved to approve the Service Agreement with Motorola Solutions for 911 services in the amount of \$82,848.88. Commissioner Bair seconded. All voted in favor. The motion carried.

Sheriff Gardner gave a brief update for the Sheriff's Office.

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 2:05 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 2:39 p.m.

Decision: Chairman Manwaring stated discussion was held in regards to an employee at the Central Transfer Station, wherein it was decided that Mr. Whited would advise this employee that they will need to watch a training video and review said training with the supervisor.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director

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

Mr. Whited stated he would ask the Board for approval of the Agreement between Bingham County and the City of Blackfoot for Road and Operations Maintenance.

Decision: Commissioner Lewis moved to approve the Agreement between Bingham County and the City of Blackfoot for Road and Operations Maintenance. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING THE ASSIGNMENT FOR PAYMENT OBLIGATIONS TO THE EASTERN IDAHO REGIONAL SEWER DISTRICT- REQUESTED BY CLERK PAMELA ECKHARDT

Present: Pamela Eckhardt- County Clerk
Tiffany Olsen- Planning & Development Director.

The Board met to hold discussion and make a decision regarding the Assignment for Payment Obligations to the Eastern Idaho Regional Sewer District. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated she has received a request to move forward with the funding that had been committed. The documentation shows how the payments will be attributed to us per the construction in

order to complete the ARPA Fund Reports that are required to be submitted. The Contractors will bill the County monthly for the specific amount.

Decision: Commissioner Lewis moved to approve/sign the Assignment of Payment Obligations for the Eastern Idaho Regional Sewer District. The commitment made by Bingham County to expend ARPA Funds to assist with this project in the amount of \$1.5 Million, to be billed monthly. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING AUTOPSY TRANSPORT FOR BINGHAM COUNTY & INDIGENT BURIAL- REQUESTED BY PERRY HAWKER OF HAWKER FUNERAL HOME

Present: Perry Hawker- Hawker Funeral Home
 Blake Hawker- Hawker Funeral Home
 Paul Rogers- Prosecuting Attorney
 Laura Lora- Indigent Services
 Pamela Eckhardt- County Clerk
 Jeff Gardner- County Sheriff
 Stacie Salazar- Previous Chief Deputy Coroner
 Gwen Inskeep- County Surveyor

The Board met to hold discussion and make a decision regarding autopsy transport for Bingham County and indigent burials, which was requested by Perry Hawker of Hawker Funeral Home. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Hawker.

Mr. Hawker stated he is before the Board today to discuss the rate of pay to transport decedents to Ada County for Autopsy. With the increase in cost of fuel and other rates, he is wondering if the County would consider an increase in cost paid to do so. Mr. Hawker stated he has received conflicting stories in regards to the possibility of them no longer doing transports for the County. Chairman Manwaring stated the possibility of the County doing their own transport was simply a discussion and no decision was made. All of the Deputy Coroners have resigned at this time and things are up in the air, therefore the County will continue using Hawker Funeral Home for transport to autopsy.

Discussion was held in regards to the positivity of having Hawker Funeral Home conducting transport rather than the County, which Mr. Hawker states brings a sense of relief to the family members of the decedent. Mr. Hawker further explained the process of receiving the body of a decedent and how the case proceeds.

Clerk Eckhardt stated last year \$15,000.00 was budgeted for indigent burials and \$12,000.00 was spent. Commissioner Lewis stated in review of the last few years, it looks as though the average is 10 indigent cases. As far as the transportation, Clerk Eckhardt stated the transportation is added into the Coroners Budget.

Mr. Hawker stated that he would request an increase of \$100.00 per transport to autopsy and \$2,000.00 for each indigent burial. Mr. Hawker stated the current rates have been in place for approximately 20 years and he is hopeful that these would be increased to assist with costs.

The Board held deliberation regarding said request, wherein the increase would be covered within the budget. Legal Counsel was advised that both Agreement would need to be updated to reflect said changes if approved.

Decision: Commissioner Lewis moved to increase payment to Hawker Funeral Home for transport to autopsy in Ada County from \$600.00 per trip to \$700.00 per trip, which will reflect in the updated contract to be drafted by Legal Counsel. Commissioner Bair seconded. All voted in favor. The motion carried.

Commissioner Lewis moved to increase payment for indigent burials from \$1,200.00 each to \$2,000.00, to be done via Resolution, to be drafted by Legal Counsel. Commissioner Bair seconded. All voted in favor. The motion carried.

PROSECUTORS OFFICE

Present: Ollie Wimbish- Deputy Prosecuting Attorney
Gwen Inskeep- County Surveyor
Scott Reese- Parks & Recreation
Tyler Draney- Parks & Recreation
Pamela Eckhardt- County Clerk
Excused: Paul Rogers- Prosecuting Attorney
Commissioner Bair

The Board met with Ollie Wimbish to discuss updates within the Prosecutors Office and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Gwen Inskeep.

Ms. Inskeep explained in speaking with the Department of Lands to be sure she was following the correct process, any land that is below the ordinary high water mark and has moved, wherein the Department of Lands would own that. There is a process, the Disclaimer of Interest, which is an Application. She checked to see if the fees would be waived for the County, to which they will not be. It will start with a \$300.00 Application Fee and could increase up to \$600.00. She explained that she will fill out the Application, complete the survey, determine the new ordinary high water mark, have the Department of Lands meet her on site to be sure they agree. Once that is completed, she will move forward in preparing the deed documentation to record.

This process could take up to several months and may end up being January or February before the survey is filed.

DISCUSSION & DECISION TO OPEN FISCAL YEAR 2022 BUDGET

Present: Pamela Eckhardt- County Clerk
Gina Perschon- Chief Deputy Clerk/Auditor
Excused: Commissioner Bair

The Board met with Clerk Eckhardt to open the Fiscal Year 2022 Budget. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt explained there are five (5) funds that they would propose to open the budget, which is set for a decision next Wednesday. Said funds are as follows and will be reflected in the Resolution next week:

Fund 02- Road & Bridge: Expenditures in the amount of \$300,000.00
Revenue in the amount of \$300,000.00 from additional highway user revenue

Fund 23- Solid Waste: Expenditures in the amount of \$65,000.00
Revenue in the amount of \$65,000.00 from existing fund balance

Fund 32- Special Projects: Expenditures in the amount of \$545,000.00
Revenue in the amount of \$545,000.00 from additional highway user revenue

Fund 51- American Recovery Plan: Expenditures in the amount of \$280,000.00
Revenue from American Recovery Plan in the amount of \$280,000.00

Revenue 60 Consolidated Elections: Expenditures in the amount of \$5,300.00
Revenue in the amount of \$5,300.00 from the proposed North End Recreation District to proceed with an election.

PRIOR APPROVAL- SHERIFF'S OFFICE & CORRECTION OF EMPLOYEE WAGE

Present: Pamela Eckhardt- County Clerk
Jeff Gardner- County Sheriff
Laraine Pope- Human Resources
Excused: Commissioner Bair

The Board met to discuss the Prior Approval of Service Agreement for Computer Arts in the amount of \$13,913.00 to be paid from Fund 28-01-559-00. This Agreement will allow for one-year access in order to complete backup of 10-years worth of documentation.

Decision: Commissioner Lewis moved to approve the Prior Approval for Service Agreement with Computer Arts in the amount of \$13,913.00, to be paid from Fund 28-01-559-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, discussion was held in regards to the submitted Prior Approval for crash reconstruction software in the amount of \$4,513.00 to be paid from Fund 05-02-802-50. Said purchase is to support new equipment that has been recently purchased.

Decision: Commissioner Lewis moved to approve the Prior Approval for Major Purchase for crash reconstruction software in the amount of \$4,513.00, to be paid from Fund 05-02-802-50. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Lastly, discussion was held in regards to the Emergency Communications Supervisor wage, wherein Sheriff Gardner explained during the previous meeting, the incorrect level was approved. The wage approved should have been S4, Step 7 and he would ask for that clarification to be made on the record.

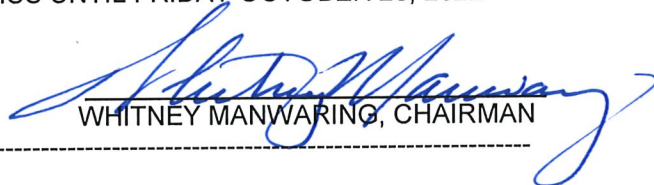
Decision: Commissioner Lewis moved to clarify from previous meeting, the wage for the Emergency Communications Supervisor, which should be S4, Step 7. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Lastly, Sheriff Gardner explained the wage for Sheriff Office Lieutenants were previously approved but did not account for the Cost of Living. One Lieutenant has received their cost of living but the other two have not, which would be a total wage of \$81,600.00 per Lieutenant per year.

Decision: Commissioner Lewis m oved to amend the salary for two Lieutenant positions to \$81,600.00 per year, which is to include the cost of living. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY OCTOBER 28, 2022


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


WHITNEY MANWARING, CHAIRMAN

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

| | | | |
|--------------------------|----------------|-------------------------------|----------------|
| Current Expenses | \$822,899.48 | Tort..... | \$167.00 |
| Road & Bridge | \$1,145,318.05 | Veterans Memorial..... | \$1,505.96 |
| Airport..... | \$32.17 | Weeds..... | \$45,537.91 |
| Justice Fund | \$436,575.08 | Emergency Communication... .. | \$28,681.49 |
| District Court..... | \$87,168.63 | Road & Bridge Special | |
| Preventative Health..... | \$17,500.00 | Projects..... | \$1,091,029.64 |
| Indigent..... | \$67,548.87 | Waterways | \$5,737.99 |
| Parks & Recreation | \$30,060.67 | PILT..... | \$47,970.40 |
| Revaluation..... | \$80,191.97 | ARPA Funds..... | \$205,298.21 |
| Solid Waste | \$403,423.22 | Drug Court Fund..... | \$4,042.02 |
| | | Consolidated Elections..... | \$5,194.14 |

THE MOTION PASSED TO DISMISS UNTIL TUESDAY NOVEMBER 1, 2022

PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----

WHITNEY MANWARING, CHAIRMAN