

STATE OF IDAHO)
 : ss. Monday, October 7, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Lindsey Dalley- Commission Clerk

CASH WARRANTS

Cash Warrants were approved in the amount of \$78.00, \$78.00, \$78.00, \$78.00, \$78.00, \$78.00, \$78.00 and \$13,884.00, for a total of \$14,430.00.

CLAIMS

Claims for fiscal year 2024 were approved in the amount of \$348,640.78.

Claims for fiscal year 2025 were approved in the amount of \$374,737.27.

PAYROLL

Payroll Claims were approved in the amount of \$904, 210.07.

PERSONNEL ACTION FORMS

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

- Salary Increase Form:
- HR Director/Risk Manager
 - HR Technician
 - Patrol Deputy
 - SRO Patrol Deputy
 - SRO Patrol Deputy
 - Patrol Deputy
 - Patrol Deputy
 - Patrol Deputy
 - Patrol Deputy
 - Solid Waste Operator
 - Lead Scale House Operator
 - Emergency Communication Officer
 - Lead Emergency Communication Officer
 - Emergency Communications Officer
 - Emergency Communications Officer
 - Evidence Clerk
 - Chief Deputy Treasurer
 - Deputy Court Clerk
 - Probation Officer
 - Juvenile Probation Chief Admin (Sr Probation Officer)
 - Lead Probation Services Secretary

Employee Status Sheet: Chief Deputy Prosecutor

COLLEGE OF EASTERN IDAHO

The Board approved and signed one (1) Certificate of Residency, which was sent to the College of Eastern Idaho for the following Bingham County student: Miranda L. Kracl.

COLLEGE OF SOUTHERN IDAHO

The Board approved and signed three (3) Certificate of Residency documents, which were sent to the College of Southern Idaho for the following Bingham County student's: Ashtyn L. Hamilton, Emery Ann Hayes and Kaydence A. Andrus.

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for October 7, 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.

REQUEST FROM THE BINGHAM COUNTY REPUBLICAN CENTRAL COMMITTEE TO USE COURTROOM 1 ON OCTOBER 8, 2024 AT 7:00 P.M., TO INTERVIEW CANDIDATES FOR THE INTERIM BINGHAM COUNTY COMMISSIONER FOR DISTRICT 1, WHICH IS NOW VACANT

The Board met to make a decision regarding the request from the Bingham County Republican Central Committee to use Courtroom 1 on October 8, 2024 at 7:00 p.m., to interview candidates for the Interim Bingham County Commissioner for District 1, which is now vacant.

The Board had no concerns in regards to the submitted request.

Decision: Commissioner Jackson moved to approve the request from the Bingham County Republican Central Committee to use Courtroom 1 on October 8, 2024 at 7:00 p.m., to interview candidates for the Interim Bingham County Commissioner for District 1, which is now vacant. Chairman Manwaring seconded. Both voted in favor. The motion carried.

ALCOHOL LICENSES

The Board approved Alcohol Licenses for the following businesses:

Blackfoot Elks Lodge #1416	License No. 25
Broulim's #9	License No. 26
Stoor's Market	License No. 27
La Moderna Mexican Market	License No. 33- Transferred
Los Gavilanes Mexican Grill	License No. 29
El Jaliciense Mexican Restaurant	License No. 30
Bridge Street Saloon	License No. 31
Tumbleweed Saloon	License No. 32

Decision: Commissioner Jackson moved to approve the Retail Alcohol Beverage License as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.

STAFF MEETING

Present: Pamela Eckhardt- County Clerk
Debbie Cunningham- Chief Deputy Assessor
Troy Lenhart- Road & Bridge Supervisor
Scott Reese- Parks & Recreation/Emergency Services
Sheri Landon- Court Supervisor
Laraine Pope- Human Resources Director
Jason Marlow- Building Maintenance Supervisor
Tiffany Olsen- Planning & Development Director

Shawn Hill- Probation Department
Bill Haight- IT Department
Matt Galloway- IT Director
Jordyn Nebeker- Chief Deputy Sheriff
Jeff Gardner- Sheriff
Tanna Beal- County Treasurer
Danette Miller- Elections Office
Ryan Jolley- Prosecuting Attorney/ County Legal Counsel

Excused: Cody Lewis- Treatment Court
Jimmy Roberts- County Coroner
Gordon Croft- Blackfoot Chief of Police
Julie Buck- Extension Office
Donavan Harrington- Assessor
Dusty Whited- Public Works Director
Laura Lora- Payroll/Indigent Services

The Commissioners met with department heads and Elected Officials for the October 2024 Staff Meeting. Chairman Manwaring conducted the Staff Meeting.

Pledge of Allegiance: Chairman Manwaring conducted.

Approval of Minutes for Staff Meeting held in September 2024: There were no changes to the September 2024 staff meeting minutes and said minutes were approved as written.

Special Presentation: Matt Galloway reviewed the options of potential new telephone systems and stated that he has met with seven (7) different companies. The system that he would prefer is through Cisco. If anyone would like to see how the product would work, please visit the IT Department as they have been testing the products. The last week in October, Mr. Galloway will be approaching the Board of County Commissioners to present his proposal and request that the Board make a decision.

Safety Concerns: None.

Employee Years of Service Recognition: Clerk Eckhardt recognized Julie Pulley for ten (10) years of service to Bingham County. Julie is the main Recorder in the office, handles land recordings, marriage licenses and alcohol licenses. Clerk Eckhardt stated that one thing she admires about Julie is that when she goes home at night, her desk is always clean. Julie does a lot for the Clerks Office and she appreciates all of her hard work.

Julie Pulley stated that ten (10) years has gone by quick. She enjoys working for the county and getting to interact with everyone.

Troy Lenhart recognized Dee Walters for ten (10) years of service to Bingham County. Dee Walters is a Truck Driver/Blade Operator. He is a good employee, works hard and never complains.

Chairman Manwaring: Stated that he would like to remind everyone of the Food Drive that the county is holding, which will continue until October 15, 2024.

Commissioner Eric Jackson: Stated that he would like to remind everyone that it is still harvest time and to pay extra attention to the trucks and equipment on the roads.

Clerk Pamela Eckhardt: Stated that October 16th is the last day to submit claims for fiscal year 2024. The 2023 audit has been completed and came back as a clean audit. Clerk Eckhardt stated that she would be meeting with each department to review the cash handling process per the request of the outside auditor. Clerk Eckhardt added that she would like everyone to be cautious of their credit card use as there has been an increase in fraud issues.

Debbie Cunningham: Had no updates at this time.

Troy Lenhart: Had no updates at this time.

Scott Reese: Stated that the Rockford Airport project is complete, which included a 2 1/2-inch overlay completed by Gale Lim Construction who was awarded the bid. The parks have been winterized as of Friday.

Sheri Landon: Had no updates at this time.

Laraine Pope: Stated that NCPERS life insurance open enrollment is occurring until the end of November, which is only \$16.00 per month and said rate will never change.

Ms. Pope stated that she would like to remind everyone of the flu clinic occurring this Thursday, October 10, 2024 from 2:00 p.m. through 5:00 p.m., wherein walk-ins are available but if anyone would like to make an appointment, please contact Human Resources.

Tiffany Olsen: Stated that she attended the American Planning Association Conference in Moscow and gave a brief overview of the same.

Shawn Hill: Had no updates at this time.

Ryan Jolley: Had no updates at this time.

Jeff Gardner: Had no updates at this time.

Tanna Beal: Had no updates at this time.

Matt Galloway: Stated that there has been an increase in spam emails and to be cognitive in what is coming through emails. Mr. Galloway stated that he would also like to remind everyone to participate in the Knowbe4 trainings that are available.

Debbie Cunningham asked Mr. Galloway if when a spam email is received the employee should be advising the IT Department, to which Mr. Galloway stated that is correct. Please forward spam emails to IT so that they are aware.

Danette Miller: Stated that early voting will begin October 15, 2024 through November 1, 2024. As of today, there have been 1,700 absentee ballots mailed out.

Clerk Eckhardt added that cell phone stipends have been approved and the employees that receive a cell phone stipend will be receiving a check today.

Chairman Manwaring stated next Staff Meeting is scheduled for Monday, November 4, 2024 at 8:30 a.m.

Nothing further.

SHERIFFS OFFICE

Present: Jeff Gardner- Sheriff
 Jordyn Nebeker- Chief Deputy Sheriff
 Pamela Eckhardt- County Clerk

The Board met with Sheriff Jeff Gardner to discuss updates within the Sheriffs Office and other agenda items.

Discussion was held in regards to the approval and signing of Contract Agreement between Day Wireless Systems and Bingham County, along with decision in regards to the Purchase Order for said project.

Sheriff Gardner stated the reason that Clerk Eckhardt is in attendance is to be sure that all funds are expended for the grant to complete the 911 servers in Bannock County. Clerk Eckhardt stated that \$178,076.00 has been paid towards the project, with \$101,182.00 still owing. Sheriff Gardner stated the grant amount was \$279,000.00, which has been fully received and is located within the fund balance. Clerk Eckhardt is suggesting to pay the remaining \$101,182.00 from fiscal year 2024, as the budget has to be opened for 911 in order to account for the grant. Therefore, it would be beneficial to the county if that funding could be paid in full with the grant.

Sheriff Gardner stated the second portion of discussion to be held is in regards to the radio tower upgrades. The plan was to pay as much funding out of fiscal year 2024 budget as possible, a potential portion from PILT and the remaining from fiscal year 2025 budget. Sheriff Gardner would like to pay for as much as possible, out of fiscal year 2024 and any fund balance remaining after the grant is completed. Clerk Eckhardt stated that \$75,000.00 could be contributed from the 911 budget, which would leave a fund balance of three months in there to cover the first part of fiscal year 2025. Currently there is \$500,000.00 in Fiscal Year 2024 PILT Fund that is available within the budget and could use \$200,000.00.

Therefore, \$200,000.00 would be paid from 2024 PILT Fund, \$75,000.00 to be paid from 2024 911 Fund and the remaining would be paid from Fiscal Year 2025 budget.

Decision: Commissioner Jackson moved to approve payment in the amount of \$101,182.29, for the Vesta Grant. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Commissioner Jackson moved to approve payment to Day Wireless in the amount of \$200,000 (Paid from 2024 PILT Fund), \$75,000.00 (Paid from the 2024 911 budget) and the remaining to be paid from Fiscal Year 2025 budget. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL OF COMMISSION MINUTES FOR AUGUST 14-30, 2024

The Board met to approve Commission Minutes for August 14-30, 2024.

Decision: Commissioner Jackson moved to approve and sign the Commissioner Minutes for August 14-30, 2024, as written. Chairman Manwaring seconded. Both voted in favor. The motion carried.

TAX INQUIRY DOCUMENTS

The Board met to approve and sign Tax Inquiry documents submitted by the County Assessors Office, which were as follows:

RP1338000	Year 2024	Homeowner signed up for homeowners exemption for 2024
RP8015500	Year 2024	Homeowner signed up for homeowners exemption for 2024
RP1145200	Year 2024	Homeowner signed up for homeowners exemption for 2024
RP0524202	Year 2024	Homeowner signed up for homeowners exemption for 2024
RP1284809	Year 2024	Homeowner signed up for homeowners exemption for 2024

Decision: Commissioner Jackson moved to approve and sign the Tax Inquiry documents submitted by the County Assessors Office. Chairman Manwaring seconded. Both voted in favor. The motion carried.

BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance Supervisor

The Board met with Jason Marlow to discuss updates within the Building Maintenance Division, which included jail expansion project updates and other miscellaneous updates.

SOLID WASTE AGENDA ITEMS

Present: Derrick Going- Solid Waste Supervisor

The Board met to discuss several Solid Waste agenda items.

Discussion was held in regards to approval of Solid Waste Winter Hours, wherein there have been no changes made to the hours. Said winter hours will be as follows:

Moreland Central Transfer Station

Beginning Monday, November 4, 2024 until Monday, March 3, 2025, the Bingham County Moreland Central Transfer Station's winter hours will be: Monday through Saturday, 7:30 a.m. to 4:30 p.m.

Aberdeen Landfill

Beginning Monday, November 4, 2024 until Monday, March 3, 2025, the Aberdeen Landfill will only be open Saturdays 9:00 a.m. to 4:45 p.m.

Decision: Commissioner Jackson moved to approve the Solid Waste winter hours as presented. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Discussion was held in regards to the submitted Prior Approval for Major Purchase of the currently leased Rav4 from Bancorp. Said purchase is in the amount of \$31,000.00 and is to be paid from Fund: 23-70-899-00. Said Rav4 is used by the Solid Waste Department when individuals go to training or to bring deposits into the courthouse. It is financially better to purchase the vehicle instead of leasing due to the increase in lease payment.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of the currently leased Rav4 from Bancorp. Said purchase is in the amount of \$31,000.00 and is to be paid from Fund: 23-70-899-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, discussion was held in regards to the approval of Bingham County Resolution 2024-34, a resolution declaring certain Bingham County property not necessary for use in Bingham County, Idaho, specifically for the Solid Waste Department for a Powell 10-foot by 35-foot in ground scale from the Rattlesnake Landfill that is being replaced.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2024-34, a resolution declaring certain Bingham County property not necessary for use in Bingham County, specifically for the Solid Waste Department for a Powell 10-foot by 35-foot in ground scale from the Rattlesnake Landfill. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:

BINGHAM COUNTY
RESOLUTION NO. 2024-34

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

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

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

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

Bingham County Solid Waste Department (Rattlesnake Landfill)

Powell 10-foot by 35-foot inground scale

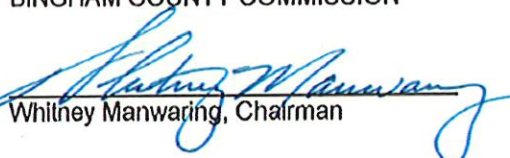
DATED this 2 day of September 2024.

BINGHAM COUNTY COMMISSION




ATTEST:


Pamela W. Eckhardt
Bingham County Clerk


Whitney Manwaring, Chairman

Mark R. Bair, Commissioner


Eric Jackson, Commissioner

READING & SIGNING OF DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION

The Board met to read and sign the Domestic Violence Awareness Month Proclamation. Chairman Manwaring welcomed all those present and City of Shelley Police Chief, Chad Purser, read said Proclamation, which was as follows:

**CITY OF BLACKFOOT, CITY OF SHELLEY
AND BINGHAM COUNTY, IDAHO
DOMESTIC VIOLENCE AWARENESS MONTH
PROCLAMATION, OCTOBER 2024**

WHEREAS, domestic violence is a serious crime that effects people of all races, ages, gender, socio-economic levels, religions, backgrounds, beliefs, and

WHEREAS, domestic violence includes, physical, emotional, social, sexual, spiritual, financial, and digital abuse, and can occur between family members, intimate partners and within a dating relationship, and

WHEREAS, in 2023, law enforcement agencies in Idaho received reports of 5,940 incidents of intimate partner violence, it is important to know that many survivors of domestic violence do not report to law enforcement for a wide range of reason, and

WHEREAS, in 2023 the Bingham Crisis Center provided help to 406 people, 215 were females,79 were male, 112 were children, 113 total bed nights, and 13,411 services were provided, and

WHEREAS, in the State of Idaho one in four homicides are intimate partner homicides, and


WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police, court cost, shelters, foster care, sick leave, absenteeism, and non-productivity; and


WHEREAS, domestic violence incidents are some of the most complex and dangerous incidents that law enforcement respond to in our community, putting their lives at risk every day in the belief that a coordinated community response is necessary to support survivors, hold offenders accountable and work toward ending the cycle of violence; and

WHEREAS, Domestic Violence Awareness Month provides an excellent platform to show support for the domestic violence advocates, crisis hotline staff, victim witness coordinators, prosecutors who hold offenders accountable, and law enforcement officers in our community and provides the citizens of Bingham County the opportunity to learn more about preventing domestic violence and how support for the organizations and individuals who proved critical advocacy, resources, hope and assistance to victims;


NOW THEREFORE, we do hereby proclaim the month of October as DOMESTIC VIOLENCE AWARENESS MONTH, and urge our citizens to work together to eliminate domestic violence in our community.

DATED this 7 day of October, 2024

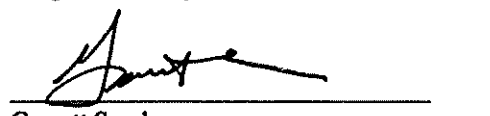

Whitney Manwaring
Bingham County Commissioner

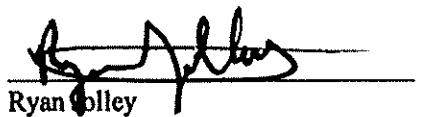

Marc Carroll
City of Blackfoot Mayor

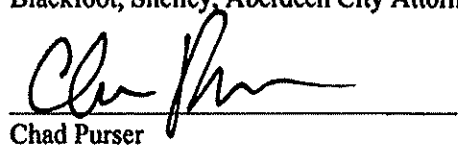

Eric Jackson
Bingham County Commissioner



Jeff Gardner
Bingham County Sheriff



Gordon Croft
Blackfoot Police Chief

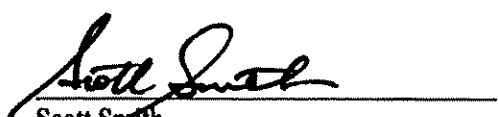

Garrett Sandow
Blackfoot, Shelley, Aberdeen City Attorney


Ryan Colley
Bingham County Prosecuting Attorney


Chad Purser
Shelley Police Chief


Kim Westergard
City of Shelley Councilwomen


Jeff Kelley
City of Shelley Councilman


Scott Smith
Executive Director Bingham Crisis Center

DISCUSS PAYMENT OF OPENGOV ANNUAL SERVICES INVOICE FROM IT BUDGET AND EXECUTE PRIOR APPROVAL- REQUESTED BY TIFFANY OLSEN

Present: Matt Galloway- IT Department
Tiffany Olsen- Planning & Development Director
Pamela Eckhardt- County Clerk

The Board met to discuss payment of OpenGov Annual Services invoice from the IT Budget and Execute a Prior Approval regarding the same.

Ms. Olsen explained that the annual contract with OpenGov for FY 2024 that was marked to come out of the IT Budget. Ms. Olsen stated that when she received the invoice, she reached out to Matt Galloway, he informed her that there were some expenses and priority items that needed to be taken care of within the IT Budget and therefore, there were no funds to cover the invoice for the OpenGov contract.

Ms. Olsen stated that she is before the Board today to request that the OpenGov invoice, in the amount of \$25,553.83, from the IT budget as originally planned, although it would run the line over budget. While visiting with Clerk Eckhardt and Matt Galloway, it was recommended to seek approval from the Board prior to paying the invoice.

In moving forward, this invoice has been placed within the Planning & Development budget.

The Board had no concerns.

Decision: Commissioner Jackson moved to approve payment of OpenGov Annual Services invoice in the amount of \$25,553.00 and is to be paid from Fund: 01-14-524-0020 (IT-Planning & Zoning Softwre) Fiscal Year 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.

PRIOR APPROVAL- IT DEPARTMENT

Present: Matt Galloway- IT Director

The Board met to discuss and make a decision in regards to the submitted Prior Approval for Major Purchase of Pure Storage.

Mr. Galloway explained the purpose of the proposed pure storage purchase and stated that there are currently two appliance upstairs that are used for powering servers. If something goes wrong with the current equipment, it would take days, if not weeks, to get them up and running.

Mr. Galloway stated that he has done extensive research to see what the best and most affordable route would be for this purchase. This purchase was included within the budget. Originally the quote received was in the amount of \$290,000.00 for both appliances but Mr. Galloway was able to receive a significant discount. In trying to deal with future issues, when he originally proposed the budget, he proposed to purchase 150,000.000 and make a purchase of one appliance but because there will be issues arising annually, Mr. Galloway stated that he would proposed to purchase two appliances in order to plan better for the future and to gain a discount.

The Board had no concerns.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of Pure Storage Appliances. Said purchase is in the amount of \$207,714.20 and is to be paid from funds as follows:

Fund: 01-14-0810-0001 (IT-Capital-Servers)	\$150,000.00
Fund: 01-14-0804-0000 (IT-Capital-Computers)	\$57,714.20

Chairman Manwaring seconded. Both voted in favor. The motion carried.

DECISION REGARDING VALUE OF A SURPLUS LAPTOP AND SALE OF SAID LAPTOP TO A COUNTY EMPLOYEE

Present: Matt Galloway- IT Director
Ryan Jolley- Prosecuting Attorney/County Legal Counsel

The Board met to make a decision regarding the value of a surplus laptop and the sale of said laptop to a retired county employee.

Matt Galloway stated that the value that he would place on the subject laptop, which was declared surplus property via Bingham County Resolution 2024-33, would be \$100.00. This laptop was to be disposed of due to it reaching end of life at five (5) years.

Mr. Jolley stated pursuant to Idaho Code Section 31-808(1) any equipment under the cost of \$250.00, the county has the ability to sell privately. Therefore, there are no issues with the proposal.

Decision: Commissioner Jackson moved to approve the sale of the surplus laptop to a retired county employee in the amount of \$100.00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, OCTOBER 11, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, October 11, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Lindsey Dalley- Commission Clerk
Via phone: Commissioner Jackson

CASH WARRANTS

Cash Warrants were approved in the amount of \$21,000.00.

CLAIMS

Claims were approved for fiscal year 2024 in the amount of \$302,875.15.

Claims were approved for Fiscal Year 2025 in the amount of \$209,293.51.

PERSONNEL ACTION FORMS

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

New Employee Status Sheet: Drug Testing Technician
 Patrol Deputy
 Detention Deputy
Salary Increase Form: Sr. Mechanic- Road & Bridge
 Truck Driver- Road & Bridge
 Truck Driver- Road & Bridge
 Sheriff's Office Manager
 Civilian Jail Technician
 Detention Deputy
 Detention Deputy
 Detention Corporal
 Detention Deputy
 Detention Deputy

Drug Court Coordinator
Court Clerk Supervisor
Deputy Clerk Recorder

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

APPROVAL OF TAX INQUIRY DOCUMENTS SUBMITTED BY THE COUNTY ASSESSOR

The Board met to approve and sign Tax Inquiry documents submitted by the County Assessor, which were as follows:

RP1419970	Year 2024	Homeowner signed up for Homeowners Exemption for 2024
RP8272830	Year 2024	Homeowner signed up for Homeowners Exemption for 2024
RP1224900	Year 2024	Homeowner signed up for Homeowners Exemption for 2024
RP1090900	Year 2024	Homeowner signed up for Homeowners Exemption for 2024
RP040170	Year 2024	Homeowner signed up for Homeowners Exemption for 2024
RP1319702	Year 2024	Homeowner signed up for Homeowners Exemption for 2024

Decision: Chairman Manwaring moved to approve the submitted Tax Inquiry documents as presented. Commissioner Jackson seconded. Both voted in favor. The motion carried.

APPROVAL OF BINGHAM COUNTY RESOLUTION 2024-35, A RESOLUTION REGARDING THE DESTRUCTION OF RECORDS MAINTAINED BY THE CLERK'S OFFICE & ASSESSOR'S OFFICE

The Board met to approve Bingham County Resolution 2024-35, a resolution regarding the destruction of records maintained by the Clerk's Office and Assessor's Office.

Decision: Chairman Manwaring moved to approve Bingham County Resolution 2024, a resolution regarding the destruction of records maintained by the Clerk's Office & Assessor's Office. Commissioner Jackson seconded. Both voted in favor. The motion carried.

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

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

Lindsey Dalley, Commission Clerk, confirmed that Legal Counsel had reviewed said agreement and had no issues. Ms. Dalley added that Coroner Jimmy Roberts was not available for the meeting today but had signed the document in her presence.

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

APPROVAL & SIGNING OF LETTER OF SUPPORT FOR THE ARCO WIND & SOLAR PROJECT

The Board met to approve and sign the letter of support for the Arco Wind & Solar Project, which is to be sent to the Idaho Department of Lands for their upcoming Land Board meeting.

Decision: Chairman Manwaring moved to approve and sign the letter of support for the Arco Wind & Solar Project. Commissioner Jackson seconded. Both voted in favor. The motion carried.

APPROVAL OF ALCOHOL LICENSES

The Board met to approve Alcohol License's for the following businesses:

Walmart #1905	License No. 34
Colonial Inn	License No. 33
Family Dollar #26480	License No. 35
Family Dollar #26982	License No. 36
Family Dollar #31028	License No. 37
Teton House	License No. 38
El Vaquero	License No. 39
Rockin Russett	License No. 40
Tommy Vaughns	License No. 41
Hitching Post	License No. 42

Decision: Chairman Manwaring moved to approve and sign the above Alcohol Licenses. Commissioner Jackson seconded. Both voted in favor. The motion carried.

PRIOR APPROVAL FOR MAJOR PURCHASE OF RENEWAL OF CLEARGOV BUDGETING SUITE- REQUESTED BY CLERK ECKHARDT

Present: Pamela Eckhardt- County Clerk
Laura Lora- Chief Deputy Clerk

The Board met to discuss and make a decision in regards to the submitted Prior Approval for Major Purchase of Renewal of ClearGov Budgeting Suite. Said purchase is in the amount of \$28,145.00 and is to be paid from Fund: 01-01-539-00 (Clerk- Imaging-Contract-Maintenance).

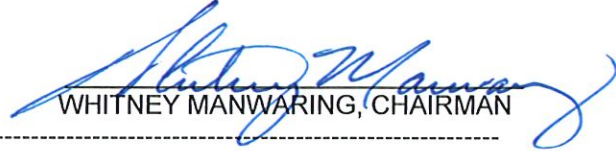
Clerk Eckhardt explained this program was purchased last year and the county is currently halfway through the implementation. She is hopeful that full implementation will be completed by fall and will be ready to fully use the program for next budget cycle. This is an additional budgeting program that assists with budgeting, tracks capital purchases and has a digital budget book that is created after all information has been input.

The Board had no concerns.

Decision: Chairman Manwaring moved to approve the Prior Approval for Major Purchase of Renewal of ClearGov Budgeting Suite. Said purchase is in the amount of \$28,145.00 and is to be paid from Fund: 01-01-539-00 (Clerk-Imaging-Contract-Maintenance). Commissioner Jackson seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY OCTOBER 15, 2024


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, October 15, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Lindsey Dalley- Commission Clerk

BINGHAM ORDINANCE 2024-07

Present: Ryan Jolley- Prosecuting Attorney/County Civil Attorney

The Board met to approve Bingham County Ordinance 2024-07, an ordinance for dissolution of the Industrial Development Corporation of Bingham County, Idaho.

Chairman Manwaring explained that the Bingham Industrial Development Corporation was created in 1984 per Bingham County Ordinance 84-7. There have been no meetings held since November 27, 2013 due to lack of quorum.

Per Idaho Code Section 50-2703, Public Corporation-Creation, dissolution (2)(a), any funds currently in the possession of the Industrial Development Corporation of Bingham County, Idaho, are to be paid or transferred to the municipality by which it was established;

Decision: Commissioner Jackson moved to approve Bingham County Ordinance 2024-07, an ordinance for dissolution of the Industrial Corporation of Bingham County, Idaho. Chairman Manwaring seconded. Both voted in favor. The motion carried and said Ordinance was adopted as follows:

BINGHAM COUNTY ORDINANCE 2024-07

AN ORDINANCE FOR DISSOLUTION OF THE INDUSTRIAL DEVELOPMENT CORPORATION OF BINGHAM COUNTY, IDAHO

The Industrial Development Corporation of Bingham County, Idaho, was created in 1984 per Bingham County Ordinance 84-7 (Attached as Exhibit A);

The Industrial Development Corporation of Bingham County, Idaho, has not held a meeting since November 27, 2015, due to lack of quorum;

Per Idaho Code Section 50-2703, Public Corporation- Creation, Dissolution (2)(a), any funds currently in the possession of the Industrial Development Corporation of Bingham County, Idaho, are to be paid or transferred to the municipality by which it was established;

Be it ordained by the Bingham County Board of Commissioners, as of October 15, 2024, the Industrial Development Corporation of Bingham County, Idaho, is hereby dissolved.

Passed and approved by the Board of County Commissioners, County of Bingham, State of Idaho, this 15th day of October, 2024.




ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO


Whitney Manwaring, Chairman


Eric Jackson, Commissioner

Commissioner

BINGHAM COUNTY REGISTER
BLACKFOOT, IDAHO Co-278
O. B. L. O. 48 FEE 0 SEP PJ

24 SEP 28 AM 9 27 J. L. W.

326106

RECORDED AT THE REQUEST OF

ORDINANCE NO. 84-7

AN ORDINANCE OF THE COUNTY OF BINGHAM, IDAHO, AUTHORIZING AND PROVIDING FOR THE ESTABLISHMENT, ORGANIZATION AND OPERATION OF A PUBLIC CORPORATION TO IMPLEMENT TITLE 50, CHAPTER 27, IDAHO CODE, AS AMENDED CREATING A PUBLIC CORPORATION CALLED THE INDUSTRIAL DEVELOPMENT CORPORATION OF BINGHAM COUNTY, IDAHO; APPROVING A CHARTER FOR SUCH CORPORATION; SPECIFYING THE POWERS, AUTHORITY AND LIMITATIONS OF SAID CORPORATION; PROVIDING FOR THE CONTROL AND SUPERVISION OF THE CORPORATION BY THE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS the legislature of the State of Idaho has provided for the creation of public corporations by counties of the State of Idaho, pursuant to Title 50, Chapter 17, Idaho Code, as amended (the "Act"), for the purpose of facilitating economic development and opportunities in the State of Idaho through financing by such public corporations of the project costs of industrial development facilities; and

WHEREAS the County of Bingham desires to avail itself of the authority contained in the Act by creating a public corporation for the purposes stated in the Act;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF BINGHAM COUNTY, IDAHO:

Section 1. The County of Bingham (the "County") does hereby create a public corporation to carry out the purpose



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of the Act. This ordinance shall not be construed to limit or restrict the purposes of the Act, but shall be liberally construed to effect such purposes.

Section 2. The name of the public corporation shall be the Industrial Development Corporation of Bingham County.

Section 3. The Corporation shall have all the powers and be subject to all the limitations and provisions contained in the Act.

Section 4. A charter (the "Charter") is hereby issued by the County to the Corporation. The Charter grants to the Corporation all powers authorized by the Act. A copy of the Charter is attached to this Ordinance as Exhibit A and is incorporated herein by reference. The Charter is hereby approved pursuant to Section 50-2703 (1) of the Act. The Charter may be amended from time-to-time by the County Commissioners. The existence of the Corporation commences at the time that the enactment of this Ordinance becomes effective.

Section 5. The Board of Directors of the Corporation (the "Board") shall be comprised of five (5) residents of the County appointed by the County Commission Chairman with the advice and consent of the County Commission. Of the members first appointed, one member shall serve for a one (1)-year term, two for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter, upon expiration of a term of

appointment, each member shall be appointed to a three (3)-year term. If a vacancy occurs during an unexpired term, the Commission Chairman with the consent of the County Commission shall appoint a member, who shall also be a resident of the County, to serve the remainder of the unexpired term. A majority of the members of the Board shall constitute a quorum, and the approval of a majority of a quorum shall be necessary for the Board to take action.

6. The affairs of the Corporation shall be conducted and carried out by the Board. The Board shall elect officers from among its own members. Such officers shall be elected at the initial meeting of the Board in each calendar year, shall serve until their successors have been duly elected, and shall include a president and a secretary and may include a vice-president and an assistant secretary. The Board may elect such other officers as it shall from time-to-time determine to be necessary or desirable. The Board shall adopt bylaws and/or rules and regulations governing the election of officers, the powers and duties of such officers, the filling of vacancies in offices, the scheduling, giving notice of, and conduct of meetings, and the conduct of the Corporation. Such bylaws, rules and regulations may be amended from time-to-time by the Board; provided that any such amendments shall be consistent with the provisions thereof.

Members of the Board shall serve without compensation but with reimbursement of expenses as may be provided by the bylaws, rules and regulations of the Board.

Section 7. No director, officer, agent, employee or official of the Corporation shall have a direct or indirect financial interest in any property to be included in or any contract for property, service or materials to be furnished or used in connection with any industrial development facility through the Corporation.

Section 8. The Corporation shall have all the powers granted by the Act. Such powers shall include, without limitation, all powers set forth in the Charter.

Section 9. The County may not give or lend any money or property in aid of the Corporation except as expressly authorized by the Act. This provision shall not preclude the County from dealing with the Corporation on an arms-length basis.

Section 10. Any net earnings of the Corporation beyond those necessary for retirement of indebtedness incurred by it shall inure to the County and not for the benefit of any other person. Alteration of the Charter of or dissolution of or audits of the Corporation shall be performed as provided by the Act and by subsequent ordinances of the County. Upon dissolution of the Corporation title to all property owned by the Corporation shall vest in the County.

Section 11. All ordinances and resolutions or parts thereof in conflict herewith are to the extent of such conflict hereby repealed.

Section 12. No revenue bond, or other document whereby the Corporation acquires assets shall be issued or written without making specific reference to this Ordinance creating such corporation and the charter granted to the same, drawing specific attention to the provisions of said ordinance and charter which define and limit the liability of the State of Idaho, the County, municipal or quasi municipal corporations, or agencies or subdivisions thereof. Specific portions of said ordinance and charter to be included in such reference shall be Section 9 of the Ordinance and Article VI of the Charter, and as the same may be changed, altered or amended from time-to-time; provided, however, such specific reference shall not be exclusive but shall be inclusive and such bond or document shall likewise make reference to the ordinance and charter as a whole with respect to conditions under which said bond or document are issued or written.

Section 13. That this Ordinance shall be in full force and effect from its passage, approval and publication.

PASSED by the Commission of the County of Bingham, Idaho, this 10th day of September, 1984.

ATTEST

A circular seal for Bingham County, Idaho, featuring a central emblem surrounded by the text "SEAL OF BINGHAM COUNTY IDAHO".
Joan Espino, County Clerk

A handwritten signature in cursive script, likely of the Bingham County Commission Chairman.
BINGHAM COUNTY COMMISSION CHAIRMAN

Co-278

BINGHAM COUNTY RECORDER
BINGHAM, IDAHO
SEP 27 1984

SEP 28 AM 9 27

EXHIBIT A

CHARTER OF THE INDUSTRIAL DEVELOPMENT CORPORATION OF THE COUNTY OF BINGHAM, IDAHO

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ARTICLE I.
NAME, SEAL AND DEFINITIONS

The name of this public corporation shall be the Industrial Development Corporation of Bingham County, Idaho.

The corporate seal of this public corporation shall be a circle with the name "The Industrial Development Corporation of Bingham County, Idaho" inscribed therein. As used in this Charter, unless otherwise required by context;

"Act" means Title 50, Chapter 27, Idaho Code, as amended (the "Act"); "Board" means the Board of Directors of the Corporation.

"Corporation" means the Industrial Development Corporation of the County of Bingham, Idaho.

"Governing Body" means the Commission of the County.

"Industrial development facilities" means the same as such term means for the purpose of the Act;

"County" means the County of Bingham, Idaho.

"Ordinance" means Ordinance 84-7 of the County passed on the 10th day of September, 1984, pursuant to which the Corporation is created.

ARTICLE II.
CREATION OF THE CORPORATION
AND GRANT OF POWER

The Corporation is a public corporation organized pursuant to the Act and the Ordinance. The Corporation is hereby granted all powers authorized by the Act.

ARTICLE III.
DURATION OF THE CORPORATION

Unless modified by State law or by an ordinance of the County, the duration of the Corporation shall be perpetual.

ARTICLE IV.
PURPOSES OF THE CORPORATION

The purpose of the Corporation is to function as a public corporation pursuant to the provisions of the Act and the Ordinance and to issue tax exempt nonrecourse revenue bonds to finance industrial development facilities located within the corporate boundaries of the County. The financing of industrial development facilities within the corporate boundaries of the County is for the purpose of promoting higher employment, encouraging the development of new jobs, maintaining and supplementing the capital investments in industry that currently exist within the State of Idaho, encouraging future employment by ensuring future capital investment, attracting environmentally sound industry within the corporate boundaries of the County and to the State of Idaho, protecting and enhancing the quality of natural resources and the environment, and promoting the production and conservation of energy. This charter shall not be construed to limit or restrict the purposes of the Act, but shall be liberally construed to effect such purpose.

ARTICLE V.
POWERS OF THE CORPORATION

1. The Corporation shall have all the powers granted to public corporations by the Act. Such powers include, without limitation, the following powers:

(a) To locate, construct and maintain one or more industrial development facilities;

(b) To lease to a lessee all or part of any industrial development facility for such rentals and upon terms and conditions, including renewal of the lease or options to purchase, as its Board of Directors consider advisable and not in conflict with the Act;

(c) To sell by installment contract or otherwise and convey all or any part of any industrial development facility for such purchase price and upon such terms and conditions as its Board of Directors consider advisable which are not in conflict with the Act;

(d) To make loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any industrial development facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its Board of

Directors consider advisable which are not in conflict with the Act;

(e) To issue revenue bonds for the purpose of financing all or part of the project cost of any industrial development facility and to secure the payment of the revenue bonds as provided in the Act; provided that issuance of revenue bonds for facilities pursuant to the Act shall not preclude the issuance of additional revenue bonds in connection with the same facility, and provided that any subsequent bond issue shall recognize and protect any prior pledge made for any prior issue of revenue bonds;

(f) As security for the payment of the principal of and interest on revenue bonds issued and any agreements made in connection therewith, to mortgage, pledge, or otherwise encumber any or all of its industrial development facilities or any part of the parts thereof, whether then owned or thereafter acquired, and to assign any mortgage and repledge any security conveyed to the Corporation, to secure any loan made by the Corporation and to pledge the revenues and receipts therefrom;

(g) To sue and be sued, complain, and defend in its corporate name;

(h) To make contracts and to execute all instruments necessary or convenient for the carrying out of its business.

(i) To make a corporate seal and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any manner reproduced;

(j) Subject to the limitations of Section 50-2706 of the Act, to borrow money, accept grants from, or contract with any local, state or federal governmental agency or with any financial, public or private corporation;

(k) To make and alter bylaws not inconsistent with this Charter or the Act for the administration and regulation of the affairs of the Corporation;

(l) To collect fees or charges from users or prospective users of industrial development facilities to recover actual or anticipated administrative costs;

(m) To execute financing documents incidental to the powers enumerated in this sub-section;

(n) To have any and all other powers granted to public corporations under the Act; and

(o) To adopt resolutions authorizing any of the actions provided for herein;

2. Revenue bonds issued pursuant to the Act shall bear the seal of the Corporation, which may either be physically impressed thereon or printed as a facsimile thereof, and the signature of the President of the Board, or in his absence and in his stead, the Vice-President, and the signature of the Secretary of the Board, or in his absence and in his stead, the Assistant Secretary. The signatures may either be manual or facsimile, or a combination thereof.

ARTICLE VI.
LIMITATIONS ON THE CORPORATION

1. No part of the net earnings of the Corporation beyond those necessary to retire indebtedness incurred by it shall inure to the benefit of, or be distributable to, anyone other than the County. Upon dissolution of the Corporation, title to all property owned by the Corporation shall vest in the County.
2. The County may not give or lend any money or property in aid of the Corporation except as expressly authorized by the Act. This provision shall not preclude the County from dealing with the Corporation on an arms-length basis.
3. The Corporation may not issue revenue obligations except upon the approval of the County and upon the approval of the County within whose planning jurisdiction the proposed industrial development facility lies.
4. No revenue bonds may be issued by the Corporation unless the Board makes a finding that in its opinion the interest paid on the bonds will be exempt from income taxation by the Federal Government.
5. Revenue bonds issued by the Corporation shall not be considered to constitute a debt of the State of Idaho, of the County or of any other county corporation, municipal corporation, quasi-county corporation, subdivision or agency of the State of Idaho or of said County, or to pledge any or all of the faith and credit of any of those entities.

6. Revenue bonds issued by the Corporation shall be payable solely from the revenues derived as a result of the industrial development facilities funded by the revenue bonds, including, without limitation, amounts received under the terms of any financial documents or by reason of any additional security furnished by the user of the industrial development facility in connection with the financing thereof, and money and other property received from private sources.

7. Each revenue bond issued by the Corporation shall contain on its face statements to the effect that:

(a) Neither the State of Idaho nor the County or any other county corporation, municipal corporation, quasi-county corporation, subdivision or agency of the State or County is obligated to pay the principal or the interest thereon;

(b) No tax funds or governmental revenue may be used to pay the principal or interest thereon; and

(c) Neither any or all of the faith and credit nor the taxing power of the State of Idaho, the County or any other county corporation, municipal corporation, quasi-municipal corporation, or other subdivision or agency thereof is pledged to the payment of the principal of or the interest on the revenue bond.

8. The Corporation may incur only those financial obligations which will be paid from revenue received pursuant to financing documents, from fees or charges paid by users or

prospective users of the industrial development facilities funded by the revenue bonds, or from the proceeds of revenue bonds..

9. The Corporation has no power of eminent domain nor any power to levy taxes or special assessments.

10. The Corporation has no authority to incur or create any liability that permits recourse by any contracting party or member of the public to any assets, services, resources, or credit of the County or any municipal or quasi-municipal corporation, or agency or subdivision thereof.

11. The County shall have access to the books and records of the Corporation at all times.

12. The Corporation may not operate any industrial development facility as a business other than as lessor, seller, or lender. The purchase and holding of mortgages, deeds of trust, and other security interests, and contracting for any servicing thereof, is not considered the operation of an industrial development facility.

13. The Corporation may not exercise any of the powers authorized in Article V or issue any revenue bonds with respect to any industrial development facility unless the industrial development facility is located wholly within the boundaries of the County, except that energy facilities and solid waste disposal facilities may be located partially or wholly outside the boundaries of the County upon approval of the County and

planning and zoning approval of each county or city within whose planning jurisdiction the proposed industrial development facility lies.

14. The Corporation shall be subject to all other limitations set forth in Section 50-2706 of the Act, which limitations are hereby incorporated herein by reference.

15. No revenue bond, or other document whereby the Corporation acquires assets shall be issued or written without making specific reference to this Ordinance creating such corporation and the charter granted to the same, drawing specific attention to the provisions of said ordinance and charter which define and limit the liability of the State of Idaho, the County, municipal or quasi-municipal corporations, or agencies or subdivisions thereof. Specific portions of said ordinance and charter to be included in such reference shall be Section 9 of the Ordinance and Article VI of the Charter, and as the same may be changed, altered or amended from time-to-time; provided, however, such specific reference shall not be exclusive but shall be inclusive and such bond or document shall likewise make reference to the ordinance and charter as a whole with respect to conditions under which said bond or document are issued or written.

ARTICLE VII.
ORGANIZATION OF THE CORPORATION

1. Management of the affairs of the Corporation shall

reside in the Board, the Board shall be comprised of the members as provided, and subject to the exceptions set forth, in the Ordinance.

2. The members of the Board shall elect officers as provided in the Ordinance. The Board shall oversee the activities of the Corporation, establish or implement policy, participate in corporate activities as necessary and have stewardship for management in determination of all corporate affairs.

ARTICLE VIII.
RIGHTS AND LIABILITIES OF DIRECTORS

1. No director, officer, agent, employee or official of the Corporation may have a direct or indirect financial interest in any property to be included in any contract for property, service or materials to be furnished or used in connection with any industrial development facility financed through the Corporation.

2. Every person who was or is a party to, or is threatened to be made a party to, or is involved in, any action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or a person of whom he is the legal representative is or was a director or officer of the Corporation, or is or was serving at the request of the Corporation as its representative in any other enterprise, shall be indemnified and held harmless by the Corporation to the fullest extent legally permissible under the laws of the

State of Idaho, from time-to-time, against all expense, liability and loss (including attorneys' fees, judgment, fines and amounts paid or to be paid in settlement), reasonably incurred or suffered by him in connection therewith. Such rights of indemnification shall be enforced in any manner desired by such person. Such rights of indemnification shall not be exclusive of any other rights which such directors, officers or representatives may have or hereafter acquire, and without limiting the generality of such statement, they shall be entitled to their respective rights of indemnification under bylaw, agreement, provision of law, or otherwise, as well as their rights under this Article. The Board may adopt bylaws and/or rules and regulations from time-to-time with respect to indemnification to provide at all times the fullest indemnification permitted by the law of the State of Idaho, and may cause the Corporation to purchase and maintain insurance on behalf of any person who is or was a director or officer of the Corporation, or is or was serving at the request of the Corporation as its representative in any partnership, joint venture, trust or other enterprise against any liability asserted against such person and incurred in any such capacity or arising out of such status, whether or not the Corporation would have the power to indemnify such person.

ARTICLE IX.
BYLAWS

The Board of Directors shall adopt bylaws and/or rules

and regulations to provide such rules for governing the Corporation and its activities as are not inconsistent with the Ordinance, this Charter and the Act, which action requires a majority vote of the whole Board. The Board may provide in the bylaws or rules or regulations for all matters relating to the governance of the Corporation, including but not limited to matters referred to elsewhere in this Charter for inclusion therein, and for the following:

1. The existence of committees and duties of any such committee;
2. Regular and special meetings of the Board;
3. Retention of staff or personnel;
4. The relationship between the Corporation and County; and
5. Such other matters which may become necessary or important to the proper functioning of the Corporation.

ARTICLE X.
AMENDMENTS TO CHARTER

This charter may be amended by Ordinance of the County.

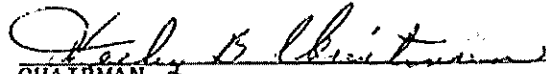
ARTICLE XI.
COMMENCEMENT OF THE CORPORATION


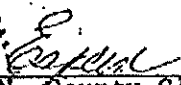
The existence of the Corporation shall commence at the time the enactment of the Ordinance becomes effective. A true and correct copy of this Charter, certified by the Clerk of the County as being on file with the County and having been duly issued by the County, together with a certified copy of the Ordinance, shall be filed in the permanent records of the Corporation.

ARTICLE XII.
MISCELLANEOUS

Audits, dissolutions, alterations of this Charter, trusteeships, and other matters affecting the Corporation shall be in compliance with the provisions of the Ordinance and Act.

DATED this 10 day of Sept, 1984.


CHAIRMAN
BINGHAM COUNTY COMMISSIONERS



JAMES P. PLEN, County Clerk

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(e), to consider preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §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. Chairman Manwaring seconded. Both in favor. The Board moved into Executive Session at 11:05 a.m. Commissioner Jackson moved to go out of Executive Session. Chairman Manwaring seconded. The Board moved out of Executive Session at 12:15 p.m.

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

MEETING WITH GEOBITMINE TO RECEIVE PROJECT UPDATES

Present: Troy Lenhart- Road & Bridge Supervisor
Kraig Edwards- Weeds Supervisor
Tiffany Olsen- Planning & Development Director
Ryan Jolley- Prosecuting Attorney/County Civil Attorney
Dusty Whited- Public Works Director
Addie Jo Jackman- Planning & Development Assistant Director

Via Zoom: Jay Jorgensen- GeoBitmine
Alicia Atkinson- GeoBitmine
Krysta Aten-Schell- GeoBitmine
Teresa McKnight- REDI

The Board met with GeoBitmine to receive project updates.

Chairman Manwaring stated there is an issue with a second utility box being placed in the right-of-way. Chairman Manwaring stated that he is aware of emails from Rocky Mountain Power who stated at one point it was believed that the utility boxes were owned by the power company, which is not the case but in fact they are owned by GeoBitmine. Krysta Aten-Schell agreed that there was some confusion as to who owned the utility boxes. Mr. Whited stated that the email he received was from Juan Ramiro, with Rocky Mountain Power, stating that the vault and the cabinet are in fact owned by GeoBitmine. Ms. Aten-Schell stated she had received an email from Ned Bennett, with PacifiCorp, stating that Rocky Mountain Power believes that the utility box is customer owned as well.

Chairman Manwaring stated in the mix of things, the application that was turned in originally that Mr. Whited reviewed showed only one utility box and he was not sure of where the second utility box came into the plan. Ms. Aten-Schell stated that the first utility box was the original primary vault but that GeoBitmine was told that they needed to provide secondary switch gear, which is the second box on site. The layout showed the original primary vault with the 45-degree angle and Rocky Mountain Power asked that it be revised.

Chairman Manwaring stated the main issue is that the second utility box has been placed within the right-of-way, which causes safety issues for the county and that the county should have been notified prior to the box being placed.

Mr. Whited asked Ms. Aten-Schell when the decision was made that there needed to be a secondary utility box and why there was not a permit or updated site plan submitted to the County? Ms. Aten-Schell stated that she would need to check the drawings but she believes that it was around the time that GeoBitmine was submitting for the right-of-way permit and that it may have come after the original approval. Ms. Aten-Schell stated she knows that there was back and forth because the electrical drawings did not go to the county for permit review and therefore, she would have to look at the drawing dates to be sure.

Chairman Manwaring reiterated that when something is within the right-of-way, it is a safety issue and if there were to be an accident, the county would be responsible.

Chairman Manwaring asked for a site update and if the project was operational as there was a site visit conducted today (October 17, 2024) and it seems that there are boxes running. Ms. Aten-Schell stated when she was on-site on inspection day, there were testing of electrical fans being conducted but she is not certain. Jay Jorgensen stated that there was testing of different fans and electrical equipment and that the sole capacity is 6 megawatts but the investors are aware the only testing of equipment is being completed. Therefore, what was heard by county employees was testing of fans but not operating without a Certificate of Occupancy. Chairman Manwaring stated for final approval from Planning & Development is stairs over the flood wall, final elevation certificate and flood wall installed. Ms. Aten-Schell stated that the issue with the flood wall curb is the question of the transformer location for the vault. If there was an alternative path of leaving it where it is, the concrete curb could be installed within one week. If that is not an option, other options need to be explored.

Mr. Whited stated that one thing that the county will need for the vault is a drawing showing what is going to be required for a curb. Mr. Whited stated there was conversation held with Ms. Aten-Schell via telephone but that he would need a drawing showing specific requirements. Ms. Olsen stated that information is part of the Flood Plain Development Permit that the county is waiting on, is the design and specification on that flood wall protection and as of right now that has not been provided. Ms. Aten-Schell stated that information has not been provided as GeoBitmine wanted to understand the position and location of the vault. The intention is that the concrete curb be built immediately at the edge of the existing vault and at the vault itself, it only needs to be 4-inches high above the existing grade and that is not going to interfere with cabinet doors. Ms. Aten-Schell they have already measured and will include the secondary switch cabinet as well and will have to be offset from that one 10-feet but it is on the side of the property and not the roadway side of the property and as the grade slopes down, more of the wall will be exposed. Ms. Aten-Schell stated that said drawing can be provided to the county.

Ms. Olsen stated that Gwen Inskip, County Surveyor, was out on the property looking at some of the structures and updating the survey when she observed that there was equipment running, which caused concern with Legal Counsel, herself, Dusty Whited and the County Commissioners. Ms. Olsen referred to Commission Minutes from the meeting held on August 7, 2024, when GeoBitmine had asked for the equipment to be turned on while processing building permits and prior to being issued. The minutes are clear and stated that equipment is not to be turned on for testing or anything until the Certificate of Occupancy's are issued.

Ms. Olsen stated she met with a staff member of GeoBitmine while on site who stated that equipment had been on and that the project had been in testing phase for a little while. Ms. Olsen stated that is something that the county wanted to understand what was going on because it is not the understanding of the county under the Stop Work Order, wherein there was to be no equipment turned on because it is not flood protected and not an approved CO. Ms. Aten-Schell stated that was her understanding as well and that there was not to be equipment on but believed that the discussion during the last meeting held was that there was electrical testing that needed to be completed but that is the extent of what she knew GeoBitmine was doing. Jay Jorgensen agreed with Ms. Aten-Schell.

Chairman Manwaring asked how long the testing of equipment would be conducted, to which Ms. Aten-Schell stated once they have the C of O, and are fully operational, that testing period is supposed to be approximately three (3) months to gather heat data but have an engineering team, that will be meeting them on the heat capture design but the field-testing data is needed in order to proceed.

Ms. Olsen stated that she looked at the electrical permits that GeoBitmine has with the state and it does look like those were approved on August 15, 2024 and asked Ms. Aten-Schell if the equipment being testing would need to have been testing to be sure it was running as a part of that electrical inspection and stated that she wants to be sure that the project is not in the bitcoin mining testing HVAC phase prematurely. Ms. Aten-Schell stated that she does not believe that they have been and asked Mr. Jorgensen if he had any comments on what has been occurring on site as he has been more present. Mr. Jorgensen stated to his understanding, they do not have control over the software and that there is no bitcoin mining going on but that it is testing of the operation of the equipment for the heat but again no mining being generated. Mr. Jorgensen added that they are aware there is not to be operating occurring until the C of O is issued.

Ms. Olsen stated that she would defer her next question to Legal Counsel and stated that it is clear from the minutes and meeting held previously that nothing was going to be turned on according to the Building Official, until the CO's were issued. The point of asked GeoBitmine for a testing phase was to test the equipment to get the HVAC correct. Ms. Olsen stated from being on site today, it is more than observed that things were turned on as she saw several of the temporary structures, the ACVR, fans were moving and the main point again is that that equipment is not flood protected and with the Flood Plain Permit, it has not been inspected or issued to guarantee flood protection is met.

Mr. Jorgensen stated that his understanding is that the fans are operational and running but there is no bitcoin mining occurring. Mr. Jorgensen asked if they are allowed to have any power on at all, including to the network shed or to have internet. Ms. Olsen stated under the Stop Work Order that is still in effect, Chase Clark, Building Official, stated that they could run all of the underground wires into those structures because that was a safety issue but that is all that could be done and the structures could not be turned on and in operation because they are not flood protected underneath an approved CO.

Chairman Manwaring stated that he is not opposed to having surveillance cameras operating but that would be added to the Commission Agenda on Friday for approval. Commissioner Jackson stated that he also would be in favor of allowing power for security purposes only. Mr. Jorgensen stated he appreciates the Commissioners but according to what Tiffany Olsen is stating, no electricity at all for any reason. Ms. Olsen stated the minutes state that GeoBitmine can turn on power for testing upon completion of flood plain matters, elevation permits, inspections and that building permits could then be issued. Therefore, no power can be turned on for any level of testing until the CO's are issued and she was under the impression that Ms. Aten-Schell was following that with as diligently as she was working on the building permit submissions. Ms. Aten-Schell stated that was certainly the case and that obviously her mind has been the design realm of the project and focusing that all requirements for permit applications are met, which she made the effort to do. Ms. Aten-Schell stated it sounds as though there was a crosswire about commissioning of systems and although she understands a stop work order for a job means there is an issue with a permit. All work was stopped and the permits were submitted and asked if they could continue with the electrical installation, which to her mind would have included commissioning of systems but if that is not the cause, they would certainly address that until issues are resolved. Ms. Aten-Schell stated she could provide the plans for the curb location and asked that once the drawing is issued, what the process would be for determining if the plan is allowable, as the last she understood from the communications was that there did not seem to be a variance or pathway to allow the curb to remain.

Mr. Whited stated that there is no variance for the ordinance and that there is still missing information. The location of the wall is going to be critical, among a few other pieces of information. Mr. Whited stated that the county is looking at any options that are available in order to help with the issue but the required information is needed. Again, Mr. Whited stated there is not a variance for private utilities to be within the right-of-way, which is why he wanted to figure out who has the ownership of the second box because if it had been under the ownership of Rocky Mountain Power but since it is privately owned it makes the situation difficult.

Ms. Aten-Schell clarified that the ownership of the vault has been problematic as it was the understanding of GeoBitmine that this was the decision of Rocky Mountain Power as to the placement and she believes that was their understanding as well. Ms. Aten-Schell stated that she would like to reiterate that there was no intention of not following any guidelines or rules. She stated that she appreciates the understanding of the county and its assistance in finding a path forward.

Ms. Aten-Schell asked if it was feasible to transfer ownership of the of the utility box to Rocky Mountain Power, if they were amenable to that option. Mr. Whited stated if Rocky Mountain Power is willing to take ownership, that would definitely change things because the difference is as a public utility, state law allows the right to be in the public right of way but under private ownership, it is an encroachment and cannot be in the public right-of-way. It is a very clear line between public utilities and private utilities. Ms. Aten-Schell stated in her mind it would be work asking Rocky Mountain Power if they would take ownership. She does

not see it being a liability from the perspective of Rocky Mountain Power and she would be willing to look into that option.

Mr. Whited explained to Ms. Aten-Schell that all documents, including the survey, pertaining to the project, have clearly shown that right-of-way as a 35-foot. Ms. Aten-Schell stated that she does not recall the 35-foot right-of-way being shown on the survey exhibit but that she would review that document.

Ms. Olsen stated during the meeting on August 1, 2024 with herself, Krysta Aten-Schell, Jay Jorgensen and Chase Clark, right after the Stop Work Order was issued and Ms. Aten-Schell provided notes that she had taken wherein it also shows that "Tiffany and Chase confirmed that GeoBitmine is allowed to complete the electrical terminations at the structures to ensure wiring is safely completed but cannot turn on until structures are fully permitted". Ms. Olsen stated that is fairly evident and supports conversations and recollections and it is important that those structures do not have power running until they are fully permitted. Ms. Aten-Schell stated she believes all are in agreement with that. Mr. Jorgensen stated that he would have fans shut off right away.

Chairman Manwaring asked for the status of the greenhouse as all are aware of the December 31, 2024 deadline, per the signed lease. Ms. Aten-Schell stated the project was over budget and revised the footprint of the greenhouse, which she has been working on revised site plan information. During one of the last conversations held, she believes that one of the Commissioners was that they would like to approach the board in November when GeoBitmine had a more solid milestone schedule from the greenhouse vendor that had clear finish dates so that a timeline is known in order to ask for any possible amendment or an addendum to the current lease, stating that due to project conditions there will be additional time and to set a new operational date. Ms. Aten-Schell stated that it is cost issue and the investors were not going to add to the budget, which meant that the size of the greenhouse needed to be adjusted. The revised drawings will be available soon and she will provide the same to the county for review.

Chairman Manwaring asked for a status update on the water right transfer, wherein Mr. Jorgensen explained that GeoBitmine will be drilling its own well and will be using the existing rights of county but will have two separate wells, that way there will not be any confusion on metering of the water, which has been determined by Rocky Mountain Environmental. At the time that Commissioner Bair was in office and assisting with this matter, to his knowledge that was where the plan left off. It was confirmed that the location of the new well will be shown in the updated site plan. Ms. Olsen stated that conversation regarding the well should start sooner than later. From a planning perspective on where the well is that also takes the Boards approval as infrastructure on the property but there are certain setbacks from wells to septic systems, structures and property lines and not knowing what the footprint is for the new greenhouse, that will need to be aware of what the plan is. There is also a distance requirement from a well to a well. Ms. Olsen asked for clarification from Mr. Jorgensen that the plan is to use the water rights that GeoBitmine has ascertained by transfer at the location of a new well, to which he confirmed.

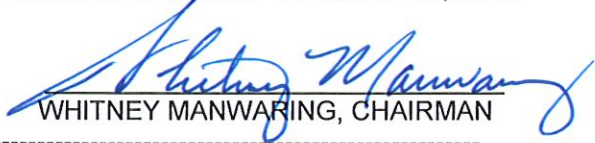
Chairman Manwaring asked if GeoBitmine has an independent project manager or anything similar for proceeding, to which Ms. Aten-Schell stated there would be a general contractor that will hold a single contract and will be responsible for all coordination but internally there has been more discussion with the electron team and investors about project management from their side as well so that any changes or issues are coming up because things were sped along, can be addressed in a timely manner.

Chairman Manwaring clarified that Dusty Whited will work on the right-of-way issue and that GeoBitmine should be in contact with Rocky Mountain Power on ownership of the utility box. Upon any updates all individuals will need to email Ms. Olsen, to keep up to date on what is occurring. The Board will add an agenda item for Friday morning to confirm approval to allow internet and electricity to be running onsite for security usage only.

Nothing Further.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY OCTOBER 16, 2024


PAMELA W. ECKHARDT, CLERK


WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO)
 : ss. Wednesday, October 16, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Lindsey Dalley- Commission Clerk

APPROVAL OF ALCOHOL LICENSE

The Board met to approve one (1) Alcohol License, which was as follows:

The Short Stop License No. 43.

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

APPROVAL OF SEPTEMBER 2024 COMMISSION MINUTES

The Board met to approve and sign Commission Minutes for the month of September 2024.

Decision: Commissioner Jackson moved to approve and sign Commission Minutes for the month of September 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL & SIGNING OF APPLICATION FOR RENEWAL OF MODEL AIRPLANE LANDING STRIP AGREEMENT WITH BLM

The Board met to approve and sign the Application of Renewal of Model Airplane Landing Strip Agreement with BLM.

Chairman Manwaring explained that this model airplane landing strip is utilized by several Bingham County Citizens and therefore, renewal of said agreement is necessary and beneficial.

Decision: Commissioner Jackson moved to approve and sign the Application for Renewal of Model Airplane Landing Strip Agreement with BLM. Chairman Manwaring seconded. Both voted in favor. The motion carried.

APPROVAL & SIGNING OF PERSONAL SERVICES AGREEMENT FOR MENTAL HEALTH COURT DISTRICT MANAGER- ADULT AND JUVENILE SEVENTH JUDICIAL DISTRICT

The Board met to approve and sign the Personal Services Agreement for Mental Health Court District Manager- Adult and Juvenile Seventh Judicial District.

Decision: Commissioner Jackson moved to approve and sign the Personal Services Agreement for Mental Health Court District Manager- Adult and Juvenile Seventh Judicial District. Chairman Manwaring seconded. Both voted in favor. The motion carried.

SHERIFF'S OFFICE

Present: Jeff Gardner- Sheriff

The Board met with Sheriff Gardner to discuss updates with the Sheriff's Office, which included an update on the jail expansion project and jail inmate population.

PUBLIC WORKS

Present: Dusty Whited-Public Works Director
Pamela Eckhardt- County Clerk
Laura Lora- Chief Deputy Clerk
Laraine Pope- Human Resources Director

The Board met to discuss updates within the Public Works Division, along with other agenda items.

Discussion was held in regards to the request for one (1) additional Solid Waste Truck Driver position. Mr. Whited explained that there was discussion held during budget planning in regards to the proposal for one (1) additional Solid Waste Truck Driver. Currently there is one Solid Waste Truck Driver and when that employee is off on vacation, they are using a Road and Bridge Truck Driver. Therefore, it would be beneficial to have an extra driver.

Chairman Manwaring nor Commissioner Jackson had any concerns in regards to the submitted request.

Decision: Commissioner Jackson moved to approve the request for one (1) additional Solid Waste Truck Driver position, at the salary of N15 Step 1, with the ability to offer up to an N15, Step 3. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, discussion was held in regards to the submitted Prior Approval for Major Purchase of 2 conveyors for the crusher. Said purchase is in the amount of \$74,000.00 and is to be paid from Fund: 02-46-803-00.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of 2 conveyors for the crusher. Said purchase is in the amount of \$74,000.00 and is to be paid from Fund: 02-46-803-00. Chairman Manwaring seconded. Both voted in favor. The motion carried.

MEETING WITH MAGGIE MANN TO RECEIVE A PUBLIC HEALTH UPDATE FROM THE SOUTHEAST IDAHO PUBLIC HEALTH

Present: Maggie Mann- Southeast Idaho Public Health

The Board met with Maggie Mann to receive a public health update from the Southeast Idaho Public Health.

HUMAN RESOURCES

Present: Laraine Pope- Human Resources

The Board met with Laraine Pope to receive updates from the Human Resources Department, which included current recruitments, currently closed positions and discussion regarding increase in ICRMP insurance cost.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE H&M ESTATES SUBDIVISION

Present: Addie Jo Jackman- Planning & Development

The Board held a meeting to receive the Planning & Zoning Commission's recommendation to approve the H & M Estates Subdivision. Chairman Manwaring welcomed all to the meeting and introductions were held.

Addie Jo Jackman, Assistant Planning & Development Director, presented Staff Report for the record.

Based on the entire record and Staff Report, the Board finds:

- a. The Board found that the Application met the requirements in Bingham County Code Section 10-4-2(B) as the purpose of an Agriculture Zone is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations. The Application contains one lot in a much larger parcel size than required in the Agriculture Zoning District at 14.66 acres, is compatible with the surrounding area, and will continue to be farmed after the addition of one single family residence. Additionally, the proposed lot will have direct access off of 700 N Highline Road subject to permitting by Bingham County Road and Bridge; and
- b. The Board found that the Application still met the requirements of Bingham County Ordinance Section 10-14-4(A) because the Application was completed and included all items listed in 10-14-4(A) 1-23; and
- c. In determining the acceptance of the proposed Subdivision, the Commission considered the objectives of the ordinance and reviewed Section 10-14-4(D)(3).
 1. The Board found the Application is consistent with the Bingham County Comprehensive Plan with the proposed lot size being greater than the minimum lot size in an Agricultural Zoning District with a Comprehensive Plan Map Area of Agriculture as referenced in Section 10-14-4(D)(3)(c); and
 2. in reference to Section 10-14-4(D)(3)(d), the Board found the proposed Subdivision is requesting to have an individual septic system, subject to permitting from the Idaho Department of Public Health and a culinary well, subject to permitting from the Idaho Department of Water Resources; and
 3. there were no concerns addressed relating to the public's financial capability of accommodating services pursuant to Section 10-14-4(D)(3)(e); and
 4. there were no concerns related to health, safety, or environmental problems presented pursuant to Section 1-14-4(D)(3)(f).
- d. The Board found that the Application met the requirements in Bingham County Code Section and 10-14-4(B) as irrigation water will be assessed by the Snake River Irrigation Company utilizing one (1) inch/acre from the total 21.16 inches/acres of irrigation rights owned on the overall property by Jerry and Marshal Ivie in an open ditch system with the addition of an individual culinary well, septic system and drain field; and
- e. The Board found that the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan Map Area of Agriculture; and
- f. A brief discussion was held in regards to the condition put in place by the Planning & Zoning Commission, wherein Chairman Manwaring confirmed with Addie Jo Jackman, Planning & Development Assistant Director, that it was found that the ditch was not required to be buried, to which Ms. Jackman confirmed was correct.
- g. Commissioner Jackson had no concerns and stated that the Application met all requirements.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve H and M Estates Subdivision, consisting of one (1) 14.66-acre residential lot to be created from a 21.16-acre parcel, located at 899 E. 700 N., Shelley, Idaho in an Agriculture zoning designation as proposed by Jerry and Marsha Ivie, subject to the following condition:

1. Plat changes as recommended by the Bingham County Surveyor with exception of burying the ditch in the frontage of the proposed subdivision shall be made.

Chairman Manwaring seconded. Both voted in favor. The motion carried.

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

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

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE FREEDOM ESTATES SUBDIVISION PRELIMINARY PLAT

Present: Addie Jo Jackman- Planning & Development

The Board held a meeting to receive the Planning & Zoning Commission's recommendation to approve the Freedom Estates Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting and introductions were held.

Addie Jo Jackman, Assistant Planning & Development Director, presented Staff Report for the record.

Based on the entire record and Staff Report, the Board finds:

- a. The Board found that the Subdivision Application met the purposes and use of the "R/A" zone as Bingham County Code Section 10-4-2 (C) provides for the establishment of low-density single-family dwellings with lot sized sufficient for individual sewer and water facilities. The Application contains lot sizes compatible with the surrounding area with lots proposing to be between 1.00-1.95 acres for single-family dwellings with individual sewer and water facilities, is compatible with existing residential and agricultural land uses in the immediate area, and has access to utilities. Adequate service by roadways is provided with Lots 1,2 and 6 having direct access to 25 S Grant Avenue with remaining lots 3,4 and 5 proposing access from a new 50-foot wide private road/easement on the west side of the proposed subdivision in conformance with Bingham County Code Section 10-6-8. The Planning and Zoning Commission also found the County Public Works Director did not identify any concerns pertaining to the number of approaches nor the distance between approaches; and
- b. The Board found that the Application still met the requirements of Bingham County Ordinance Section 10-14-4(A) because the Application was completed and included all items listed in 10-14-4(A) 1-23; and

- c. The Board found that the Application met the requirements of Bingham County Code Section 10-14-4 (B)(a) and (f) as the Board took into consideration the previous septage disposal on the property creating potential adverse conditions as well as potential impacts on health, safety or environmental problems and what condition(s) were appropriate to address these concerns; and
- d. In determining the acceptance of the proposed subdivision, the Board considered the objectives of the ordinance and reviewed Section 10-14-4(D)(3).
 - 1. The Board found the Application is consistent with the Bingham County Comprehensive Plan with proposed lot sizes that are consistent with the minimum lot size in a Residential/Agricultural Zoning District with a Comprehensive Plan Map Area of Residential Agriculture as referenced in Section 10-14-4(D)(3)(c); and
 - 2. In reference to Section 10-14-4(D)(3)(d), the Board found the proposed Subdivision is requesting to have individual septic systems on each lot, subject to permitting from the Idaho Department of Public Health; and
 - 3. There were no concerns addressed relating to the public's financial capability of accommodating services pursuant to Section 10-14-4(D)(3)(e); and
 - 4. Pursuant to Section 10-14-4(D)(3)(f), health, safety, or environmental concerns were raised by the Department of Environmental Quality who submitted testimony (Exhibit T-5A) regarding septage concerns and provided recommendations to require the Applicant to provide historical loading data, crop uptake data, timelines when septage was applied and the date when application ceased along with past and present soil sampling to show any long-term effects from septage land application. The Applicant's Representative informed the Planning & Zoning Commission that the property owners would conduct soil and well water sampling, regardless if a condition was placed on the approval of the subdivision, based upon the concerns expressed by the Department of Environmental Quality. With that, the Board agreed with the Planning & Zoning Commission and that the testing samples should be provided to the Planning & Development Services Department for review and notification of the historical septage land application shall be given to the Idaho Department of Public Health for their consideration.
- e. The Board found that the Application met the requirements in Bingham County Code Section 10-14-8(B) as irrigation water will be assessed by the Wearyrick Ditch Company and delivered through a new pressurized irrigation system, with a 10-foot wide easement on each lot, utilizing 16 shares. The Commission anticipated that the upgrades to the irrigation system may resolve previous issues with irrigation overflow and understood that construction plans of such system will be required prior to Final Plat; and
- f. Chairman Manwaring referred to (T-1) testimony from the Idaho Department of Environmental Quality, who provided a letter stated the DEQ was informed that the property at the location of this proposed subdivision was previously used for land applying septage from Randy Young's Septic Pumping Service, wherein DEQ recommended that the County require the Applicant to provide the historical loading data, crop uptake data, timelines when septage was applied and the date when application ceased, along with the past and present soil sampling to show that long-term effects from septage land application activities are not present. Chairman Manwaring stated there was no condition put in place by the Planning &

Zoning Commission and asked Addie Jo Jackman, Assistant Planning & Development Director, when the required information was to be submitted.

Ms. Jackman stated that was the recommendation of DEQ and that a condition placed. It was heard from Chris Street at the Public Hearing that such data historically could not be located. Ms. Jackman stated there was further discussion by the Planning & Zoning Commission regarding whether the request by DEQ was appropriate or could be handled through another measure outside of placing such a specific condition, wherein it was determined by the Planning & Zoning Commission that so long as Southeastern Idaho Public Health Department was notified, that such use was once a use on the property, they would be comfortable with allowing the Application to proceed.

Ms. Jackman stated that it was also heard from the Chris Street that there are mitigation measures as far as complex septic systems and water testing to assure safety.

- g. Chairman Manwaring stated there was an issue presented by a surrounding owner in regards to runoff, wherein Chris Street stated that a pressurized system would be placed and help with that issue.
- h. Commissioner Jackson had no concerns regarding the Application; and

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the Freedom Estates Subdivision consisting of six (6) residential lots located at 755 W. 25 S., Blackfoot, Idaho on approximately 7.06 acres in a Residential/Agriculture zoning designation by Jason and Rebecca Young, subject to the following condition:

- 1. Southeastern Idaho Public Health Department be notified of the previous land use.

Chairman Manwaring seconded. Both voted in favor. The motion carried.

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

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

THE MOTION PASSED TO DISMISS UNTIL FRIDAY OCTOBER 18, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, October 18, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Lindsey Dalley- Commission Clerk

CASH WARRANTS

Cash Warrants were approved in the amount of \$3,382.68, \$8,156.01, \$8,159.16, \$1,960.00 and \$34,583.54, for a total of \$56,241.39.

CLAIMS

Claims to be paid from Fiscal Year 2024 budget were approved in the amount of \$425,677.67.

Claims to be paid from Fiscal Year 2025 budget were approved in the amount of \$55,689.37.

PERSONAL ACTION FORMS

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

New Employee Status Sheet:	Patrol Deputy Part-Time Emergency Communications Officer Detention Deputy Scale House Operator
Salary Increase Form:	Weeds Superintendent/Public Works Assistant Administrative Assistant- Public Works Road & Bridge Supervisor Probation Officer

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for October 18, 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.

DECISION TO ALLOW GEOBITMINE TO HAVE INTERNET AND ELECTRICAL OPERATING FOR SECURITY/SECURITY FOOTAGE

Present: Tiffany Olsen- Planning & Development
 Chase Clark- Building Official
 Gwen Inskeep- County Surveyor

The Board met to discuss and make a decision to allow GeoBitmine to have internet and electrical operating for security/security footage purposes only.

Chairman Manwaring stated there was a meeting held on Tuesday, October 15, 2024, with GeoBitmine due to an issue with the Stop Work Order in place and the fact there were fans operating for testing.

Chairman Manwaring stated there had been issues wherein equipment and other items had been stolen. Discussion was held in regards to if GeoBitmine was allowed to have internet running in order to have functioning cameras for security purposes. Chairman Manwaring stated that he does not have an issue if

there is power to the security system in order to monitor equipment. Commissioner Jackson stated that he was in concurrence and had no issues.

Chase Clark, Building Official, stated that there was a Stop Work Order put in place to stop any work until GeoBitmine had received the proper permits. Recently the Stop Work Order has been lifted and there has been a permit approved but GeoBitmine still does not have a Certificate of Completion.

Ms. Olsen stated that she is in support of having a security camera running but within the motion, she would propose that the Board stated that a Certificate of Completion is required before any equipment can be turned on.

Chase Clark stated that he agreed with Ms. Olsen and that he supports having a camera operating but his concern is the flood protection of structures and large utilities.

Ms. Olsen stated that there may be a breakdown in communication or clear understanding from when the Board meets with GeoBitmine or when she and Chase Clark meet with them. In this event, she has drafted a letter that she will be sending to Jay Jorgensen and Krysta Aten-Schell, which spells out what items are going to be required in order for GeoBitmine to obtain their Certificate of Occupancy, which are as follows: installation and inspection of the stairs over the flood wall, the county is still working on how to proceed with the illegally placed electrical infrastructure in the public right-of-way, GeoBitmine will continue to work with Public Works to determine that location for the 8x8 electrical service vault and cabinet, the county will need to see engineered designed specifications for the flood wall or the concrete curb that will go around the electrical infrastructure that will be uploaded to their flood plain development permit and be designed to meet FEMA standards, which will be required regardless of where cabinet is. Further, the Building Official, Chase Clark, will need to approve that design, GeoBitmine will install and will receive an inspection to be sure that criteria is met. Ms. Olsen stated that final certificates of elevation will be needed for all permitted structures and in the event the cabinet is moved, there will be a new certificate of elevation required. GeoBitmine will also need to provide an updated phase 1 site plan for approval. Therefore, there are quite a few items that are outstanding in order to obtain a Certificate of Completion.

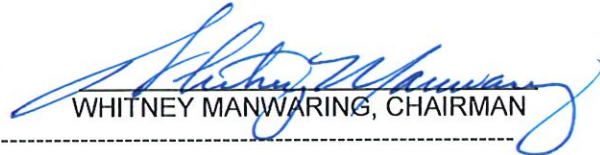
Ms. Olsen stated that there will be a weekly meeting with all county team members and GeoBitmine every Monday at 10:00 a.m., in order to increase communication to be sure that the information being received is understood by all. Chairman Manwaring stated due to this project being on county property, especially to protect the county, communication needs to be open for all individuals involved to be on the same page.

Decision: Commissioner Jackson moved to allow GeoBitmine to have internet and electrical operating for security purposes only. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY OCTOBER 22, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, October 22, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Lindsey Dalley- Commission Clerk

CASH WARRANTS

Cash Warrants were approved in the amount of \$711.00, \$21,065.25 and \$43.72, for a total of \$21,819.97.

APPROVAL OF TAX INQUIRY DOCUMENTS

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

RP0417107	Year 2024	Homeowner signed up for Homeowners Exemption
RP1231200	Year 2024	Homeowner signed up for Homeowners Exemption
RP8271340	Year 2024	Homeowner signed up for Homeowners Exemption
RP8271620	Year 2024	Homeowner signed up for Homeowners Exemption
RP1265301	Year 2024	Homeowner signed up for Homeowners Exemption

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

APPROVAL OF ALCOHOL LICENSE'S

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

Hard Times Quick Stop LLC dba Food Plaza	License No. 48
Hard Times II	License No. 47
Hard Times Quick Stop	License No. 46
Riverside Quick Stop	License No. 44
Cheers & Beers Bar and Restaurant	License No. 49
Atomic City Bar & Store	License No. 50
Atomic Motor Raceway	License No. 51
Vazquez Restaurant	License No. 52
3G's	License No. 53
Daisy's	License No. 45

Decision: Commissioner Jackson moved to approve and sign Alcohol License's as stated. 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 Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Chairman Manwaring seconded. Both in favor. The Board moved into Executive Session at 8:34 a.m. Chairman Manwaring moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 8:54 a.m.

Decision: Commissioner Jackson moved to offer the Purchasing Agent position to the individual discussed within Executive Session, at an N18, Step 7 (\$24.61). Chairman Manwaring seconded. Both voted in favor. The motion carried.

Commissioner Jackson moved to approve that if the position of Purchasing Agent is not accepted by the individual discussed, Human Resources has the ability to offer the position to a current Bingham County Truck Driver at an N18, Step 7 (\$24.61). Chairman Manwaring seconded. Both voted in favor. The motion carried.

REQUEST TO ACCEPT 330 N LAVA RIDGE DRIVE AND 690 W LAVA COVE DRIVE AND SIGNING OF BINGHAM COUNTY RESOLUTION 2024-36- REQUESTED BY AARON REDD- GALE LIM CONSTRUCTION

Present: Dusty Whited- Public Works Director
 Aaron Redd- Gale Lim Construction

The Board met to make a decision in regards to the request to accept 330 N Lava Ridge Drive and 690 W Lava Cove Drive and signing of Bingham County Resolution 2024-36.

Mr. Whited explained that he and Troy Lenhart, Road and Bridge Supervisor, have checked the road and all requirements have been met. Therefore, he is proposing that the county accept 330 N. Lave Ridge Drive and 690 W. Lava Cove Drive.

Decision: Commissioner Jackson moved to approve and sign Bingham County Resolution 2024-36, a resolution authorizing acceptance of 330 N Lava Ridge Drive and 690 W. Lava Cove Drive, in Bingham County, Idaho. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:

BINGHAM COUNTY
RESOLUTION NO. 2024-36

A RESOLUTION AUTHORIZING ACCEPTANCE OF 330 N LAVA RIDGE DRIVE & 690 W LAVA COVE DRIVE, IN BINGHAM COUNTY, IDAHO

WHEREAS, The Bingham County Commissioners have the authority to accept and confirm the dedication of a road right-of-way to be open for public travel, (Idaho Code § 50-1313);

WHEREAS, The Record of Survey for the Lava Ridge Cove Subdivision, was recorded in the Bingham County Clerk's Office as Instrument Number 756355 and is attached as Exhibit "A", along with a site plan map created by HLE Engineering; and

WHEREAS, The Bingham County Public Works Director has acknowledged that Bingham County Road Standards have been met and recommends that 330 N Lava Ridge Drive and 690 W Lava Cove Drive, be accepted; and

THEREFORE, BE IT HEREBY RESOLVED, at a Public Meeting held on October 22, 2024, the Board of County Commissioners of Bingham County, Idaho, in the interest of the public, accepted 330 N Lava Ridge Drive and 690 W Lava Cove Drive and dedicated it as 330 N Lava Ridge Drive and 690 W Lava Cove Drive.

SIGNED this 22nd day of October 2024.

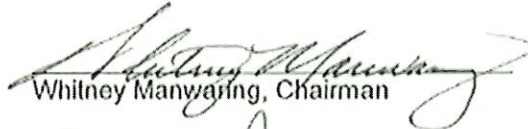
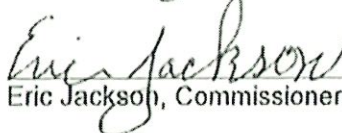
ATTEST:



Pamela W. Eckhardt
Bingham County Clerk



BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman
Eric Jackson, Commissioner

Commissioner

LAVA RIDGE COVE
PART OF THE NW 1/4 OF THE SW 1/4 OF
SECTION 13, T. 2 S., R. 34 E. B.M.
BINGHAM COUNTY, IDAHO

OWNERS DEDICATION
 I, the undersigned, do hereby dedicate to the public of Bingham County, Idaho, the following described land, to-wit:

 Part of the NW 1/4 of the SW 1/4 of Section 13, Township 2 S., Range 34 E., B.M., containing 1.25 acres, more or less, as shown on the attached plat, and the same is to be used for the purpose of a public park, and the same is to be known as the Lava Ridge Cove Park.

 I, the undersigned, do hereby certify that the above described land is not subject to any other claim or interest, and that the same is being dedicated to the public for the purpose and use herein stated.

 I, the undersigned, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

 I, the undersigned, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

TREASURERS CERTIFICATE
 I, the undersigned, Treasurer of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

CERTIFICATE OF APPROVAL
 I, the undersigned, County Clerk of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

ACKNOWLEDGMENT
 I, the undersigned, do hereby acknowledge the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

ZONING APPROVAL
 I, the undersigned, Zoning Administrator of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

COUNTY APPROVAL
 I, the undersigned, County Commissioner of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

RECORDERS CERTIFICATE
 I, the undersigned, Recorder of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

SURVEYORS NARRATIVE
 The undersigned, Surveyor of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

SURVEYORS CERTIFICATE
 I, the undersigned, Surveyor of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

COUNTY SURVEYORS APPROVAL
 I, the undersigned, County Surveyor of Bingham County, Idaho, do hereby certify that the above described land is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated, and that the same is being dedicated to the public for the purpose and use herein stated.

756335

DISCUSSION & DECISION TO BLOWOUT THE SPRINKLER SYSTEM AT THE HILLMAN TREE FARM ON SUGAR FACTORY ROAD AND TO PAY OUT OF PILT

Present: Dusty Whited- Public Works Director

The Board met to hold discussion and make a decision to blowout the sprinkler system at the Hillman Tree Farm on Sugar Factory Road and to pay out of the PILT Fund.

Mr. Whited stated that the cost would be approximately \$100.00 and is to be completed by Trail Bair. The reason for this meeting is to obtain approval for this cost to be paid from the PILT Fund.

The Board had no concerns.

Decision: Commissioner Jackson moved to approve blowing out the sprinkler system at the Hillman Tree Farm, done by Trail Bair, at the cost of \$100.00, which is to be paid from PILT. Chairman Manwaring seconded. Both voted in favor. The motion carried.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE UNDERWOOD ACRES SUBDIVISION PRELIMINARY PLAT

Present: Addie Jo Jackman- Planning & Development Assistant Director
Chris Street- HLE

The Board met to receive the Planning & Zoning Commission's recommendation to approve the Underwood Acres Subdivision Preliminary plat. Chairman Manwaring welcomed all to the meeting and introductions were held.

Ms. Jackman presented Staff Report for the record.

Based on the entire record and Staff Report, the Board finds:

- a. The Board found that the Subdivision Application met the requirements in Bingham County Code Section 10-4-2(D) as the purpose of Residential ("R") zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas which are best suited for residential purposes that have close proximities to townsite or are contiguous to land zoned Residential with lot sizes consistent with the immediate vicinity and adequate service by roadways; and
- b. The proposed Underwood Acres Subdivision contains two lots with sizes compatible with the surrounding areas within the Moreland Townsite, adjacent to lands zoned Residential, and has adequate service by existing county roads with direct access to N 710 W Second East; and
- c. The Board found that pursuant to Bingham County Code Section 10-6-8, lots at 1.00 acre or greater may be developed with an individual well and septic system. The proposed application contains two lots, at 1.08 acres each. Lot 1 will retain its existing culinary well and septic system and Lots 2 is proposed to have its own culinary well and septic system, subject to further permitting with the appropriate jurisdiction; and
- d. The Board found that the Application met the requirements in Bingham County Code Section 10-14-4 as irrigation water will be assessed by the United Canal Company utilizing nine (9) shares and transported through the Draper Ditch. The existing ditch along the lot frontages adjacent to N 710 W Second East and 160 N First South will be buried in accordance with Bingham County Code Section 10-10-4(B)(4)(a), which requires all

irrigation ditches within a residential subdivision along the front of the subdivision and the front of each individual lot to be an enclosed system; and

- e. The Board found that the application met the requirements of Bingham County Code 10-14-4(A) because the application was completed and included all items listed in 10-14-4(A)1-23; and
- f. The Board found that the proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan with a Comprehensive Plan Map Area of Residential Agriculture; and
- g. Commissioner Jackson asked Ms. Jackman in regards to the sewer system, wherein Ms. Jackman stated that private septic and wells are being proposed. Ms. Jackman confirmed that Moreland does have municipalities for sewer and water but the distance is quite great and not available; and
- h. Chairman Manwaring had no questions or concerns.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the Underwood Acres Subdivision, subject to the following condition:

1. The existing trailer be removed prior to the Final Plat being recorded.

Commissioner Jackson further reviewed the reasons in which this Application is to be approved. Chairman Manwaring seconded. Both voted in favor. The motion carried.

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

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

PRIOR APPROVAL- IT DEPARTMENT

Present: Bill Haight- IT Department

The Board met to hold discussion and make a decision in regards to the submitted Prior Approval for Major Purchase documents.

Discussion was held in regards to the Prior Approval for Major Purchase of VMWare Renewal, which will be for renewal of the hypervisor used by the servers. In the past, these licenses were perpetual and only paid for support but now it is an annual renewal. Said purchase is in the amount of \$11,794.88 and is to be paid from Fund: 01-14-524-01 (IT Department- Software- Renewals).

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of VMWare Renewal, which will be for renewal of the hypervisor used by the servers. In the past, these licenses were perpetual and only paid for support but now it is an annual renewal. Said

purchase is in the amount of \$11,794.88 and is to be paid from Fund: 01-14-524-01 (IT Department- Software- Renewals).

Next, discussion was held in regards to the Prior Approval for Major Purchase of Veeam Software Purchase, which will replace Avamar as the management software for backups as the county deploys to the new storage appliances. This will be an annual subscription. Said purchase is in the amount of \$12,553.87 and is to be paid from Fund: 01-524-01 (IT Department- Software-Renewals).

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of Veeam Software Purchase, which will replace Avamar as the management software for backups as the county deploys to the new storage appliances. This will be an annual subscription. Said purchase is in the amount of \$12,553.87 and is to be paid from Fund: 01-524-01 (IT Department- Software-Renewals).

DISCUSSION & DECISION IN REGARDS TO THE BUILDING BOARD OF APPEALS ACCORDING TO BINGHAM COUNTY CODE SECTION 8-5-5(D)

Present: Tiffany Olsen- Planning & Development Director
 Ryan Jolley- Prosecuting Attorney/County Civil Attorney
 Chase Clark- Building Official

The Board met to hold discussion and make a decision in regards to the Building Board of Appeals, according to Bingham County Code Section 8-5-5(D).

Ms. Olsen stated last month the county received a request for records relating to the Building Board of Appeals from an attorney in Boise, who asked for a copy of the Rules of Order as identified in County Code Title 8, Chapter 5. In section 8-5-5, subsection D, provides that the Building Board of Appeals adopt Rules of Order that are consistent with the laws of the State of Idaho within the code. The Building Board of Appeals shall file its Rules of Order with the Bingham County Recorder and the Board of County Commissioners.

Ms. Olsen stated upon receiving the request for the Rules of Order that should be recorded, the County Clerk nor the Commission Clerk were able to locate rules within the recording software for the county. Ms. Olsen stated that she has reviewed all of the files located within Planning & Development and found that the last time a Board of Appeal was heard was in 2016 and there was a list of potential candidates to fill the Board of Appeal seats. In reading Chapter 5, the Board of Appeals in Bingham County consists of five (5) members appointed by the Board of County Commissioners, to serve a term of four (4) years and that the Board shall appoint two (2) alternate members in the event that one (1) of the members has a conflict or is unable to attend an appeal.

Ms. Olsen stated knowing that these appeals do not occur often, it does not appear that the county has appointed, even the five (5) individuals that served on the Board of Appeal in 2016, as there are no records of them formally being appointed, there are no documents pertaining to Rules of Order or the conduct of meetings other than what is provided in the chapter for procedures. There was a decision rendered after the Board of Appeal in 2016 and the Building Officials decision was upheld but as the county received this request and have become aware of the non-compliance, Legal Counsel recommended bringing this item before the Board of County Commissioners for further direction.

Chairman Manwaring stated that this happens so little that it is hard to appoint board members but it would make more sense that if there were a Building Appeal filed, that there be a list if individuals that could be appointed at that time to serve on the Board and hear the Appeal.

Ryan Jolley stated if an appeal was filed, a Board would be needed but if the board were to proceed with this direction, the code would need to be modified because currently the code reads that the county is required to have members appointed regardless of the fact that the county has not received an appeal since 2016. Mr. Jolley stated that the Board could amend code to state that the appointment of members

would be triggered by the filing of an appeal and that the Board of County Commissioners would meet within so many days in order to appoint members.

Ms. Olsen explained that there are some counties that have their Planning & Zoning Commission serve as the Building Board as well. In thinking through that possibility, Ms. Olsen stated that she believes it would be unreasonable to expect the Planning & Zoning Commission to learn an entirely different code for a meeting, especially something that does not occur all that often and it is important that the body that hears the appeal, are well educated and experienced individuals with that skill set.

Chase Clark, Building Official, stated that he would recommend modifying and simplifying the current county code because the more complicated that you make the code, the more difficult it is going to be to appoint and to keep individuals that meet the specific criteria as far as board members.

Discussion was also held in regards to adding verbiage stating that if an appeal is filed, a board will need to be appointed and the appeal shall be heard within thirty (30) days. The Board was in favor of the proposal.

The Board was in favor of having a list of individuals that are willing to serve on the Building Board of Appeals if and when an appeal is received. Ms. Olsen stated that she would be happy to reach out to individuals throughout the county, to see if they would be interested in serving on the board if needed and could send them a letter regarding the same.

Further, Ms. Olsen and Mr. Clark will work with Legal Counsel to draft a proposed modified code that will come before the Board of County Commissioners for review at a later date.

No decision was made on the record. Ms. Olsen and Chase Clark, Building Official, will work with Legal Counsel to draft a proposed amendment for Bingham County Code Section 8-5-5.

SHERIFF'S OFFICE

Present: Jeff Gardner- Sheriff

The Board met to discuss updates within the Sheriff's Office, along with other agenda items.

Discussion was held in regards to Bingham County Resolution 2024-38, a resolution declaring certain property not necessary for use in Bingham County, Idaho, specifically for two (2) washers used within the jail. Sheriff Gardner stated that these two (2) washers have been replaced.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2024-38, a resolution declaring certain property not necessary for use in Bingham County. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:

BINGHAM COUNTY
RESOLUTION NO. 2024-38

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

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

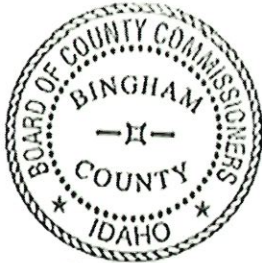
WHEREAS, The Bingham County Commissioners have the authority to sell or offer for sale personal property not exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

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


Bingham County Sheriff's Office/Jail

One (1) Milnor Washer Model: 30022V6J Serial No: 11494921
One (1) Milnor Washer Model: 30022V6J Serial No: 11494920

DATED this 22 day of October 2024.



ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman

Eric Jackson, Commissioner

THE MOTION PASSED TO DISMISS UNTIL FRIDAY OCTOBER 25, 2024



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, October 25, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Lindsey Dalley- Commission Clerk

CASH WARRANTS

Cash Warrants were approved in the amount of \$450.00, to be paid from Fiscal Year 2024 budget.

CLAIMS

Claims were approved in the amount of \$579,537.62.

PERSONNEL ACTION FORMS

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

Employee Status Sheet: Truck Driver/Road & Bridge to Purchasing/Inventory Clerk/Road & Bridge

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms, for October 25, 2024. Chairman Manwaring seconded. Both voted in favor. The motion carried.

REASON & DECISION- H & M SUBDIVISION & FREEDOM ESTATES SUBDIVISION

The Board met to approve and sign the Reason & Decision document for the H & M Subdivision.

Decision: Commissioner Jackson moved to approve and sign the Reason & Decision document for the H & M Subdivision and Freedom Estates Subdivision, as written. Chairman Manwaring seconded. Both voted in favor.

ALCOHOL LICENSE

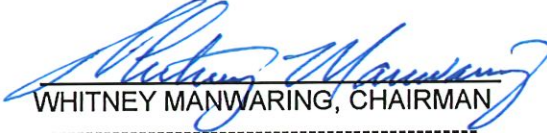
The Board met to approve and sign the Alcohol License's, which were as follows:

Shoshone Bannock Casino & Hotel License No. 54

Decision: Commissioner Jackson moved to approve and sign the Alcohol License's as discussed. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY OCTOBER 29, 2024


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, October 29, 2024
County of Bingham)

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

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Dalley- Commission Clerk

MEETING WITH GEOBITMINE TO DISCUSS PROJECT PROGRESSION

Present: Tiffany Olsen- Planning & Development Director
 Dusty Whited- Public Works Director
 Addie Jo Jackman- Planning & Development Assistant Director
 Chase Clark- Building Official
 Pamela Eckhardt- County Clerk
 Troy Lenhart- Road and Bridge Supervisor
 Kraig Edwards- Public Works
 Gwen Inskeep- County Surveyor
 Ryan Jolley- Prosecuting Attorney/County Attorney
Via Zoom: Jay Jorgensen- GeoBitmine

The Board held a meeting with GeoBitmine to discuss project progression. Chairman Manwaring welcomed all to the meeting and introductions were held.

Mr. Jorgensen stated that he is working with Rocky Mountain Power in addressing the legal terminology that would clearly define that Rocky Mountain Power owns the primary meters. If that were to happen, that would conclude the issue with the equipment being in the right-of-way. Mr. Jorgensen stated that the current investors have pulled from the project due to emotional taxation and not confident in proceeding with potential issues that would arise that would be unforeseen or anything of that nature. However, Mr. Jorgensen stated that he was scheduled to present at a national data center convention in Las Vegas, which are the larger hyperscale companies and he was able to present what GeoBitmine is currently building in Southeast Idaho. His presentation caught a lot of attention but at that time, the investors has not pulled from the project and it was about expanding onto other existing locations and putting greenhouses in their existing data centers. One week later, the investors pulled out of the project and Mr. Jorgensen stated that he has since received, in writing, an offer from an investor to take over the entire project. Mr. Jorgensen stated that he has not chosen a company yet as GeoBitmine first needs to be sure that the current site is viable for a new investor to come onto the project. If that is the case, he would like to discuss what that would look like in proceeding to meet the objective of building a greenhouse and making the site successful.

Chairman Manwaring asked in regards to the electrical boxes, when the conversation with Rocky Mountain Power and if that was dealing with just the one box that is located within the right-of-way or if they would take ownership of both utility boxes. Mr. Jorgensen stated that it would only be the primary meter and to his understanding, the cutoff switch gear is a safety piece of equipment that shuts the entire site off in case of an electrical emergency. If the second box is not in the correct placing, that is

something that he would be willing to discuss with Rocky Mountain Power but currently it is only on the main electrical box that has been confirmed to be within the right-of-way.

Chairman Manwaring stated that there is a timeframe in which GeoBitmine would need to request renewal of the current lease, wherein Ms. Olsen explained that the lease terminates December 31, 2024. In section 4 of said lease, it requires that GeoBitmine notify Bingham County of their intent to renew, which was not completed and should have been done 180 days prior to expiration of the lease and would have been on July 4, 2024.

Chairman Manwaring stated this means that prior to July 4, 2024, GeoBitmine would have had to notify Bingham County with the intent to renew the lease or at the end of the lease. This is an Ag Zone and as far as the location and for the county to allow the project, the greenhouse is a big part of being in the Ag Zone. Therefore, the greenhouse needs to be completed in order to comply.

Mr. Jorgensen stated that he has made it clear to the investors and that there are several offers. This is important to the industry as a whole and as everyone is aware, it takes ten times more energy to do an AI search than it does to do a google search. Therefore, the project needs to create ten times the amount of electricity than they currently have.

Chairman Manwaring stated another issue that the county has been made aware of is a Claim of Lien filed against Bingham County on the leased property for the amount of \$312,153.40, which was filed on behalf of Precision Electrical Services. Mr. Jorgensen stated that he was not aware of such lien and that he would need to get in touch with Precision Electrical. Chairman Manwaring asked Mr. Jorgensen to advise the county of what he learns after speaking with Precision Electrical Services. Mr. Jorgensen stated that all vendors have been paid and all electrical has been paid, therefore, the lien is news to him.

Chairman Manwaring reiterated that the county is not in the position of selling the property to GeoBitmine and he would like all to keep that in mind. Mr. Jorgensen stated that he understands and that GeoBitmine would not ask that the county sell the property until the project can prove sustainability.

Mr. Jolley referred to the Claim of Lien filed and stated that he would like to reiterate that within the Claim of Lien, if they are talking about electrical materials, supplies and the improvement with construction, raising, removal or repairs of any building or its appurtenances or the improvement of any lot. Mr. Jolley stated that he believes the lien is talking about more than some equipment left on site and it lists electrical materials, supplies and improvements and it is significant.

Mr. Whited stated that he spoke with Harley with Rocky Mountain Power, who stated that he has discussed the idea of Rocky Mountain Power taking ownership of the utility box, wherein he did not seem like it was extremely promising and that they are hesitant as this is not their standard practice.

Chairman Manwaring reiterated that he would like Mr. Jorgensen to advise the county of what he learns after speaking with Precision Electrical.

Nothing Further.

PRIOR APPROVAL FOR MAJOR PURCHASE OF ANNUAL REDI MEMBERSHIP, OCTOBER 2024 TO SEPTEMBER 2025.

Present: Tiffany Olsen- Planning & Development Director

The Board met to discuss and make a decision in regards to the submitted Prior Approval for Major Purchase of Annual REDI membership for October 2024 to September 2025.

Said purchase is in the amount of \$10,000.00 and is within the Planning & Development Budget to be paid from Fund: 01-21-430-0001 (Planning & Development- Economic Development).

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase for renewal of Annual REDI membership. Said purchase is in the amount of \$10,000.00 and is to be paid from Fund 01-21-430-0001 (Planning & Development- Economic Development). Commissioner Jensen seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING CORRECTION TO LEGAL DESCRIPTION WITHIN BINGHAM COUNTY ORDINANCE 2024-5, TO INCLUDE A VACATED PORTION OF N 760 W., PER BINGHAM COUNTY ORDINANCE 2022-10 AND ADOPTION OF AMENDED BINGHAM COUNTY ORDINANCE 2024-5- REQUESTED BY GWEN INSKEEP- COUNTY SURVEYOR

Present: Gwen Inskeep- County Surveyor
 Tiffany Olsen- Planning & Development Director
 Ryan Jolley- Prosecuting Attorney/County Legal Counsel

The Board met to hold discussion and make a decision regarding correction to legal description within Bingham County Ordinance 2024-5, to include a vacated portion of N 760 W., per Bingham County Ordinance 2022-10 and adoption of Amended Bingham County Ordinance 2024-5 requested by Gwen Inskeep- County Surveyor.

Decision: Commissioner Jensen moved to approve Amended Bingham County Ordinance 2024-5, an Ordinance amending the general Bingham County Zoning Ordinance 2012-8 and accompanying zoning map by changing the zoning use district of the Below-described real property from its present classification as "C1" Light Commercial and "R" Residential to all "R" Residential. Commissioner Jackson seconded. All voted in favor. The motion carried and said ordinance was adopted as follows:

Re-recorded to correct legal
Instrument: 763319

Instrument # 766114
BINGHAM COUNTY
10-29-2024 03:42:11 PM No. of Pages: 1
Recorded for : BINGHAM COUNTY COMMISSIONERS
PAMELA W. ECKHARDT Fee: 0.00
Ex-Officio Recorder Deputy *JS*

BINGHAM COUNTY
AMENDED ORDINANCE 2024-05

AN ORDINANCE AMENDING THE GENERAL BINGHAM COUNTY ZONING ORDINANCE 2012-08 AND ACCOMPANYING ZONING MAP BY CHANGING THE ZONING USE DISTRICT OF THE BELOW-DESCRIBED REAL PROPERTY FROM ITS PRESENT CLASSIFICATION AS "C1" LIGHT COMMERCIAL AND "R" RESIDENTIAL TO ALL "R" RESIDENTIAL.

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

Lot 2, Block A, Grimmitt's Addition to the Moreland Townsite Plat and a portion of vacated Second West (N. 760 W) Section 26, Township 2 South, Range 34 East, B.M. Bingham County, Idaho described as:

Commencing at the Northwest corner of Section 26; Thence, S 89°38'25" E 1991.09 feet to the E-W 1/64 corner on the North line of Section 26, point also being the centerline of County Road Second West (N. 760 W.); Thence, along said centerline S 0°34'33" W 49.41 feet; Thence, S 89°25'27" E 25.00' to the intersection of the Easterly Right of Way of County Road Second West (N. 760 W.) and Southerly Right of Way of Parks Road (W. 200 N.), being the Point of Beginning; Thence, along said Southerly Right of Way S 89°38' 25" E 306.85 feet to the NE corner of said Lot 2 Block A; Thence, S 00° 34' 07" W 283.34 feet to the SE corner of said Lot 2 Block A; Thence, N 89° 38' 14" W 306.89 feet to the Westerly Right of Way of County Road Second West (N. 760 W.); Thence, along said Right of Way N 00° 34' 33" E 283.32 feet to the Point of Beginning. Parcel contains 2.00 acres more or less.

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

Passed and Approved by the Board of County Commissioners, County of Bingham, State of Idaho, at a Public Hearing held on the 17th day of June 2024.

Signed this 29th day of October 2024



BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

ATTEST:

Pamela Eckhardt
Pamela Eckhardt
Bingham County Clerk

Whitney Manwaring
Whitney Manwaring, Chairman

Eric Jackson
Eric Jackson, Commissioner

Drew Jensen
Drew Jensen, Commissioner

766114

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with legal counsel regarding pending/imminently-likely claims. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with legal counsel regarding pending/imminently-likely claims. Commissioner Jensen seconded. Both in favor. The Board moved into Executive Session at 2:43 p.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 3:10 p.m.

Decision: Commissioner Jackson moved to increase the salary for the Treatment Court Coordinator from N26, Step 8 (\$32.86) to N26, Step 10(\$34.86). Said increase would be effective for the November pay period. Commissioner Jensen seconded. All voted in favor. The motion carried.

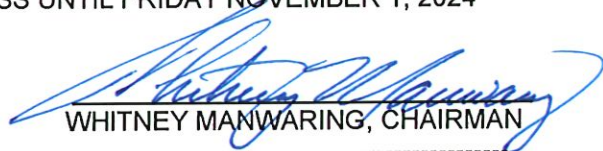
CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses	\$534,419.15	Weeds	\$46,388.47
Road & Bridge	\$606,373.77	Emergency Communication...	\$275,751.98
Airport.....	\$29.63	Road & Bridge Special	
Justice Fund	\$607,331.96	Project.....	\$333,236.80
District Court.....	\$185,026.16	Waterways.....	\$3,547.07
Preventative Health.....	\$7,700.00	OPIOID Account.....	\$1,487.40
Parks & Recreation	\$37,639.53	Treatment Court Fund.....	\$4,882.33
Revaluation.....	\$45,805.94	ARPA Funding.....	\$346,567.84
Solid Waste.....	\$427,170.93	PILT.....	\$367,021.42
Tort.....	...\$1,620.54		
Veterans Memorial.....	\$2,185.79		

THE MOTION PASSED TO DISMISS UNTIL FRIDAY NOVEMBER 1, 2024



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



WHITNEY MANWARING, CHAIRMAN